

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 1st JULY 2014

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[9:30]

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

PUBLIC BUSINESS – resumption

1. Plémont Holiday Village: grant to National Trust for Jersey (P.107/2014)

The Bailiff:

Very well, we resume Public Business with P.107 and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Treasury and Resources to identify the appropriate means of funding a grant of £3,575,000 for the National Trust for Jersey in order that the site known as the Plémont Holiday Village and adjoining land, as identified in the drawing attached to Appendix 1 to this report, can be acquired for the benefit of the public, subject to a condition that the National Trust for Jersey will thereafter demolish the former holiday camp and restore the coastal landscape to a natural state.

Senator P.F. Routier:

Before the debate starts, is it worth members of the National Trust declaring an interest?

The Bailiff:

It would be appropriate for members of the National Trust for Jersey to declare an interest, and the easiest way of doing that, perhaps, is to ask the Greffier to open the voting and if Members who are members of the National Trust for Jersey could then press any voting button, there will be a record made and the Greffier will read out the names of those who have so indicated. The Greffier will open the voting now. **[Aside]** We are about to take a vote, Senator Ferguson, Deputy Southern, on whether you are a National Trust for Jersey member. If you are, press any voting button. It is a form of declaration of interest. You cannot speak and vote at the same time, Deputy Martin, **[Laughter]** tempting as no doubt it might be. If everyone has had the opportunity of expressing whether they are members of the National Trust for Jersey then I ask the Greffier to close the system. We have 12 Members who have declared such an interest. Greffier, perhaps if you could read those out?

The Greffier of the States:

Senators Routier, Ferguson, Le Gresley, Gorst, Bailhache, Deputy Le Hérissier, Deputy of Grouville, Deputy Hilton, Deputy of Trinity, Deputies Hilton, Power, Lewis and Baudains.

Deputy J.A. Hilton of St. Helier:

Sir, sorry, there is a misunderstanding there. I am not a member of the National Trust for Jersey. I thought we were voting either pour, yes we were, and contre, no we were not. Sorry.

Deputy A.E. Pryke of Trinity:

The same, Sir.

Senator L.J. Farnham:

Sir, I am not sure; I will check on that ... **[Laughter]**

The Bailiff:

Very well, the Deputy of Trinity and Deputy Hilton are not members of the National Trust for Jersey, so the record will thus be amended. Senator Bailhache?

1.1 Senator P.M. Bailhache:

Thank you for dealing with that matter regarding membership of the National Trust. I believe that the time has come for the ...

The Bailiff:

Sorry, Senator, just a moment. Could I say to the Deputy of St. Ouen: that is an inappropriate disc to have above your position. We would not allow flags or banners in this Assembly. I am sorry, Senator.

Senator P.M. Bailhache:

I believe the time has come for the Assembly to bring to an end to the Plémont saga and to take the bold but appropriate step of enabling the National Trust to remove the appalling eyesore that has blighted the north coast of the Island for 15 years or more, and to restore the headland and the adjoining land to its natural state. There was an article in last Sunday's *Sunday Times* which, interestingly, set the Plémont question in a British, and indeed an international, context. The journalist drew attention to the Neptune Project started in the 1960s by the National Trust in England to buy up parts of the coastline. The premise was that there were places where there should be no development. He wrote that, and I quote: "What happened at Portelet and could happen at Plémont demonstrates a paradox true from the Hebrides to the Cyclades: that people who want to enjoy a view of land and sea are destroying the cultural and environmental heritage of Europe." He went on to describe violent incidents of protests that have taken place in southern Europe. That may slightly overstate the case in the Jersey context, but I do not think that we are, in fact, immune to public anger. The former Minister for Planning and Environment paid the price, unfairly in my view, for the development at Portelet, and I have heard many strong protests about the hugely inappropriate development on the coast of Flicquet. I should be surprised if there were anyone in the Assembly who did not think that Plémont should be cleared of the appalling eyesore that has blighted our north coast. It is an affront. I do not know how many visitors to the Island, enjoying coastal walks or going down to Plémont Beach, have expressed incredulity that this eyesore is permitted to remain. From my discussions with Members I believe that most would, in principle, like to see the ruins removed and the land restored to its natural state. In that respect, the Assembly has been relatively consistent for nearly a decade. On 10th October 2006, the States decided that it was in the public interest that the headland at Plémont be preserved as open space for the enjoyment of the public of the Island. In 2008, the Assembly resolved to open negotiations with the owners to achieve that end. If a reasonable price could have been obtained at that time - and it was not possible - Plémont would already be open space. Eighteen months ago, by the narrowest of margins, the Assembly voted against acquiring the land by compulsory purchase. Now we have an opportunity to bring to an end all the indecision and to prove that we do care about our north coast and to show, furthermore, that the intention so clearly expressed in Article 2 of the Planning Law of 2002, and I quote: "To ensure that the coast of Jersey is kept in its natural state" is not just a pious platitude. This is a different proposal that I hope will persuade many Members who voted contre on the last occasion to press the "pour" button, in due course. It is different because there is no question of compulsory purchase; the owner wishes to sell and has granted an option to the National Trust of his own free will. We would not be forcing an unwilling seller to part with his land. Secondly, we have a fixed price; we know what the financial commitment is going to be. A number of Members would, I believe, have supported the proposition on the last occasion if somehow a cap could have been placed on the commitment of taxpayers' money. Deputy Baudains brought an amendment which sought to avoid giving what he described as a "blank cheque" and to insert the words: "Provided that the cost of the acquisition does not exceed £8 million" into the proposition.

[9:45]

The thinking behind that amendment was obviously sensible but, unfortunately, limiting the price in that way was not practical because the owner had made it clear that he was not prepared to sell at that time for £8 million, and the amendment removed the a possibility of compulsory purchase and the assessment of a fair price by an independent tribunal. However - and this is perhaps the important point - if it had been possible for the States to acquire the land for £8 million, the net cost to taxpayers' funds would have been £6 million because the 2012 proposal involved a sale to the National Trust for £2 million. This proposition therefore represents a considerable saving on the amount which Deputy Baudains and others thought reasonable in 2012. The States are being asked to contribute £3.5 million and not £6 million. I should at this point like to pay tribute to the work of the Chief Executive and the Council of the National Trust. **[Approbation]** Shortly after the defeat in 2012, I had private discussions with the representative of the owner to see whether any negotiated agreement was possible. It was made very clear to me that the owner was willing to sell but that the price was, as had been publicly stated on many occasions, in the region of £14 million. The option agreement negotiated in the sum of just over £7 million is a testament not only to perseverance, but also to the financial skills of the National Trust and their advisers. Not only that, but the Trust has managed to persuade its members and supporters to donate over £3.5 million and, in addition, has secured a promise of a further £1 million to cover the costs of demolition and restoration. It is a remarkable achievement and I believe it deserves our support. The Assembly is being asked to match, not quite pound for pound, the sum raised by the National Trust. Some have said that the Trust is a private organisation and that public money should not be given to such a body. I do not understand that argument. The States gives ... **[Interruption]** perhaps a contribution to the National Trust would be in order ... **[Laughter]**

Senator L.J. Farnham:

Vociferous support for the proposition.

The Bailiff:

It may be support for the proposition, Senator, but you will be fined the usual.

Senator P.M. Bailhache:

I was saying that it is a remarkable achievement and deserves our support. Some have argued that public money should not be given to a private organisation like the National Trust, but the States gives substantial financial support to any number of bodies like the National Trust on a regular basis. The Jersey Heritage Trust, the Opera House, the Jersey Arts Centre, to name but a few. All those bodies are given financial support because they are performing functions that are recognised as being in the public interest. If Members are convinced that saving the headland at Plémont is in the public interest, there is no reason why a grant should not be made to the National Trust. In a similar vein, others have said that not a penny of public money should go to the Trust and that the Trust should raise the entire £7 million themselves. If they could, I suspect that they would. They come to the States because they have exhausted the considerable generosity of their supporters. The argument seems to be based upon a reluctance to commit public money to protecting the environment, but we protect the environment with public money all the time. I am sorry that the Constable of St. John is not here because I would say that investment in public sewers protects the beaches and other rural areas from environmental pollution. Investment in sea walls and coastal defences protects low-lying parts of the Island from erosion and flooding. There are many other examples. Those who argue that public money should not be spent protecting the environment are, in my view, simply wrong. The Minister for Planning and Environment has lodged comments upon this proposition which, I must say, I find disappointing and, in one sense, extraordinary. I get a sense from the comments that the Minister feels defensive and that seeking to restore Plémont to

its natural state is somehow a criticism of him and of the planning permission that he has granted. I think that is wrong. The Minister seems unable to understand that while 28 houses may be an improvement on the ruins that currently exist, many people - and I think a majority of the people - want something different. They want, as Article 2 of the law provides, to ensure that the coast of Jersey is kept in its natural state; they like the wild, remote and unspoilt natural beauty of the north coast and they do not want to see 28 expensive houses, however well-designed, built in that place. The Minister suggests that £3.5 million might be used to buy 238 vergées of agricultural land around St. Helier, but are they for sale and would he suggest acquiring the land by compulsory purchase if not? Our policy as a government is to support the agricultural industry and to prevent land from being taken out of useful production. What would one do with all these odd bits of agricultural land, even if one were able to acquire them? I think that the Minister is grasping at straws. In paragraph 5 of his comments, he suggests that the revocation of the planning permission might involve compensation. I do not understand the point being made; a planning permission, as the Minister knows, runs with the land. If the land is sold to the National Trust, there will be an application by the Trust to carry out works to restore the land to nature, which will inevitably extinguish the existing planning permission. As is made clear in my report, the National Trust would work closely with the Minister's department in the restoration work and the Minister would, of course, have the last word. Of course, there are other potential ways to spend money, particularly in Health, but nearly all such possibilities involve recurring expenditure so that, year-on-year, more money would have to be found. A grant to the National Trust would be a one-off, an investment not only in the environment but also in our tourism industry, an investment that would pay dividends for hundreds of years to come. Members have an opportunity today to make a difference. If the National Trust cannot acquire the land, it will remain in its current derelict condition for the foreseeable future. No development would take place at Plémont until market conditions improve considerably, and there seems, from the latest reports, no imminent prospect of that. I ask Members to follow the example of our far-sighted predecessors who bought the headland at Noirmont in the aftermath of the Occupation, and to support the proposition. I move the proposition. **[Approbation]**

The Bailiff:

May I please point out to members of the public who are in the gallery that Standing Orders absolutely prevent the expression of any audible approval or disapproval of the proceedings of the States. I appreciate, of course, that people feel very strongly about the matter under debate but the Members of this Assembly must be permitted to get on and debate it without the pressure that comes from members of the public leaning on them by expressions of approval or disapproval, depending on what they have to say. I regret to say that, if it were to continue - I know it will not - I would have to ask the usher to remove you from the precinct of the States. Is the proposition seconded? **[Seconded]** Does any Member wish to speak? The Minister for Planning and Environment, Deputy Duhamel.

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

In order perhaps to make the salient points that need to be made in this debate, I have decided that I should speak early and, following on from Senator Bailhache's comments over my comments, I think it is right that I should again speak early in order to set the record straight. First, let me say that I am an environmentalist, despite what is written about me - or perhaps said - and that in a perfect world one would try and put the clocks back and remove many of the houses, even fine houses that have been built in the countryside, in order to put land back to its natural state. That, indeed, is what most environmentalists would seek to do, but we do not live in a perfect world so there have to be compromises. Certainly, in this Ministerial position, that is the order of the day. Things are brought to you on occasion in black and white form and you have to find which shade of

grey is the one that is supportable in order to benefit the majority. It is about squaring circles. With that in mind, I approached not only the Council of Ministers but the National Trust organisation themselves, to see whether or not an amendment along the lines of seeking this House to agree to offer a loan facility to the National Trust would perhaps have been the better route in order to achieve a compromise position, without drawing-down, or seeking to draw-down, through abstruse accounting methods - but a little bit on that later - monies that this House does not have; indeed, at a late stage changing priorities in ways that generally do not represent a fair way of dealing with the business of the House. I thought that in offering this olive branch there would have been an equivalent move on behalf of the National Trust to continue with their excellent efforts in raising monies or seeking and acquiring financial pledges, to the tune of the £3.5 million-odd that they have already achieved but that, in the meeting that took place a couple of weeks ago, was not to be. I was told by the executive that the Trust body was not well off; indeed, over the last 3 years it had suffered a very large deficit in its accounts. I was told that I had to expect that the National Trust is an organising body which has properties bequeathed to it in perpetuity and along with those bequests are the maintenance plans which are very expensive to keep the properties in the best upkeep for ever. I was also told that there was some £3.2 million of property maintenance that was behind schedule and was a higher priority, as far as the Trust was concerned, than money being expended on the more natural type of programmes that are undertaken. That, I thought, was missing the point by a mile.

[10:00]

In being able to ask, through this Assembly's agreement, the Minister for Treasury and Resources to provide a loan facility, we would have assured ourselves that we were acquiring land, not spending taxpayers' money on things that perhaps should, and could, be better spent elsewhere, and yet finding a way to allow the public to enjoy the facilities which everybody might agree would be better if the site existed in its open state, which is not the case. The Trust have decided that they were not happy to continue with the excellent campaign and they thought that if they did not get the monies given, then they would be in a classic situation whereby they did not think that the public subscriptions would continue to come in. I find this a little bit surprising because, if indeed the suggestions that have been made by the Trust and by others supporting the proposition, that there is the strength of feeling on behalf of the public, and indeed the National Trust are expressing that strength of feeling, then I would have thought that a continuation of the appeal, for however long it took ... and we could have been reasonable in saying: "Right, here is the loan facility" for perhaps 10 years, or whatever, interest-free, whatever the necessary financial nitty-gritties in order to get the show on the road, so to speak, I think the public could have continued to express its desire in part to continue to raise funds so that it did become owned by the public, which I think would have been a better way forward. Unfortunately, I think the suggestions on my behalf were somewhat spoilt by a similar suggestion that was put forward by the Assistant Minister for Treasury and Resources, Deputy Noel, and he, in proposing a similar proposition to myself then proposing it to the Trust, suggested that if I did not come forward with this proposal, he would. But in writing to the Trust he said that: "Should the Trust maintain their view that they cannot afford to accept a loan from the States prior to the debate, I will withdraw this part of my amendment as it would be pointless in the States offering a loan, should my amendment be successfully supported, only for the Trust not to be able to accept it." So, in essence, I think I was somewhat stymied by those suggestions from the Assistant Minister for Treasury and Resources and things happened as they happened. So the National Trust do not wish to avail themselves, should it be offered, of a loan facility and the opportunity to continue with the campaign to purchase the land and the site in its entirety in the name of the public. That meant that, on the basis that a proposal would be made and withdrawn and discussions and arguments would be made as to the sense and relevance of offering financial facilities to the Trust if they did not wish to take advantage of them, I was not in a position to bring

forward that amendment. If we read my comments and the comments of the department, I think from what has been said it must be underlined that the existing permissions do offer to the Island a very large measure of environmental improvement. The agreement sets out the terms of the transfer of 16.66 vergées, that is roughly two-thirds of the site, to an appropriate body, together with nature conservation and landscape maintenance funds. It is one of my planning obligations to ensure that there were monies in the kitty paid for on behalf of the applicant to ensure that any landscape maintenance, restoration or conservation should be properly funded into the future, and of course over its transition phase, from being built on to being unbuilt. In addition, the agreement achieved monies to be put aside for puffin studies plus refurbishment of the former Occupation structures as bird hides. In essence, I think the permissions made huge strides in order to ensure that the environmental benefits that were on offer were real and measured. It is not the case that we start with a blank sheet of paper with a building on it and things are worse than some people are making out. The offer to the public is a real one and exists at the moment. The Jersey grapevine is a wonderful thing and in politics, as we all know, it is all about timing, and I think it is a real shame that I am picking up messages at the moment from various sources that there is perhaps another potential purchaser for the site, should the site be available. That purchaser is not able to commit to purchasing the land at the moment because of the contractual obligations that the applicant has made to the National Trust securing an option to buy the site, and that option runs till the end of July. Should this proposition not be supported, I am hearing that this new person will come forward and is intending to purchase the site, at agreed prices allegedly, and is wanting to offer the majority of it, that is some 95 per cent of the site, to the public in order to put it back into its original environmental state, and is seeking only to build one house. But, of course, at the moment, we are where we are.

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

Can I ask for clarification from the speaker? Has he had this offer in writing or is this some kind of verbal exchange?

Deputy R.C. Duhamel:

No, I said it is through the Jersey grapevine. [**Members: Oh!**] Now, people can huff and puff, but at the end of the day, what can happen could happen, and I am just informing the House because it is not a case that the only purchaser on the block is the National Trust, it has to be said. It also must be said that the applicant, in offering the site to the National Trust, is probably expressing his desire perhaps that he does not have the same intentions that perhaps he had earlier to build the number of houses that he has a permit to build. But we have to weigh-up all of these things in order to arrive at a balanced point. One of the things that worries me about the States finding monies from odd places is the matter of precedent. We saw in the local newspaper just recently that a large tract of St. Brelade's Bay was up for offer, with a Martello tower and in a waterfront position, and one would dearly love the same attitudes to be applied to this particular piece of land. This is £4 million worth. There are other tracts of land around the Island that could, and perhaps should, receive the same attention. In setting up the opportunity to grant the National Trust monies, one would ask you where the general arguments of the policy should lie. My department looks after some 610 hectares, or thereabouts, of land in the Island and we do not really have a great deal of funds to do much more at the moment. The National Trust, I am told, have some 2 per cent of the Island, which equates to some 225 or 240 hectares, which is roughly a third of what the Environment Department look after themselves. So again it is not right to arrive at this debate thinking that it is only the National Trust who acts on behalf of the public in looking after the environmental aspects and interests of land in the Island; our own department - the Department of the Environment - does have a sizeable stake, a much, much bigger stake, in doing exactly the same thing. I pose for Members the question: if we do want to put monies into the National Trust

proposition at Plémont, where are the policies to volunteer extra funds through a policy initiative to the acquisition of other land, should it become available, for the public good? We are all in cost-cutting mode and my department over the years has played its part and offered up, even though we are the smallest department in financial terms, some of the largest percentages of savings so if indeed this proposition goes through then I think it must be right for the Minister for Treasury and Resources, and this House, to expect a proposition to seek to raise much larger monies in order to safeguard the wider environment, with which I am charged. The monies to look after the Coastal National Park, again, there have been requests for increasing budget, but it is still probably not enough. Why does the Minister for Environment not support this particular proposition? Well, it is not on environmental grounds, and those comments have been made in my comments sheet, it is on value for money. We heard from Senator Bailhache in referring to some of the figures that he thought I had missed the mark. I asked my officers to secure an average figure for the cost of agricultural land, and indeed scrubland or other marginal land, and the States Property Services arrived at a figure for agricultural land in the region of £10,000 to £20,000 per vergée. I imagine that that would have put a smile on the face of all landowners, but I queried the figure with a local estate agency through my department, and they tell me that is an over-estimate on which my calculations have been made. The price for best agricultural land at the moment is in the order of £10,000 to £12,000 and for marginal land it is down at £2,000 to £3,000. However, I and the department used the figure of £15,000 per vergée and posed the question: "What could £3.575 million buy you if you were in the market to purchase that land?" and that gave us a figure of 238 vergées. Now, the point that I was wanting to make in the comments is one about value. At the moment we have a policy proposal that my department and myself are working on with the Constable of St. Helier, suggesting that it must be desirable as part of the urban regeneration initiatives seeking to encourage more people to live in town, to have better amenities close to their doorstep. What has been suggested is that perhaps an element of land on the perimeter of St. Helier, a bit like the London greenbelt or the other greenbelts that are around other built-up areas, notably cities, should be considered. So with that in mind, I got the officers to use the computer facilities to produce a small map, an indication of what 238 vergées would be like around town. This is working policy, it is not pie in the sky. Inevitably there will be considerations as to whether or not the landowners would be willing sellers or not, but it is an indication of an alternative argument which begins to flesh-out the fairness or unfairness of what is being proposed by Senator Bailhache.

[10:15]

My main concern is to ensure that whatever is being put forward in terms of value for money and amenities represents the best value for money and, arguably, is able to make its case to provide as much improvement in the amenities of the most members of the public. There is no doubt in my mind that this 238 vergées ... and it is more than that because if we took £7,500 per vergée, which again would be a high-ish price for agricultural land, then that figure will go up, times 2. The land shown in the diagram would begin to give an opportunity for the 30,000-odd people who live in amenity-deprived areas in the town to walk the dog - if they have dogs, take a countryside walk, farm-type allotments; all the type of countryside things that you can do on your doorstep, and you do not need a bus service that runs infrequently to the north-west corner of the Island in order to enjoy, it is on your doorstep. In Town Park terms, it represents 34 Town Parks. At £7,500 per vergée, as I mentioned, a more reasonable figure, it represents 68 Town Parks. Members will remember, if they cast their minds back, to the difficulties in arriving at the funding for the original Town Park, some 7 vergées, and the length of time it took to get that for the number of people it is benefiting. The counter-argument has to be that if this House, this Assembly, is determined to spend monies that we do not have, or have to find, can we discuss the value of acquiring land to provide amenity improvements for a greater number of persons on their own doorstep. This policy

proposal by the Constable of St. Helier is not going to go away; indeed, as I mentioned earlier, it is being looked at seriously by my officers and, in fact, it should not just be considered as being a benefit to the residents of St. Helier on the periphery, but it is also a benefit to the residents of St. Saviour and, indeed, St. Clement. So there are ways, I think, where we can derive greater value from any monies that we are going to put into the environment. I think that is the nub of the argument. I do not think, in summing up, that the £3.575 million grant or gift to the National Trust is money well spent; I would prefer, if it were going to be spent, it be spent in other places, although they are not being proposed here today, and I feel that in some ways we are almost presenting rabbits out of a hat to do things that we have been told, or decided upon, many times as not wanting to do. The ideal, as I said earlier, would have been for the public campaign to have continued for a period of time and for a loan facility to have been set up in order to allow that process to take place and for the land to be fully purchased by the National Trust in the name of that body, without involvement from the States. I maintain my position and hope others will be supportive.

Connétable J.E. Le Maistre of Grouville:

Sir, could I raise a point of order? I feel I should have declared an interest at the beginning: I rent a small parcel of land from the National Trust. It is of low agricultural value but high environmental value. I currently pay £50 rent a year for 4 vergées. I do not know whether that precludes me from taking part or not, but I thought I should declare it.

The Bailiff:

It is not a direct personal interest in the subject matter and the proposition, but you have declared your interest. Thank you for that.

Connétable D.W. Mezbourian of St. Lawrence:

Sir, may I ask the previous speaker for a point of clarification? Thank you. The Minister was speaking about proposed amenity space to be purchased to, I think, surround St. Helier. Did he tell us that would represent 30 Town Parks?

Deputy R.C. Duhamel:

I said at the £15,000 per vergée, that equated to 238 vergées. The Town Park is roughly 7 vergées, so that will be 34 Town Parks at £15,000, but the price of agricultural land is nearer half of that, so it would represent 68 Town Parks.

Deputy R.G. Le Hérisier:

Sir, can I follow on the Constable's question and ask: the Minister said that he had asked his staff for a valuation. Is that valuation based upon land which has planning permission or the potential to achieve planning permission?

Deputy R.C. Duhamel:

No, the basis of the request to the States Property Services Department was: what was the average price paid for agricultural fields or land, or land that was going to be put back to agriculture, in remote areas? As I mentioned earlier, if we took the cost of marginal land, it is much closer to £2,000 rather than the £15,000 figure that I have used.

Deputy J.H. Young of St. Brelade:

Sir, can I ask a further clarification on this point? Obviously, the Minister has spoken and has told us that that number is based on agricultural land, but he has not made it crystal clear whether or not that valuation and the numbers he has given take account of land that has an amenity value on the edge of built areas. Did he include that in his calculations and instructions to Property Holdings?

Deputy R.C. Duhamel:

No, I did not, because it is the openness of the land that is being preserved and the land on the edge of the built-up area is in the Green Zone and there is not, necessarily, a value that could be placed on that land because it is agricultural at the moment and, under the existing Island Plan, the potential for development is not really there.

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

First of all, I would like to say that I fall into the same category as Deputy Hilton; I pressed the contre button to suggest that I was not a member of the National Trust but when you made it clear, Sir, that any button would do, then I tried to undo the vote but I am afraid the system does not allow that, so I would just like to clarify that issue. It was not quite the ring-binder effect that other Members might ... First of all, I would like to endorse Senator Bailhache's comments about the National Trust, because the effort they have put in is tremendous, and I think it is to their credit that a firm price has been established. I think the Senator rightly said the previous situation suffered from an ambiguity in that we were not sure what the price was, and it appeared to be underestimated. So shall we buy it or not? Well, how does one find out? Parish meetings can sometimes be swayed by pressure groups, and I thought the best way to gauge public opinion was to go out and canvass some of my parishioners, which is exactly what I did. As one might expect, there were 3 camps: the "maybes", who could see both sides of the argument. They were happy whichever way the vote went. The ones of: "Not with my money; there are far more important things to spend money on and a few granite houses there will not affect anyone, and who goes there anyway?" Thirdly, those who believe it would be an opportunity to preserve a beautiful part of Jersey for ever. My analysis of that door-to-door discussion was that those who wished to purchase the site and the maybes were roughly equal, but each of them outweighed the nos. So from the sample I took, the majority of my parishioners would appear to favour purchase and I therefore support the purchase and I believe the price suggested is a good value. But I do have a problem because the proposition does not say that. It does not, as one might have expected, ask us to endorse the purchase of Plémont and then, secondly, endorse the method of payment, it simply asks us to endorse the Minister for Treasury and Resources' funding arrangements, which I find great difficulty in supporting. This Assembly has recently been throwing money around with some abandon: the new police station, the new hospital at £400 million, which in my view could equally be £200 million or £600 million, there is no proper business plan, and any number of other multi-million-pound projects. The Minister claims he cannot find £3.75 million. I have difficulty with that because in other cases it would have been taken from overspends or, one wonders if even the Chief Minister's budget would have that amount available. The Minister for Treasury and Resources does not agree but, in my view, that does not give him the right to do something which probably in other circles might be described as money laundering. The Minister for Treasury and Resources plans to fund Plémont from the Criminal Offences Confiscation Fund, but of course he cannot do that, it does not allow him. So what he proposes to do causes me a great deal of difficulty: he plans to transfer, as we know, the amount from the fund and give it to Home Affairs, even though, in my view, that hardly complies with the terms of the fund. Then Home Affairs miraculously find that they have a surplus equal to that amount and would release it to the Chief Minister's Department, who would then pass it on to the National Trust. Using these tactics, it would be possible to spend the fund on anything at all. **[Approbation]** You could transfer it to the Home Affairs Department and then from the Home Affairs Department to anywhere, anything. In my view, it is unacceptable, it makes a mockery of accounting and budgeting, and I am surprised the Minister for Treasury and Resources has allowed himself to get involved in such an exercise, and I do wonder if he could go on to such convolutions to fund any other Member's proposition. It is, in my view, an abuse of process and it would set a precedent. So the difficulty I have is that I support the purchase of Plémont but I cannot support the funding arrangements. As I said a

moment ago, had the proposition been worded in the way I would have expected, there would be 2 parts, the purchase, then to agree the funding; that would have allowed Members to agree the purchase but to instruct the Minister for Treasury and Resources to find alternative funding. But the proposition does not say that. So I regret being put in the position but, in the event, I shall probably have to abstain when we come to vote.

1.1.3 Deputy A.K.F. Green of St. Helier:

When we last debated the purchase of Plémont, as the proposer said, we were in a very different place; there was not a willing seller, there was a possibility that compulsory purchase might be used and also the price was estimated. Many Members have concerns that the price might not be, I believe, £6 million but nearer to £12 million. Some Members were also concerned about the legal costs and the length of time it would take if the owner challenged the compulsory purchase in the courts, citing the Lesquende site as an example. As I said, we are in a very different place today. Before I go through the notes that I have made, I have to say that I was absolutely appalled that the Minister for Planning and Environment should give preference to some mythical scheme over a scheme that is in front of us to be debated today. **[Approbation]** At the very least, I would have expected the Minister to have remained independent, not to declare a preference for one scheme over another.

Deputy R.C. Duhamel:

Sir: expressing a preference. I would ask the Deputy to withdraw that comment.

Deputy A.K.F. Green:

Maybe he did not directly express a preference, but he certainly gave an indication that there was another scheme available that he might have preferred. I think that is more or less what he said. He also went on to tell us about this 200-plus mythical vergées of land around St. Helier. Well, the land exists and, if we have good planning policies, the land will continue to exist within the Green Zone and in private ownership, being farmed and whatever; green land for St. Helier. We do not need to purchase it and, anyway, as far as I am concerned, as far as I am aware, the owners are not for selling. It is a myth; do not be taken in by it. If Planning do their job properly, if Environment do their job properly, that land will be protected from development and will remain a green lung around St. Helier. As I say, today we are in a different place: we have a willing seller, we have a known price, we have a willing buyer, the National Trust of Jersey, who work on behalf of us all to help islanders obtain and maintain the headlands particularly, but the lands of Jersey. The Trust is willing to restore the headland and maintain it in its natural state and allow full public access; what more could we ask for? It is the best of all possible solutions.

[10:30]

I would describe this as a win-win. What is not sometimes understood about the current planning permission is it does involve the demolition of the Plémont site but what is not fully understood, the 20-plus homes to be built are going to be built, if they go ahead, on agricultural land not on the site of the Plémont Holiday Camp at the present time. If the National Trust take possession of that, all of that problem will be solved. All that is missing today is vision and courage: courage to do the right thing, courage to support this proposition to the benefit of all islanders and generations to come. Our forefathers, as the proposer said, had the vision in 1950 when they supported on a pound-for-pound basis the purchase of the Noirmont headland in St. Brelade. I obtained a copy of the acquisition sheet, and it makes quite interesting reading, but in a handwritten note at the bottom it says that this was: "Sold to the public of Jersey on condition it be preserved in perpetuity" ... I can never say that word, for ever, thank you: "as a memorial to the men and women who perished in the Second World War." Would anyone say today that that was wrong? I do not think so. It was courageous, it was visionary at a time when resources were scarce, when the Island was still

recovering from the Occupation. We still had rationing then, and yet our predecessors could see the bigger picture. There are, of course, other examples, Hamptonne, which Senator Le Gresley reminded us about last time we debated this. The weekend before last my wife and I, along with hundreds of other Islanders on the Lieutenant Governor Collas Crill Island Walk, walked across the Noirmont headland. What a special place it was. How right that 1950 decision was. Many braver souls on the same day would have walked along the headland of Plémont, those doing the whole Island Walk, and had seen one of the past mistakes. I refer here, of course, to the so-called Plémont Holiday Camp. In its heyday it was busy, it was full of visitors but it was still a mistake. It was an error, a wrong, and it is still wrong today. It is now in a derelict state, it is an eyesore, it is an embarrassment, it is dangerous and we have a chance to put it right. I learnt very early in my management career that we all make mistakes and sometimes in hindsight a decision that seemed right at the time proves not to be correct. I also learnt that good managers acknowledge past mistakes, learn from them and when the opportunity arises put such mistakes right, and that is what we can do today. We do not compound it by making another wrong; no, you have courage to admit you were wrong. You have courage to correct the situation and that is what I am asking Members to do today. I have heard it said that this is a chance in a lifetime to correct the error. People are wrong when they say that. This is the Last Chance Saloon. This is our once and for ever chance to preserve the 26 vergées at Plémont. Do we have the vision? Do we have the courage? I hope we do. It is suggested by some Members that returning Plémont to the headland and its natural state is for the benefit only of the St. Ouennais. How wrong they are. Would we say that Noirmont was only for the benefit of the Parish of St. Brelade? Of course we would not. I regularly run across the headland of Plémont on my 5.00 a.m. run and it will not surprise Members that I rarely see anybody else there at that time but if, however, I run on that special day, Sunday, I see lots of people then and I frequently stop to talk to them. They are out walking their dogs, some people are alone, some are with their families but they are all enjoying the little bit away from the development around Plémont. They are all enjoying that, and what would be more surprising for Members is that most of those are not St. Ouennais. Many of them are my own constituents from St. Helier out enjoying the wilds of St. Ouen. They are escaping the busy streets to enjoy the open spaces and want the headland of Plémont returned to its natural glory, its natural state. I have also had the opportunity to speak to visitors, some were on the Island Walk and some, when I am out running, enjoying our coastline and they are appalled at the blot on the landscape. They cannot understand how Jersey can allow this and I have to say I agree with them. We can correct this. In preparing for this debate, and bearing in mind what you said yesterday I will not quote verbatim from it, I studied the Hansard from the last debate. There were a number of Members - Senator Ferguson for one - who wanted a willing seller and no compulsory purchase. I hope that the Senator will now see that we have a willing seller. We have a known price, no compulsory purchase. I hope that she will feel that this time she can support it. The Deputy of Trinity said last time that she wanted ... and Deputy Power, that they wanted a known price and no compulsory purchase. Great, compulsory purchase is not part of this today. So I ask you to think about the future of our community. There are others. I think Deputy Baker was concerned that the cost, and I quote: "Would be north and south of £10 million." Well, it is well south of £10 million. We know what the price is going to be now. So, again, I ask him to support this. Some have suggested that the Trust is not willing to take a loan. It is not that they are not willing to take a loan; they are not able to take a loan. I explored that with them last time; loans have to be repaid. They want to do this for the good of our community but they are not in a position to fund all the things that they do and repay back a loan. If they were in that position they would be taking it I know. In conclusion, we have an opportunity to really make a difference today, to correct an error from the past, to support the National Trust for Jersey to secure the headland of Plémont for the people of this Island, for our children, for our grandchildren, our great grandchildren and for many generations to come. I hope and pray that when we get to the vote we will have that vision. We

will have that courage of our forefathers who protected the headland of Plémont just after the occupation and that in 50, 60, 100 years' time, when people look back in history, it will show that we had courage, we had vision and I urge Members to support this for the people of Jersey.

1.1.4 Deputy J.M. Le Bailly of St. Mary:

I shall be extremely brief. It is not often that we are given a second chance in life. More often than not we reflect on mistakes and say: "With hindsight we would have done things differently." I hope hindsight has dwelled on the minds of those who voted against this purchase first time around. I hope that they have changed their minds and seriously listened to the public's view on this issue. I have received many emails, letters and telephone calls begging me to vote for the purchase of Plémont. Not all have come from within the Parish of St. Mary, as I have taken the opportunity to ask people across the Island with regard to their views on Plémont. I can safely say that the ratio of these people who want us to secure this area for us and future generations is now at about 6 to one in favour to one against. So with such an overwhelming majority I have no hesitation in again voting in favour of retaining this land for the benefit of the public. I am not concerned which pot the Minister for Treasury and Resources decides to use to help gain this asset. I have total faith in his ability to come up with the goods. The important thing here is the principle. Let us all have the courage to accept that this is a public wish.

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

You will be delighted to hear I do not believe in long speeches. When Plémont last came to the ... if I could have a little quiet please. When Plémont last came to this Chamber I reluctantly voted against it. I was very unhappy with the £10 million plus figure being bandied about. I was very unhappy with the proposed demolition plans and I was most of all very, very unhappy with compulsory purchase which in my opinion is a last resort not the first. However, now that we have a willing seller and the price is known and the National Trust has raised half the money plus they put money aside for the demolition and remediation of the site, this is now in a form that I can support so I will be supporting the proposition.

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

It is always a pleasure to follow the Minister for Transport and Technical Services and the Minister for Housing and to be told we are at a new place or a different place. I think I am living in a parallel universe because we know the Minister for Housing has got 700 people on his list who cannot be housed. The Minister for Transport and Technical Services cannot even get drains to St. Ouen or buses to Plémont.

Deputy K.C. Lewis:

We are there.

Deputy J.A. Martin:

Well, we are there. This debate has raged on now for 16 years and I have just asked ... I have just done a small calculation about all the people, now we are down to 6 to one who want to buy it, if you went over the whole population it is about £35 a head and if people had been that determined to buy it why is this money not forthcoming from the population because they want us to buy it with other people's money. The people I speak to are the people who do not want them to buy it. Overall ... no, no, no, not my money. I find very few who want us to buy this land so obviously I am speaking to different people to the Deputy of St. Clement, which amazes me, if you listened and you read the density of St. Clement, which he represents. In the figures in Jersey, St. Clement in vergées is 2,355. Now, you add St. Brelade and St. Ouen together, it is 16,000 vergées. St. Helier, which we were just talking about, we might have enough little ... I think the Minister for Housing said "green lung", well it is not looking a very good lung; it may have been smoking too much

because I am telling you now there are no facilities in St. Helier. Yesterday the Minister for Housing pushed on what he is going to provide at St. Clement, high density housing estate. He did not say anything, but they will look at it. I am supposed to stand here and find £3.5 million and the real bane is from the Confiscation Fund, absolutely disgusting. We have 80 per cent **[Approbation]** of prisoners who are in there because of drugs related crime, where are our facilities which stop them going in there? Drugs rehabilitation; getting them before. This is where this money should be going. I was trying to ... but because you might tell me off, as you said, but I think the Deputy of St. Clement did say it, Deputy Baudains, you are fiddling the books; the books are being fiddled. We can all stand here and say: "Well, the money, the ..." it is not coming from the taxpayer. Of course it is because people were prosecuted, they were found to have this money illegally so it was taken back off of them and it is in a fund and it is in a fund to help people like them. But if they were drug sellers it should be there to help people. They stood at the school gates or the colleges or the pubs and were selling them the drugs. No, no, no, £16 million sitting there and this is the first time we can come up with something that we need to spend it on; little bits of sums here and there. To me it is tantamount to fraud, as you say, but I cannot say that, so I withdraw that. It is absolutely ... it just goes **[Laughter]** did I say that? I do not know. I did not look up if you said if it was right or wrong. But I really cannot believe ... I have never changed my position and I have obviously got the same emails as other people. One nice lady said: "In the scheme of things £3.5 million is going to be a paltry sum in a couple of years' time." Well, no, no, it is never going to be a paltry sum to the people that the Minister for Housing purports to represent. The Minister for Transport and Technical Services trying to get the drains, trying to get the roads done. Well, they are still digging down at Snow Hill. I do not know where he is digging to. It is probably a tunnel to St. Ouen.

[10:45]

It is absolutely ridiculous. I still come back to the fact ... and it is not funny. Sixteen years, the Senator was on the radio to say, this debate has raged on. The Minister for Housing has just said: "Be courageous. This is our last chance to buy." Oh, and do not forget you are not now building on the headland, you will be building on agricultural land and do you know why, because we have had a go at this developer over the last 14 years and said: "Oh, will that be acceptable if you move it back a few hundred yards?" So what has he done? He has come back with plans and he has moved it back off the headland. We have now made him walk away. So in the real world he could say: "Right, I want £6 million, £7 million. I am leaving the Island anyway. I am walking away from this development." Who else is going to buy it? Who else? We need to sort someone out to buy it, possibly, but not us. Not the taxpayer and not from some fund that was never meant to do this with a sudden light bulb moment where the Minister for Treasury and Resources has said: "No, we cannot use it for that but, oh, we should have used a bit for the new police station." So what we will do, we will give it to the Minister for Home Affairs, the Minister for Home Affairs will give some pot of money back to the middle and then we will say: "Here it is, we have got our £3.5 million cheque." Well, you wonder why people out there think we can walk on water. I just... I absolutely ... and thank you for your kind direction to the gallery because I will probably be having eggs thrown at me any minute now and they do not make any noise. But I am sorry that it has got this ... I absolutely respect their beliefs. I absolutely respect that this ... this is another nice, very thorny open part of St. Ouen but it is also, as I say, a massive Parish with less people living there, lowest density. When you get to St. Helier and St. Clement we ... if you turnaround too fast you hit your neighbour. Dog walking, running ... I really do live in a different world. I want to know where all these people are because, as I said, £100,000 is about £35 a head and that is at today's prices. If they had started putting some money in the old, you know, there is your piggybank for St. ... we want to buy this 16 years ago, they would have had the money. It comes back to the 6 to one people who really think ... and States Members who have changed their mind

from the last debate, why? Why would we want to buy this land? Go out there and find the people who are going to put the money in the pot because that is the only people I trust. They want something, they have got the money for it and they will buy it and especially not from the fund that it is coming from. I think I have probably said enough because I also do not know if you are going to cut this debate short because I know people want to speak but new things have come up. Massively new things have come up where the money is coming from and what we have not been doing with that money, so I do not think it can ... and also just rereading the proposition, there is no mention of maintenance and that is the most ... revenue maintenance. If we agree to it today are we going to keep coming back for a bit more, a bit more, a bit more. It is not the last chance, be assured, because as Senator Bailhache said when asked by the reporter on the radio this morning, is this the last chance to acquire Plémont? His answer was, if this Assembly agrees yes today that will be the end of the debate. If not it will come back. So it is not the last chance. We have no developer wanting to develop. Nobody would touch it, hence the high price because who has got deep pockets or a little fund somewhere where they are going to find £3.5 million? The States of Jersey. But remember none of the money we spend in this House is our money, not one penny. Not from any pot you might dig up. Not our money. So, sorry, I think people might know which way I am going to vote on this debate and it is the way I voted every single time when it was brought from the ex-Constable of St. Ouen, let us in principle buy it. It will never come to money. It will never come here for money and we are on, what, the third debate for money? Sorry, I cannot support this proposition.

The Connétable of St. Lawrence:

Excuse me, I wonder if I may raise a point of order. We have had 2 speakers this morning refer to the process proposed for funding this if the debate is approved, one referred to it as money laundering and another Member referred to it as fraud, albeit that she did withdraw the comment immediately afterwards.

The Bailiff:

And then withdrew it, yes.

The Connétable of St. Lawrence:

She withdrew the comment. Nevertheless the gist of the feeling I think the Members understand. Would it be appropriate to ask the Solicitor General to confirm, or otherwise, to Members that the process that is being proposed is in fact in order?

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

The relevant part of Article 24 of the Proceeds of Crime (Jersey) Law 1999 provides that the Minister may apply confiscated funds in promoting or supporting measures that may assist in preventing, suppressing or otherwise dealing with criminal conduct. In my view the use of confiscated funds to provide facilities for the States of Jersey Police, such as a new police station in particular, falls within the ambit of the Article and the Minister may authorise such expenditure if he sees fit. De Smith on judicial review observes that once it is established that a statutory power has been properly used the fact that it may also achieve a subsidiary object is, and I quote, “immaterial”. De Smith gives the very different set of facts but rather a more extreme set of facts of a deportation case where the Minister in the United Kingdom deported a person from the United Kingdom but that also had the practical effect of returning that person to a country where they were wanted for a criminal offence, albeit it was a non-extraditable offence, and the court still upheld the decision, the deportation was lawful. The fact that it had a subsidiary object was, and I quote again, “immaterial.” It follows that if there is the proper use of confiscated funds the fact that that may have a subsequent consequence, i.e. it creates a surplus in an existing budget, that additional consequence does not render the act unlawful, it remains lawful.

The Connétable of St. Lawrence:

Thank you.

Deputy M.R. Higgins of St. Helier:

Can I ask a question of the Solicitor General? I am sure he has been involved in many cases in court and people have been brought to book for various crimes and what they are being accused of is knowingly doing something that was perhaps illegal. Now, in this particular case, I am not saying it is illegal, we have a law which says that the money is to be ring-fenced for a particular purpose and that is the reason why the fund is there; it is a special purpose fund, not part of the States accounts or anything else. Now, if Ministers knowingly take money from the fund and give it to the Minister for Home Affairs and then expect the Minister for Home Affairs to transfer it, knowing that he is going to do it for that particular purpose, you are basically subverting the law, you are going around the law. It is like the Minister for Treasury and Resources says: "Oh no", but we know darn well the funds are being used for a purpose other than what the fund was set up for. The Criminal Offences Fund is for the reduction and suppression of crime. It should not be used as a device as, let us say, accountants use for tax avoidance or money launderers who divert funds through one means and another. This is what is being used. So my question to the Solicitor General is, if a person is knowingly taking the funds from the fund but for another purpose rather than to help the police force, after all the police station is fully funded, is that not subverting what the law says?

The Solicitor General:

I hope I have understood the question. I do not agree insofar as it is being suggested that the application of funds in this instance to the construction of the police station is an unlawful use of the Confiscation Fund. The fact that it happens to have a second consequence, that is the creation of slack in an existing budget, is immaterial. Can I give the following scenario? I know this has not happened in this case but suppose for a moment, before any of this transpired, that the Minister for Treasury and Resources had given the police a budget to build the new station and that budget consisted of a mixture of States monies and confiscated funds and that was all poured into one pot for the police to build the police station and, as a consequence, the Minister was able to hold back some States money in reserve for unforeseen expenditure, that would be completely, if I may say so, not only completely lawful but completely unobjectionable even at a political level. So I am afraid that I cannot agree with the analysis that Deputy Higgins has just offered me.

Deputy G.P. Southern of St. Helier:

Can I ask, is the Solicitor General really allowed to make political statements like that?

The Bailiff:

There is nothing preventing the Solicitor General expressing views in this Assembly. He is a Member of this Assembly.

Deputy M.R. Higgins:

Until we bring a proposition to remove him. Can I ask the Solicitor General ... sorry, can I just get this question out? The Solicitor General has just told us that if there was a mixture of funds going in to pay for the police station and that freed-up money elsewhere to pay for Plémont; that is one thing. What we have been told is, by the Minister for Treasury and Resources, that money has been allocated for the police station, fully allocated, fully funded. So, therefore, the money that is coming in is in addition to what has been allocated to build Lime Grove to enable them to take £3.5 million from their budget so therefore it is not to fund the police station, the money is already

there. All it is doing, this transfer, is to enable them to get £3.5 million more than they have so they can then transfer it to the **[Interruption]** is that not the case?

The Bailiff:

Thank you. Would you please sit down? Would you please sit down, Deputy? Right. You are next to speak. You have been putting some questions but mostly making a speech, but putting some questions to the Solicitor General. I would invite you to continue your speech. The Assembly has had his advice, which is absolutely clear, and you clearly do not like it but nonetheless, and it is not the first time in my experience as a lawyer that the client does not necessarily like the advice, but you do not like it. You are entitled to make your speech. Please proceed and make your speech. The Assembly has received advice from the Solicitor General.

Deputy M.R. Higgins:

With respect, the advice that he gave was relating to a different set of circumstances and he was making it in relation to the fact that if Criminal Offences Confiscation money and other money was mixed to finance the police station that would be an acceptable use of the money but the police station, it was already funded. Anyway I will continue my speech. Thank you.

Deputy M. Tadier of St. Brelade:

Before Deputy Higgins continues, may I ask a point of order because I am concerned that in reading the wording of the proposition that some of the speeches may be straying from the point. It is my reading of the proposition that we are asking the Minister for Treasury and Resources to identify appropriate means of funding and unless an appropriate means of funding can be brought forward then no money should be given to anybody in the form of a grant. So the debate should not really be focusing on would it not be nice to have Plémont, because I think most of us agree with that. It is where the money comes from and whether or not ... who is ultimately to decide whether or not the funds are used appropriately.

The Bailiff:

In my view, Deputy, it is a mixed proposition in the sense that the Minister for Treasury and Resources is asked to identify appropriate means of funding for a particular purpose; that is in order that the site known as the Plémont Holiday Village and adjoining land can be acquired for the benefit of the Island subject to the condition. Therefore, it follows that Members are entitled to express a view either on the nature of the funding or on the objects for which the funding is being produced.

Deputy M. Tadier:

I completely understand that. When will we know whether or not an appropriate funding mechanism can be found because it is up to the Minister for Treasury and Resources to come back, if this proposition is passed, and convince the States that the funding mechanism proposed is appropriate? When would that happen?

The Bailiff:

The proposition is to request the Minister for Treasury and Resources to do that. In fact he has lodged some comments already. No doubt he will seek to speak at some point and address the Assembly on those points.

Senator P.F.C. Ozouf:

May I make a point of clarification which I hope is helpful? What I, effectively, have done in the comments is thought forward the scenario; if the States approve the proposition effectively I have processed the request in advance of the States approving it. One aspect of that is the immediate

requirement to fulfil the request which means that the Treasury must find the money immediately and not have to come back in to a subsequent approval and that has been the challenging issue. I just hope Members would bear that ... but I will speak later on in the debate.

The Bailiff:

Now, Deputy Higgins, you were speaking.

[11:00]

1.1.7 Deputy M.R. Higgins:

Like Deputy Baudains I was troubled by the proposition. In the past I have both supported and opposed the purchase of Plémont depending on the conditions and circumstances. Now, like most Members, I would like to preserve our green and pleasant island. However, I am opposed to the Minister for Treasury and Resources' proposed method. We are told that the only method of funding is to take the £3.75 million from the Criminal Offences Confiscation Fund and give it to the Minister for Home Affairs for the Lime Grove Police Station which is already, as I have stated, fully funded and for then the Minister for Home Affairs to transfer the money to the Chief Minister's Department in order that he can transfer the money to the National Trust. Why are we doing this? Well, the answer is that the States has already committed, for some time going forward, its money. The Minister for Treasury and Resources has gone to the cupboard where he normally keeps the money and it is bare. He scabbled around looking for money and stumbled across a cookie jar that contains money earmarked, i.e. ring-fenced, for the reduction and the suppression of crime. It is a special purpose fund that cannot be used for any other purpose. Now, Article 24 of the Proceeds of Crime (Jersey) Law 1999 would prohibit this money going to the National Trust in the form of a grant. No way. So what is he proposing, a device, just as I stated earlier, like an accountant looking to evade tax or a money launderer looking for a way of turning dirty money into clean money.

The Bailiff:

Deputy, I am sorry. I must pull you up on that. It is not a device like an accountant seeking to evade tax or for any money laundering purpose, both of which would be unlawful. The Assembly has received advice from the Solicitor General that what is being proposed is lawful. Now, you may not like the advice, as I say. You may say that the Assembly should not do it and that is a perfectly legitimate line of argument to take, but what you are not permitted to do is to say that it is unlawful.

Deputy M.R. Higgins:

Okay, I have listened to what you have said. I must admit I have my own opinion and I will keep to my own opinion.

The Bailiff:

That certainly is your right.

Deputy M.R. Higgins:

Thank you for that. At least we have got some freedoms left. So, just carrying on with this anyway, we are transferring the money into something that ... sorry, we were told by the Solicitor General that it is legal to do so but is it within the spirit of the law? I think not and I also question, as I have already stated, whether knowingly and publicly transferring the money in the first place for another purpose not within that law, is the right way of going about it. I do believe that the Law Officers have been drawn into politics. Now, the fact that money is so tight or non-existent from any other source means that many other worthy projects are going to go unfunded, and just to give

you an example, one that has been in the news of late. We are told that our mental health service, both children and adult, is not fit for purpose but will have to wait for funding and yet it is at crisis point and many families are being torn apart by the lack of adequate support from C.A.M.H.S. (Child and Adolescent Mental Health Service) and Mental Health. Now, there is plenty of other projects that are in need of desperate funding. We know that, for example, the Deputy of St. Martin has got a proposition coming forward for the Women's Refuge Centre, which is underfunded. Is he going to get the money? Certainly he will not get a look in from the Criminal Offences Confiscation Fund because it does not reduce crime. Well, we will see. I must also say I heard on the radio this morning, because I really do think the spin is out there already, the Chairman of the National Trust saying on the radio, the funding was coming from general funds. Well, we all know where the ultimate source of that money is and it was not general funds, so it is a device in my view. Also, the Minister for Treasury and Resources has stated that taking money from this fund is not creating a precedent. I fundamentally disagree. Once the genie has been let out of the bottle any Member, or any Minister that is, who wants money can try and use the same mechanism and I do not ... for example, it could be if the Constable of St. John becomes the Minister for Transport and Technical Services for mains drains or it could be for any other project, such as those who support horse racing at Grosnez. So anyone can try and tap those funds. Just because he says it is not creating a precedent does not mean that a precedent is being created. Finally, I think the other thing I will say is this debate is a divisive one. It is one that has split the Island and the Assembly down the middle. It is an issue of which there will be no winners because any Member who thinks that in the forthcoming election they are going to curry support by supporting the Plémont vote will be mistaken because just as many people who oppose the funds going to Plémont will vote against them. It is not an issue that is an election issue that will help you one way or the other because I know there are issues in politics, and this is one of them, where you will have the support of half the population and the other half will oppose you. So it is not an election thing but it is a divisive issue and it is one that I think Members have to go on principle here, and I do believe that this manipulation of the accounts to achieve this particular purpose is totally wrong and I am afraid I cannot support it.

1.1.8 Deputy G.P. Southern:

I was going to speak later on that but probably a good thing to speak early because we may be in danger of getting repetitious. Interestingly the proposer, when he stood to speak, started by saying it was his intention to put an end to the eternal debate on Plémont; to put an end. I thought we already had an end at the last vote. I think bringing this forward again, nearer an election time, is dubious. This debate was finished last time. I started thinking about when was the last time a green space was preserved or created on the back of one vote and I know exactly when that was. It was the Town Park, or Ring-binder Park as I like to call it, and that was one vote for spending £10 million on 7 vergées that was worth it, as far as I am concerned, because it gave a green space to the people who live in St. Helier back-to-back who do not have much green space; certainly not comparable with Plémont. That vote went the way it did on a mistake. What did the Minister for Treasury and Resources at the time do about that? Did he rush around and say: "Hang on, I think we have to bring this back and have a proper vote without mistakes because it has gone down by one vote?" No, he played the game. He did not bring it back, did not try and avoid spending his £10 million; he found a way to spend it. That was one vote. This, last time, was one vote and yet here we are re-debating the issue because the proposer lost. So last time we debated this I took the attitude that if we were to lend the Trust the funding to be paid back then that would have been just about acceptable but that is not what is proposed. Instead we have got this mechanism, not device, mechanism, to find the funding from a ring-fenced pot. We are told of course this will not be a precedent and we are asked to believe it. Again, I think, where have we got a ring-fenced pot of money that we have already raided? There it is sitting in front of us, the Health Insurance Fund,

and we have raided it twice. We had to change the law to do it but we raided it twice to the tune of some £30 million and now we are being told by the Minister for Social Security: “Oh, that funding is a bit dodgy. It is not going to last much longer”, but we took £30 million out of it when we could; a ring-fenced fund. I ask, as we go through increasing costs and we will, to look after our old people, to look after the ill and the vulnerable, how long before we find a way to raid the Social Security Fund itself? Is that next on the line, even though it is struggling? We will find some way of squeezing a bit of money out of that to some special project; little pet project. Little pet project that is a nice to have but not essential. How many times have I heard that from the bench opposite where the Ministers sit? Nice to have but not essential. Nice to have but not essential. Reminds me of the days of Senator Walker when he used to lead the charge, and I think Deputy Green has been taking lessons from the Frank Walker book of public speaking, because on the first page it says, never use concrete terms. Always use abstract nouns because they can mean what you like and they can apply to anything. So here we have a proposition that has vision required of us and requires courage; lovely abstract nouns there. I can hear him standing on the Senatorial hustings now giving a rousing speech about vision, bravery and courage. Wonderful stuff. **[Interruption]** **[Laughter]** And, without giving anything away, he might be getting one of my 8 votes ... or not. **[Laughter]** But one of Senator Walker’s tricks; in the middle of the debate he would always say: “I went out today for a walk to clear my head and I met some people walking”, it was usually on the Waterfront, which he was responsible for, and was wonderful, and guess what, all the people he met completely agreed with Senator Walker about whatever was his topic. **[Approbation]** They are wider travelled now because they have made it all the way to St. Ouen. I think it is the same people. **[Laughter]** Frank met them. Deputy Green meets them. But do you agree, total unanimity? Wonderful, wonderful. I must practise going out for a walk myself in-between debates. I will go out at lunchtime, shall I? I shall go out at lunchtime to the end of a tribunal hearing about a person, constituent of mine, who cannot get impairment level 3 and is struggling and has been struggling for the last year to survive on what benefit she does get. Now, that is people that I meet. We were questioned by the Deputy on my right - whose name has just gone from my head **[Aside]** - Deputy Martin - about somebody suggesting that £3.5 million in tomorrow’s money is going to be next to nothing. So I was thinking, what is £3.5 million? What does it represent as capital spend? Now, I cannot look forward to the 2016, 2019 or 2020 Business Plan because it has not been written yet but I can look at what £3.5 million buys in capital expenditure on the 2015 Business Plan. Look at this one, I am not saying that this is it, but replacement M.R.I. (Magnetic Resonance Imaging) scanner. Ours is clapped-out.

The Bailiff:

That is not a parliamentary expression, Deputy.

Deputy G.P. Southern:

It is on its last legs. £2.25 million, combine that with a replacement unit for the Radiology Department of £1.5 million and what have you got? Two essential pieces of equipment, £3.5 million. Now, that was in the 2015 Business Plan, it has been done. That has been paid for but in 2016 there will be items like that, just like that, that will not be afforded, that would fall off, nice to have but not essential, depending how strong the bid is. We heard from the Minister for Transport and Technical Services saying: “I voted against last time. This time the funding is different, I am going to vote for. It is all right. It is hunky-dory.” That is okay.

The Bailiff:

That was only just a parliamentary expression.

Deputy G.P. Southern:

I have only just started but we will see. I do intend to stay within the bounds of parliamentary language.

[11:15]

Sewage treatment works in the last one, £3.1 million. Now, he has already got a chunk of money, maybe he is happy but let us see, 2016, what will be there. In T.T.S. (Transport and Technical Services) ash cells at La Collette Headland, £3.15 million. That is the sort of bid. The current ash cell provides a repository for ash that is safe and sustainable in the context of proximity of the nearby Ramsar site but we have to do something about it. That sort of target. That is £3 million. New public recycling centre, £2 million and the bottom ash recycling unit, £1.5 million. Again, £3.5 million. Absolutely essential work but a risk sooner or later that one of those falls off the list. Do not argue it too strong. Scrapyard capital, basic infrastructure, £1 million followed by Energy from Waste Plant replacement assets, oh, this thing we have spent, whatever it was, £100 million on, it requires some replacements. The E.f.W. (Energy from Waste) plant began operations in October 2010. In order to get the plant operating at its optimum capacity major maintenance and replacement of its component parts will be required from 2014 onwards. Onwards, £1 million, £2.2 million, £3.2 million on essential maintenance already. That is what £3 million means. So do not think because in the large scale of things, the £600-700 million that we get through, it does not matter. It absolutely does matter. This time round this debate, which was supposed to have been put to bed, ended, the last vote, I have not had a great deal of emails into my in-tray. I have had a trickle from members of the body concerned supporting this. I have not had a great deal from ordinary members of the public. I have had some. The last time we debated this when it was a hot issue, it was at least 6, 7 and 8 to one against spending this money in this way. That is the reality. I know what I was being pressured by my constituents to do and it was not to spend this money in this particular way, and I will stay consistent with that. But I turn now ... where did I put those words? If Members will bear with me I will get to them. There they are, top corner. To the mechanism proposed to fund this - and I think I will choose my words carefully - this mechanism transferring money out of the C.O.C.F. (Criminal Offences Confiscation Fund) into the police station pot in order to release some more money which can go to this particular aim, is a fudge, it is a fiddle and it is a fix. I attempted to use another "F" word, but I certainly will not, instead of which I will turn to some "I" words; they are a bit longer. It is insidious, it is immoral, it may be legal technically, but it is immoral and - key word - it is absolutely inappropriate. It is inappropriate for the Minister for Treasury and Resources to use this fund to indirectly support a pet project that he is in favour of. Absolutely categorically inappropriate. So the wording of this proposition "appropriate funding", wipe it, because this is inappropriate and people out there will see it for exactly what it is. It is an outrageous sleight of hand worthy of Tommy Cooper, except Tommy Cooper's tricks always went wrong. It is bending the rules to make them fit the circumstances because we can, whatever the context. We are talking about not "bending like Beckham" but "bend it like Ozouf". That is the reality. Yes, it is bending the rules; who is going to deny it? It is an obvious fudge, a fix, a fiddle. Absolutely. It is completely and utterly immoral and unacceptable, inappropriate, on which I will stop. I think people know which way I will vote.

1.1.9 The Deputy of Trinity:

This proposition today, as it did in the previous debate, continues to divide this Island: those who passionately believe in purchasing the sites - and I wish to congratulate the National Trust for their persistence - and also those who do not think spending the money is right. I fall in the latter group. I am not surprised that the developer wishes to sell. It has been over 15 years for him to try and clear the site and develop it. Obstacles all the way and still is today with a third party planning appeal. The developer, under planning obligations, has to give two-thirds of the site back to the public for the public and also environmental improvements. So in fact we are paying £3.75 million

for one-third of the sites where two-thirds would be public ownership anyhow. Is that a good deal? I just do not think so. Like many Members I have had many emails, letters, conversations and very heart-rending emails about using that money where they could be invested in health care. There was one the other day talking about their experiences with a sister who was terminally ill and the way she had to come back from Southampton. He finishes his email with: "We are totally opposed to public funds being given to them where there is a far greater need for the health care of the community." Recently we have heard that Grace Trust and other church organisations are giving out food parcels to those indeed referred by the Citizens Advice Bureau. Having talked to the minister at St. Helier Methodist Centre about this very particular issue, he is amazed at the poverty around his church and the need for these parcels in this year. Is that right? Will these people who the National Trust say will help them keep fit and healthy be able to afford to get out there in the first place? Yesterday I spoke about funding for C.A.M.H.S. and to improve facilities on Robin Ward, sooner we hope. We know that funding for health will increase over the years but we only have a finite budget. Indeed there are 2 propositions to come to increase funding for the voluntary sector. I just have not got a bottomless pit. The proposer commented on funds for health, most of which would be reoccurring, but let me reassure him it is not always the case, and if I had that money I can give him a couple of examples: extra clinics to reduce waiting list times; that would be one-off. The pressures we are under for waiting lists, time and time again people can read that in the paper; I get a lot of complaints. Public health: improve and campaign to raise the awareness of psychoactive drugs in young people, face-to-face work; that can be one-off. Also to support the Y.E.S. (Youth Enquiry Service) project in that work that they do to cope with the increased demand; that would be one-off payments. So I am afraid I will not be supporting this, as people come first; especially the public would get two-thirds of the land for nothing as well. Please put people first. Thank you.

1.1.10 Deputy M. Tadier:

First of all, let me put on record that I have absolute support for the return of Plémont to nature, so much so that I was quite happy to join in and play a bit of accordion on a video to raise awareness for that. But of course the real hard work here has been done by the National Trust. When people say to me: "I do not want any taxpayers' money used on this. We should not be giving money to the National Trust", I obviously take their comments on board but I say I have no problem using taxpayers' money, the public's money for Plémont because ultimately it is the public who will benefit from this. It will be owned by the public to all intents and purposes. Of course it will be in the custody of the National Trust; they will be the custodians. In fact, they have already raised and have pledged some of the money for that half of the money; they will do the remedial work, they will maintain it in perpetuity and that is a deal which is too good to pass up. It is not us who are getting a bad deal; we are getting a very good deal. It is the National Trust who is subsidising what otherwise could be paid for entirely by the States, not just the initial costs of acquiring the land, but of course the perpetuity and the maintenance of it, and have they not done such a great job already? At Devil's Hole, I think we have probably mentioned it before, a great spot there, what they have done with the path. It is one of those places, a bit like Sorel where I went fishing the other day for the first time this year. That really marks the beginning of the summer for me when you can go out, do some mackerel fishing off the top of the rocks at Sorel. I am still able to get down there. I do not know if I will still be able to maybe when I am 65 but it is a beautiful little spot with other fishermen. It is one of those days when it was so hot I thought: "I am just going to go and jump in the sea." I did some rock-jumping down there. The beautiful thing about it is you cannot see any other signs of civilisation down there, apart from the other fishermen that were there. **[Laughter]** There were no houses that I could see, there were no cars; I could not even see anybody walking on the coastal paths, although there will be people also enjoying that area. That is the beauty of Jersey for me and it is something that I wish to preserve. I think the other issue is that, for me, clearly this

has been divisive. It is not a 6 to one. I think it is more of an even split and a lot of those comments have to be taken with a pinch of salt. Because the way I look at it from a left perspective and also from an environmental perspective is that I think the neoliberals, if I can call them that, who have been running the Island, they have been so successful in their mantra of: "Spending is bad, public spending is out of control, taxation is bad" that the public have started to believe them. They believe that the States is an incompetent body, it wastes so much money that we should be spending less not more, even though the actual contradictions of that, the fact that we do not have free doctors' visits, the fact that we have so many issues with people in poverty, the fact that we have food parcels being needed to be given out, which is surely an indictment on our modern, affluent society, these things do not sit well with the public, so there is necessarily a contradiction. But what I would say to my colleagues who sympathise with me normally is that 2 wrongs do not make a right. Just because there are other problems in society that need to be resolved - and essentially they do, and I will fight for those things to be resolved, a fairer society with more social justice - it does not mean that we cannot also recognise that we need to preserve places like Plémont, places like Noirmont and we also need to look at Portelet. But what are the lessons that we can learn so this does not become purely self-congratulatory? We need fundamentally to challenge the concept of economic growth as axiomatically good, axiomatically true as the way forward. Because, on the one hand, people see historic, successive Councils of Ministers who pursue a growth at all costs with all that entails: the environmental destruction, both locally and globally. The fact that it is predicated on growing the population exponentially so that there may be 30,000-40,000 more people in this Island and the fact that at the same time they are saying: "Let us do a bit of preservation of Plémont" absolutely correct; we must preserve it. But it is seen as tokenism so we need to do much more. When I hear the Minister for Planning and Environment coming up with ideas about preserving green belts and green space in St. Helier: "Absolutely", I say. I fundamentally and fully agree with that. We need to be doing that but it is not an either/or. Let us have those propositions brought forward, let us have the funding mechanisms brought forward for those as well.

[11:30]

The reservation that I have... and I will quote a local constituent of mine who I think is very eloquent. We share many of the same views but not all the same views, a fellow supporter of Plémont, and these are his words. He does not break parliamentary privilege because he says this is not money laundering, the mechanism that is being proposed. He says: "It is not exactly money laundering but it seems very close to that. Moving money from one place to another to conceal its point of origin, it is certainly setting a dangerous precedent to allow earmarked funds to be moved around by the Minister for Treasury and Resources in such convoluted ways as to grab the cash into other projects or intentions made worse still when those projects are sponsored or supported by the Minister himself." It goes on to say, which is the conundrum I have: "Why is this being put forward in such a way? We have asked the Minister for Treasury and Resources to identify appropriate means of funding this." The Minister for Treasury and Resources has not even been asked to do that yet, we have not had a vote on it yet, and if we do vote on this he will need to come back with an appropriate mechanism. There are multiple mechanisms and I hope we hear from other speakers who perhaps have got more expertise when it comes to public finances to hear what they have got to say. This is not the only way to fund giving the money to Plémont, there are other ways. The problem I have is that it is inappropriate. It is simply inappropriate. The constituent, who is a blogger, who some of you will know, says: "By setting out only one option for the funding of the purchase of Plémont and not keeping the options open, the Minister for Treasury and Resources may have wrecked the very proposal he set out to support." This is exactly the same problem that I have got. I want to support this. We have been told already by the Chair that these 2 issues have been put together and we have not found an appropriate mechanism for funding

Plémont. So I want to ask the Minister for Treasury and Resources, if we approve this today, which I am minded to do, which I desperately want to do, he has to come up with a mechanism which is not inappropriate, as this one is. If the Minister for Treasury and Resources had said ... and I have deliberately spoken before so that he can respond to these, because I want to be convinced or get reassured, if he had said and come up with a response that I had found more believable that a precedent would have been created because clearly this will create a precedent. When we talk about a special-purpose vehicle it seems to me you cannot say there is no precedent. If in the future I want to get £3 million funding for a bus service or a hospital or whatever, we can just use the Home Affairs Ministry as a special-purpose vehicle. That is what we do. If that is the case, fine, let us make the decision, but we need to know and be completely transparent about what we are doing. If the Home Affairs Department is to be a special-purpose vehicle for concealing the point of origin ... we all know it is going on, let us not be naïve about it. We know it is going on. So we should just say either change the use of the Criminal Offences Confiscation Fund so it can be used for general taxation purposes or make a specific way that that can be done but do not treat the Assembly and the public with contempt because it is not the correct use for the fund. I think it is unfortunate that the National Trust ... and this debate has been dragged into something which is what it is not about, but it is absolutely imperative that we as custodians of the public purse raise these issues. It will not be popular and people say: "I do not care where the money comes from." Of course, if you are somebody who is adamant about Plémont you just want resolution but we in this Assembly have to make decisions all the time on other subjects about these kinds of funding mechanisms and I am afraid this mechanism simply does not wash. So I want reassurance from the Minister for Treasury and Resources that this is not a done deal, but if there is wisdom from other parts of the Assembly that can find money in a much more acceptable way, or if we can change the use of the funds so that it can be used in future for other purposes, fine, but we do fundamentally need to look, I think, at our taxation model. If it is absolutely true that there is no money in the pot at all and that we cannot find a way, that does not really bode well, does it, if emergency things come up? I know that there are perhaps other contingencies. But we know we face challenges as a society, we know we will need to spend more money, and it is imperative that in the future when we need to raise more funds, even as a recurring mechanism, that we do that in the fairest and most progressive way, and in a way that does not impact on the environment. But to get back to the main point, I absolutely support this. It is a one-off occurrence, so I do not agree with people who say it is either/or. If we can fund this, then why can we not fund other things? I think, as I said, it is not an either/or but I do issue that challenge to other parts of the Assembly. Let us be consistent in future and let us make sure that we do make progress on the social democratic side as well, making Jersey a fairer place but absolutely make it a greener, more environmentally responsible place too.

1.1.11 Connétable L. Norman of St. Clement:

I congratulate Senator Bailhache on a very good speech this morning but I congratulate the Deputy of Trinity even more on an excellent speech because it echoed something that I was going to mention. Because we at the Parish Hall, certainly at my Parish Hall, we see the needs of people which are not being fully addressed. I understand fully the passion that this issue has generated. I understand too the huge emotion that this issue has generated. I have been subjected to that passion and emotion, and even threats, I would say, by phone calls, emails and letters, something like 20 or 30 over the last couple of weeks, which is only slightly less than the number who turned up for the public meeting in St. Brelade. But those 20 or 30 emails, letters and so on, they were equally passionate, they were equally emotional but they were in equal measure, as someone, I think, mentioned, on both sides: those who are passionate that I should support this proposition and those who were equally passionate that I should not. While I am sure this proposition will be successful today - I have got no doubt about that, and, as I said, while I can understand the passion and

emotion - what I cannot understand or come to terms with is the logic. Senator Bailhache wants the headland returned to its natural state. I can assure him he is not alone. I suspect all of us would like to see the headland returned to its natural state. After all, there have been buildings on that site for over 100 years and it has been derelict now for coming up towards 2 decades. Our desire, and I suspect the Islanders' desire, to have the eyesore removed was reflected in the planning permission for development of 28 homes which requires that the derelict buildings on the headland be removed and the site returned to nature. This seemed to me to be a very elegant solution where everybody gets just about everything they want at no cost to the taxpayer or to the National Trust. Maybe we would have to wait a year or 2 or maybe 3 before that could all happen but, as I said, the buildings on there have been derelict for nearly 2 decades, there have been buildings on there for over 100 years and, as Senator Bailhache very eloquently reminded us this morning, the future of the site returned to nature will be there for generations and generations and generations to come. As I said, I am sure this proposition will be successful today, even if it does not have my support, but some have asked that the National Trust can afford to buy, demolish and maintain this site. Well that is not an issue for me, that is an issue for them. All I know is they do not have the resources to provide litter bins on the small picnic area on their land in St. Clement, so clearly this part of the Island is the poor relation. At the end of the day I am convinced that all this is about is stopping the 28 homes being built on agricultural land in the Green Zone in St. Ouen. I say that because the headland is going to be returned to nature in any event. That is what the passion and emotion is all about. It is about stopping the 28 homes being built in the Green Zone, on agricultural land in St. Ouen. So I look to Senator Bailhache, I look to the Chief Minister, I look to Deputy Green and I look to all Members who support this proposition to say that I expect them to be consistent and to be equally passionate in a fortnight's time opposing the building of 265 homes on agricultural land in the Green Zone in St. Clement. That is just as important as this proposition is today.

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

I did not question your ruling earlier but I will certainly not apologise for declaring my overall support for acquiring this particular site for the benefit of the public. It is worth reminding ourselves of the large number of people that supported and drew the Line in the Sand and who corresponded and commented and demonstrated publicly their support for saving Plémont. We cannot and we should not have dismissed it then, and I do not believe many of us did, and we should not dismiss them now. It is very rare that you see that significant amount of people declaring a particular interest in such a practical way and that needs to be considered as we determine how we vote on this particular proposition. We do, as many have said, have the ability to leave a legacy, not simply for our children and grandchildren, but for future generations to come. Already people have mentioned about other areas on this Island that the States have been involved in helping to secure and ensuring that they do remain open, important public spaces. I would like to remind the Deputy of Trinity that the States helped to acquire, and did acquire, land in Trinity at the top of Bouley Bay, which was a hotel site, for the benefit of the public and indeed which benefited Trinity directly. Equally, I would remind the Constable and the Deputy of Trinity of the support that this Assembly and the Minister for Treasury and Resources has provided to them to enable them to develop affordable houses in their Parish. **[Approbation]** So do not lose sight of the fact that although this site happens to be in the Parish of St. Ouen, please let us not be insular in our approach when we consider this proposition. It is absolutely right, as some Members have suggested, that we need to provide for our essential services. But let us not forget that this particular Council of Ministers - some would say at last, but I am not going to say that **[Laughter]** - has indeed recognised the need to meet all of the requirements of our population and have developed a long-term capital plan and are developing a long-term revenue plan so that we are able to stand in this Assembly with confidence and say that the services that are required are going to be properly provided for. But this is not a Medium Term Financial Plan debate; this is not a debate to

present all the different arguments for particular different matters. This is a debate which is focused on dealing with an issue that has been around for a long time and requires attention now. But also, and more importantly, this is a special debate, I would suggest, because this is not just the States putting their hand in their pocket to secure a particular piece of land for the public benefit. This is the States coming alongside the National Trust who are prepared, not simply to help fund equally the cost of the site, but to pay for the removal of the buildings that exist there and return it to an open space in keeping with the rest of the area. That is the most significant difference that must not be forgotten when we come to vote. They are not, as some might suggest, doing it simply for their own benefit.

[11:45]

This is a Trust that has contributed, and continues to contribute, to the public benefit with all the range of property and land that they have, that contributes to our tourism offering, that contributes to the local offering where families can go and enjoy and visit all sorts of different areas scattered across the Island, picking up many different interests. Go and look at the Wetlands Centre down on the Five Mile Road and you tell me that this is a Trust that simply cares for themselves and nobody else. Have a look at it with foresight please, not simply look at the Island. Let us look outside of it, let us think about the National Trust. Yes, we are talking about the Jersey National Trust. Let us not forget their affiliation to the National Trust in the U.K. What impression are we going to give to their membership in total if we turn round and say: “We do not want your money. We do not appreciate the support and effort that you have gone to to help us secure this important piece of coastline from future development because we are not bothered or we are worried about where the funding is coming from or we are concerned about A, B, C”? What impression is that going to give? What is that going to give to our international standard about what we mean about looking after our countryside and our environment? Are they simply words in a strategic plan or do we stand up and support them with action and demonstrate that to everybody? I suggest we stand by our words and we stand by them by absolute action. I have got to pick up a few comments that Deputy Martin and Deputy Southern made. Sadly, I know they are neither both here but perhaps they will hear me if I speak loud enough. **[Laughter]** I am disappointed that Deputy Martin feels that she is against the grant. She says: “Well if the National Trust want it get them to pay for it.” That was not the argument I heard in this Assembly about the Town Park and the views expressed by Deputy Martin and indeed Deputy Southern and many other St. Helier Deputies. Indeed, I was one of the ones that stood up and said: “I do not think we should spend £10 million on creating an open space in the north of St. Helier.” I would have to admit I have been proved wrong. **[Approbation]** I am pleased that Senator Maclean used his ring-binder to support the proposition. **[Laughter]** Did I hear anyone offer any funding to help deliver that town park, whether it be from the Parish or whether it be from individuals? No. Did I hear anyone question about how and where that £10 million came from? No. Did I hear anyone speak about: “Oh well, that £10 million should be used for health services and the poor?” Perhaps. Was that really a strong argument to not support the Town Park? No. So what is different? I ask and really do implore Deputy Martin and Deputy Southern to really think carefully about the position that they are taking on this particular matter because I would ask that they are consistent and they recognise that this Assembly does and can, albeit by narrow margin sometimes, support and deliver on proposals that are fought hard for. But do not criticise Senator Bailhache and others who seek to come back to this Assembly on various occasions to ask this Assembly to reconsider a prior decision because in fact the Town Park was delivered in exactly that way, ultimately. The Deputy of Trinity, as Minister for Health and Social Services, I am extremely disappointed with her comments. She raises questions of the costs and speaks of the need for healthcare funding and support for the poor. I cannot argue that maybe we need to do more for the poor. I was finding it difficult to argue about funding for health care, and certainly as an author of the C.A.M.H.S. review, we recognise that improvements need to be

made in the service. But for anyone that has read that report the sad thing that we had to comment on, and one of the findings, was that we could not at this moment in time confirm whether any further resources were required because we did not have the right information. I say to the Minister for Health and Social Services, get your act together, tell your department to sort out and identify the proper information that can be used in evidence to support further funding. Let us not forget the serious commitments in funding that this Assembly has made to improve services within that department on top of additional growth. I challenge the Minister for Health and Social Services, start showing us how the money is being spent. Give us confidence that we are using the resources and we are getting best value for money before challenging this Assembly and questioning a one-off payment to help support the National Trust of Jersey to purchase that site. Finally, and another reminder to the Minister for Health and Social Services - who obviously has a very, very, very short memory - think of the money that has been put to improving the healthcare facilities over the last 3 years. Did I hear the Minister for Health and Social Services questioning where that money was coming from? No. It is absolutely appropriate that we do spend money on facilities, whether it is for health care, whether it is in town but today we are not debating that. We are debating whether we provide the sum necessary to purchase this site in partnership with the National Trust. Please, Members, set aside all these other bits and pieces for today. Yes, they cannot be put off, yes, they need to be dealt with but it is not today. Today we need to make a decision for the good of this Island. Thank you. **[Approbation]**

The Connétable of St. Clement:

Could I make a point of clarification, please? The speaker I think mentioned the funding that the Parish of St. Clement had received for its sheltered retirement home project. The Parish of St. Clement has not sought nor received any financial support.

The Deputy of St. Ouen:

Sorry, I apologise if the Constable of St. Clement could not hear me. **[Laughter]** I was directing my comments to the Constable of Trinity.

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

There are just a couple of points. Firstly, I am not a member of the National Trust but I do rent land from them, thank goodness, because the Minister for Planning and Environment seems to think there is quite a lot of land that borders St. Helier, in St. Saviour and St. Clement, that he could have for a park. Well if he would like to tell me where it is, I would be very grateful, because I would like to rent it for my animals. Because at this moment in time I think there are about 3 or 4 farmers in St. Saviour that we have less land than anybody and most of it is rented out of the Parish. So if there is some land going in St. Saviour, I would be very grateful. Secondly, I have just been listening to this because this is quite terrifying really, the Minister for Planning and Environment also remarked about the building that was possibly going to be taking place at St. Brelade. Now, I may be wrong, but I would have thought Planning was semi in charge of this and they could say whether they wanted a property that was not going to be pleasant on that site and to ask people if they did not think it was conducive with the area if they could contain it or make it that it did fit in with the Parish. We do not have to accept what an architect gives us, but I may be wrong because I am not on Environment, but I would have thought that Planning and Environment have the slightly upper hand that can say what goes where. The Deputy of St. Brelade who sings and plays when and if **[Laughter]** ... no, when and if these ... yes, you are close. You are close. I do not play an instrument any more but I do sing still. When and if these 28 homes should be built, we had already ascertained that we would go and entertain them on a Sunday, would we not, because this was going to be public land? So if this does go ahead, I think it is worth telling everybody that there will be parties out there most Sundays on the public land **[Approbation]** and we will be

entertaining. Lastly, and I will say this lastly, we seem to be tied-up as to where the money is coming from and it should have been ... I have to find my notes now. I have written and torn out so many pieces of paper. It says that it cannot come from the fund that the people would like it to come from because it is coming out of a criminal fund. Well, I may be wrong, but if one purchases the land with money from the criminal fund, surely all those people that go on community service could then be allocated an area out there to help tidy up and keep it going. Because at this moment in time a lot of the community service people are sent to Government House. **[Laughter]** They go to Durrell and they also go to the Hospice. Now the Deputy of St. Helier, she was very concerned as to what would help. Well if we are having this money, we could send all the people who are on community service there because it is a vast area. We would then be hands up saying: “Yes, we have got the money from the fund but we are using it to help offenders.” So I think that should be considered. I would like everybody to ... I know you all laugh and you think I am a bit down-to-earth, and I am. But the people out there have people on community service and it is to stop them reoffending. Well nothing could be nicer than to put them out at Plémont, tidying up everything. The views are beautiful, the air is fresh and they could sit down and think: “Yes, maybe this Island is great and I should not reoffend and mess it up like I have been doing.” Thank you.

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

The proposer is right of course when he referred to the Constable of St. John and his main drains. It would not be a debate without me having to raise them. But as a former chairman of the Environment Scrutiny Panel, I have worked over many years in this Chamber to try and improve the lot of the many around this Island who are not fortunate enough to have all these main services that many of us now take for granted. Why should the Island pick up the tab on Plémont? We are not yet out of the bad times; may appear to be. This is a “nice to have” and that is nice to have in the good times. This was kicked into touch in 2012 and really nothing has changed a great deal. Nothing at all. Yes, we have got the tree-huggers and the agile green frog societies and various other groups who want us to pick up the bill which is fine if it was prior to 2008 but we are not where we were in 2008. The “nice to have” times are over, I am sorry to say. This Assembly needs to be prudent with taxpayers’ money.

[12:00]

Adjacent to the Plémont site are main drains that were taken up to the holiday village at the latter end of its heyday. It has the large power cables, mains water supply and all the facilities that you would require if you are going to build 28, 30 new homes and more. To see that infrastructure going to waste when we are talking about building in other parts of the Island on greenfields, because that is a brownfield site, although they want to move the site further down into the green and pleasant land is, in my book, a step too far. I know people in St. Ouen and other parts of the Island who need main services, and with this I can think of another error we made some years ago by putting in main drains in the Bal Tabarin area, only within a couple of years for somebody to bring to this House a proposition that in fact we should buy the Bal Tabarin and demolish it, which in fact that is exactly what happened. We were supposed to return it to nature. Yes, return it to nature. Well if anybody wishes to go up to Bal Tabarin they will see a large slab of concrete that has been left where that building was. That site was never returned to nature; it was just demolished and left. Instead of removing that concrete and having the site returned to nature, as I would have expected, that never happened. This is the way things happen when we make decisions in this Chamber. We expect other people to go out there and fulfil what we have agreed on, but it does not always happen. I have concerns that after the big fire at Plémont in recent months, and we found out it was arson recently in a newspaper report, that site is totally contaminated with asbestos. Given that there was a fire there, that is a really big problem and I do not think even £1 million is going to clean that site up, contrary to what we might have been told. That is a real

disaster. If the National Trust are expecting to have it cleaned up for that figure, I will be interested to hear what the proposer has to say the figure is because I would consider it would be considerably more than that. That is another big concern. If it is left in the owner's hands, he will have to clear up the site himself or if he sells it on to a developer, that will have to be done under controlled conditions. These are issues and I have not been party to any of those discussions but they are of concern that that may not be looked into sufficiently. I have been made aware that there has been a bequest from the Overland family of property to the Trust, I am given to understand. If that is the case, why does the National Trust not take a loan out against that bequest and the £3.5 million that they require, take it out against that estate? I do stand to be corrected if that did not happen but I got that from a very good source that the bequest was a considerable one. I cannot, at this time, support this proposition because middle-Jersey are still hurting... middle-Jersey and below are still hurting from the recession. They will be hurting, I believe, for a number of years to come. The 'nice to have' things were there prior to 2008. Today we have to be very careful how we spend any money in this Chamber, whether it comes from the Criminal Confiscation Fund or not, every penny has to be accounted for.

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

Sir, I am not sure if it is a point of clarification from the last speaker or a point of correction on the comments he made about the estate that the National Trust might be entitled to, but I did hear the same rumour and I challenged the National Trust on it. Although they may receive some benefit, it is not something they can realise or sell and it is only the use of an asset. It is not the gift of an asset, I understand.

The Connétable of St. John:

I did say, Sir, that I did stand to be corrected. Thank you.

The Connétable of Trinity:

If you wish, Sir, I can confirm that is true.

The Bailiff:

I am thinking to myself that these points of clarification are coming very close to speeches and have disintitiled you to speak in the future but it is an opportune time to say, if I may say so from the Chair, that we have been debating this for 2.5 hours but it has been an extraordinarily good debate with some very, very good contributions on both sides of it but I now do ask Members to think whether they have anything new to say because we do still have a very, very long agenda to deal with. I call on the Connétable of St. Helier.

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

I do have a couple of new things to say in this debate although I must apologise if I said them last time around because there is a certain amount of recycling of previous speeches going on. I am sure I am not the only one. First of all, the Minister for Planning and Environment conjures up the idea that the money could be used to create a park around the town perimeter. This is on page 5 of his report. This, of course, is not a new idea and when I spoke on this same proposition last time around, I made the point that, in fact, we had had one officer group meeting to take forward the proposal approved in the last Island Plan that Planning should investigate the feasibility of creating a St. Helier country park, a kind of horseshoe around the main urban area of the Island. We had had one officer meeting when I spoke on the last Plémont debate. How many officer meetings have we had since? Precisely none. I do not believe that in the 3 years that the Minister has been in charge that I have seen much interest in that department in creating a St. Helier country park, so to bring up the idea that we can buy-up all the fields around St. Helier, as the Constable of St. Saviour says, which are probably being used by farmers, is a bit farfetched, perhaps as farfetched as

centralised toilets and eating Japanese knotweed in our restaurants. I do not find the Minister's defence very satisfactory at all. The obvious question for those listening, particularly some of those who have been in touch with me is, why should the Constable of the most densely populated Parish with a third of the population, a lot of the business and most of the traffic of the Island, support the purchase of Plémont for the public? Should the States not spend this money on paying rates on their properties or doing more to provide public parking in town or public open space? It is true that, I think, in some respects, St. Helier has been sold down the river by successive Ministers. I support the purchase of this site because it is essentially a sustainable thing to do and if sustainability matters to this Island, then we need to really focus on the fact that we do have to be as good as our principles adopted in successive Island Plans and other key strategic documents. It really does not make sense to build in the countryside when there are brownfield development areas possible. One of the first debates I got involved in as a Deputy was when it was proposed to build a suburb next to the Grouville Marsh. Then Senator Corrie Stein was very much behind that from the housing point of view but I argued and I brought an amendment to try and stop it happening, that it would introduce cats, most obviously, into what was essentially a very sensitive environmental area of Grouville Marsh and it would introduce other kinds of pollution, noise, light, run-offs from driveways and so on, as well as human activity into an area which did not need it. That area would stop being truly wild. The development went ahead and I would suggest that the area around Grouville Marsh there has been affected by the development. Bal Tabarin has been referred to by the Constable of St. John. It may well be that there is concrete that needs to be cleared up but I supported the purchase of that site, which was regarded by some as wasteful, when all that happened was it was knocked down and left to the weeds. Members that have visited Guernsey - I am sure some of them have had to on business - will have noticed that our sister Island does not have nearly as much open green space as we do here. They have a small section but you can get around it in a couple of hours. Guernsey has suffered from, I would suggest, ribbon development and a lack of the kind of planning policies that we have here in Jersey. I fundamentally believe and I have made the argument several times over the last 15 years or so that one of the advantages of concentrating development in urban areas is not only does it leave the natural part of the Island relatively natural and protected from development, but it makes the urban areas make more sense. It is much better to live in a busy, vibrant, active town where lots of people are living and bringing up their families than for them to live in a suburb where you do not see people very often. The *quid pro quo* of that argument is that we do not then build in the countryside. I agree with the Constable of St. Clement who does not want to see yet more agricultural land in St. Clement turned into housing. It is simply not sustainable and how we ever agreed to turn good agricultural land in Trinity opposite the pub into a housing estate is beyond me. I am sorry to see that some of the Constables are backing plans to do similar things when we come to debate the Island Plan. If St. Helier is to be the focus of development, which we have agreed to do as an Assembly, then we cannot have it both ways. We cannot start developing in the countryside at the same time. That is really because, of course, St. Helier residents have the right, particularly as they are living in town, to get out and to enjoy unspoilt countryside. Plémont will be there, if it is improved in the way we are suggesting, as much for St. Helier residents as for everyone else. This is not a "nice to have", as the Constable of St. John has just said. The economic benefits of this scheme are substantial and I would suggest that while there will be a one-off set of receipts if this is developed for housing, if this land is kept for the Island and particularly for tourism, and the kind of tourists who come to Jersey to walk around our north coast, then those economic benefits will continue to accrue for years, for decades and for centuries. I have met tourists who come to Jersey precisely because of our unspoilt north coast, who believe that the economic argument is worth making. As a town dweller, I want to be able to enjoy the natural beauty of an unspoilt northwest coast. I want to enjoy it, I want my children to enjoy it and their children to enjoy it and I want that area to be as large as possible. I do not relish the thought of a village green and some of that land being given

back to open space because that is not how I enjoy the north coast when I walk along the footpath. I want it to be as wild as possible. I will finish as I concluded my speech nearly 2 years ago with a quotation of poetry, which I know one is not supposed to do in this Assembly but other things have been slipped in, Deputy of St. Ouen. Hopkins said: "Let them be left, O let them be left, wildness and wet, long live the weeds and the wilderness yet." **[Approbation]**

Connétable J.M. Refault of St. Peter:

Sir, may I have a point of clarification with the last speaker? He did make a comment just a moment ago that the economic benefits would be substantial if we bought Plémont headland. Could he advise us how he has determined how substantial they are going to be, please?

The Connétable of St. Helier:

I am not really able to give him the precise figures, Sir.

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

I will be brief. It is just really to clarify some observations the Deputy of St. Ouen. The land at the top of Bouley Bay certainly was purchased by the Island and still belongs to the Island and I do thank the Treasury for loaning us some money because it has already been repaid. I think this is where a lot of people in the Island ... if, unfortunately, the Trust was able to have taken a loan, I would have been quite happy to support a 20-year interest free loan and if possible they could be repaid. But I am very fortunate as the Constable of Trinity because I would say I have one of the most natural coastlines from White Rock to Bonne Nuit and there are hundreds of vergées of open space where many people, and I would say mostly from St. Helier, fortunately, because it is straight north from St. Helier... and it is a wonderful area for people to visit and why should they not? I must say that I am pleased that there has not been another proposition brought back in this case because it is good that it is the same House that debates the problem we had last time. My problem last time with the proposition was it was an unknown sum of money. I think there are many of us who were concerned that compulsory purchase, as far as I am concerned, was not a way forward at that time and also legal fees and other expenses. This one, to me, is completely different.

[12:15]

This... we have sum of money loaned; we have an idea of what we would spend from this States body to fund the purchase of Plémont. I would just bring a few things - those who walk the north coast - many years ago, there were no walks along the north coast and it is thanks to our predecessors and those who had the foresight to go out and form these walks. **[Approbation]** The reason why people are so concerned about our north coast is because we have the most fantastic walks along it and those who walk it, and it is a long, long way in some places, I can tell you. If you want to walk from Bouley Bay to Bonne Nuit, make sure you have a car at the other end because it is a long way to come back and get your car. But they do, there is stunning scenery and when I am with my good friend, the former Connétable of St. Ouen, I always joke with him and say that the only time I see Plémont really is when I go horse racing and have his hospitality. However, the time has come for us to remove this obstacle on our north coast, and I know a lot of you know I did not vote for it last time but that was because of the uncertainty of the financial terms. This is completely different. I have no problem ... the Minister for Treasury and Resources has been asked to do some job on money: we have this occasionally in the Parish, if something comes along which was unforeseen and sometimes you have to move money from one pot to the other to take care of your parishioners. I see this exactly the same way as taking care of our Islanders and I will be supporting this proposition. **[Approbation.]**

Deputy R.G. Bryans of St. Helier:

I wonder if it is possible to give notice for Standing Order 84?

1.1.17 Connétable J. Gallichan of St. Mary:

I will be as quick as possible. I just want to say that as a States Member, I believe it is my duty to look deeply into the business before me, to add into the mix the views of my constituents but then to consider the implications and consequences of the business in the bigger picture. Sometimes the things that I would dearly like to see happen just cannot be made to work. I could not support the last proposition to acquire the site and even if I had not had such a high degree of negative representation from constituents over that, the unquantified nature of the sale price, and indeed the unknown nature of the sale price, and the element of compulsory purchase made it unacceptable to me. It was a difficult decision and certainly one of head over heart. Sometimes these opportunities are lost for ever and sometimes the circumstances change and there is a chance to revisit these projects. I believe that this is one such occasion. Not only have, in my mind, the unacceptable elements of the previous proposition been removed but the cost to the taxpayer has been reduced and capped. I had similar questions put to me as to those that were alluded to by the Constable of St. Clement concerning, for example, the Trust's ability to fund the purchase, the demolition, the maintenance ... these were put to me by my parishioners who also had other concerns such as how the access would be controlled and how access was controlled in fact already in the Trust's ownership. So I invited the National Trust to come to the Parish meeting and to answer those questions directly. Their Chief Executive certainly did not get an easy ride but he did equip himself well and many of the concerns raised were dealt with on the night and he took away other points for further consideration. I have spoken to him about that this morning. At that meeting, the National Trust demonstrated that they are not aloof from the public, that they are certainly not infallible but they also really want to make the land under their control accessible for the wider public of the Island. As someone who, in my professional life, was involved on the periphery of a good many large property deals, and knowing the background to the current planning application, personally I am amazed that the National Trust for Jersey have even been able to secure the current option to purchase. I take my hat off to the Chief Executive for the work that he must have undertaken to achieve this. But this is not Deal or No Deal. We cannot keep hoping that a better option can be found. I believe that today, the time has come to take this new opportunity. Yes, there are many other things that we could spend the money on. Other speakers have talked about that and so I will not, except to say that here, of course, we are dealing with a finite one-off expenditure. The funding mechanism identified in the Minister for Treasury and Resources' comments has been called by some, "a fix, a fudge and immoral." I do not think that the Members who are claiming that really understand what the current proposition before us is requiring the Minister to do and the timeframe in which he must do it. In the context of the current financial framework, as I understand it, the Minister has attempted to address the terms of proposition, has explained what is not possible and then has gone on to try and find a pragmatic solution. As a Constable, I am always in favour of the pragmatic solution.

1.1.18 Senator I.J. Gorst:

Sorry, Sir. You caught me unawares there. One of the joys of this Assembly is that we have to move between what might be considered strategy, what might be considered operational issues and what might be considered tactical issues. We have to balance the one-minute long term planning with the solving of immediate problems. Sometimes, that is difficult and sometimes our thoughts in one area flow over into the other. Sometimes we are being asked to consider international agreements which have been signed with other countries, other times - not of course in this Assembly - but Members of this Assembly are being asked to consider individual planning applications. They have to move between what might be considered international issues with the hyper local issues. I say that because I think we, if we are not careful, can be sometimes in danger of not refocusing from the immediate and the very tactical and the very localised issues with the more, in our case, national and thinking rather than in solving an immediate problem, we have to

look over the generations. I am told that people of a certain age start to think about legacy; what will their legacy be? I hope that I am not at that age yet **[Laughter]** but I do think it is right. I was told yesterday in a meeting and I see it appears in today's *J.E.P.* that I might think I am perhaps a little bit younger than I now am. I am part of the male, middle-aged, typical politician, it would seem. Anyway, what I am trying to say is I think that at the end of a term of office, at the end of a government, it is good for all of us to think about our legacy and I think that today we have an opportunity to do that. We have heard Members say, and we have heard members of the public say to us: "Well, it is more important that we spend more money on health." Others have said we should meet promises that have been made in the past and put this money into the Tourism Development Fund. Others have said we still have a problem with housing and we should deal with that. Others have said that income support is not generous enough, it is not being targeted enough, that we should deal with that instead of the proposition before us. I want to just ask ourselves what is our record on dealing with those issues that the public and Members are asking us to consider instead of. I would like to suggest that this Assembly is addressing those issues faster and putting more resources into delivering on those issues than I would say - and you would say, well I would say that, would I not - in a way that previous governments have not done. Perhaps it is a downside of my job that I am often contacted on any given issue that I need to consider and on any given decision that I have made, I am contacted by those who will tell me why I should not have done it, why I should not do it and why what I have done is wrong. So I think I can always find a rationale for not doing something and I think we have to be very careful in this place and in the roles that we have been placed in on not just thinking about why we should not do something but trying to analyse the benefits as well. So, I ask the question, what is our legacy? Well, I believe that the legacy of this Assembly over the last 2½ years - and I really do not mind if people put this into their election manifestos, because I believe that everybody in this Assembly is part of this legacy - is that we have got people into work. Unemployment remains too high but we have got hundreds and thousands of people into work. We can be proud of that because we have put money into getting people into work. We have put people first. We have put more money into the health service and we are planning to put tens of millions of pounds more into the health service over the course of the coming years. We have transformed and we are transforming the way that we deliver health services. That is about people, that is about creating a better future for our people. We have just launched, as I said yesterday, a £250 million bond. That money is going into upgrading and delivering social housing in our community, a legacy that we can be proud of. We have also - and we have been criticised by some in the business community for this - delivered and are delivering, a raft of improved social protection legislation. We do not apologise for that, it is about making people's lives better. We are putting people ... you were about to try and stop me, Sir. **[Laughter]** We are putting people at the heart of everything we do. It is important because this is about legacy. I want to ask Members this afternoon whether they wish to add to that legacy, that they can be proud of, a recognition and a reinstatement of part of our wild, natural coastal environment. I believe that when they ask themselves that question, when they put it alongside everything else that they have achieved in this place, I think the answer has to be yes. Is there more to do in some of those areas that I have just spoken about? Of course there are. Are there areas that we have not left such a proud legacy? Of course there are. I can think of one instantly off the top of my head and that is in relation to electoral reform. Others will have to take up that challenge and deliver on that. In this place we often have to balance difficult and complex set of information and numbers and criteria. It was a U.K. (United Kingdom) Prime Minister that used to be fond of saying ... I think it went something like this: "That running her country required the approach of any prudent housewife." That is what I would like Members to consider today. We have got, I believe, a proud record of spending in those areas that I have just spoken about. The immediate, the everyday, putting people at the heart of what we are doing but at the same time, every prudent housewife or husband - as may be the case today - also puts money aside for the long-term things

that they need to deliver for the benefit of their family. I believe that this is just one of those areas where we should be putting money aside for the long-term benefit of our community. Many Members have said that in principle they want to support this proposition but they are concerned about the Treasury's ... what I think is a helpful proposal and I think is a good proposal in order to find the money in the timescale that it is required by the contract agreement that the National Trust has entered into with the seller. Of course, I do not wish to speak for the Minister for Treasury and Resources but I know that he will be more than willing to look at the proposal that he has put before us and I know that Members will be pleased if he gives an undertaking to look at it. I, for one, think that it is a sensible and pragmatic way of finding the money in very short order to help fund this purchase. Perhaps on a personal note I could say that I have no hesitation in saying that I think Plémont and the area is one of the prized jewels in the crown that is Jersey's natural environment. I suppose my only disappointment, as I speak today, is that I know that my family love spending time there and perhaps the challenge for me is that I do not spend enough time there with them in what has got to be one of the world's most beautiful places.

[12:30]

So I suppose, as you would expect, I am one of those individuals who is optimistic about Jersey's future. As I have just said, we have done many things which I believe will give this community a strong future. It does not mean to say I do not believe in reforming our institutions; I do, and Members of this Assembly have not always seen eye to eye with me in that regard. I believe that we must refresh and we must reform in order to maintain what we hold dearest, to give them a strong future. I have no problem in holding a belief that we need to develop the Waterfront, that we have a shortage of office space, that if we want inward investment in a strong economic future, we have to consider that that is a good thing for Jersey, and yet, at exactly the same time, recognising that there are parts of our natural environment that we must protect because I think there is a fusion between those 2 areas that we need to change, that we need to deliver the modern Jersey, the Jersey that is going to be fit for the future. Being clear about where we are going to change, being clear about where we want development but also being clear about those bits of our past and our natural environment that we absolutely must and do want to protect into the future. We have today an opportunity to ensure that our future is a future delivered by choice and not by chance, which is what we will be doing if we did not accept this proposition. Of course I accept that £3.5 million is a lot of money but we have to place it in context of all the other money we are spending on all the other projects where people are absolutely at the heart of everything we are doing. I do not, for a minute, accept the argument that by not buying Plémont headland we are not putting people at the heart of what we are doing. Of course it is. It is for the people of this community and it is for future generations. So, unlike Deputy Southern, I think that Deputy Green's speech was fantastic. The challenge for us today is do we want to show vision, do we want to show courage and do we want to leave a legacy that we can be proud of? I know the type of Island that I want to leave for my children. I have been working towards it over the last 3 years. I will continue, if the public so wish me to, to continue to work towards it and today when I press "pour" for this proposition, I will be working towards delivering the Island that I can be proud of and that my children can enjoy. Thank you. **[Approbation]**

1.1.19 Deputy S. Pinel of St. Clement:

Members will know that I am not a fan of repetition and long speeches but after the last one, I think I have to withdraw that. Senator Bailhache has eloquently described the reasons why there should be absolutely no question that the States of Jersey, in partnership with the National Trust, should acquire the Plémont headland for Jersey. I just wanted to share a quote from an article by Charles Clover in the *Sunday Times* of 2 days ago about the issue of Plémont and I only mention it because a national newspaper has recognised our dilemma. The article is entitled: "I saw an eyesore on the

seashore, and I want that eyesore gone.” So to quote the last part of the article: “What do we do for the landscape on which the tourism industry depends? Nothing, except allow it to become overdeveloped. Is it not time we created a fund for buying-up planning disasters on the coast and turning places that never ought to have been developed back to wind, grass and soaring birds?” Unlike my Connétable, the Constable of St. Clement, the approaches that have been made to me with regard to the proposition have been overwhelmingly to vote in favour which I fully intend to do. However, along with my Connétable, I will strongly oppose further development in St. Clement. Thank you.

1.1.20 Connétable M.J. Paddock of St. Ouen:

I am minded of the half hour rule and I think if the Minister for Treasury and Resources wishes to address the Assembly, he should be given the opportunity to do so, so I am prepared to stand aside.

The Bailiff:

He is due to speak but not for another 4 or 5 speakers.

The Connétable of St. Ouen:

Okay, Sir, well, I will be very brief. First of all, I would like to endorse my colleague the Deputy of St. Ouen’s comments that he has made. I think that possibly I and the Deputy of St. Ouen are most probably the best positioned in this Assembly to be able to say to this Assembly that the area is used extensively by people. If one takes the time to visit this beautiful corner of our Island, you will witness hikers, ramblers, dog walkers, horse riders, mountain bikers, runners; a whole host of other pursuits which use this area. I personally spend much of my leisure time enjoying this environmental jewel and I witness visitors to the Island being transported by coach to enjoy this open space. You just have to look at the Jersey Tourism website for a taster of what our north coast offers to visitors. Some comments that have been made throughout the morning. First of all, I really do not believe that you can compare the headland of our northwest corner of the Island with any other part of the Island. It is absolutely unique so I think it is unfair to compare it with other lands. I also question the fact that £10 million was spent on the Town Park so I feel that to spend £3.5 million or whatever is not too much to ask. Another observation is would 28 houses make that difference to solving a housing problem? I really do not think so and it certainly would not tempt my daughter to come back to this Island who left here because she felt there was no future for her. We could always spend this money somewhere else, without a doubt. We can always find a reason to spend £3.5 million on other causes, so why should we miss the opportunity to spend it here? I would like to make a quick reference to the Connétable of St. John who made comments about the concrete, *et cetera*, at the old Bal Tabarin site and I notice the Minister was nodding to those comments. Well, I thought it came under the Minister’s remit to get that area cleared, so I find that a bit of a strange response. I also wonder if the two-thirds of the land was returned to the Island, should this development go ahead, who will pay to maintain it. My understanding is, at the end of the day, it will be down to the taxpayers. I also question the practical use of this area, bearing in mind that a sizeable chunk of it will be encapsulated within 3 clusters of houses. I have absolute faith in the Minister for Treasury and Resources to come up with the funds to try and fund this. He is best guided than I am and I would accept his advice and guidance where he feels that the monies could come from so I will be interested to hear, if the Minister gets a chance to speak to us, whether he can confirm the money or how the monies definitely will be used. Finally, I have kept my comments really brief because so much has been said this morning and I do not want to repeat. However, I have tried to keep my views not too personal but I will be voting in favour of this proposition and I really do urge Members to support this. Thank you.

1.1.21 Deputy J.H. Young:

Like other Members, I will try and sift out brief comments particularly on those comments against the proposition. I think any doubt that this is a special place is removed by looking at the picture on the back page of the proposition. Just comparing that back page showing our magnificent world-class of international importance north coast and seeing how it is now, we have learned to live with it. So we have a one-time opportunity and I think this as an indirect investment in tourism. I know there have been calls for: "Give us the money for tourism" but I think this is an investment in our infrastructure. Now we spend £700 million a year on our revenue spend. We have made decisions in our 3-year life as this Assembly of nearly £1,000 million. I suppose that is nearly £1 billion on hospitals, drains and housing on social objectives and it is absolutely right that we do that and I think we should be proud of that. We disagreed on some of the details maybe but in terms of getting our priorities right, it is absolutely that that record is sound. But of course governments are more than just spending on social purposes. I pose the question, how would it be if we spent everything on our health service and education and social? What kind of balanced society is that? It is not. The reality is that sustainable communities need the 3 elements; economic investment, social investment and environment investment. I argue that we have today an opportunity to make what is a hugely important environmental investment for the long-term, as the Chief Minister has told us, for future generations. We only spend about 1 per cent of our annual revenue budget on the environment. A penny in every pound in States spending goes on the environment. That is our record. One can really search with great difficulty to try and find where else in our capital spending we are investing in the environment. Yes, we have an Energy from Waste plant so you could count some of that but our Minister for Planning and Environment tells us he does not have any money to look after the areas of land that we have. He cannot do that properly. Therefore, he says he does not want any more please: "I do not want to have another piece of land to look after because I cannot manage it." I think that is ridiculous. This is about environmental investment and our Minister for Planning and Environment knows I am a long-term supporter of him and I think I know him pretty well, but of course our Minister for Planning and Environment has a very mathematical brain. He is vigorously logical but sometimes I think he leaves his heart behind and I hope he does not mind me saying that because I think, sometimes, a balanced view should bring empathy and feelings into your thinking and decision-making. So when I heard - and I was really quite angry - the Minister for Planning and Environment say: "We must compare this magnificent piece of headland to other farmland anywhere and it does not really matter where it is" because the value is priceless. It is absolutely unique. I have walked along that headland. I have met tourists from all over the world and you ask: "Why do you come here?" They just say: "Look at it." You cannot go to other places and see that because we have these outstanding landscapes in what is a small-scale environment. You can see all those qualities and it is unspoilt apart from what we have to deal with today. So I think it is rather disrespectful to say: "Well, comparing the values and the numbers and so on, we could do a lot better by doing something different." But of course then I say: "Well, should it be an 'or'? Why can it not be an 'and'?" Absolutely right that our urban areas need more open space. No question. What is our future? We are going to cram St. Helier and increase the density. We are going to be cramming those areas. We are going to go up to whatever is our population projection. There has to be more open space. The Minister and Minister for Planning and Environment have the Island Plan and all the tools to do the job. Why are we not seeing the Island Plan? Why have we not got amendments to the Island Plan saying: "We want urban parks areas in those planning policies combined with sensible proposals within our long-term financial planning"? Then deliver those things. Yet, we do not have it. So please do not say: "We must not look after Plémont because we have got these other opportunities for an open park and we should do that." Yes, the future Minister for Planning and Environment, I hope, will do that because that is absolutely important and I am sure that urban Deputies fully want to see that and we all do. It is about balanced communities. Of course, we know sometimes the Minister for Planning and Environment, when I read some of these comments, it is almost as if he always has to

be right. Sometimes one can be 75 per cent right or 50 per cent right but when I read some of these things, I see in here it says that there is no case for putting Plémont into the Coastal National Park. I sat through the planning inquiry for 3 days. I heard such passion. I heard archaeologists give expert reports on what was there. Now I know people laugh but Jersey is on the southernmost limits of puffin colonies and I think it is marvellous that a few pairs have survived especially when there is a plague of rats coming out of the Plémont site next door. Of course when I go to Alderney - as I go to Alderney a lot - I can see how people come to islands to see the environment in action and one can see how there is opportunities for the wildlife colonies and the heritage and so on all to be enhanced.

[12:45]

So, yes, it is right that this is not unique. This is not the only site at risk in the Island. St. Brelade Members of course know that there is an issue in St. Brelade's Bay. That is why I am hopeful, when we get on to the Island Plan, my amendment to strengthen the planning policies in St. Brelade's Bay will enable or provide a stronger framework because, in reality, we cannot go around I think buying-up every site. One has to be quite realistic about that where there are planning problems. We have to rely on the Island Plan. There are other sites. The one down at St. Brelade's Bay. There is also Milano Bars at St. Ouen. That could come back and rise out of the ashes. Of course somebody said: "Well, we cannot do this because in Bal Tabarin, nobody will remove the concrete." I say the answer there is that is an example that the States is not the best body to do it. That is why - and I am delighted to see this - we have the National Trust who have an outstanding record of looking after those sites and achieving good value for money. Of course the Minister for Planning and Environment is very witty at times and he said to me: "Well, I think we could deal with that concrete. Let us plant some Japanese knotweed up there. That will deal with it." I think maybe he will do that to get rid of the concrete. Now, on the money, I understand the Members' arguments who feel this is creative accounting, sleight of hand and so on. When I first heard it, I did kind of think that way but having listened to the Solicitor General and carefully read the Minister for Treasury and Resource's comments which I had not seen before, I think what he is saying to us is that this is the only means of doing so in the lifetime of a Medium-Term Financial Plan. It is the only means of achieving this. It is a big sum of money but it is relatively modest compared with the whole sum in the bigger picture. It is legal and it is a legitimate use of funds. For me, it raises another question as well, and I have spoken to the Minister for Treasury and Resources about this. If it is that we can fund £3.5 million for the Police Headquarters, why is it only £3.5 million? We are spending £25 million I think on this Police Headquarters. Does it not open up the opportunity, if it is legitimate, to free-up £3.5 million from that source? Can we not free-up more? The Members that have come forward with all sorts of very important sound capital schemes which we desperately need, particularly in health and education but not only in those areas, there is an opportunity maybe, I think to myself. I ask the Minister for Treasury and Resources, would he say - he probably will not - that, in the future, if that principle is adopted and the House approves this today, it gives a base in the future for some potential way of tackling some of these projects? Because I think if the principle is right for £3.5 million, it must be right to more reflect the cost of that project. Now loans. I can see my first reaction when I thought: "Well, could the National Trust take a loan?" Because I thought: "Yes, it is probably true that over the years to come, they may get bequests" and they are a very well-run organisation and, as so, I spoke to them about it and they gave me their accounts and so on. But I still had in my heart that I wish there was the prospect of a loan but then I took some advice from experts and they asked me a question: "Well, what would be the position of honorary members of the Trust if the Trust were to take a loan?" I think the position is I think probably - and obviously legal experts would confirm or say I have got it wrong - it could be a liability on individual personal members. I can see why a body would not wish to say to its members: "We want you to do this." So I think everybody that is

involved with this proposition has to be congratulated. It is not a perfect situation. In an ideal world, the planning system would not have brought us where we have ended up and I hope it does not end up in this place on a lot of these other sites, but there is agreement between the parties, an end to the war, an end to the prospect of the public spending money fighting or defending the planning decision and allowing the thing to move into the restoration phase in an exciting way. When one reads the appendix to the proposition I think it is going to be a long-term asset for generations to come for Jersey and so I am strongly behind this.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. The States will stand adjourned until 2.15 p.m. this afternoon.

[12:51]

LUNCHEON ADJOURNMENT

[14:15]

The Deputy Bailiff:

Bearing in mind the length of time this debate has taken already and the length of the agenda, I would just like to tell Members that we have a time target for completion of this debate of 3.15 p.m. Senator Ferguson.

1.1.22 Senator S.C. Ferguson:

That is fighting talk, Sir. My underlying problem is that Government should not fund everything. That is part of my philosophy and the Treasury should not be treated as a milch cow to fund projects. I did have one point that I thought was original but I checked with the Solicitor General and, unfortunately, I was mistaken, which upset me a little. But, basically, I really feel, as did the Minister for Health and Social Services, that to be paying £3.5 million for one-third of the space, really I cannot go with it. I am sorry, I cannot support the proposition.

1.1.23 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

I wanted to add a few words on the concept of stewardship. I was fascinated that the Chief Minister raised the concept of legacy because I must tell him the answer to the question. When this life is over, how much will we leave? The answer of course is everything. **[Laughter]** We are only stewards of all that we think we possess. We are stewards of creation and this most beautiful Island, we are stewards of the money raised by taxation or other means that comes within the States coffers and it is certainly true that you cannot spend the same 10 bob note twice - that dates me - but this is the point I really want to major on. We are stewards of the skills, quality of life, needs, dreams and aspirations of the 100,000 people with whom we share this Island. It is, as has been said, a moral function to balance the various stewardship responsibilities laid upon us. There is a clear moral imperative to guard our natural environment. That is true Island-wide as much in St. Clement as in St. Ouen as we balance housing, education, the environment and everything else. There is a moral imperative to be transparent in our handling of the public purse and if money is shifted from one pot to another - as many of us do in our family finances - then we need to be clear about what we are doing and why so I would applaud the Minister for Treasury and Resources. Whatever people may think of the rightness of what he is doing, to bring it with a paper that sets out transparently what is happening, it seems to me, helped me and I do not really do figures. There is a moral imperative to guard and add value in every conceivable area to the lives of the people of Jersey entrusted to our care. Members will make up their minds where the moral balance lies in this issue and may well conclude that this is the moment to move forward on Plémont and to thank those who have worked so hard in the National Trust. That, clearly, I leave with Members

but I wonder if I may leave this thought for the future. It is easier to address the concerns of those who are educated and articulate who bring worthy matters to the attention of Members of this Assembly. There is, in my judgment, an equally great imperative to make sure that the legitimate concerns and aspirations of the poor, disadvantaged or inarticulate who may not be as able to bring those matters that concern them to Members' attention.

1.1.24 Senator P.F.C. Ozouf:

First of all, I would like to make my remarks really in 2 distinct parts. Firstly, the entirety, I hope, neutral position of the Treasury in how to respond to a request that this Assembly may make of me. I do apologise, if I may, to the Solicitor General who I think was, and has been, unfairly caught in the crossfire of politics. I do not think it is fair to do so. I am ultimately accountable for Treasury matters and I am happy to take Members' criticism about the political decisions around public spending and how I have chosen, upon advice from the Treasury, to respond to the request. There was a lot of criticism of the comment that we have made. I would say that this Assembly has passed a strong Public Finances Law which does set cash limits for departments at 3 years ahead. It sets a capital programme total which is allocated in a budget and there are contingencies. Members would find it surprising if it was easy to find £3.5 million, or thereabouts, from that existing stricture. Members would find it particularly frustrating if it was easy to find £3.5 million, having done a Medium-Term Financial Plan, asked departments to save in excess of £50 million, asked this Assembly to put a priority on supporting jobs, on getting capital projects moving, keeping people in work and responding to all of the requests of departments that are hungry for resources such as Health. I do not apologise that it has been difficult to find a solution; finding a solution that works. There were a number of possible solutions and we have sought to find and identify all of them. I would say that the request requires the Minister for Treasury and Resources to, I think, abide by an Assembly decision to find money for Plémont immediately after the debate, or at least within a reasonable period of time. That period of time does not include a further States debate upon a variant to the Medium-Term Financial Plan. I do not think that that request would be acceptable if I responded to say: "Oh, it can wait until the Budget in September." Now that is the reality of the difficulty that the Treasury has found itself in; not only is it a request in principle, it is the request to implement that decision without another debate on the source of funding. I am sorry about the situation and the difficulty that causes Members. I am very clear the solution that has been found is proper, it is lawful, it is not money laundering. I regret the critical remarks that have been levelled about it. It is also transparent. What would not have been transparent would have been to accept the request and then tell Members how I would fulfil that request. That would be absolutely not transparent. Members are, I hope, clear that any way that this proposition is looked at and the comments that are responded to that this is the use of public money. This is the use of public money and it is the prioritisation of public money and Members are being asked to make a priority decision for Plémont now and they will understand the consequences of that. The consequences of that are clear and have been explained. The police station is a legitimate use of the Criminal Asset Confiscation Fund. It could be levelled, a criticism of the Treasury: "Well, why did you not fund the police station from that fund beforehand?" I would respectfully point out to Members that when the vast majority of appropriations were made to the police station and the overall M.T.F.P. (Medium-Term Financial Plan) was passed by this Assembly in 2012, we did not have a fund, the Criminal Asset Confiscation Fund, with the balance that Members have been shown in the comment that has been made. Ideally it would be, perhaps, a matter for future Assemblies and it may well be that the remaining balances within the Criminal Asset Confiscation Fund, while not being able to be used for certain projects, Members will be aware of those funds and will ask the Treasury about whether or not existing spending in other heads of expenditure could be used and funded from the C.O.C.F. Those are separate and perfectly legitimate matters and the C.O.C.F. transparency, I hope, is absolutely clear and I have sought to make sure the

transparency and the procedures around the C.O.C.F. are even more clear than they were previously, having made revised procedures ...

Deputy G.P. Southern:

A point of clarification, if I may?

The Deputy Bailiff:

Can you leave it to the end?

Senator P.F.C. Ozouf:

I will try now to deal with it.

Deputy G.P. Southern:

The Minister for Treasury and Resources just said that when we decided on this vote for the police station the sums in the fund, the C.O.C.F. fund, were not what they are today. Does the Minister for Treasury and Resources know what they were?

Senator P.F.C. Ozouf:

I have not got all that information but it is already in the States public accounts. It is published every year as a Special Fund and all the balances are there to be a matter of public record. I would ask Members if they agree with the prioritisation of public money being spent on Plémont then please regard that as the decision. That is the decision. It is public money and has a consequence for public finances. It is proper, it is appropriate and it is a 2-stage process that has been agreed, which the Solicitor General has helpfully set out. Alternatives, and just to shut those alternatives down, would have been to use Contingencies. I have again been absolutely transparent with Members to show the full balance of Contingencies - where they have been spent Members already know because they get that information, but I have updated Members in the comment - and I have explained where the pressures that we expect to be on Contingencies, going forward, in the next 6 months. I would have preferred to fund it from Contingencies. I will look again after the debate to see whether it can. I do not believe it can be. I do not think it is safe to do so because of the other matters on the Contingency ... I draw Members to my supplementary comment; it is up to Members to decide. They can make observations later. I am happy to receive information as to whether or not Members think it is not appropriate to allocate those numbers and those projects from the Contingency. I continue to be alert to Members' concerns about how to fund it but, frankly, I do not think that is what this debate is about. This debate is simply about public money being spent on Plémont. I just have one other comment. There is a difference between revenue expenditure and capital spending. Revenue expenditure is year-on-year expenditure which effectively once committed there is an expectation that it continue for a number of years and once it is in budget it is extremely difficult to get out. That is why the whole debate about savings is so difficult. This is not revenue expenditure. This is a one-off allocation of money and it should be regarded in the same way that we consider capital and that is why also it is different.

[14:30]

I would just observe that the C.O.C.F. can only be used for any capital spending that fulfils that requirement. Capital spending is the issue which we discussed. There would be a consequence if I was to say ... and I will just explain 3 options that I considered and ruled out. I considered whether or not it could be used in the allocation of capital already made by last year's Assembly and currently under way, considered if there were any unspent balances. The answer is no, there are no unspent balances that we could use for alternative projects which would not incur the wrath of Members. I considered, therefore, capital, but that would have required a decision in December in the budget if it were to be new capital. There are no capital projects that I can delete without the

wrath of other Members and certainly departments in the 2015 capital programme. I have shut down the opportunity for 2014 capital programme, fully committed, required, and I have looked forward at the capital programme next year but again that would require a budget decision. Contingency: again I have ruled that out because all the money that is allocated I think is going to be needed. I know that there have been a number of comments outside of this Assembly on the Committee of Inquiry on Child Abuse. One of the major reasons why the Contingency is at its low level - and that is what it is there to do - is because the Committee of Inquiry has been funded according to the request, and I have another request in relation to that matter which I am dealing with at the moment and will make a decision in the public interest on what is right to do. The only other way I could have considered, potentially, was using an allocation from the Strategic Reserve. I am surprised that nobody else has asked me that. There are big investment returns from the Strategic Reserve. It is true the Strategic Reserve has done extraordinarily well under the oversight of the Treasurer and my Assistant Minister and other Ministers. Strategic Reserve: an absolutely fantastic performance, brilliant performance, but again already committed for the hospital and required a very complicated further set of States decisions which would not meet the criteria of the timing of what is requested of me. I am afraid possible, but ruled out because of timing. I just labour that point to say that I know Members may be critical but what Members would expect me to do and the public would expect me to do is to look at every single opportunity to fund this differently and I have done so and that is my recommendation. I will consider carefully Members' comments and look again to see if there is anything else - I doubt it. But, again, it is public money, whatever way and whatever the alternative, if I come forward with the deletion of a capital project, the deferral of a capital project, if I come forward with using Contingency or something there would be different sides of this Assembly that would have different views. I am not sure I can win and get everybody's approval because there are trade-offs and opportunities. That is the situation in relation to the way ... if the Assembly approves this matter that is what I will do. There is one other thing in relation to timing and the matter of short-term versus medium-term spending. Deputy Southern asked why we were here and he was less than charitable, in terms of politicians who say that we should be having courage and vision, and I think the word "long-term" was used. I think the dilemma is always - and the problem with politics - that we are very short-term sometimes in our thinking. Good politics sometimes is good headlines and good short-term decision making; bad politics is when we make bad short-term decisions. The Dean spoke just before and he spoke from the moral standpoint. I wish to just address the issue of the concerns of the Minister for Health and Social Services and just to explain, if I may, the reason why I am supporting this from a Back-Bencher, from a Ministerial, from an elected Member of this Assembly point of view. I will say that one very well-known faith leader - I saw a tweet a couple of days ago - said: "Politicians need to consider 2 things: human dignity and the common good." I would say to the Minister for Health and Social Services that I believe that we have improved the dignity of our health service dramatically in her term. I do not think that there is a single project which the Minister for Health and Social Services, from a capital spending point of view, I have been requested to fund and find a solution to which I have not found a solution to, including the unprecedented breaking of the Strategic Reserve rule to allow a free hospital, without taking money from any other department to be used. If I may, I regret the remarks that the Minister for Health and Social Services ... by presenting a binary choice about whether or not this is health spending today versus a compromise. I do not think that that is right, if I may say. I do not think that it would be right to characterise all good politics, all good economics, all good government, all the common good, to say that we should always think of the short term. The short term as an approach to politics is a bad one. I could have gone to the Health Department and said: "You have got unspent balances in your capital vote for this year; I will allocate it to Plémont." There is unspent capital but committed projects in the Health Department this year. Have I come to the Minister for Health and Social Services and said: "We will pay Plémont that way?" No, I have not because I know that that would be the wrong

thing to do. I ask the Minister for Health and Social Services to think about, in all sincerity, whether or not she believes that it is correct to say that this is a binary choice of the money for Plémont or immediate money for health care. I would remind this Assembly and just say to them that the Treasury is spending most of its time at the moment working out how to fund the next long-term revenue plan and what is the biggest issue that we will meet, which is the challenge of healthcare funding in the future. But, as another couple of Members have said, I believe that you cannot spend everything on health, you have to spend enough and we have been spending a lot more than in the past and we are going to spend a lot more. I think we have obligations and I certainly think that the Minister for Treasury and Resources has obligations to think of what the faith leader said was the common good and the common good is thinking long term. The Chief Minister, I think, spoke brilliantly and I am proud to be a Member of this Council of Ministers and this Assembly to know what we have done over the last 3 or 4 years. I have just been up to Victoria Cottage Homes and, with the Minister for Housing, raised the flag which is today we have created Andium, which is the revolution of providing better housing for the longer term. Politics and good politics is about the longer term. I am considering my future in politics after 15 years in this place and I am considering whether or not I still have something to offer. I thought about what I would say in the Plémont debate last time. I walked up to Plémont early one morning and I did not see anybody at the time I went and I did not speak to anybody but I went up there and thought: “What would this place be like in 100 years’ time or 200 years’ time?” Good politics is about really thinking long term and examining our conscience. I have absolutely no doubt, I am as enthusiastic as the Chief Minister and other Ministers are about the future of Jersey. I believe that we have got a great future. I believe the best is yet to come. Members did not like it when I said that in the Medium-Term Financial Plan. I believe that we have a great future and we have got all sorts of opportunities to be doing great things economically, socially, in an inclusive caring way and one of those things is to do better, from an environmental point of view. Anybody that can stand on the headland of Plémont and think that it is not the right decision to take down that disgraceful set of buildings and ensure that it is returned to nature and to not allow the other agricultural fields to be built on in the vicinity and to ensure that they are not the subject of an error, an opportunity to not fulfil a building consent... I say to Members: “Do not think about next week, do not think about September, do not think about October, think about 100 years’ time and what is the right thing to do for Jersey.” Senator Bailhache may say it is 200 years; it may be longer than that. We have an opportunity to do something for the long-term interests of Jersey and I think if any Member wants to be persuaded and take them over the line, the public is not also paying the total bill. We have a National Trust that has found more than 50 per cent of the cost of repairing this. As the Treasury, I have supported, under the Fiscal Stimulus Project, matched funding arrangements for Durrell, for Hospice and for other good causes. I think the National Trust is doing absolutely the right thing. They are not even asking us to pay the whole bill, they are asking us to pay a proportion of it and then they are taking responsibility for taking down the buildings and then the ongoing stewardship and custody of them. I spent a day with the National Trust some weeks ago to understand better and I think what they do is fantastic, and this Assembly has an opportunity of ensuring that their fantastic work, partly funded by themselves, having got off their proverbial seats and got to work and been tenacious and found a solution, I have no doubt what the right long-term situation and the economic and financial decision for Jersey is. I truly hope that Members endorse the proposition brought by Senator Bailhache. I am supporting it, from a Treasury point of view, from a Ministerial point of view and from an Island-wide... having been privileged to be serving the people of Jersey. Not everybody is in favour of it, I know that. But sometimes short-term decisions are not always the most popular ones with everybody and I urge Members to support the proposition.

Senator S.C. Ferguson:

Can I have a point of clarification? The Minister spoke of the various means of financing this that he considered, why did he not consider clawing back the £13 million from the States of Jersey Development Company?

Senator P.F.C. Ozouf:

The £13 million from the States Development Fund does not fulfil the criteria because the £13 million, as the Senator well knows, is an investment of the Currency Fund which would have a return and a loan. We have been through this at the Council of Ministers, we have been through the loop around the loan issue and it cannot be done. I am afraid a loan without a repayment date or without an interest rate is not a loan, it is a grant and I am afraid I cannot make grants out of the Currency Fund.

The Deputy Bailiff:

We will just have a brief moment of pause. Usher, can you do something about this light that is flashing above me? It may be a distraction to Members; it is certainly a distraction to me and is likely to give me a migraine. I do not mind which ones you turn off but that has to go off, please. Thank you very much. Senator Le Gresley. It is so often the case. **[Laughter]**

1.1.25 Senator F. du H. Le Gresley:

Now that you have sorted your lights, we are at the stage really where there is not a lot more to say but there are occasions when you cannot let the moment go by without expressing your own views on a very important issue. It is unfortunate that we have just lost the youngest member of the audience. I was thinking, looking up at her, this debate is about her and her future in Jersey and our young people who will inherit what we leave behind, particularly our landscape. Here we have this wonderful opportunity to purchase the headland at Plémont at last at a realistic figure that the National Trust has negotiated.

[14:45]

I brought an amendment to the Island Plan back in 2011 to put Plémont in the Coastal National Park. I lost that debate by 2 votes. It was close but Members were concerned still about the outstanding planning application. When the new revised Island Plan was lodged by Minister (P.37) this year, once again I thought we must try and do something to save Plémont. I lodged an amendment again to put Plémont in the site of the former Plémont Holiday Camp in the Coastal National Park. I withdrew that proposition once I knew that the National Trust were very close to negotiating a deal with the owner. In my opinion, there cannot be a higher protection for land on our coast than ownership by the National Trust for Jersey. The Coastal National Park, of course I support it but who is best placed to look after this precious land in Jersey on our coastline? It is the National Trust for Jersey. We have spent money in the past buying land. It has been mentioned, 2 sites in particular, the Bouley Bay Hotel, that was on 13th December 1985, and the States and the Government paid £160,000 to buy that site after the hotel had been demolished. We have had mention of Bal Tabarin, which I have fond memories of because I used to go there in my youth. That was purchased for £800,000 on 4th May 2001. We have heard today that the state of the Bal Tabarin site is not good, that there is still concrete there and that implies to me that the ownership should have been passed to the National Trust for Jersey because I do think they are better land managers than our Department of Environment when it comes to that sort of site. What would we have had if we had had the 28 houses? The States would have been given large areas of land, I accept that, but then were the Department of Environment ready to look after this land? Would we not have ended up probably calling in the National Trust - the experts - to look after this land for us? I am disappointed that today that we have not heard the voice of tourism. We continually hear that we are not doing enough to attract visitors to our Island and yet today I have not heard a voice from the Minister for Economic Development or any of his Assistant Ministers saying: “Buy

Plémont” because this is why people come to Jersey. They do not come to visit our Waterfront, I can assure you. They do not come to look at our wonderful Finance Centre and our declining St. Helier but they come to see our coast and our Coastal National Park and our north coast, which is a gem, as many people have said. I wanted to hear from the tourism representatives and I am so disappointed but there was a letter in the *Evening Post* a few nights ago from the new Chairman of the Tourism Board who wanted the money to be put into the Tourism Development Fund rather than buy Plémont. He said: “Because we must attract more visitors to Jersey.” Well, sorry, this is our opportunity and let us grasp it, let us buy Plémont for Islanders and for tourism.
[Approbation]

Deputy R.G. Bryans:

I wonder if I could ask to bring the debate to a close.

The Deputy Bailiff:

The proposition is made pursuant to Standing Order 84 to close the debate. More than half an hour’s notice has been given by Deputy Bryans to this effect that the Presiding Officer is not to allow the proposal if it is an abuse of the procedure of the States or an infringement of the rights of the minority. I do not consider that it is either and, therefore, we go straight to a vote on that proposition in accordance with Standing Orders.

The Connétable of St. Mary:

Sorry, how many people are still to speak?

The Deputy Bailiff:

At the moment, 3. I ask Members to return to their seats and ask the Greffier to open the voting.

POUR: 17		CONTRE: 25		ABSTAIN: 0
Senator P.F.C. Ozouf		Senator P.F. Routier		
Senator F.du H. Le Gresley		Senator A. Breckon		
Connétable of Trinity		Senator S.C. Ferguson		
Connétable of St. Mary		Senator A.J.H. Maclean		
Connétable of St. Ouen		Senator B.I. Le Marquand		
Connétable of St. Brelade		Senator I.J. Gorst		
Connétable of St. Martin		Senator L.J. Farnham		
Connétable of St. Saviour		Senator P.M. Bailhache		
Connétable of Grouville		Connétable of St. Clement		
Deputy S.S.P.A. Power (B)		Connétable of St. Peter		
Deputy K.C. Lewis (S)		Connétable of St. Lawrence		
Deputy E.J. Noel (L)		Deputy R.C. Duhamel (S)		
Deputy J.M. Maçon (S)		Deputy R.G. Le Hérisssier (S)		
Deputy G.C.L. Baudains (C)		Deputy J.A. Martin (H)		
Deputy J.P.G. Baker (H)		Deputy G.P. Southern (H)		
Deputy of St. Mary		Deputy of St. Ouen		
Deputy R.G. Bryans (H)		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy M. Tadier (B)		
		Deputy M.R. Higgins (H)		
		Deputy A.K.F. Green (H)		
		Deputy of St. John		
		Deputy J.H. Young (B)		
		Deputy S.J. Pinel (C)		

1.1.26 Senator B.I. Le Marquand:

Touching really on 2 areas here. The first area I want to touch on is the question of agricultural land. I was, frankly, dismayed to hear the Minister for Planning and Environment talking about a St. Helier park which would include much of the agricultural land in the area. I thought we had policies of preservation of agricultural land for the future of the agricultural industry. I really was rather surprised by what he had to say. In fact, I think I am right in saying that if this proposition goes ahead and is purchased there will, in fact, be a couple of fields which will probably be returned to agriculture because they were not part of the original main block, as it were, but I may be wrong on that point. The second point: I have to say something in relation to the C.O.C.F., that question. Again, the most extraordinary comments being made by some colleagues almost alleging a conspiracy of fraud between myself and the Minister for Treasury and Resources and nothing could be further from the truth. Then even more extraordinary comments when the Solicitor General gave a quite correct and quite accurate legal response to the question. It is quite wrong that he should be criticised when he is giving fair and independent legal advice in this kind of way. **[Approbation]** But what I have to say in relation to the C.O.C.F. is that this has been an issue that has come up in the Council of Ministers a number of times since the new procedure whereby matters were coming before the Council of Ministers. Initially matters were coming up, particularly in the Home Affairs area, and some of my colleagues were almost implying that I had a slush fund here and that Home Affairs had access to funds and a means of financing which other departments did not have. Now, that is so, to a certain extent, through the C.O.C.F. and through the D.T.C.F. (Drug Trafficking Confiscation Fund), also in relation to the court system. But I have made it very clear to my colleagues that my own opinion is that the funds, notwithstanding the first call lies in the criminal justice and judicial system area, should not be used for luxuries. We should not have a situation in which, as it were, Home Affairs projects are being advanced to a ludicrous extent, an unnecessary extent, whereas other departments are suffering. Indeed, I had mentioned in the Council of Ministers more than once the fact that if there were large sums building up in these funds then there needs to be a mechanism if we are to avoid unnecessary luxury expenditure on Home Affairs, a mechanism by which we could take money out for legitimate Home Affairs purposes and then, as it were, because those monies were not coming from central funds, use those central funds for other purposes. Now that is precisely what is happening in this particular case. It happens to be the first example in relation to that. The reality of the situation is simply that less money will be taken out of the capital funds for the purposes of building the new police headquarters. Frankly, that seems to me just a commonsense mechanism. If I can give Members an extreme example, have they considered what would happen in the other fund, the Drug Trafficking Confiscation Fund, if the monies, which the Royal Court has ordered should be paid by Mr. Warren, were paid in full? I have lost count of how many millions that is. It would be quite ridiculous. Although we could then improve our drug rehabilitation and drug treatment, and so on, there would come a point where it became ridiculous and we would have to find a suitable mechanism for getting the money out. I want to explain that because I think it is helpful to Members - I hope it helpful, particularly to Deputy Baudains who has concerns - to say that there is nothing untoward about this, this just happens to be, perhaps, the first example of this matter and if we are going to continue to have large sums going in we are going to have to find a method of getting the money out for purposes which will not then lead to lotteries for the Home Affairs Department.

Deputy M.R. Higgins:

Can I ask a point of clarification from the previous speaker? With what he has just told us then I take it that he also agrees that it is setting a precedent for the future that the fund can be used?

Senator B.I. Le Marquand:

Yes. I think my own personal view is, yes, it could be setting a precedent if large sums are built up which cannot reasonably be utilised then a similar possibility does, in my view, exist. The difficulty is that you cannot predict, at the start of a 3-year period, how much money is going to come in during that period. There might be absolutely nothing or there might be £20 million. That is the difficulty and that is why a system needs to be worked out.

1.1.27 The Connétable of St. Lawrence:

Thank you for reminding us at the beginning of this debate about the rule in Standing Orders which does not allow repetition because immediately I had to strike off a number of matters that I had intended to raise. I have struck off investments, environmental investment and legacy, particularly after hearing the Dean speak earlier. I have struck off why Members who opposed acquisition in 2012 cannot now say there is not a willing seller, a known cost, or that there is a threat of compulsory purchase.

The Deputy Bailiff:

Connétable, if you have struck them off why are you mentioning them? **[Laughter]**

The Connétable of St. Lawrence:

I think it is important because people need to know what I would have referred to. **[Laughter]**

The Deputy Bailiff:

I will know that from your vote.

The Connétable of St. Lawrence:

I have struck off reminding members of the foresight of previous Assemblies in acquiring Noirmont and Hamptonne for future generations and of reminding ourselves of the wisdom of a recent Assembly in approving £10 million of public money as investment in a town park. Following the speech of Senator Ozouf, I have struck off or removed the fact that the proposed funding mechanism is in order, is lawful and is transparent. You will be pleased to know I was also going to strike out the use of the term “vision” because I have heard that used today, but then I remembered that collectively as an Assembly we have signed up to a vision. In 2012 we signed up to the Strategic Plan and as part of the vision that we have for Jersey, as part of what we expected to inspire confidence in Jersey’s future, we agreed a number of policies and they are a safe and caring community, a strong sustainable economy, preparing for the future, a highly skilled and motivated work force and also the policy of protecting our environment. When Deputy Young rose to question why our Minister for Planning and Environment is not supporting this proposition I thought that perhaps I should strike that off too because it occurred to me when he spoke that clearly, as far as I was concerned, there was something wrong there. I was disappointed to hear our Minister for Planning and Environment speak against this. Looking back at my speech in December 2012, I note that I used the same term; I was disappointed in our Minister for Planning and Environment. I want to remind him that although he told us that this is not value for money, not everything, as far as I am concerned, can be measured in financial terms alone. He and I had a discussion about this during the lunch break and we have agreed, I think, to disagree on that point. “Jersey’s natural environment is a constant in all of our lives and is an ever-present asset.” Not my words but taken from our Strategic Plan. “Our coast, countryside and built heritage are what make Jersey unique.” Again, not my words but the words signed up to by this Assembly in the Strategic Plan. “As long-term planning, this is especially important to the environment where decisions today will only often see results, either positive or negative, in many years to come.” No doubt, Members and the public perhaps will have surmised that those words too are taken from the

environment section of the Strategic Plan. In effect, those words are words that I would expect our Minister for Planning and Environment to sign up to and to be promoting because if he is not prepared to champion our environment then who do we look to for the preservation of our coast, our countryside and our built heritage?

[15:00]

You will be pleased to know that I am almost finished. But I would remind Members that we cannot say how many people would visit and enjoy this area if it is returned to nature. What we can say though is that with a population of nearly 100,000 clearly a very high number would have an option, which they do not have now. That option is denied to us but if we agree with this proposition it is one that we can offer to future generations. I think this is the fifth time that I will have been called upon in this Chamber to cast my vote on an issue regarding Plémont. Deputy Higgins earlier, and Deputy Martin, I think, both said that they have not changed their minds on the way they will vote in this debate. Previously they rejected all propositions. I have not changed my stance either. I am going to support the proposition. At the risk of your wrath, Sir, I intend to repeat my words from December 2012, as I urge Members to see the wisdom in protecting for ever the natural environment on our north coast that could and should be for ever unspoilt Jersey. Thank you.

1.1.28 Senator L.J. Farnham:

Tourism. Senator Le Gresley threw down a gauntlet. I am not the Minister for Tourism, I am not even a Minister, I do not even officially speak for the tourism industry anymore, but I do think I know enough about the subject to say unequivocally that the Island's natural beauty is its most important asset when attracting visitors to Jersey. We ignore that at our peril. It is not just to be protective but it is to be nurtured and utilised for the benefit of the Island, the Island's people and the economy and for our tourism sector. Now the comments made by the Chairman of the Tourism Shadow Board I do not believe were representative of the industry. They were his own views insofar as I think the majority of the industry are very much behind the proposition of Senator Bailhache, and would very much like to get Plémont into the National Trust so we can utilise it and make sure our visitors enjoy it. What I do agree with him however is the fact that it is sad that since the States agreed to give the Tourism Development Fund £10 million it has had, I think, just under £4 million. Ironically had the States funded the Development Fund properly - and I hope they will reconsider funding it properly again some time in the future -that this would have made an ideal application to the Tourism Development Fund. I speak as a past chairman of that fund and had the Tourism Development Fund had the monies I am sure it would have wholeheartedly supported this as an application to the T.D.F. (Tourist Development Fund). Thank you.

The Deputy Bailiff:

During the last Member's address 2 more Members have indicated they wish to speak. Before they do so I am going to draw the attention of all Members to Standing Order 108: "The Presiding Officer shall warn a Member of the States whose speech unduly repeats the Member's own arguments or the arguments of others, if the Member disregards the warning the Presiding Officer shall direct the Member to discontinue his or her speech." I cannot believe there is very much new to say. I call on Deputy Noel.

1.1.29 Deputy E.J. Noel of St. Lawrence:

I had a short 3-page speech until the Constable of Trinity and my own Constable of St. Lawrence had their speeches, which means, Sir, you will be pleased, I only have a one-page speech.

The Deputy Bailiff:

So quite a lot then.

Deputy E.J. Noel:

For me the 2 core issues have been addressed and resolved, that of compulsory purchase and the certainty of cost. So unlike the previous Plémont debate I now find myself in the position where I can support the proposition. But I would just like to alert Members as the political lead of another extremely important public space, that this Assembly will be asked in the next term to provide capital funding for rediscovering Fort Regent. **[Approbation]** Those Members who support the proposition today, and hopefully some of those will remain in this Assembly come the 15 October elections, that they will fully support St. Helier's own urban Plémont headland, that they will have the same passion and support for Fort Regent as they have for Plémont today.

The Deputy Bailiff:

I am sorry, Deputy. The merits of Fort Regent are not relevant to the present debate.

1.1.30 Deputy J.A.N. Le Fondré:

It is a bit worrying, Sir, but personally it is St. Lawrence all in a row, which was not preplanned. Secondly, I am not too sure if I want to be the one to incur your wrath.

The Deputy Bailiff:

I am just applying Standing Orders.

Deputy J.A.N. Le Fondré:

I certainly want to endorse, I am afraid this is repetition of a sentence, but to applaud both the National Trust and the landowner for having got together and having the courage and the common sense to come to an agreed position. We all know the value of the north coast, I am not going to go down my longer speech for that side. The bit I wanted to talk about because the values, I think Deputy Tadier talked about the huge improvements that were done down at Devil's Hole and the beauty of that area. The reason I just remind people that we have heard all day today, is we know this is a head and heart decision and I was one of the people who was quite involved in earlier parts of decisions around the periphery. By that I make reference to back in 2010 the States acquired 167 vergées of land up in that area because I signed the decision, so therefore that is not information that has been covered in this debate so far. Basically it was not free. It was not a gift. We took on a liability, which is why the cliff face at Greve de Lecq had to be remedied, I think it was last year. But the view at the time is in return for the acquisition and safeguarding of what is really a significant part of the north coast. As I said, I think it was one of the largest land transactions the public have ever agreed to undertake. So obviously that was partially based on legal evidence and legal advice, but it was also about the political decision on the wider public benefit to the Island, and to an extent that is again part of this argument today. I think also one could therefore legitimately argue, although we have heard comments about strategic assets and things like that, obviously if we are working in partnership with the National Trust it is more literally a strategic asset, I would argue, because Plémont is another piece in the jigsaw of those parcels of land that either the States or National Trust own and can preserve going forward. I do want to make the point expressing the ... I am supporting the proposition completely, no question about it. I do have a reservation about the source of funding but the point I would make is that the proposition just request the Minister for Treasury and Resources to seek a source of funds. It does not specify where it comes from. On that basis, although I have reservations there, it is his decision and he is accountable for it. I think the only thing I would say, which I would like to just finish off, which is a quote I think at the head of the report of the previous debate on Plémont. It is a quote from Theodore Roosevelt, at the time U.S. (United States) President who was obviously passionate about the need to conserve and protect areas of great natural beauty. What he said was: "We have fallen heirs to the most glorious heritage a people have ever received, and each one of us must do

his part if we wish to show that the nation is worthy of its good fortune. Of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land, even a better land, for our descendants than it is for us.” As we have said before, the north coast can make one’s heart soar and this is a unique opportunity. We must seize it and we must seize it for the Island and its future.

1.1.31 Deputy R.G. Le Hérissier:

With great trepidation I rise to negotiate Standing Orders. Just a few things. I was on the Council of the National Trust. I did incur their wrath and that of many others last time. I wonder if the proposer could speak on the issue of public access. I think it is very important because there has been an attempt to portray the Trust’s role in this whole thing as some group of very well-off middle-class types who will ramble around Plémont while the great unwashed stay beyond the fence and so forth. I really would want that put to bed, that urban myth. I would wish that to be put to bed because it has characterised the debate in the wrong directions. The other thing I would mention, I lived for some years in Hong Kong and there was an incredible initiative there undertaken by the then governor, a chap called Lord MacLehose, and what he proposed was when governors then had an enormous amount of power that because of the congestion of the urban areas, that vast tracks of the northern part of the territory be bought by the public and they were bought by the public. They were made into vast country parks. There were vast footpaths, networks, installed, and the interesting thing is we have been told there are no buses to Plémont. In fact there are buses every one and a half hours during the summer, during the tourist day. I thought I would bring that new information. **[Laughter]** There are also about 3 a day only go to Portinfer but most people can, I think, stagger from there to Plémont. There is a bus service for tourists and indeed for residents. Anyway, back to the Hong Kong example ...

The Deputy Bailiff:

I am not sure Hong Kong is relevant.

Deputy R.G. Le Hérissier:

... people used to go in their buses. There were vast numbers, thousands went every Sunday and it was a site to warm - as they would say - the cockles of the heart. All this stuff about we are a divided society between town and country, there is no access from one to the other, it is in the literal sense of the term, an urban myth, and on this occasion I am, I have to say, much more inclined, and I will wait for the proposer’s view on public access.

1.1.32 Senator A.J.H. Maclean:

There are good days and there are learning days. I certainly had the former yesterday. I am not sure, Sir, whether you would view this as a good day or a learning day, and I am not sure myself yet where I sit on that particular spectrum.

The Deputy Bailiff:

I thought I had learned everything there was to learn about this debate. **[Laughter]**

Senator A.J.H. Maclean:

Well, you can hold your breath, Sir. I am not going to make many comments but I do want to just stand partly in response to some challenges from Senator Le Gresley about the voice of tourism because I have not said anything yet. In fact I was not going to because I find this debate extraordinarily difficult, as I know a number of Members do. Very persuasive arguments on both sides. Nevertheless, just from a tourism perspective, clearly the natural environment, as my good friend Senator Farnham has already said, is a key unique selling point of the Island. But we have to

be honest, that if a development were to go ahead at Plémont for 20 houses in an attractive granite hamlet that equally, it could be argued, would dramatically improve the horrendous eyesore that we have had to all suffer over the last 30 or 40 years, or however long it has been up there, particularly the last 16 or 15 years, since it was empty. Improving it with an appropriate development would also meet the target, I would suggest. But as far as tourists are concerned, they enjoy the natural environment. It would not be a matter that would make them make the decision to come to the Island necessarily but nevertheless it is, and I accept and concede, extremely important. Not wishing to repeat any other points made by other Members I do have some specific comments to make around the impact on public finances and, in fact, the need for Members just to focus on the long term. We had comments from the Minister for Treasury and Resources earlier on about short and long term. We had particularly in the context of politicians that are known for making short-term decisions more so than having the vision and the courage, to quote from Deputy Green, who is looking and sitting in front of me. He spoke earlier about courage, vision and the bigger picture. I do wish the Deputy had had those qualities in yesterday's debate, from my perspective, but that is another matter. But it is important that we do get the balance right and clearly politicians have to make difficult decisions balancing the views of a number of different parties. I heard Deputy Baudains earlier on today talking about the way in which he gauged public opinion on the matter of Plémont. I thought it was quite scientific in terms of his approach, the way that he went about it. But there is no easy answer to arriving at the right decision.

[15:15]

But as far as public finances are concerned in the long term, we have to appreciate the pressures that the public finances are under, certainly with regard to the Medium-Term Financial Plan, the next one, and the demands departments are making to be able to fund the services, not only that they carry out at the moment, but in the cases of departments, important departments like Health, fund absolutely essential requirements for the future. That is a challenge. In that regard I would just like, if I could, perhaps the proposer of this proposition might be able to help me on these particular points. With regard to the remediation, which has been estimated at £1 million, there are views that it could be significantly more than that. If indeed it is significantly more than that, I would imagine, having had sight of the finances and the constraints the National Trust have with their own finances, and of course being aware of the generosity of members of that particular organisation and the Island who have supported it, how that additional money would be funded. Perhaps from the Minister for Treasury and Resources, who unfortunately is not here at the moment, he has found a creative way of ... I did not incidentally like very much the comments made by some Members about fudges and fiddlings and other things and I am pleased the Solicitor General clarified the proper appropriate use of the Criminal Offences Confiscation Fund for this purpose. It is without doubt creative and I think we can all be pleased that we have got a creative Minister for Treasury and Resources to find the funds necessary for projects that Members wish to pursue, and that is clearly what he has been able to do in this case. In fact, he has demonstrated such creativity I shall be looking to him in the next Medium-Term Financial Plan - Senator Farnham will be pleased - perhaps for some additional funding for some of his key projects around supporting and promoting tourism. But what I would like to have a clearer understanding about is the proposition itself, which asks the Minister for Treasury and Resources to find the funding. Of course he has identified that he has done that in the way described, but it also says in the proposition that, and I will read for clarity: "Subject to a condition that the National Trust for Jersey will thereafter demolish the former holiday camp and restore the coastal landscape", *et cetera*. Is there a time limit to the agreement the Minister for Treasury and Resources has? In other words, do the National Trust have to demolish the building within a certain timeframe, time limit? If they do not manage to do that, for whatever reason, then is there some claw-back clause or any other conditions attached? It would be helpful, certainly for me with my decision-making on this

difficult debate, just to understand whether the limitations of funding are going to be extended beyond what we currently understand them to be or not. I think that is critically important. I will end there. I will finally wrap-up by saying, like many Members, I am sure, I hope that the puffins sleep well this evening.

1.1.33 Deputy N.B. Le Cornu of St. Helier:

In my hand I have some dried fusilli pasta. It is an empty packet because obviously hunger does not necessarily mean that packets remain full. The point I am going to make is a little anecdote from a constituent who came to me because she had no money and she had 2 children, one of whom was disabled. She was not able to apply for income support because she was only 4 months short of applying for that 5-year period. So I assume she is in that same state now and she left me crying, and it was on the day of her son's birthday and she said she could not afford to buy him a present. I felt very much like putting my hand in my pocket and saying: "Here is £20 now buy him a present." Her essential problem was that she was working. She was what we know as the working poor. She worked in the finance industry, in a bank. She had been abandoned by her husband who had run off with a local drugs dealer. She was left in difficulty. I was unable to help her and I felt very frustrated that I could not suggest anywhere for her to go. She was living by going to food banks, hence the dried pasta. If we can find £3.5 million like that - and money does not exist because it is only a social relationship - why can we not deal with poverty in this Island? There are so many people who came up to me where I bought that in a supermarket. The guys in the hi-viz jackets, the workers, and they said to me: "Nick, do not vote for this because it is a waste of money."

The Deputy Bailiff:

If no other Member wishes to speak I call on the proposer to reply.

1.1.34 Senator P.M. Bailhache:

I will be brief both because if I were to be observing your indicative timeframe, I would be sitting down now [**Laughter**] and because I believe that most Members have made up their minds. Although I would like to think that soaring flights of oratory from me might shift some opinions, the reality is that that is unlikely. It has been a good debate with a number of excellent speeches, if I may say so, on both sides of the argument. The issue was indeed divisive in 2012 but I like to think that it has been less divisive in 2014. I believe that the reason for that is that people recognise the significant differences between the proposition in 2012 and the proposition in 2014. I think that a clear majority of the people, perhaps even a substantial majority, support the investment of £3.5 million in the purchase of Plémont and its restoration to nature. I am not going to respond to the remarks of the Minister for Planning and Environment. I agree with what was said by Deputy Young and the Constable of St. Helier. I too would support further investment in an environmental sense in the environs of St. Helier and perhaps the Percentage for Art Scheme could be expanded to create a fund to invest in other parts of the Island, but that is a matter for the Minister to consider. Some speeches criticise the comments of the Minister for Treasury and Resources but I think that he has dealt more than adequately with those criticisms. The Minister for Treasury and Resources has indeed responded exactly as requested in the proposition in identifying an appropriate means of funding a grant to the National Trust. He has made it clear, although he perhaps slightly shifted ground during this speech in suggesting there might be other options, but he made it clear to me that the only practical option for dealing with the obtention of this relatively large sum of money was in the manner that had been proposed given the required timescale. It may not be ideal. Many Members may feel that it would have been preferable to find money in the Contingencies Fund or in some other fund available for investment of this kind but we cannot do that. I should like to thank both the Minister for Treasury and Resources and the Minister for Home Affairs and the

Attorney General for their co-operation because without it this proposition would have had to be withdrawn. The arrangement proposed is legal, it is transparent, we know exactly what is being done and it does not deserve some of the epithets used by Deputies Southern and Higgins. The Constable of St. Clement suggested that the purpose of the proposition was to prevent the building of 28 houses on agricultural land in the Green Zone and that is not entirely correct. Many of the houses would be built on land currently occupied by the ruins. They would be visible from the cliff path. They would be visible from the sea and from many other vantage points around the coast and that is why so many people passionately oppose the developer's scheme and Members who wish to verify those remarks of mine can look at page 21 of the report with the photograph that makes it clear where ... perhaps it does not make it clear where the development will take place but it is clear that part of the development will take place on the site of the ruins and that they would be visible. The Constable of St. John suggested that £1 million would be insufficient to clear the site and Senator Maclean raised the same concerns. All I can say to that is that the National Trust has had an indicative estimate of less than £1 million from a very competent local contractor who is aware of the problems of the site, including the presence of asbestos. Senator Maclean also asked about timing, and timing will of course depend, to a degree, upon the decision of the Minister for Planning and the Environment. It will be necessary for the National Trust to put in an application and that application will have to be dealt with. But, given a fair wind in the Planning Department, the intention and expectation of the National Trust is that the demolition works would begin during 2014 and would be completed during 2015. That is the intention and expectation. Deputy Le Hérisier asked me to deal with the question of public access and perhaps I can best draw his attention to page 16 of my report, which contains a number of paragraphs on public access. I will not read them out but it is the policy of the National Trust wherever it is possible to allow public access to their land. Some people have complained that they are prevented from walking on land where sheep are grazing but I think that is not correct. The sheep are very welcoming and so long as walkers keep their dogs on a lead, there is no reason why they should not exercise in that area. I do not understand the remarks of the Deputy. I do not see any evidence that the land of the National Trust is reserved for a particular section of the community. I think that is in fact rather offensive. I think the land is available to all and indeed the National Trust is supported by people in every walk of society.

Deputy R.G. Le Hérisier:

Sir, can I clarify? I was saying precisely the opposite. I was saying it was an urban myth that needed to be confronted head on.

Senator P.M. Bailhache:

Right. Well, I am sorry I misunderstood the Deputy. I think other points have been largely addressed by other speakers. If I had to single-out from the many excellent contributions, one speech with which I would like to identify myself, it would be the speech of Deputy Green and some of his remarks have been echoed by a number of speakers. This debate is indeed, at root, about courage and vision but most of all, it is a debate about vision. Do we have the vision to think long term, to consider our legacy, as the Chief Minister very aptly put it, to future generations? I think that the Assembly will show it has the courage to take a difficult decision and the vision to know that it is the right one for all the people in this Island. Those who support the proposition will be proud in years to come that they played an historic part in saving for ever one of the most beautiful parts of our natural heritage. I move the proposition, and I call for the appel.

[15:30]

Senator A.J.H. Maclean:

If I may, Sir, I just seek some clarification. The Minister for Treasury and Resources was not in when I made my remarks earlier on. I just wondered if he is able to help at all with regard to the cost of remediation work or indeed the time limit. Are there any conditions aligned with the funding that would be approved, if it is approved, if the work does not go ahead within a particular time frame and indeed if more funding is required.

Senator P.F.C. Ozouf:

I did hear the Senator's observations and as far as I am concerned, the request has been made for a one-off grant. The National Trust is going to be responsible for the demolition of the buildings and I have no indication based upon the information I have that a further request will be made. An estimate has been made and I would expect them to be able to be living within their means and not to come back to the Assembly. That is the present information that I have.

The Deputy Bailiff:

If I may say so, Senator, the proposition is subject to the condition which is mentioned and no other conditions are attached to it. So the appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

POUR: 35	CONTRE: 11	ABSTAIN: 1
Senator P.F. Routier	Senator S.C. Ferguson	Deputy G.C.L. Baudains (C)
Senator P.F.C. Ozouf	Connétable of St. Clement	
Senator A. Breckon	Connétable of St. Peter	
Senator A.J.H. Maclean	Deputy R.C. Duhamel (S)	
Senator B.I. Le Marquand	Deputy J.A. Martin (H)	
Senator F. du H. Le Gresley	Deputy G.P. Southern (H)	
Senator I.J. Gorst	Deputy of Trinity	
Senator L.J. Farnham	Deputy S.S.P.A. Power (B)	
Senator P.M. Bailhache	Deputy T.A. Vallois (S)	
Connétable of St. Helier	Deputy M.R. Higgins (H)	
Connétable of Trinity	Deputy N.B. Le Cornu (H)	
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Deputy R.G. Le Hérisier (S)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy A.K.F. Green (H)		
Deputy J.M. Maçon (S)		
Deputy of St. John		
Deputy J.P.G. Baker (H)		
Deputy J.H. Young (B)		
Deputy S.J. Pinel (C)		
Deputy of St. Mary		

Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

2. Draft Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (Appointed Day) Act 201- (P.77/2014)

The Deputy Bailiff:

We come to the next item on the agenda, which is the Draft Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (Appointed Day) Act. I ask the Greffier to read the proposition.

The Greffier of the States:

Draft Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (Appointed Day Act). The States, in pursuance of Article 8 of the Connétables (Miscellaneous Provisions) (Jersey) Law 2012, have made the following Act.

The Deputy Bailiff:

We will just wait while the public gallery clears. If I could ask those in the public gallery who are going to be leaving to leave quietly and quickly, that would be helpful. Thank you. I call on the Chairman of Comité de Connétables.

2.1 The Connétable of Trinity (Chairman, Comité des Connétables):

This draft Act, if approved, will bring into force ... another couple of seconds will not matter, Sir. I am disappointed to see that no one is interested in this. **[Laughter]** I will start again. If approved, this draft Act will bring into force on 1st August 2014 the Connétables (Miscellaneous Provisions) (Jersey) Law 2012. The report gives the background to the 2012 law but I think it is worth recapping briefly. The 2012 law will give effect to the States decision of 19th May 1998 that the Connétables cease to fulfil an operational policing role but retain the overall responsibility for the effective and efficient policing of the Parish and that the senior Procureur du Bien Public be empowered by law to deputise for the Connétable in the event of the latter's incapacity or absence from the Island. The 2012 law retains the overall responsibility of the Connétable for the effective and efficient policing of the Parish but the following powers and use as operational policing officer will be removed from the Connétable. That is to say, (a) keeping the peace, (b) powers of search, examination, investigation to arrest and granting bail and (c) conducting Parish Hall Inquiries and charging suspected offenders, (d) presenting accused persons before the criminal courts, together with a number of ancillary and incidental functions, e.g. ensuring that witnesses are duly summoned. This is the only change to the Connétable's role. I propose it.

The Deputy Bailiff:

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

2.1.1 The Connétable of St. John:

Let me say, in my view, we are putting the cart before the horse in adopting the Appointed Day Act on 1st August, before we have debated the referendum, proposition P.118. Even if P.118 is adopted, we will see all Constables, Senators and Deputies out of the States and replaced by M.S.J.s (Member of the States of Jersey) in 2018. That being the case, the Connétables would be out of this Chamber or sitting wearing a different hat. Within any new system of government, some of the Connétables may wish to remain within their Parish and not contest a seat for M.S.J. Under P.118, the proposed system with only one seat in a Parish like St. John and 17 in the Parish of St. Helier, we, in the north of the Island, will be poorly represented. But worse still, our Connétables would have had their role reduced considerably and by removing these powers permanently by adopting

this Appointed Day Act prior to a debate. I am really concerned that we should not be debating this at this moment and I ask that the House delay the vote on this until after the debate on P.118. Then we will know whether or not the House will be voting for a new system of government or not.

The Deputy Bailiff:

I am sorry, Connétable, the proposition has been made and seconded and the Assembly must vote on it. Does any other Member wish to speak?

2.1.2 Deputy M.R. Higgins:

In fact, I am just quickly trying to look through the iPad but one thing this law does not mention is the repeal of some other legislation. Looking at the laws that have been recently translated or certainly posted on the Jersey Legal Information Board, there is a reference to the policing powers of the Constables and yet I see no reference to it here. It is coming up? Okay. In that case, if it is coming up, that is fine. In that case, I will sit down.

The Deputy Bailiff:

Does any other Member wish to speak? If not, I ask the Chairman to reply. Sorry, Deputy Hilton.

2.1.3 Deputy J.A. Hilton:

Just a quick question. It talks about the Procureur du Bien Public to deputise the Constable in his absence. Is it the most senior Procureur Du Bien Public or could it be either? In the question of it being the most senior of the 2 is there any means that the more junior one could take the role instead.

The Deputy Bailiff:

Does any other Member wish to speak? If not, I ask the Chairman to reply.

2.1.4 The Connétable of Trinity:

I will deal with Deputy Hilton’s first. Yes, obviously it is the most senior and it is usually those deemed with a more senior service to the Parish and has been the longest selected as Procureur du Bien Public. Obviously, if that Procureur du Bien Public was taking part say, for instance, in an election and he was also involved ... this is hypothetical, of course, the senior Procureur du Bien Public standing against a Connétable and you had to have someone run the nomination meeting, then your junior Procureur du Bien Public would then take the Chair. That is how it would happen but it always is a senior. We have just had a re-election of the most senior because we have now split our Procureur du Bien Public similar to that of Centeniers. The Procureur du Bien Public election we had only a few weeks ago ... about a month ago, those are the senior ones recognised and then in 18 months’ time, there will be another re-election of the Procureur du Bien Public, which are the junior members. As to the Connétable of St. John, he has his views. The rest of the Connétables disagree with those views and I ask you to go to the votes or the appel please.

The Deputy Bailiff:

The appel is called for. I would ask Members to return to their seats to vote upon whether to adopt the draft Act and I ask the Greffier to open the voting.

POUR: 41		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. John		
Senator A. Breckon		Deputy M. Tadier (B)		
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				

Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy 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.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

3. Draft Connétables (Miscellaneous Provisions - Consequential Amendments) (Jersey) Regulations 201- (P.78/2014)

The Deputy Bailiff:

We come now to the P.78 - Draft Connétables (Miscellaneous Provisions - Consequential Amendments) (Jersey) Regulations - lodged by the Comité des Connétables and I ask the Greffier to read the proposition.

The Greffier of the States:

Draft Connétables (Miscellaneous Provisions - Consequential Amendments) (Jersey) Regulations. The States, in pursuance to Article 7 of the Connétables (Miscellaneous Provisions) (Jersey) Law 2012, have made the following Regulations.

The Deputy Bailiff:

There is an amendment in the name of the Comité des Connétables and unless there are any objections from the Assembly, I ask you to propose the Regulations as amended on the principles first.

3.1 The Connétable of Trinity (Chairman, Comité des Connétables):

On the principles first, yes, Sir. The Assembly has just approved the Appointed Day Act for the Connétables (Miscellaneous Provisions) (Jersey) Law 2012. Article 7 of that 2012 law confers wide powers on the States to make Regulations to repeal or amend legislation, including laws sanctioned by Her Majesty in Council, which conferred any policing function on the Connétable. These draft Regulations contain the repeals and amendments contemplated by Article 7 of the 2012 law, which must be made when the 2012 law comes into force. Changes to 36 pieces of legislation are set out in the draft Regulations and one further change is the amendment, also lodged by the Committee. Each of these changes has been explained in the report where the original law is in French. The language is an English translation, an amended text also has been provided in the report. The changes are specific to a piece of legislation and may confer powers instead on a Centenier or specifically on the Chef de Police and may adjust any legislation to reflect the new deputising role of the Procureur du Bien Public. I do not propose to speak on each specific amendment but am happy to answer any questions which Members may have. The amendments to the section of the Police Procedures and Criminal Evidence Law 2003, we shall not yet enforce, will come into force when those sanctions are enacted, otherwise the amendment will come into force on the same day as the 2012 law. I propose the preamble.

The Deputy Bailiff:

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

3.1.1 Deputy J.H. Young:

I wish to ask a question. Obviously this is a very complicated matter and I am sure the Connétables know it backwards. The preamble talks about the role of the Procureur du Bien Public deputising, and what we have here is a whole lot of changes to a huge number of pieces of legislation to do with things like dogs, harbours administration, policing, road safety, *et cetera*. In his reply, could the proposer just identify which of these roles and these Regulations will now enable the Procureur to deputise for a Constable in these new jobs, please.

3.1.2 Deputy J.A. Hilton:

I just want to make myself entirely clear. What I am trying to establish is when a Procureur du Bien Public is sitting in on behalf of the Constable in the Parish Assembly, does it have to be the most senior member or can it be the junior member?

3.1.3 The Connétable of St. John:

I am really concerned that today we are at the point when this House capitulate to the minority, those who hankered for change. We have seen the 3 stables positions in this Assembly; that of Bailiff, that of Constable and that of Senator are being challenged. Since the start of this century, we have seen a few wanting more and more power. Firstly they reduce the Senators numbers to 10 then to 8. Then reduce the Bailiff's role in the Chamber and are still trying to remove his position completely. Thirdly, they have frightened some of my fellow Constables, if not all, into giving up many of their Parish roles within a tried and proven honorary system going back many centuries.

[15:45]

This, since the concept of Ministerial government being put in place. Some Members have cherry-picked a system meant for local government, not central government: a system of government that just does not work for dependencies such as ours. We are seeing the envy of want from some in

this Chamber who do not understand the importance of the honorary system as a whole. The honorary system is a package, not a bit of this and a bit of that, but the whole package. We have seen our Parish welfare move to the centre at great cost to the taxpayer of possibly now £80 million or £90 million per annum since 2006. I cannot understand the appeasement being shown by this Assembly in following those shallow Members who want to remove the backbone of this Chamber; with this I mean the Connétables, because Connétables are seen as a threat. Why? Because they, in general, support what is right and correct for our Island. Remember Chamberlain appeased the tyrant and set the world on fire. Do not support this, as the next move is the Constables out of the Chamber along with the Bailiff. Do Members think that the minority are going to stop at this? Of course not. Not until they have wrecked the Island and we finish up with a dictator, and that is not far away; the building blocks are now in place. That was put in place several weeks ago. Let me repeat, the Island needs the stability of the Bailiff at the helm, the Parish Connétables and the honorary system with its power intact. I say do not be hoodwinked and stop dismantling a system that has worked for centuries and still works well, just to appease the few. The definition of appeasement in the Collins Dictionary is to calm, to pacify, to satisfy hunger, *et cetera*. I cannot support this proposition.

3.1.4 Deputy M. Tadier:

This will probably be one of the briefest speeches because I know that the last speaker was quite wide-ranging and I respect this right to an opinion but simply 3 words: “Change is stability.” It is perhaps worth the Connétable considering that if we value stability in our system, change is an integral part and that is very much what I see is going on here. It is not demolishing any institutions. The debate on electoral reform, *et cetera*, will come at a different date. This is simply about something that the vast majority of his colleagues think is the correct way forward.

The Deputy Bailiff:

If no other Member wishes to speak? I have to say to all Members, the principles of these Regulations have really already been agreed in the 2012 law.

3.1.5 Senator P.F. Routier:

It was really just following the Connétable of St. John’s points. The Connétable Committee is 11 to one of supporting this, so I do value the views of the Connétables and I respect their views.

The Deputy Bailiff:

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

3.1.6 The Connétable of Trinity:

I think Deputy Tadier was just making a comment. I do not think there were any questions and the Connétables tend to agree that is the way forward. To be quite honest, no Connétable, to my knowledge, had been policing for quite a number of years. It is part of the way we were going forward. Can I just say, the Procureur du Bien Public will only be for administrative matters, not policing matters; so Parish Assemblies but administrative, whereas a Chef de Police will be in charge of policing matters in consultation with the policing plan of the Connétable of that Parish because he is still in charge of the efficient and effective policing of his Parish. To Deputy Hilton: it would normally be obviously the senior Procureur du Bien Public but if he is out of the Island, obviously then the junior one would also take his place. Is that what you were asking, Deputy? Because I would say you have asked twice already [**Laughter**] ... hopefully I have got ...

Deputy J.A. Hilton:

I was just thinking in the likelihood that the senior Procureur did not want to be in a position of partaking at Assemblies but the junior person did, would that be in order?

The Connétable of Trinity:

That would be a discussion between the senior and junior Procureur, I think, because in general ... obviously if you were committed on one sort of political view and you did not want to take the Chair you might ask the junior: "Do you want to take the Chair?" but that is between... let us be fair, no different to here. You talk to your Procureur, if one says: "Could you take the meeting for me?" That would be under agreement between them, that will be fine. I do not think there is anything else. I cannot answer the Connétable of St. John. He has his views which he is entitled to but I propose the proposition.

The Deputy Bailiff:

All Members in favour of adopting the principles. The appel is called for. I ask Members to return to their seats and ask the Greffier to open the voting on the principles of adopting these Regulations.

POUR: 38		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. John		
Senator S.C. Ferguson		Deputy G.C.L. Baudains (C)		
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
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 of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
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 of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				

Deputy R.J. Rondel (H)				
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The Deputy Bailiff:

Senator Ferguson, do you wish to scrutinise these Regulations?

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

No, thank you, Sir.

The Deputy Bailiff:

Chairman, you wish to propose these Regulations as amended *en bloc*. Seconded? **[Seconded]**
Does any Member wish to speak? All those in favour of adopting the Regulations as amended?
The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Regulations as amended. I ask the Greffier to open the voting.

POUR: 38		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. John		
Senator S.C. Ferguson		Deputy G.C.L. Baudains (C)		
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
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 Hérissier (S)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
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 of St. John				
Deputy J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				

Deputy R.J. Rondel (H)				
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The Deputy Bailiff:

Do you propose the Regulations in Third Reading? Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the Regulations. The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 38	CONTRE: 2	ABSTAIN: 0
Senator P.F. Routier	Connétable of St. John	
Senator S.C. Ferguson	Deputy G.C.L. Baudains (C)	
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of St. Clement		
Connétable of St. Peter		
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 Hérisseier (S)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy K.C. Lewis (S)		
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 of St. John		
Deputy J.P.G. Baker (H)		
Deputy J.H. Young (B)		
Deputy S.J. Pinel (C)		
Deputy of St. Mary		
Deputy R.G. Bryans (H)		
Deputy R.J. Rondel (H)		

4. Draft Honorary Police (Amendment No. 2) (Jersey) Regulations 201- (P.79/2014)

The Deputy Bailiff:

We now come to the Draft Honorary Police (Amendment No. 2) (Jersey) Regulations lodged by the Comité des Connétables - P.79 - and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Honorary Police (Amendment No. 2) (Jersey) Regulations. The States, in pursuance of Article 4 of the Police Force (Jersey) Law 1974, have made the following Regulations.

4.1 The Connétable of Trinity (Chairman, Comité des Connétables):

The Assembly have just debated the Appointed Day Act for the Connétables (Miscellaneous Provisions) (Jersey) Law 2012. It has also debated the Regulations making the consequential amendments to 37 other pieces of legislation. The amendments to the Honorary Police Regulations follow from the work done to bring into force that 2012 law. The main change resulting from the 2012 law is that the Connétable ceases to fulfil an operational policing role but retains the overall responsibility for the effective and efficient policing of the Parish. When the Honorary Police (Jersey) Regulations 2005 was originally drafted it was to implement part of the States decision of 19th May 1998, which included that a Police Authority should have oversight of the Honorary Police and the States of Jersey Police. This Assembly has subsequently decided that a Police Authority will only have oversight of the States Police. Oversight of the Honorary Police is fulfilled by the Connétables who act in relation to the policing role of the Honorary Police in their Parish, in the same way as the Minister for Home Affairs acts in relation to the States of Jersey Police. Article 4 of the 2012 law confirms: “(a) the responsibility of the Connétable of a Parish at customary law or under any enactment to supervise the Honorary Police of the Parish and (b) the powers and duties of the Connétable associated with the discharge of that responsibility.” As a result the Comité des Connétables has consulted with Her Majesty’s Attorney General and with the Honorary Police and this identified the need to: “Define the functions of the Chef de Police, refine the role of the Comité des Chefs de Police having regard to the functions of the Chef de Police, refine the role of the Honorary Police Association so that there is no duplication of the role of the Comité des Chefs de Police.” This is what the proposed amendments will achieve. I propose the preamble.

The Deputy Bailiff:

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

4.1.1 Deputy J.H. Young:

Just another question, I notice that 2 of the Regulations seems to be a common issue. These are Regulations that remove the requirement for a code of conduct to be produced to be observed by members of the Honorary Police. I assume this is a technical amendment, that in taking out in this particular Regulation, somewhere in all this plethora of legislation, we have put in a requirement for a code of conduct back in because I would like to be reassured of that by the proposer.

4.1.2 Senator B.I. Le Marquand:

I really want to speak in support of the proposition. When the changes were being proposed in relation to the role of the Connétable, the Connétable would cease, effectively, to be the chief policeman in his Parish. I believe it was very important indeed that a new relationship be established and it did. My views were exactly those that have been reflected by the Connétable of Trinity and reflected in his proposition. But, effectively, the relationship between the Connétable and the Chef de Police would become analogous to that which then existed but no longer exists between the Minister for Home Affairs and the Chief Officer of Police. I think that is very important so that there is strategic direction, as it were, in terms of policy and priorities and so on and that is indeed reflected. The other thing that I particularly welcome is the effect that will be from Regulation 4 of the Comité, from which I assume it is the Comité des Chefs de Police that is

referred to. Fostering co-operation with the States of Jersey Police Force and other agencies, clearly that is very important. The equivalent legislation in the States of Jersey Police Force Law 2012, which hopefully this Assembly will bring into effect very shortly, has similar things the other way around. The working together, as it were, of the States of Jersey Police and the 12 Honorary Police forces is a very, very important issue, a very important part. I welcome these changes.

The Deputy Bailiff:

Does any other Member wish to speak? Then I ask the Chairman to reply.

4.1.3 The Connétable of Trinity:

For Deputy Young’s benefit the code of conduct for the Honorary Police is governed by law. There is a code of conduct obviously. I thank the Minister for his support on these amendments.

The Deputy Bailiff:

Members in favour of adopting the principles kindly show. The appel is called for. I ask Members to return to their seats. The vote is on the principles of P.79, the Draft Honorary Police Regulations. I ask the Greffier to open the voting.

POUR: 34		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. John		
Senator A. Breckon		Deputy G.C.L. Baudains (C)		
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
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 of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Senator Ferguson or anybody else from the Corporate Services Scrutiny Panel? Deputy Rondel, do you think that your Corporate Services Scrutiny Panel would like to scrutinise these Honorary Police Regulations?

Deputy R.J. Rondel (Member, Corporate Services Scrutiny Panel):

Thank you for the offer. No thank you, Sir. [Laughter]

The Deputy Bailiff:

Very well. Chairman, do you wish to propose the Regulations *en bloc*?

4.2 The Connétable of Trinity:

Yes, please, Sir, *en bloc*.

The Deputy Bailiff:

Does any Member wish to speak on these Regulations? Those in favour of adopting the Regulations kindly show. The appel is called for. I ask Members to return to their seats and I ask the Greffier to open the voting.

POUR: 35		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. John		
Senator A. Breckon		Deputy G.C.L. Baudains (C)		
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
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 of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				

Deputy of St. Mary				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Do you propose the Regulations in Third Reading?

[16:00]

4.3 The Connétable of Trinity:

Yes, please, Sir.

The Deputy Bailiff:

Does any Member wish to speak in Third Reading?

4.3.1 The Connétable of St. John:

All I will say after adopting these Regulations and those earlier Regulations and propositions it is a sorry day for this Island but we are now going to have to move forward and go with things but I will not support it.

The Deputy Bailiff:

Any other Members wishing to speak in Third Reading? Do you wish to reply, Connétable?

4.3.2 The Connétable of Trinity:

I was thinking of sending Connétable Rondel to the Scrutiny Panel to put in our views but I think we have decided no, so we have nothing else to say.

The Deputy Bailiff:

Members in favour of adopting these Regulations in Third Reading? The appel is called for and I ask the Greffier to open the voting.

POUR: 35		CONTRE: 2		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. John		
Senator A. Breckon		Deputy G.C.L. Baudains (C)		
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
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 of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

5. Draft Freedom of Information (Schedule 1 to Law) (Amendment) (Jersey) Regulations 201- (P.81/2014)

The Deputy Bailiff:

We now come to P.81 - Draft Freedom of Information (Schedule 1 to Law) (Amendment) (Jersey) Regulations - lodged by the Chief Minister and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Freedom of Information (Schedule 1 to Law) (Amendment) (Jersey) Regulations. The States, in pursuance of Article 6 of the Freedom of Information (Jersey) Law 2011, have made the following Regulations.

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

This is an amendment to the main law to give clarification to the description of what might be covered and also to add-in the States of Jersey Police Force into the first swathe of those entities that will be covered.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the principles of these Regulations? Those Members in favour of adopting the principles kindly show. Those against. The principles are adopted. Deputy Rondel, does your panel ... The Deputy of St. Ouen, between you 2 do you wish to ...

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

No thank you, Sir. **[Laughter]**

The Deputy Bailiff:

You are here; you are not in your place, Senator. Right, Chairman, thank you. Chief Minister, do you propose these Regulations *en bloc*?

5.2 Senator I.J. Gorst:

I do. As I said, it is a straightforward change from what was extremely broad definition of administration of the States and it will just say: "A department established on behalf of the States" and also, as I said, adding the States of Jersey Police, therefore, they will be covered by freedom of information from 1st January next year.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the Regulations kindly show. Those against. The Regulations are adopted. Proposed in Third Reading? Seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the Regulations in Third Reading kindly show. Those against. The Regulations are adopted. We have been requested by the Minister for Social Security to move P.92 further down the agenda.

6. Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations 201- (P.83/2014)

The Deputy Bailiff:

We come to P.83 - Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations - lodged by the Minister for Economic Development and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations. The States, in pursuance of Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994 and having consulted with the Secretary of State and obtained his concurrence, have made the following Regulations.

The Deputy Bailiff:

That has got to be worth £10 from somebody. Minister, it is you.

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

Sir, if I may say so it is very strange how it is causing that. I would concede that if it is £10 for a mobile phone that is not even ringing then an iPad earlier on today that is playing music should be at least 3 times that. **[Laughter]** **[Approbation]**

The Deputy Bailiff:

I am sure the Chairman of the Privileges and Procedures Committee will consider that.

Senator A.J.H. Maclean:

I am standing to say that my Assistant Minister, the Deputy of Grouville, is going to be rapporteur for these items. She has responsibility in this area.

6.1 Deputy C.F. Labey of Grouville (Assistant Minister for Economic Development - rapporteur):

I will try and take Members through these propositions as quickly as I can and without giving them a history lesson that may be required because the situations are quite complex. In brief, at the recommendation of Jersey and French fishermen the Minister has closed the spider crab fishery every summer at a time when spider crabs are soft and newly-molted shells have no commercial value. Closure has until now been made by Ministerial Decision and published in the *Jersey Gazette*. Fishermen have, however, remained concerned that if nets are used in areas where spider crabs are habitually fished, damage could be done to them by the nets. Discussions occurred between the Jersey and French fishermen at their regular Granville Bay meetings and this resulted in the recommendation that an area of French and Jersey waters to the south of the Island should be closed to netting for the duration of the spider crab closure. France was able to put the legislation in place relatively quickly and has been enforcing it for a number of years, but unfortunately in Jersey the situation was more complex. The decision on when to close the fishery is often made no

more than 3 months before the closure date, and fishermen need advance warning of the closure. As Members know, it is very difficult to put in place a Regulation within this sort of timescale, especially as Jersey fisheries legislation still needs the U.K. Secretary of State's assent, although we have now obtained agreement to remove that requirement from our law in the short to medium term. In consequence, we have amended our Fisheries Law to allow a more flexible approach and the draft amendment, the Miscellaneous Provisions, that you have before you reflects that amendment. It effectively allows the Minister to close an area to netting for the duration of the spider crab closure. Rather than close the fishery by Ministerial Decision, both restrictions will be closed by Ministerial Order. I make the principles.

The Deputy Bailiff:

Is that seconded? [**Seconded**] Then all Members in favour of adopting the principles kindly show. Those against. The principles are adopted. The Deputy of St. Martin is not here, the Connétable of St. Ouen is not here, the Connétable of St. Brelade is not here. The Connétable of Grouville, do you think your panel wishes to scrutinise these Regulations.

Connétable J.E. Le Maistre of Grouville (Member, Economic Affairs Scrutiny Panel):

I do not think so. It looks like they have deserted me; I am not quite sure where they have gone.

The Deputy Bailiff:

Very well. Do you wish to propose the Regulations *en bloc*?

6.2 The Deputy of Grouville:

If I can just speak briefly about Regulation 5, which contains exactly the same provisions as the original Regulation 5 except that the closure is to be made by Order rather than Ministerial Decision. That is basically the biggest change that we have. Just to say that the Bay of Granville meetings took place last week and the closed period was agreed with the French and unanimously voted through.

The Deputy Bailiff:

Does any Member wish to speak on the detail of the Regulations? Then all Members in favour of adopting kindly show. Those against. The Regulations are adopted. Do you wish to propose them in Third Reading?

The Deputy of Grouville:

I do. If I can ask for the appel, thank you.

The Deputy Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak? Then I invite Members to return to their seats. The vote is on whether to adopt the Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations in Third Reading, and I ask the Greffier to open the voting.

POUR: 32		CONTRE: 0		ABSTAIN: 0
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of Trinity				

Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. John				
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 of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.J. Rondel (H)				

7. Draft Sea Fisheries (Log Books, Transhipment and Landing Declarations) (Jersey) Regulations (P. 84/2014)

The Deputy Bailiff:

We now come to Draft Sea Fisheries (Log Books, Transhipment and Landing Declarations) (Jersey) Regulations - P.84 - also lodged by the Minister for Economic Development. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Sea Fisheries (Log Books, Transhipment and Landing Declarations) (Jersey) Regulations. The States, in pursuance of Articles 2, 8, and 29 of the Sea Fisheries (Jersey) Law 1994 and having consulted with the Secretary of State and obtained his concurrence, have made the following Regulations.

Senator A.J.H. Maclean:

Sir, if my Assistant Minister may carry on, she has been so successful I should have asked her to be the rapporteur yesterday.

7.1 The Deputy of Grouville (Assistant Minister for Economic Development - rapporteur):

I will use the same explanation for this proposition as for the next one, P.85. In order to manage a fishery to ensure that it remains sustainable, it is necessary to have 2 basic sets of regulatory controls. The first set include the obvious restriction on the type and quality of fishing equipment that may be used, the quantities of the imported species that can be fished, the minimum size for fish, and the areas that can be fished. The second set, generally known as the control regulations, put in place a framework of monitoring catches and fishing activity to allow fisheries' managers to monitor fishing effort and fish uptake to ensure that the fish set of regulations are being adhered to

and can be modified if necessary in reaction to changing circumstances. In 1996, as a precursor to extending the Island's territorial sea from 3 to 12 miles or median line, the Island signed a Fisheries Management Agreement with the U.K. As part of that agreement we undertook to implement fisheries regulations consistent with those of the European Union in respect of managing fishing activity in territorial seas. The consistency is important for 2 reasons. Fish stocks do not respect boundaries and need to be managed at an international level with all countries playing a part. The fisherman also cross international boundaries and it is simpler for them if they only use one set of rules. When the Island signed up to the F.M.A. (Fisheries Management Agreement) the E.U. (European Union) already had a set of control regulations and these were adopted locally and modified as E.U. Regulations changed. In 2009 the E.U. made significant changes to their control regulations and the Island now needs to replace existing legislation with the 2 new drafts to ensure that the consistency, I have already explained, is all the same. Thank you, I make these principles.

The Deputy Bailiff:

Seconded? [**Seconded**] Does any Member wish to speak on the principles? Senator Ferguson.

7.1.1 Senator S.C. Ferguson:

The Assistant Minister and I have had a correspondence regarding the fact that all fishing in the British Isles and E.U. areas is covered by the North East Atlantic Fisheries Commission, which is an international body, and the E.U. itself merely has one seat at the table. We understand that the Faroe Islands, which are not dissimilar to ourselves, have their own independent seat at this table and are, in effect, in the same relation to Denmark as we are to the U.K. So I did ask the Minister why we were still going through the U.K. and the E.U. when the Faroe Islands go direct to the Commission. Has the Minister pursued this and can she report on her progress?

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on the rapporteur to reply.

7.1.2 The Deputy of Grouville:

Yes, I did. I took it up with the International Department and they have been looking at it and they have said that we cannot have the same relationships as the Faroes. There are some very complex reasons for this and I would be more than happy if she were to go to speak to them so they can explain it far better than I. For the time being this is about monitoring our boats in E.U. waters and at the moment the quotas are divided up by the E.U., then by countries, then the U.K., and then Jersey gets their quota. I am not even sure that the Faroes are permitted to fish in E.U. waters so it is not the same so we would not be comparing the same things here.

[16:15]

The Deputy Bailiff:

All Members in favour of adopting the principles kindly show. The appel is called for. The vote is on the principles of the Draft Sea Fisheries (Logbooks, Transshipment and Landing Declarations) Regulations, P.84. I ask Members to return to their seats and ask the Greffier to open the voting.

POUR: 30		CONTRE: 1		ABSTAIN: 0
Senator A. Breckon		Connétable of St. John		
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				

Senator P.M. Bailhache				
Connétable of St. Brelade				
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. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Connétable of Grouville, I think you were appointed to the panel before the Connétable of St. Brelade but you are not far away from each other, does your panel wish to scrutinise these Regulations?

The Connétable of Grouville (Member, Economic Affairs Scrutiny Panel):

No.

7.2 The Deputy of Grouville:

If I can just highlight the changes from the existing Regulations, I think that would save some time. These Regulations replace the existing controls contained in the Sea Fisheries (Logbooks and Landing Declarations) ...

The Deputy Bailiff:

I am sorry, it is my fault, Assistant Minister. You are proposing the Regulations *en bloc*, are you?

The Deputy of Grouville:

Yes, sorry.

The Deputy Bailiff:

Yes, then move them in such detail as you wish.

The Deputy of Grouville:

Thank you. If Members are content I will go through just highlighting the changes to the draft. There are a number of new interpretations necessary for the revised Regulations but it should be noted that Jersey and other Crown Dependencies are included in the list of competent authorities. Number 2, there is no effective change; 3, there is a principal change to the Regulations. Until

2009 all fisheries vessels longer than 10 metres had to complete a paper log book. This Regulation now introduces a requirement that vessels longer than 12 metres have to complete an electronic log book. It should be noted that the Regulation exempts such vessels from this change, provided they are between 12 and 15 metres in length and only fish in local waters. Number 4 provides the detail for the completion of the electronic log books and is similar to the content in the existing rules applicable to paper log books. Number 5 contains general provisions relating to electronic log books. Number 6 contains the detail of how to proceed in the event of a device failing. Number 9, this mirrors the existing requirement but includes how notifications should be made by vessels using electronic log books. Again, the Regulations ensure that notifications by foreign vessels landing into Jersey are to the Minister rather than the U.K. authorities. Number 12 repeals the existing laws and 13 says that the Regulations would come into force within 7 days if approved. In the schedule, if I pick out the material changes, schedule 2 has few changes other than minor adjustments to the tables. The only significant change to the schedule is at 3 where a requirement relating to the accuracy of records is introduced. In practical terms the new Regulations will have no impact on our fishing vessels as the larger vessels to which the changes apply are already compliant when fishing outside our territorial sea. I would ask for Members to support the adoption of the Regulations, which allow the Island to play its full part in managing important trans-boundary resources and maintain a single set of rules for our fishermen, while at the same time retaining a degree of local control. I make these Regulations.

The Deputy Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak on the detail of the Regulations? Connétable of St. John.

7.2.1 The Connétable of St. John:

I have concerns about electronic returns. Not everybody - in particular I suppose in many cases in the blue collar industry - are up to speed on electronic returns. So somebody like myself who is dyslexic have a fair amount of problems using computers and the like when you are putting in returns, or putting in anything to do with computers. Can the Assistant Minister confirm that they have something else in place for people with certain disabilities and dyslexia is a disability in its own right. Can she please confirm that there is something in place to cover these areas?

The Deputy Bailiff:

Does any other Member wish to speak? I call on the Assistant Minister to reply.

7.2.2 The Deputy of Grouville:

These Regulations are applying to boats over 12 metres. At the moment there is one boat between 12 and 15 metres, that is a commercial fishing boat, and if they only fish in our local waters they are exempt from requiring this. We have 4 boats which are over 15 metres in our fishing fleet, all of which have the electronic equipment and are required to have this if they fish in E.U. waters. So regardless of what we say, if they are fishing in E.U. waters they are required to have this equipment, much for their own safety as well as monitoring the fisheries.

The Connétable of St. John:

I asked what was in place in the event people cannot use this equipment. Because we have one boat of over 12 metres at the moment, it does not mean to say that in the next year or 2 there could not be 2 or 3 boats or more.

The Deputy of Grouville:

I do not honestly know what is in place for people who have dyslexia out at sea but I assume there are measures. Bearing in mind this is for their own safety as well as for monitoring the quota.

Even beforehand they would have had to fill out paper log books. This only requires the larger vessels to have to fill out electronic log books.

The Deputy Bailiff:

Very well, the Regulations are so proposed and seconded. The appel is called for. I invite Members to return to their seats. The vote is on the Regulations adopting the Regulations themselves, the Sea Fisheries Log Book, *et cetera*, Regulations and I will ask the Greffier to open the voting.

POUR: 34	CONTRE: 1	ABSTAIN: 0
Senator P.F. Routier	Connétable of St. John	
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of St. Peter		
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 of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
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 J.H. Young (B)		
Deputy S.J. Pinel (C)		
Deputy of St. Mary		
Deputy R.J. Rondel (H)		

The Deputy Bailiff:

Do you move the Regulations in Third Reading?

The Deputy of Grouville:

Yes, Sir.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those Members in favour of adopting the Regulations in Third Reading, kindly show? All those against? The Regulations are adopted.

8. Draft Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 201- (P.85/2014)

The Deputy Bailiff:

We now come to the Draft Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 201- lodged by the Minister for Economic Development - P.85. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 8 and 29 of the Sea Fisheries (Jersey Law 1994), and having consulted with and obtained the concurrence of the Secretary of State, have made the following Regulations.

8.1 The Deputy of Grouville (Assistant Minister for Economic Development - rapporteur):

I have already explained the background to these projets in P.84. This is similar but deals with satellite monitoring rather than log books. These Regulations replace existing controls contained in the Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 2009. The principal changes between the new and old Regulations relate to the introduction of a requirement for fishing vessels longer than 15 metres to be fitted with an automatic identification system and for slightly smaller vessels to be fitted with satellite tracking devices. I make the principles.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the principles? Deputy Baudains.

8.1.1 Deputy G.C.L. Baudains:

As the Minister will be aware, it has been a concern of mine for some time that especially of a night there can be seen a large number of boats trawling to the south and east of the Island. Presumably this will identify those vessels. Could I ask who does this positioning monitoring and how often is it done, or is it only presumably done by Fishery officers and, if so, is it done a regular basis, an automatic basis or only a "as required" basis when they get a telephone call saying it looks like a city out there, there must be 50 boats? That is what I would like to know.

8.1.2 The Connétable of St. John:

On a similar theme, this is not unsimilar I presume to what there is in the aircraft industry when they monitor aircraft. Will the proposer confirm that is the case?

The Deputy Bailiff:

Does any other Member wish to speak? I will call on the Assistant Minister to reply. I am sorry, the Connétable of St. Brelade.

8.1.3 The Connétable of St. Brelade:

Just a very small point. Just under Article 3, under the exceptions, it has got: "Regulations do not apply to a fishing boat that is used exclusively for the exploitation of aquaculture", can you just explain what is covered under aquaculture.

The Deputy Bailiff:

It is a question that comes more when we come to look at the Regulations in detail. Does any other Member wish to speak on the principles?

8.1.4 Deputy M. Tadier:

It is just a question and I will raise it now. It is a general question which relates to these areas, and it is to do with, obviously if we are bringing in safety requirements, which I fully support, are there general moves in Jersey to bring in Regulations, for example, requiring anyone who takes a boat out for leisure purposes in the future to require some kind of driving licence, the equivalent for boats. We know that it would be ludicrous to give people even a 50cc or a car licence and be able to drive on the roads but yet anyone can just rock up, buy a speedboat, take it round St. Aubin's Bay, go out far, hit a rock, without any kind of basic training. It does seem that there is a disconnect between that situation, the current situation, and perhaps what we are trying to bring in here. I wonder if the Assistant Minister is able to comment more generally on health and safety issues.

The Deputy Bailiff:

Does any other Member wish to speak? I call on the Assistant Minister to reply.

8.1.5 The Deputy of Grouville:

Briefly, to answer Deputy Baudains' point about the fishing vessels, if indeed they are fishing, that he sees off the south coast. Having this equipment will certainly enable our Fisheries Officers to monitor them. At the moment they are monitored but it is not very accurate because vessels can be monitored every hour, it sort of pings, as I understand it. This equipment will enable them to monitor the fishing vessels far more precisely as to what is going on and if they have concerns it is either our officers or the French officers; they share information. We have a lot of French boats in our waters so it will help monitor them, see where they are fishing and enable our officers to ensure that they are not breaching the F.M.A. agreement. I am very sorry, I could not hear properly what the Constable of St. John was saying.

The Connétable of St. John:

The question was: the equipment, is it similar to when you monitor the aircraft flying overhead from the airport in our case? Is the equipment that is being installed on the vessels similar to that?

The Deputy of Grouville:

I am sorry I do not know what is used in aircraft. This is V.M.S. (Vessel Monitoring System) systems and A.I.S. (Automatic Identification System). I have no idea if that is what they use in aircraft. Deputy Tadier brought up the point about leisure vessels. This is something I have been concerned about for quite some time.

[16:30]

The fact that there seems to be lots of health and guidance when people are out fishing but it appears to me that if you want a leisure boat you can go and buy one and have the most rudimentary of tests or equipment on board before you go out. So it is certainly something that is on the agenda but I have not had time to address it as yet.

Deputy G.C.L. Baudains:

I wonder if I could press the Assistant Minister. I appreciate that this will enable a vessel to be identified where it is in real time, but what frequency ... are they monitored automatically by recording devices or by officers and, if so, at what frequency? In other words I would not like to imagine that perhaps an officer looks at it once a month or something.

The Deputy of Grouville:

The vessels are monitored all the time if they have this equipment on them and in some respects it can be quite controversial because some of the fishermen feel that the fishing spots that they know of and others do not might be found out. So they can monitor them all of the time and if they have concerns they can collect that data and monitor them more frequently. Yes, all the data is collected all of the time.

The Deputy Bailiff:

Assistant Minister, I dare say you will come to it when we come to Regulation 3 but the Connétable of St. Brelade did ask you about the definition of aquaculture.

The Deputy of Grouville:

Right, aquaculture is not fishing, it is the activity, commercial activity that takes place on the beaches. It is a mixture between farming and fishing. That is the best way I can describe it.

The Deputy Bailiff:

Deputy Higgins, did you have a question of clarification?

Deputy M.R. Higgins:

Yes, Sir, it is a question of clarification. The Assistant Minister mentioned, I think it was a V.M.S. and an A.I.S. system. Can she just explain what they are because I do not recognise the initials at all?

The Deputy Bailiff:

So it is not the same as airports then.

The Deputy of Grouville:

A.I.S. is an automatic identification system and V.M.S. is a vessel monitoring system.

Deputy M.R. Higgins:

Can I just clarify, that is a transponder, is it not: yes or no?

The Deputy Bailiff:

All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Do you wish to scrutinise these? Then we move to consideration of the detail of the Regulations. Assistant Minister, may I suggest you might wish to propose the Regulations 1, 2 and 3 to start with?

8.2 The Deputy of Grouville:

Indeed, Sir. Regulation 1, there are a number of new interpretations necessary for the revised Regulations but it should again be noted that Jersey and the other Crown Dependencies are including the list of competent authorities. Regulation 2 reduces the minimum size of the vessel to which Regulations apply from 15 metres to 12 metres in length. Regulation 3, this covers exemptions from the Regulations and is unchanged. However, it does exempt local vessels in the 12 to 15 metre length category and that only fish in Jersey waters from the need to fit satellite tracking devices. You wanted me to stop there. I propose 1 to 3.

The Deputy Bailiff:

Are Regulations 1 to 3 seconded? **[Seconded]** Does any Member wish to speak on Regulations 1 to 3? The Connétable of St. Brelade.

8.2.1 The Connétable of St. Brelade:

Further to what I said before, I know that the beach was mentioned, but the panel had concerns before about overregulation of aquaculture. I am just concerned that we are heading down that route and is there clear definition of what is going to be covered under aquaculture and how it applies to fishing boats?

The Deputy Bailiff:

Does any other Member wish to speak on Regulations 1 to 3? Then I will ask the Assistant Minister to reply.

8.2.2 The Deputy of Grouville:

I would have to get a legal interpretation of the word “aquaculture”. I am not sure exactly what the Connétable is concerned about. We are having to implement these Regulations, (1) for safety and, (2) to monitor quota and boats in our waters. Certainly those are large vessels and fish outside our waters, so I am not quite clear why that should have anything to do with aquaculture.

The Deputy Bailiff:

Those in favour of adopting Regulations 1 to 3, kindly show? Those against? The Regulations are adopted. Would you like to propose the remaining Regulations, Assistant Minister?

8.3 The Deputy of Grouville:

I will just go through them briefly. In 4 to 10 there is no material change. 11, this introduces for the first time a requirement that all fishing vessels longer than 15 metres fit A.I.S. devices. There are no exemptions. In addition to being fishing monitoring regulations, this is viewed elsewhere as a safety requirement. The E.U. has introduced the measure because it has recognised the satellite tracking devices can be tampered with and that therefore a need for a second system that can be used for cross-checking is needed. Satellite tracking devices routinely transmit positions every one or 2 hours and the information from them has to be used very effectively by the Jersey Fisheries Officers to enforce a detailed geographical access arrangement for foreign vessels as determined by the Granville Bay agreement. To use A.I.S. which continually updates positions would be of benefit to the process of policing our limits as a majority of foreign vessels that use trawls or dredges in local waters would need the equipment. In 12 to 17 there are no material changes. 18, a new provision that allows the date to be used for a variety of maritime safety and security purposes as well as for the protecting of the maritime environment. I make the Regulations.

The Deputy Bailiff:

Are Regulations 4 to 21 proposed. Seconded? **[Seconded]** Does any Member wish to speak? Connétable of St. John.

8.3.1 The Connétable of St. John:

I am all in favour of anything that creates more safety at sea but given that these records are being monitored and monitored within States departments, *et cetera*, can the Assistant Minister please explain, given we are going to have a Freedom of Information Law come January 2015, who will have access to this information, given it is continual monitoring. Therefore certain fishermen and the like who would be fishing in a certain area, this information could be available to other people, could look at records, and therefore somebody who has spent a lifetime building up records, paper records in the past but now it is going to be all monitored from overhead, these records will need to be kept in some secure place so that others cannot, shall we say, poach the fishing areas that are currently used.

8.3.2 Deputy G.C.L. Baudains:

I am just a little concerned about Article 18 under part 4 where it says: “Data collection of the regulations on the automatic identification may be disclosed to any competent authority.” Where it says “may be disclosed” my concern is because apparently this data is collected by the boat’s flag state, which could be virtually anywhere. If, for argument’s sake you have a boat ... Jersey is concerned about a particular boat fishing offshore, is there not a difficulty that we may not be able to get that information.

The Deputy Bailiff:

Sorry, Deputy, I just did not hear what you said then. Would you mind saying it again, I did not hear it.

Deputy G.C.L. Baudains:

The concern I have is that the data which is collected is collected by the boat’s flag state, which is at the top of page 15 which seems it could be virtually anywhere, which gives me the concern that under 18, that is near the bottom of the page 16, where it says: “The data may be disclosed to the competent authority.” My concern is that the “may” is not enforceable, we may not even know who the flag state is of a particular boat if we have got fishing off Jersey. So how do we get hold of that information?

8.3.3 Deputy J.A.N. Le Fondré:

Very briefly, slightly similar to the Constable of St. John. I think in summary, is the tracking information available publicly online anywhere? I know certain much larger vessels are and, really to endorse what the Constable is saying, certain fishermen are very protective of the particular areas they fish and whether that can be tracked down or not but I will support the Articles, that is no problem, but I just wonder if that could be clarified.

The Deputy Bailiff:

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

8.3.4 The Deputy of Grouville:

I share the Constable of St. John’s concerns and it certainly has not gone unnoticed with the fishermen. Currently we have 4 fishermen that these Regulations will affect, 2 that actively fish, but because it will affect a lot of the French fishermen you can imagine they are not happy with it. Jersey have said that we will not enforce it until we are sure that the French are going to enforce it as well, but for the very reason that he highlighted, and I alluded to before, is that the sort of secret spots where all the fish are can be tracked by other fishermen that have this equipment. So it is an issue. It has not been resolved and, like you say, it is not going to be put into force until we are all putting it into force.

The Deputy Bailiff:

Minister, sorry to interrupt you but Regulation 21 says that they come into force 7 days after they are made.

The Deputy of Grouville:

Sorry, yes. The Regulations come into force but I should say they are not going to be enforced unless we have assurances that the French are going to do likewise.

The Deputy Bailiff:

I am sorry, I have interrupted your reply. Are you replying generally?

The Deputy of Grouville:

Yes, just generally. I just wanted to make the point that the Regulations will help officers significantly in respect of managing access to local waters and policing fishery limits. So for that purpose and safety purposes this equipment is a vast improvement.

The Connétable of St. John:

Can I suggest that this goes to Scrutiny?

The Deputy Bailiff:

A Scrutiny Panel has already been asked if it wants to look at the matter but I think you are right that you can ask it. Well, Connétable, you are entitled to ask that the matter be referred to Scrutiny at this stage. Is that seconded? **[Seconded]**

The Deputy of Grouville:

Could I just highlight to this Assembly if these are not adopted we will be in breach of our F.M.A. and also if we do not adopt them we cannot enforce any measures against the French.

[16:45]

Deputy M.R. Higgins:

Can I ask for a point of clarification from the speaker which might help? What I am struggling with is why we are bringing in legislation which we have no intention of enforcing and especially if we have given an undertaking to the French fishermen, if they do not agree with it, then we will not either. So why are we bringing the piece of legislation in? This is really why I believe it should go to Scrutiny.

The Deputy of Grouville:

It is not a case of “we have got no intention” but if the French fishermen are not going to have ... well, if the law is in place the law is in place in France, but if they are not going to use it then why should our fishermen give away their fishing spots if the French are not going to. That is the sort of impasse we are at.

The Connétable of St. John:

This definitely needs to go to Scrutiny.

The Deputy Bailiff:

I take it ... does any Member wish to speak on whether it should be referred to Scrutiny? I hope not then all Members in favour of referring the matter to Scrutiny would you kindly show.

Deputy M. Tadier:

The vote, I think, please.

The Deputy Bailiff:

The appel is called for. The issue is whether or not these Regulations should be referred to Scrutiny in the sense of requesting the relevant Scrutiny Panel to consider the Regulations.

Senator A.J.H. Maclean:

May I just say a few words before we go to the vote?

The Deputy Bailiff:

Well, I just invited Members to speak, Minister, but ...

Senator A.J.H. Maclean:

Well, I was trying to flash my light but you obviously did not pick up on it. I was just going to say that it is important that this proceeds. I have had a quick word with the Scrutiny ... the Connétable, the Vice-Chairman. **[Interruption]** Sorry? Sorry, one of the members of the Scrutiny Panel. **[Laughter]** The important point that I want to make with regard to this, this is a requirement under the F.M.A. that we have signed and are obliged to with the U.K. Consequently, as I think you pointed out yourself, when this goes through within 7 days it will come into force and it will be applied in conjunction with the French. It is an E.U. Regulation. There are no issues as far as I am concerned and I would urge Members to, despite their concerns, progress the matter.

The Deputy Bailiff:

The proposal has been made and been seconded to refer the matter to Scrutiny. The appel has been called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

Senator I.J. Gorst:

Sorry, could you just clarify that pour is to refer to Scrutiny and contre is to maintain the debate?

The Deputy Bailiff:

To vote pour is to refer to Scrutiny and to vote contre is to maintain the debate.

POUR: 17	CONTRE: 21	ABSTAIN: 0
Connétable of Trinity	Senator P.F. Routier	
Connétable of St. John	Senator P.F.C. Ozouf	
Connétable of St. Martin	Senator A. Breckon	
Connétable of St. Saviour	Senator S.C. Ferguson	
Deputy R.C. Duhamel (S)	Senator A.J.H. Maclean	
Deputy R.G. Le Hérisier (S)	Senator B.I. Le Marquand	
Deputy G.P. Southern (H)	Senator F.du H. Le Gresley	
Deputy of St. Ouen	Senator I.J. Gorst	
Deputy J.A. Hilton (H)	Senator L.J. Farnham	
Deputy J.A.N. Le Fondré (L)	Connétable of St. Helier	
Deputy S.S.P.A. Power (B)	Connétable of St. Ouen	
Deputy M. Tadier (B)	Connétable of St. Brelade	
Deputy T.A. Vallois (S)	Connétable of Grouville	
Deputy M.R. Higgins (H)	Deputy J.A. Martin (H)	
Deputy J.M. Maçon (S)	Deputy of Grouville	
Deputy J.H. Young (B)	Deputy of Trinity	
Deputy R.J. Rondel (H)	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	

The Connétable of St. John:

Can I say I am absolutely appalled that we can pass something like this?

The Deputy Bailiff:

We were at the stage, Assistant Minister, when we were taken by surprise, subject to the proposed reference to Scrutiny, you were replying, unless you have finished. You had dealt with the comments of the Connétable of St. John but I think not of Deputy Baudains or Deputy Le Fondré. I am not sure. Unless I have just forgotten, perhaps you did deal with those comments.

The Deputy of Grouville:

I thought I had but if Deputy Baudains would like to pose his question again. I thought Deputy Le Fondré's was the same as the Constable of St. John.

The Deputy Bailiff:

Very well. So the proposal before the Assembly is whether or not to adopt Regulations 4 to 21. Those in favour ...

The Connétable of St. John:

I ask for the appel.

The Deputy Bailiff:

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

POUR: 29		CONTRE: 11	ABSTAIN: 1
Senator P.F. Routier		Connétable of St. John	Deputy J.A.N. Le Fondré (L)
Senator P.F.C. Ozouf		Connétable of St. Martin	
Senator A. Breckon		Connétable of St. Saviour	
Senator S.C. Ferguson		Deputy G.P. Southern (H)	
Senator A.J.H. Maclean		Deputy of St. Ouen	
Senator B.I. Le Marquand		Deputy J.A. Hilton (H)	
Senator F.du H. Le Gresley		Deputy M. Tadier (B)	
Senator I.J. Gorst		Deputy T.A. Vallois (S)	
Senator L.J. Farnham		Deputy M.R. Higgins (H)	
Senator P.M. Bailhache		Deputy J.H. Young (B)	
Connétable of St. Helier		Deputy R.J. Rondel (H)	
Connétable of Trinity			
Connétable of St. Lawrence			
Connétable of St. Mary			
Connétable of St. Ouen			
Connétable of St. Brelade			
Connétable of Grouville			
Deputy R.C. Duhamel (S)			
Deputy J.A. Martin (H)			
Deputy of Grouville			
Deputy of Trinity			
Deputy S.S.P.A. Power (B)			
Deputy A.K.F. Green (H)			
Deputy J.M. Maçon (S)			
Deputy G.C.L. Baudains (C)			
Deputy of St. John			
Deputy S.J. Pinel (C)			
Deputy of St. Mary			
Deputy R.G. Bryans (H)			

Deputy M. Tadier:

May I ask a point of procedure because I missed it? Was the reference back to Scrutiny made during the summing up of the proposer?

The Deputy Bailiff:

It might have been. On those Regulations, yes, I think it was.

Deputy M. Tadier:

I am just mindful of ... how does that play for when we have had a ruling that says that you cannot have a ... move on to the next item or was it a reference back, I cannot remember, when somebody is summing up? So it is just to flag that and I know it is only for Regulations but obviously being a pedant on P.P.C. (Privileges and Procedures Committee) these things do interest me at an academic level.

The Deputy Bailiff:

It may be, Deputy, that Homer has nodded but I read Standing Order 79 to permit the proposal without notice at any time to include that proposition. Assistant Minister, do you move the Regulations in Third Reading?

8.4 The Deputy of Grouville:

Yes, and in so doing may I say if we adopt this we will join the E.U., Guernsey, U.K. and France with this legislation and our 4 fishing vessels that are over 15 feet will be able to continue to fish in E.U. Waters.

The Deputy Bailiff:

Seconded? **[Seconded]** The Regulation is seconded in Third Reading. Does any Member wish to speak?

8.4.1 Senator S.C. Ferguson:

The Assistant Minister mentioned Guernsey and various other countries. I wonder about that other dependent territory, the Isle of Man.

8.4.2 The Connétable of St. John:

In all my time in this Assembly I cannot believe that we have an Assistant Minister who has come to the Chamber so ill-prepared on something as important as this and I want that recorded and I will not be supporting this.

8.4.3 Senator L.J. Farnham:

I wondered if I could just record my position to what the Constable of St. John has said and ask the Assistant Minister; I presume the Constable of St. John is so concerned about this he has been bombarding her throughout the lodging period with his concerns.

8.4.4 Deputy J.H. Young:

I just want to say that I think that for me the problem is to ... I obviously understand entirely the need to have these Regulations to allow our industry to function and not be excluded from international agreements but to hear a situation where we are told we are passing all this legislation but we are not going to do it, I find that really an issue, which is why I voted for the Scrutiny Panel to have a look at it. I am now really unhappy because we are in a situation where we are forced in a situation where really we do not have any ... we have been told we have not really got any choice, just to approve this and go along with it. I am very uncomfortable with that.

8.4.5 Deputy J.A. Hilton:

I would just like to echo the words of my colleague, Deputy Young, for the position we are currently in and I think it is a shame that Members did not agree for this matter to go to Scrutiny even if it was just overnight to clarify exactly what the position is. So it leaves some of us in a very difficult position.

8.4.6 Senator A.J.H. Maclean:

Could I just say and reconfirm what I said earlier on. This law will be enforced. I think what the Assistant Minister was trying to ... the point she was trying to make was that we want to make sure that the French apply at the same time and that is what is going to happen, but the law will be in force when it comes into play. There is no question about that and I think that is what has caused the concern that perhaps some Members had. I hope that helps.

8.4.7 Deputy M.R. Higgins:

Can I seek clarification from the last speaker? Can I ask the Minister, how are you going to ensure the French are going to enforce their laws when we know the French are notoriously bad at enforcing any European legislation and yet we are scrupulously applying it?

8.4.8 Deputy G.P. Southern:

Given the reservations expressed by several Members behind me I wonder if it is not a case of if we cannot in all honesty support this Third Reading, do we need a decision to move on?

The Deputy Bailiff:

Do we wish to what?

Deputy G.P. Southern:

A decision to move on to the next item. Can we do that?

The Deputy Bailiff:

No, Deputy, I regret to say that you are not able make that proposal because we are no longer debating the proposition. That is, the debate has ended.

8.4.9 The Deputy of Grouville:

I feel there is a lot of criticism that has been wielded at me. I might have gone through these in too much detail perhaps. These are Regulations that are in force already in the E.U., Guernsey, the U.K. and France and this is for ... this will affect 4 of our fishing vessels that are over 15 metres in length. If we do not adopt this they cannot fish in E.U. waters; maybe that is all I needed to say. Maybe I should not have shared with the Constable that we, too, are concerned about these little secret spots of fish, as are the French, and it is only if the French are going to enforce this legislation that ... our 4 are waiting to see what they are doing. So perhaps I shared too much information but it is really very simple. We are doing what we are required to do with the F.M.A. so that our fishermen can continue to fish in the E.U. waters; simple as that. **[Approbation]**

The Deputy Bailiff:

Solicitor General, I wonder, for the assistance of Members, is there an exemption under the freedom of information provisions which enables the competent authority not to provide information if it is commercially sensitive?

The Solicitor General:

I would like to look at the point. I think off the top of my head there is an exemption for commercially sensitive information is my feeling but I would like to check.

The Deputy Bailiff:

Well, the Regulations are proposed in Third Reading. All Members in favour of adopting them in Third Reading ... the appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations in Third Reading and I ask the Greffier to open the voting.

POUR: 38		CONTRE: 5		ABSTAIN: 1
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Senator P.F. Routier		Connétable of St. John		Deputy J.H. Young (B)
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator A. Breckon		Deputy of St. Ouen		
Senator S.C. Ferguson		Deputy J.A. Hilton (H)		
Senator A.J.H. Maclean		Deputy M.R. Higgins (H)		
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy R.J. Rondel (H)				

9. Draft States of Jersey Police Force Law 2012 (Appointed Day) (No. 2) Act 201-(P.86/2014)

The Deputy Bailiff:

We now come to P.86 the Draft States of Jersey Police Force Law 2012 (Appointed Day) (No. 2) Act lodged by the Minister for Home Affairs. I will ask the Greffier to read the proposition.

The Greffier of the States:

Draft States of Jersey Police Force Law 2012 (Appointed Day) (No. 2) Act 201-. The States, in pursuance of Article 34(2) of the States of Jersey Police Force Law 2012, have made the following Act.

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

This Appointed Day Act brings into force the parts of the Police Force (Jersey) Law 2012 which were not brought into force last July. It also has the effect of splitting-off the Honorary Police Law which ... it becomes a law in its own right under the name of Honorary Police (Jersey) Law 1974. That was all part and parcel of it. I had hoped to be able to present to this Assembly during my term of office all the necessary Regulations and Orders which were envisaged when the law was passed.

[17:00]

However, I have run into difficulties with a number of these and time has run out. It is my intention to lodge as much as possible during my term of office so they can be debated by the next Assembly. I am saying this because I need to explain to Members that despite this fact this does not prevent the Appointed Day Act being made today because I have made the States of Jersey Police Force (Transitional Provisions) (Jersey) Order 2014 in order to preserve a number of provisions under the 1974 Law until the necessary Regulations and Orders are made under the new law. The areas specifically preserved under the old law relate to appointments and disciplinary matters in relation to the Chief Officer and Deputy Chief Officer, matters in relation to the appointment of police officers and their terms of office including keeping the General Provisions Order and matters relating to Disposal of Property Regulations. I am explaining that so that Members will understand that notwithstanding the new law will come into force there are parts of the old law, which I have just described, which will continue in force until Regulations are made under this law which replace those. I move the Appointed Day Act which has the effect of bringing the law into force from 1st August 2014 and of course this law always ran in parallel with the changes in relation to the role of the Connétable and so on. They have to run together and interlock together.

The Deputy Bailiff:

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

9.1.1 Deputy M.R. Higgins:

I am slightly confused. Perhaps the Minister can help me with this. He said that he has not had the opportunity, because of time pressures, to bring in all the new Regulations and so on. Is there anything - absolutely anything - that has been left out of the Regulations in the transitional provisions? In other words, we are keeping the old one transitionally until the new ones come in. Are there any changes whatsoever that are not identified in this document? So in other words, have you left out anything that is not covered by the existing law and ... you are looking confused. In other words is the existing Order going to be allowed to continue completely, except with the exceptions that you have got here, and is it complete? In other words have there been any omissions, any changes whatsoever?

The Deputy Bailiff:

Deputy, is that a 2 part question? You are asking first of all whether the transitional provisions come to an end when the law comes into force and if so ...

Deputy M.R. Higgins:

I thought I was making the statement that obviously the transitional ones will come to end when new ones come in. What I am trying to seek at the moment is whether there are any differences; whether he is bringing in the existing law in its entirety or whether he has left anything out waiting for the new law. So I wonder if there are any gaps basically.

The Deputy Bailiff:

The question, as I understand it, is whether the new law, when it comes into force as a result of this Appointed Day Act, if the States adopt it, is going to be any different from the interim provisions. Is that the question?

Deputy M.R. Higgins:

No, it is not. We know that the law will be coming in. Whenever the new Regulations ... whoever the new Minister is, finalises them and brings them forward. So we do not know exactly what will be in that. What I want to know is: at the present time the Minister is proposing to keep the old Regulations and Orders and all the other bits and pieces, I want to know that these transition provisions, which are enabling them to continue, are complete. In other words that he has not omitted anything from them, that there are any gaps that have to be resolved by the new one. I hope that is clear.

The Deputy Bailiff:

Well, the Minister is looking happy so I am sure he will be able to answer you.

9.1.2 Deputy G.P. Southern:

Given that we are, as you so rightly pointed out yesterday, in the middle of some 40 something propositions that we have got to deal with in the next 6 days, I wonder if the Minister, who has obviously contributed to that logjam, could give some explanation other than just lack of time as to why he is not presenting the full works here along with the Appointed Day Act and what has held up his deliberations? What is getting in the way because yet again here we are facing 40 projects in 6 days and up to our necks in it and it is really inexcusable on the part of the Minister I think.

9.1.3 Deputy J.H. Young:

I apologise for being slow but if the Minister could just explain in a nutshell, if we have not got the full story, as it were, we are not able to have all the 4 proposals before us, what is the case why we need to do this residual bit of it now, just so I know and understand that?

9.1.4 The Connétable of St. John:

As the previous speaker has said: the full story. Given that the changes to the Honorary Police system had to be put in place prior to the States of Jersey Police (Appointed Day) Act I would have expected everything that was required, that the Minister has spoken about, should have been with us today and this does not bode well, as Deputy Southern said, the amount of propositions we have. I am appalled that the Council of Ministers ... and it is a pity the Chief Minister is not in the Chamber because we have seen what has happened within E.D.C. (Economic Development Committee) on the earlier votes and the total confusion. We have now got Home Affairs who have not brought the whole package forward. It is the end of the session of this particular House as far as all the paperwork goes. They have had their 3 years. If other areas on this side of the House, shall we say, have been able to get their act together, why on earth has the Home Affairs Department not completed their work in that period of time? This does not bode well at all for the future. We have got a Chief Minister who has not been cracking the whip among his Ministers and it is all very well and good for Assistant Ministers to stand up and question, or try to question, why we are questioning things on this Chamber here but they have not done their homework and they have not submitted it for inspection to the teacher, i.e. this Chamber, and there is something wrong. I sincerely hope that any future Chief Minister at this time in the session of Government takes on board that all this work to be completed by the end of a term happens.

The Deputy Bailiff:

Connétable, if I may say so I am not sure that is relevant to the present debate but that is all ...

9.1.5 Senator L.J. Farnham:

I am sorry but we have to put up with this sort of mischief making and I ask the Constable; I doubt he has even read this proposition, all 8 pages of it. This is happening all the time. In my opinion it is nothing more than just on-the-hoof mischief making and it is costing us hours and hours of delay. Now the ... I am not giving way to Deputy Southern.

The Deputy Bailiff:

It was a rhetorical ...

Senator L.J. Farnham:

I know the Minister will deal with the criticisms that have been levelled with him admirably so but the same goes to the previous proposition and I just think if Members do have a problem with propositions they should at least have the courtesy to read them thoroughly and bring up any problems they have with the Minister or Assistant Minister before the debate. It might be a lot more helpful and speed things along.

Deputy G.P. Southern:

Is mischief making, the accusation of mischief making, impugning reputation? It seems to me that it is, if you are here to mischief make.

Senator L.J. Farnham:

Yes, it probably is. [Laughter]

The Deputy Bailiff:

Well, if that is the case, Senator, you would like to withdraw it, I am sure.

Senator L.J. Farnham:

Yes, reluctantly I will. [Laughter]

The Deputy Bailiff:

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

9.1.6 Senator B.I. Le Marquand:

I am not absolutely certain that I understood Deputy Higgins' question but I will try and do my best to explain it again and hopefully in so doing will answer his question. There are quite a number of different areas of Regulations and Orders which I had hoped to make. Many of them are not necessary to be in existence for the whole law to come into force but there were some areas which I had hoped to bring in which would, as it were, change the system and improve the system by virtue of Regulations and so on, but have not achieved that in time. The work has been done in terms of what we want to try to achieve. We have even got to a point of achieving documentation in terms of instructing a law draftsman as to what to do but then this vast scummage of legislation, which took place, which included some of my own, towards the end meant that simply the law draftsmen did not have the drafting time in order to complete all the details of what we have proposed alongside all the other bits of legislation that they were doing. So basically what I have done, by the making of the transitional Order, is I have created a situation in which certain parts, where it was proposed that there be Regulations to change the system, be saved under the old law so that the situation remains precisely the same in relation to those areas. There are no changes in relation to those areas until such time as the necessary Regulations and Orders are made. I hope that answers the question. Deputy Southern's question rather puzzled me because he seemed on the one hand to be complaining we had a logjam and had too much going on and yet was saying that I should be doing more. So I think I have explained that as well. We have done our very best to achieve all

these things and I will carry on working as long as I remain Minister in terms of these matters to try to do as much work as possible and present, as it were, by lodging and for my successor to take forward but we can only achieve what we can achieve. The question why I want to bring the rest of the law in subject to the bits which are kept from the previous law. The answer to that is simply because it slots in with the Connétable's changes. It separates out the 2 laws and really the 2 propositions went together at all times. There are also some other provisions which I have brought in, as it were, which will come in by virtue of this which we want to bring in in any eventuality and which do not require Regulations or Orders or things of this nature. In relation to what is missing, as I say there is a mixture of things. There is a mixture of things where improved provisions were envisaged by Regulation but we simply have not got there and there are some other things where we would like to make provisions but it is not necessary under the law. I am afraid one can only do so much. I am working, obviously, with the leadership of the police force, particularly with the Deputy Chief Officer, who has given excellent service but very much of his time has been taken up simultaneously with work in relation to the new building. He is the officer who is primarily dealing with the new building. So we have had 2 major projects, a new building and the design, working with architects, *et cetera*, and this going on at the same time and only a certain amount can be done. I maintain the proposition.

Deputy G.P. Southern:

Just for clarification. So the Minister is saying there is nothing intrinsically difficult about what he is attempting to bring in but it has just got caught in the logjam of laws due to the inability of the draftsmen to get enough people on there because of the incompetence of the Council of Ministers in organising their work. Is that essentially the starting point?

The Deputy Bailiff:

That sounds like a second speech not a question for clarification.

Senator B.I. Le Marquand:

This is has nothing to do the incompetence of the Council of Ministers; it has to do with the capacity of the Home Affairs Department and its officers to achieve a lot of very complicated legislation, subsidiary legislation.

The Deputy Bailiff:

Right, the Act has been proposed and the debate is closed. Those Members in favour of adopting the Act kindly show. Those against. The Act is adopted.

10. Draft States of Jersey Police Force (Amendment) Law 201- (P.87/2014)

The Deputy Bailiff:

We now come to P.87 - Draft States of Jersey Police Force (Amendment) Law - lodged by the Minister for Home Affairs and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

The Draft States of Jersey Police Force (Amendment) Law 201-. A Law to amend the States of Jersey Police Force Law 2012. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

The Deputy Bailiff:

Minister, do you propose the principles?

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

During the process of preparing the subsidiary provisions and looking at the Regulations and other matters in relation to the Police Force Law 2012 it became apparent that there were 2 areas which required amendment to the law. This is because there was ambiguity as to whether or not there would be sufficient powers under the law to do certain things which are desirable. The first relates to the need to have a competency procedure in relation to police officers to sit alongside the disciplinary procedure which is governed by a separate law, the Police (Complaints and Discipline) (Jersey) Law 1999. That law in itself is being reviewed and a lot of work has been done on that but that is a separate project. The question as to whether or not such a process could be brought in under the existing provisions; the advice that I have received is that there is ambiguity in relation to that and I am not prepared to, as it were, seek to go ahead and try to produce Orders without being certain that there is the necessary *vires*, the necessary power, given in the law.

[17:15]

So that if I were to do that there would be a risk of legal challenge. The second area is in relation to the area of charging for police services. Again, a lot of work had been done in relation to that and a draft Regulation had been prepared but in fact the emphasis on what we are trying to do there has changed from that which I had originally envisaged, which was thinking about charging for, shall we say, providing more policemen for a public event, to an issue of charging for providing documents or reports, tangible items, rather than more policemen. The advice there, also, was that the law was not sufficiently clear as to whether there had been the necessary power to go ahead and produce Regulations in relation to that. So that is the 2 areas which we are seeking to cover. It is a belt and braces exercise to make sure there is the necessary power for the States to make Regulations in what area and for the Minister to make Orders in the other area. I move the principles.

The Deputy Bailiff:

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

10.1.1 Deputy G.P. Southern:

Could the Minister indicate to Members when the principle of charging for, i.e. the extra policemen or police documentation, was adopted by this House?

10.1.2 Deputy M.R. Higgins:

I am also concerned because in the past I believe that the areas that are being referred to in Article 2 would, in the past, have been dealt with by Regulation whereas if we approve this it means the Minister himself, without coming back to the States, is. Is the Minister, without coming back to the States going to be able to bring all this in? If that is the case I am not sure that I can support this. I will come on to Article 3 when we get to Regulations but I think we are just talking about principles at the moment but I do find it concerning that these matters are going to be dealt with outside this Assembly.

10.1.3 The Connétable of St. John:

Earlier this afternoon we passed the Appointed Day Act for the Honorary Police losing their powers on the back of an Appointed Day Act. We were told within the Comité of Connétables that we were doing this because the Home Affairs Department had an Appointed Day Act that they wanted to get all this work done. They have not done their work. If we had had this prior to the Appointed Day Act for the Honorary Police, we could have easily delayed until November given that all their work has not been finished. Talk about putting the cart before the horse yet again and we have had the wool, or my colleagues have had the wool pulled over their eyes, because I did not have them pulled over mine. It is all very well and good to snigger behind me there but I expected my colleagues to be on the ball right across this Chamber and for sure the Chief Minister in allowing

the work ... and I see back in the Chamber now, to allowing the work to all build-up to the end and it is not complete so, therefore, we are passing a number of items, and I am supportive of what has been done, but it should have all been done prior to the Connétables giving up their power.

The Deputy Bailiff:

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

10.1.4 Senator B.I. Le Marquand:

Again I am not absolutely sure I understood Deputy Higgins’ question but just to clarify the position, the effect of Article 2, the amendments which enable ... the bringing in of a Compton’s procedure will enable the Minister to do that by Order. That is the position. The reason for that is that the existing Article is by Order and also in fact the disciplinary subsidiary legislation, the setting up of the disciplinary code, as it were, for police officers is done by Order. That has always been the system in relation to it. I have merely maintained that here. In relation to the charging matter, however, that is by Regulation and so the actual details of that will need to come back to the States. But because of the doubt as to whether there was sufficient power for the States to make the Regulations in the form that I was intending it is necessary to seek to amend the law first. I hope that clarifies the point.

Deputy M.R. Higgins:

And in response to my question, when was the principle adopted by this House of charging for either extra policemen or for documentation, when was it adopted? I cannot remember.

Senator B.I. Le Marquand:

Included in the 2012 law was a provision allowing Regulations to be made. This is that provision, which I am now seeking to amend, to widen so it is not just a policeman’s time but also provision of documents and things like that. That principle, the States will be deciding today as to whether or not to widen it in that way.

The Deputy Bailiff:

All Members in favour of adopting the principles kindly show. The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the principles of the Draft States of Jersey Police Force (Amendment) Law and I ask the Greffier to open the voting.

POUR: 37		CONTRE: 3		ABSTAIN: 0
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy T.A. Vallois (S)		
Senator A. Breckon		Deputy M.R. Higgins (H)		
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
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 of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
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 R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Deputy Maçon, does your panel wish to scrutinise this legislation?

Deputy J.M. Maçon of St. Saviour:

Thank you but I am no longer the Chairman of the Education and Home Affairs Scrutiny Panel.

The Deputy Bailiff:

You are not? I am misled. I am sorry.

Greffier of the States:

It is the Constable of St. Brelade.

The Deputy Bailiff:

Of course, I should have remembered that. Connétable?

The Connétable of St. Brelade (Chairman, Education and Home Affairs Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

Thank you.

10.2 Senator B.I. Le Marquand:

I will move the Articles *en bloc*. I think I have already explained them except to say that they would come into force 7 days after registration. There is no need for an Appointed Day Act matter.

The Deputy Bailiff:

Is that seconded? [Seconded] Does any other Member wish to speak on the Regulations?

10.2.1 Deputy M.R. Higgins:

Looking in the proposition it says: “The power” ... it has not been drafted yet. The Minister is mentioning that when they come forward they will be reasonably incidental to normal police activity. Then he mentions in the report that it excludes powers in relation to the policing of events. But then he goes on to say: “It is limited to a power to make a charge or to recover costs in relation to such matters as to the provision of road accident reports, vehicle examination reports, witness statements and documents of a similar nature.” He also says: “That it is for services such as training and mutual aid.” I am concerned. I would like him to explain what he means by “witness statements”. Does that mean that anyone who has been the victim of a crime and they go in to make a witness statement they are going to be charged for it? He mentions “documents of a similar nature”, what are they? Then “services such as training and mutual aid”, what does “mutual aid” mean? So I would like further clarification of what will be included in it.

The Deputy Bailiff:

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

10.2.2 Senator B.I. Le Marquand:

No, people are not going to be charged for making a statement but what happens sometimes is that people are seeking access to particular documents for other purposes. I mean the classic example for that would be an accident report where somebody is seeking to bring a civil claim thereafter and is seeking assistance in terms of making their case. That is the sort of example which arises. I am afraid in relation to the question of mutual aid, I am not sure what that means. It is clearly in the comments but does not immediately ... I can see training type of matters where you might have a situation where an organisation might want some of its officers trained in security processes or things of that nature. Mutual aid to me normally means assistance between different police forces. In that context I really do not understand that. I am sorry it is in there, it is confusing. I think I must have missed those words when I was going through the documentation.

Deputy M.R. Higgins:

I take it then the Minister will not mind when I vote against him because I do not know what I am voting for.

Senator B.I. Le Marquand:

If I may just comment that nothing is being decided today; that is for subsequent Regulations.

The Deputy Bailiff:

All Members in favour of adopting the Regulation ... the appel is called for. I invite Members to return to their seats. The vote is on whether to adopt these Regulations and I ask the Greffier to open the voting.

POUR: 36		CONTRE: 4		ABSTAIN: 0
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy T.A. Vallois (S)		
Senator A. Breckon		Deputy M.R. Higgins (H)		
Senator S.C. Ferguson		Deputy J.M. Maçon (S)		
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
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 of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
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 R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

The Deputy Bailiff:

Do you propose the Regulations in Third Reading, Minister?

Senator B.I. Le Marquand:

Yes, I do.

The Deputy Bailiff:

Seconded? [**Seconded**] Does any other Member wish to speak in Third Reading? Those Members in favour of adopting the Regulations ... the appel? I will ask the Greffier to open the voting.

POUR: 36		CONTRE: 4		ABSTAIN: 0
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy T.A. Vallois (S)		
Senator A. Breckon		Deputy M.R. Higgins (H)		
Senator S.C. Ferguson		Deputy J.M. Maçon (S)		
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
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 of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
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 R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

ADJOURNMENT PROPOSED

The Deputy of St. Ouen:

Excuse me, could I suggest the adjournment?

The Deputy Bailiff:

The adjournment is proposed.

Senator I.J. Gorst:

Sorry, before we adjourn I wonder if I could beseech the Connétable of St. John, I think he was rather uncomplimentary to the Deputy of Grouville, and I wonder if he might just consider apologising for the way that he referred to her. I do not mind him challenging me in the way that he did; that is absolutely right and we thrive on the challenge in this Assembly but I do think that perhaps he went a little too far and I wonder if he might reconsider his comments. **[Approbation]**

The Connétable of St. John:

I do not mind withdrawing those remarks.

Senator B.I. Le Marquand:

I wonder if I could I just take the next item which really is incredibly short.

The Deputy Bailiff:

Do Members wish to take it?

The Deputy Bailiff:

There seem to be 2 views about that. Those Members in favour of adjourning now kindly show. Those against.

11. Draft States of Jersey Police Force (Consequential Amendments) (Jersey) Regulations 201- (P.88/2014)

The Deputy Bailiff:

Very well, we will continue, as the Minister for Home Affairs has requested, and deal with P.88 – the Draft States of Jersey Police Force (Consequential Amendments) (Jersey) Regulations. I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft States of Jersey Police Force (Consequential Amendments) (Jersey) Regulations 201-. The States, in pursuance of Article 31 of the States of Jersey Police Force Law 2012, have made the following Regulations.

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

These are very straightforward indeed. Because the law has been changed, the name has been changed, and also because there is a definition now in the Interpretation (Jersey) Law of what a police officer is, there are simple amendments to other bits of law in order to bring them in line with the changes which have happened. The other change is that the previous law had a reference to Port Control Officers. Port Control Officers have not existed for a long time but they are referred to in other bits of legislation. So I move the principle.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any other Member wish to speak? Those Members in favour of adopting the principles kindly show. Those against. The principles are adopted. Do you move them *en bloc*, Minister?

Senator B.I. Le Marquand:

I move them *en bloc*, yes.

The Deputy Bailiff:

Seconded? **[Seconded]** Does any other Member wish to speak? Those Members in favour of adopting them *en bloc* kindly show. Those against. Do you move them in Third Reading?

Senator B.I. Le Marquand:

Third Reading, yes.

The Deputy Bailiff:

Does anyone wish to speak on Third Reading? Are you wanting to speak, Deputy Young? I cannot see whether you are not.

Deputy J.H. Young:

No, I was just about getting ready to ask for the appel when we get to it.

The Deputy Bailiff:

All right. Well, we have just got to it probably. **[Laughter]** Very well, the appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the States of Jersey Police Force (Consequential Amendments) (Jersey) Regulations in Third Reading and I ask the Greffier to open the voting.

POUR: 36		CONTRE: 5		ABSTAIN: 0
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator P.F.C. Ozouf		Deputy M. Tadier (B)		
Senator A. Breckon		Deputy T.A. Vallois (S)		
Senator S.C. Ferguson		Deputy M.R. Higgins (H)		
Senator A.J.H. Maclean		Deputy N.B. Le Cornu (H)		

Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
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 J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
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 R.G. Bryans (H)				
Deputy R.J. Rondel (H)				

Deputy G.P. Southern:

May I propose the adjournment?

The Deputy Bailiff:

The adjournment is proposed. The States will now stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:29]