

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 10th MARCH 2015

COMMUNICATIONS BY THE PRESIDING OFFICER	7
1. The Bailiff:.....	7
APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS	7
2. Appointment of Chairman of the Planning Applications Committee.....	7
2.1 Connétable L. Norman of St. Clement:	7
QUESTIONS.....	7
3. Written Questions	7
3.1 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR HOME AFFAIRS REGARDING HARASSMENT:	7
3.2 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING E-GOVERNMENT:.....	8
3.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING TAX EVASION:.....	9
3.4 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING FUNDING OF THE JERSEY CARE INQUIRY:	9
3.5 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE RECRUITMENT AND RETENTION OF TEACHERS:.....	10
3.6 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE DEPARTMENT'S SUSPENSION POLICY:.....	11
3.7 DEPTY J.M. MAISON OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING TRAFFIC IMPROVEMENTS ON LONGUEVILLE ROAD:	11
3.8 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING DEDUCTIONS FROM INCOME SUPPORT:.....	12
3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING LOCATE JERSEY:.....	13
3.10 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING EXPENDITURE IN RELATION TO THE JERSEY CARE INQUIRY:.....	13
3.11 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING PARKING FINES ON PRIVATE LAND:	16

3.12	DEPUTY J.M. MACON OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE ELECTION PROCESS:	17
3.13	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING DATA PROTECTION LEGISLATION:	18
3.14	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING A GRANT TO THE JERSEY MARITIME TRUST:	19
3.15	DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING FUNDING TO JERSEY FINANCE:	20
3.16	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ENERGY EFFICIENT SAVINGS:.....	21
3.17	DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE TRANSFER OF SERIOUSLY ILL RESIDENTS TO THEIR JURISDICTIONS OF BIRTH:	23
3.18	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING LONG TERM INCAPACITY ALLOWANCE:.....	24
3.19	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING ECONOMIC GROWTH:.....	28
3.20	DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DISCRIMINATION LAW:	30
3.21	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE ATTORNEY GENERAL REGARDING ENFORCEMENT ACTIONS:	32
3.22	DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DELIVERY OF PRIMARY HEALTH CARE:.....	33
3.23	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING UNAUHORISED ABSENCES FROM SCHOOL:	34
4.	Oral Questions.....	35
4.1	Deputy M. Tadier of St. Brelade of the Minister for Planning and Environment regarding energy efficiency rating systems:.....	35
	Deputy S.G. Luce of St. Martin (The Minister for Planning and Environment):	35
4.1.1	Deputy M. Tadier:	35
4.1.2	Deputy G.P. Southern of St. Helier:	36
4.1.3	Deputy G.P. Southern:.....	36
4.2	Deputy S.Y. Mézec of St. Helier of the Minister for Education, Sport and Culture regarding student loans:	36
	Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):.....	36
4.2.1	Deputy S.Y. Mézec:.....	37
4.2.2	Deputy G.P. Southern:.....	37
4.2.3	Deputy G.P. Southern:.....	37
4.2.4	Deputy J.A. Hilton of St. Helier:.....	37
4.2.5	Deputy J.M. Maçon of St. Saviour:.....	38
4.2.6	Deputy L.M.C. Doublet of St. Saviour:.....	38
4.2.7	Deputy M. Tadier:	38
4.2.8	Deputy S.Y. Mézec:.....	38

4.3 Deputy G.P. Southern of the Chief Minister regarding cases investigated by the Metropolitan Police:	39
Senator I.J. Gorst (The Chief Minister):	39
4.3.1 Deputy G.P. Southern:	39
4.3.2 Deputy G.P. Southern:	39
4.3.3 Deputy G.P. Southern:	40
4.3.4 Deputy G.P. Southern:	40
4.4 Deputy A.D. Lewis of St. Helier of the Minister for Social Security regarding drug prescriptions:	40
Deputy S.J. Pinel of St. Clement (The Minister for Social Security):.....	41
4.4.1 Deputy A.D. Lewis:.....	41
4.4.2 Deputy A.D. Lewis:.....	41
4.4.3 Deputy L.M.C. Doublet:.....	42
4.4.4 Deputy M. Tadier:	42
4.4.5 Deputy G.P. Southern:.....	42
4.4.6 Deputy G.P. Southern:.....	42
4.4.7 Deputy M. Tadier:	42
4.4.8 Deputy M. Tadier:	43
4.4.9 Deputy A.D. Lewis:.....	43
4.5 Deputy M. Tadier of the Minister for Social Security regarding Income Support renatal reductions:	43
Deputy S.J. Pinel (The Minister for Social Security):.....	43
4.5.1 Deputy M. Tadier:	44
4.5.2 Deputy G.P. Southern:	44
4.5.3 Deputy G.P. Southern:.....	44
4.5.4 Deputy G.P. Southern:.....	44
4.6 Deputy G.P. Southern of the Minister for Social Security regarding training for Back to Work officers:	45
Deputy S.J. Pinel (The Minister for Social Security):.....	45
4.6.1 Deputy G.P. Southern:.....	45
4.6.2 Deputy G.P. Southern:.....	46
4.6.3 Deputy G.P. Southern:.....	46
4.6.4 Deputy M. Tadier:	46
4.6.5 Deputy M. Tadier:	46
4.6.6 Deputy M. Tadier:	47
4.6.7 Deputy G.P. Southern:.....	47
4.7 Deputy S.Y. Mézec of the Chief Minister regarding the implementation of e-Government:	47
Senator I.J. Gorst (The Chief Minister):.....	47
4.7.1 Deputy S.Y. Mézec:.....	48
4.7.2 Deputy T.A. Vallois of St. John:	48
4.7.3 The Deputy of St. John:	48
4.7.4 Connétable J.E. Le Maistre of Grouville:	48
4.7.5 The Connétable of Grouville:.....	48
4.7.6 Deputy G.P. Southern:.....	49
4.7.7 Deputy M. Tadier:	49

4.7.8 Deputy M. Tadier:	49
4.7.9 Deputy A.D. Lewis:.....	49
4.7.10 Connétable J. Gallichan of St. Mary:	50
4.7.11 The Deputy of St. John:.....	50
4.7.12 Deputy S.Y. Mézec:.....	51
5. Questions to Ministers without notice - The Minister for Transport and Technical Services:.....	51
5.1 Deputy G.P. Southern:.....	51
Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):.....	51
5.1.1 Deputy G.P. Southern:.....	51
5.1.2 Deputy G.P. Southern:.....	52
5.2 Deputy A.D. Lewis:.....	52
5.3 The Connétable of St. Mary:.....	52
5.3.1 The Connétable of St. Mary:.....	53
5.4 Deputy P.D. McLinton of St. Saviour:	53
5.5 Deputy S.Y. Mézec:.....	53
5.6 Deputy M. Tadier:	54
5.6.1 Deputy M. Tadier:	54
5.7 Deputy J.A. Hilton:.....	54
5.8 Deputy C.F. Labey of Grouville:.....	55
5.9 Deputy J.A. Hilton:.....	55
6. Questions to Ministers without notice - The Minister for Home Affairs:	56
6.1 The Connétable of St. Mary:.....	56
Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):	56
6.1.1 The Connétable of St. Mary:.....	56
6.2 Deputy J.M. Maçon:	56
6.3 Deputy D. Johnson of St. Mary:.....	56
6.4 Deputy L.M.C. Doublet:.....	57
STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY	57
7. The Chief Minister made a statement regarding P.90/2013 Sunstone Holdings Limited and De Lec Limited – <i>ex gratia</i> payments to investors	57
7.1 Senator I.J. Gorst (The Chief Minister):.....	57
PUBLIC BUSINESS	58
8. Draft Loi (1914) sur la Voirie (Amendment) (Jersey) Regulations 201- (P.4/2015).....	58
8.1 The Connétable of St. Clement (Chairman, Comité des Connétables):	58
9. Public Holidays Designation: Friday, 8th May 2015 (P.11/2015).....	59
9.1 Deputy S.Y. Mézec:.....	59
9.1.1 Connétable C.H. Taylor of St. John:	61
9.1.2 Deputy P.D. McLinton:	61
9.1.3 Senator I.J. Gorst:.....	62
9.1.4 Deputy A.D. Lewis:.....	63
9.1.5 Deputy M. Tadier:	64
9.1.6 Deputy S.M. Bree of St. Clement:.....	65
9.1.7 Connétable J.M. Refault of St. Peter:.....	65

9.1.8 Deputy G.P. Southern:.....	66
9.1.9 Deputy M.J. Norton of St. Brelade:.....	67
9.1.10 Connétable D.W. Mezbourian of St. Lawrence:.....	67
9.1.11 Deputy R. Labey of St. Helier:	67
9.1.12 Deputy S.Y. Mézec:.....	68
10. Jersey Overseas Aid Commission: re-appointment of Commissioner (P.12/2015).....	71
10.1 The Deputy of Grouville (Chairman, Jersey Overseas Aid Commission):	71
11. Draft Act annulling the Road Traffic (Public Parking Places - Charges) (Amendment No. 6) (Jersey) Order 2015 (P.14/2015)	72
11.1 Deputy G.P. Southern:.....	72
11.1.1 Deputy E.J. Noel:.....	73
11.1.2 Deputy A.D. Lewis:	74
11.1.3 The Connétable of St. John:	74
11.1.4 Deputy S.M. Bree:	75
11.1.5 The Connétable of St. Mary:	75
11.1.6 Deputy R.J. Rondel of St. Helier:	75
11.1.7 Deputy S.Y. Mézec:.....	76
11.1.8 Senator L.J. Farnham:	76
11.1.9 Deputy R. Labey:.....	76
11.1.10 Deputy G.P. Southern:	76
12. Jersey Police Complaints Authority: appointment of new members (P.15/2015).....	78
12.1 The Deputy of St. Peter (The Minister for Home Affairs):	78
COMMUNICATIONS BY THE PRESIDING OFFICER	79
13. Appointment of Advocate Mark Temple as H.M. Attorney General.....	79
The Bailiff:.....	79
PUBLIC BUSINESS (continued)	79
14. Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) (No. 2) Act 201- (P.17/2015).....	79
14.1 Connétable S.W. Pallett of St. Brelade (Assistant Minister for Economic Development - rapporteur):.....	79
LUNCHEON ADJOURNMENT PROPOSED	80
LUNCHEON ADJOURNMENT.....	80
15. Draft Proceeds of Crime (Financial Intelligence) (Jersey) Regulations 201- (P.6/2015)	80
15.1 Senator I.J. Gorst (The Chief Minister):.....	80
16. Draft Foundations (Amendment of Law) (Jersey) Regulations 201- (P.21/2015).....	81
16.1 Senator I.J. Gorst (The Chief Minister):.....	82
17. Draft Proceeds of Crime (Amendment of Law) (Jersey) Regulations 201- (P.22/2015)	82
17.1 Senator I.J. Gorst (The Chief Minister):.....	83

17.2 Senator I.J. Gorst:.....	83
18. Draft Terrorism (Amendment No. 4) (Jersey) Law 201- (P.23/2015)	83
18.1 Senator I.J. Gorst (The Chief Minister):.....	84
19. Draft Terrorist Asset-Freezing (Amendment of Law) (Jersey) Regulations 201- (P.16/2015).....	84
19.1 Senator P.M. Bailhache (The Minister for External Relations):.....	84
19.2 Senator P.M. Bailhache:	85
20. External Relations: Report for the period September 2013 to January 2015 - in committee debate (R.15/2015).....	86
20.1 Senator P.M. Bailhache (The Minister for External Relations):.....	86
20.1.1 The Connétable of St. Lawrence:.....	89
20.1.2 Deputy S.M. Bree:	89
20.1.3 Deputy S.Y. Mézec:	90
20.1.4 Deputy A.D. Lewis:	93
20.1.5 Deputy M. Tadier.....	94
20.1.6 The Connétable of St. John:	96
20.1.7 Deputy K.C. Lewis of St. Saviour:	97
20.1.8 Senator I.J. Gorst:	97
20.1.9 Deputy M.J. Norton:	99
20.1.10 Deputy A.D. Lewis:	100
20.1.11 Deputy S.M. Bree:	100
20.2 Senator P.M. Bailhache:	101
ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS	103
21. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):....	103
ADJOURNMENT.....	103

[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

First of all under A, I would like to welcome all Members on behalf of his Excellency the Lieutenant Governor. **[Approbation]**

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Appointment of Chairman of the Planning Applications Committee

The Bailiff:

Under F, listed as the Appointment of Chairman of the Planning Applications Committee and I invite nominations.

2.1 Connétable L. Norman of St. Clement:

Could I propose the Constable of St. Mary?

The Bailiff:

Seconded? **[Seconded]** Any other nominations? Then I declare the Connétable of St. Mary elected as Chairman of the Planning Applications Committee. **[Approbation]**

QUESTIONS

3. Written Questions

3.1 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR HOME AFFAIRS REGARDING HARASSMENT:

Question

What legislation, if any, is being developed by Home Affairs to make it a criminal offence with a prison sentence to abuse and harass people on the internet, and how are the police working to target perpetrators?

Answer

The Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 provides for the offence of harassment or abuse, if a person (the offender) can be shown to have pursued a course of conduct against the said victim. This applies to conduct both off and on-line.

In 2014, the States of Jersey Police managed 21 official complaints of such on-line (internet based) harassment. These complaints resulted in 4 offenders being taken to court and a variety of other resolutions for the remainder, for example, words of advice, harassment notice served (no further action), 1 restraining order and 3 others withdrawing their original reports.

The harassment legislation, however, cannot be applied to conduct that occurs on only one occasion and therefore has no application to one-off communications sent over the internet.

Article 51 of the Telecommunications (Jersey) Law 2002 concerns the use of a public communications system to send a message that is grossly offensive or of an indecent, obscene or menacing character.

When this particular legislation was written, social media did not exist and current deliberations suggest that such existing legislation is not suited for this ‘new’ on-line environment.

In consequence and in accordance with developments in other jurisdictions, the Economic Development Department are in the process of seeking to amend the Electronic Communications (Jersey) Law 2000 in order to bring the Island’s capability in this regard up to date. It is intended that this piece of legislation should be amended to enable the relevant authorities to have the ability, in certain cases, to prosecute people for sending grossly offensive, threatening, false or malicious electronic communications, including by social media. It is anticipated that this would cover such things as cyber bullying and revenge porn and a law drafting request will be submitted after consultation via Green Paper with stakeholders.

In the meantime, however, the States of Jersey Police will continue to respond to all reports of cyber abuse and harassment whether these are received as a result of a direct complaint or indeed through our intelligence structures and will support victims and do everything they can, within the Law, to bring offenders to justice.

On a broader note, Home Affairs is committed to working on a strategy to prevent and combat violence against women and girls, as set out in the new Strategic Plan. This would include both physical and emotional abuse.

3.2 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING E-GOVERNMENT:

Question

Could the Minister provide a breakdown of costs incurred by States departments pursuing the now halted e-Government project?

Answer

The eGovernment project has not been halted. One element, the procurement of a lead partner, has been paused while the approach to implementation is refocussed. The vast majority of work to date, notably the design of eGovernment solutions and the component parts required to offer more services online to customers, remains valid.

Since inception in 2013 eGovernment programme spend is £1.47m against a budget of £1.82m to the end of December 2014. All expenditure has been made by the Chief Minister’s Department. Significant cost components include:

- £579,000 (vs £595,000 budget) on redesigning gov.je
- £328,000 (vs £328,000 budget) on consultancy fees to establish the core design and business case for eGovernment
- £219,000 (vs £358,000 budget) on the implementation phase, the majority of which is the cost of the eGovernment team.

In addition to the above a Customer Mapping project was carried out in 2012 at a cost of £338,000.

eGovernment remains integral to public sector reform and has the full support of the Chief Minister, who sponsors the programme.

3.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING TAX EVASION:

Question

Notwithstanding the responses to questions 8640 to 8642, has the Chief Minister sought advice from the Jersey Financial Services Commission (JFSC) on whether the schemes, recently revealed by the International Consortium of Investigative Journalists (ICIJ), devised and aggressively marketed by HSBC Switzerland, whereby wealthy individuals were encouraged to transfer their funds from a savings account to a corporate account (with no genuine trading activity) thus evading the European Union Savings Tax Directive (EUSD), would constitute serious tax evasion?

Has the Chief Minister obtained assurance from the JFSC that such a scheme has not been operated in Jersey by HSBC, its subsidiaries or by other banks or financial institutions either now or in the past, and if not, why not?

Can the Chief Minister also inform members what provisions or regulations are in place to prevent such practice in Jersey, and what evidence does the JFSC have on which to base its assurances?

Answer

The JFSC has been consulted on the matter raised by the Deputy. Tax evasion has been a predicate offence under AML legislation since 1999 . Any known deliberate action to evade taxation such as that described in the question therefore should have given rise to a suspicious activity report to the Joint Financial Crimes Unit. This is in contrast to the position that prevailed in many other countries including Switzerland who did not have similar legislation in place, as the international Financial Action Task Force did not include tax evasion as a predicate offence until it revised its recommendations in 2012. Because of the position taken by the Island authorities in protecting Jersey's reputation, and the action taken by the JFSC to ensure compliance with AML legislation, it is to be expected that schemes such as those said to have been devised and aggressively marketed by HSBC Switzerland, and which are considered to constitute serious tax evasion, would not have been undertaken here.

The JFSC has informed me that through its ongoing supervision it has no knowledge or evidence that such tax evasion has occurred in the past. However for the JFSC to say that such activity has never happened could only be possible if they had carried out an entire audit of every EU Savings Tax transaction and the JFSC is not and cannot be expected to be resourced to do this. What is known is that HSBC International in Jersey currently is not prepared to offer corporate accounts to their wealthy customers

The commitment of government, the regulator and the industry to good practice and the protection of the Island's reputation, the legislation that is in force and the policies and supervisory practices of the JFSC will continue to limit Jersey's exposure to tax evasion and aggressive tax avoidance. Through its active monitoring on a risk basis of the general conduct of business the JFSC considers it is as well placed as any supervisory authority to identify and respond to such poor business practice and in this I have every confidence in the JFSC.

3.4 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING FUNDING OF THE JERSEY CARE INQUIRY:

Question

Will the Chief Minister set out for members details of all discussions that have taken place with the Jersey Care Inquiry Team from the time it was appointed regarding funding of the Inquiry, stating when these discussions took place, the individuals involved and the nature of what was discussed?

Will he further state why he chose the Minister for External Relations or a member of the External Relations Department to take part in these discussions when the Minister for External Relations may well be asked to give evidence before the Inquiry in his capacity as a Crown Officer and Bailiff during the period under investigation and his role in the Jervis-Dykes and Roger Holland affairs in particular?

Answer

The Inquiry Panel maintains an ongoing dialogue with the States Greffe regarding funding, either with the Greffier of the States, as the Accounting Officer for the Independent Jersey Care Inquiry funding, or through the States Liaison Officer to the Independent Jersey Care Inquiry, who administers the funding.

In addition, officers from the Treasury & Resources Department and the Chief Minister's Department have met the Panel from time to time to discuss funding, at the request of the Council of Ministers.

These discussions have related only to funding. Since January 2015, discussions between officers and the Inquiry Panel have included the Chief Officer for External Relations and Constitutional Affairs from the Chief Minister's Department, who has worked alongside the Treasurer of the States to ensure that the Council of Ministers has been properly informed regarding funding and the constitutional arrangements for committees of inquiry.

Ministers have not held discussions with the Inquiry Panel. Ministers have considered Inquiry funding at Council of Ministers meetings held on 30th July 2014, 28th January 2015 and 11th February 2015, leading to the lodging of the proposition: *Committee of Inquiry: Historical Child Abuse – Additional Funding* (P.20/2015) in order that the States Assembly can decide upon this matter.

3.5 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE RECRUITMENT AND RETENTION OF TEACHERS:

Question

Is the Minister aware of research around teacher recruitment and retention that has found over 90% of teachers have considered leaving the profession within the last 2 years, and around half of new teachers leave the profession in the first 5 years of their career? What are the equivalent figures in Jersey? If there are none available will the Minister commit to investigating this issue?

Answer

Although a number of teacher surveys have been publicised in the national media, it is not clear from the question which one the Deputy is referring to. The Department is not aware of any

research of this kind being carried out in Jersey so equivalent figures do not exist. While the department keeps records of staff turnover, it is not possible to know whether teachers who leave States schools have moved to a different profession or to schools in the private sector or in another jurisdiction.

The Minister is already exploring issues of teacher recruitment and retention as part of ongoing discussions with the Education Partnership (which involves the NASUWT) and the Education Forum (with the other teaching unions). The intention is that this will include seeking teachers' views about their profession.

3.6 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE DEPARTMENT'S SUSPENSION POLICY:

Question

Does the Department have a policy in relation to suspending current staff members against whom allegations of serious criminal activity have been made, including, but not limited to, child abuse?

Answer

All ESC staff are covered by the current States of Jersey disciplinary policy which allows for suspensions under certain circumstances. The policy states that suspension 'is a neutral act, does not constitute or imply guilt on the part of the employee and will be kept to a minimum'.

It adds that suspension may be appropriate:

- where the employee is accused of gross misconduct
- when it is necessary to allow a thorough investigation to be carried out
- where there are potential risks to the employee, other employees, service users or the public.

The categories of gross misconduct are set out in a separate document, Disciplinary Rules, which also applies to all employees

3.7 DEPT J.M. MAISON OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING TRAFFIC IMPROVEMENTS ON LONGUEVILLE ROAD:

Question

Further to the previous Minister's response to question 8424 on 14th July 2014, can the Minister explain when the work for traffic and crossing improvements at the Longueville Road / Rue des Pres junction will commence, as it would appear that the promised consultation that was due to take place in the last quarter of 2014 has not occurred, and if not, why not?

Answer

As explained in the previous Minister's response of 14 July 2014, the original assessment related to calls for a pedestrian crossing in Longueville Road by Miladi Farm (copy of answer to 8424 attached).

We are sure you will appreciate there is a large call on my small team of Traffic Engineers' time. They are progressing a number of priority schemes in St Saviours and other parishes.

Unfortunately limited resources have meant that the Department has been unable to take the scheme beyond concept design. This now needs to be discussed and agreed with the Connétable and the District Deputies to ensure Parish support.

Once a preferred solution has been agreed with the Connétable and Deputies, we will then instruct the Officers to prepare the detailed materials required for a public consultation. We anticipate a consultation being carried out later in 2015, with capital funding provisionally allocated in 2016, subject to a successful consultation and continued funding.

3.8 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING DEDUCTIONS FROM INCOME SUPPORT:

Question

Further to the Minister's answer to written question 8651 on loan repayments for rental deposits and medical costs, can the Minister confirm what constitutes the "small amounts" she refers to as being deducted from Income Support payments to recover the money loaned for expensive dental treatment? How much is the maximum that the department will deduct from someone's Income Support per week? How much flexibility is there on these repayments, and what measures are in place to ensure that no unnecessary hardship is caused for people with little money who have to undertake essential dental treatment?

Answer

As noted in my previous answer, a Special Payment grant for urgent and essential dental treatment can be given up to a maximum of £500 per person in any two-year period. Support for any additional costs above £500 is available in the form of a loan to be repaid from ongoing benefit. People over the age of 65, people living in residential care and people in receipt of personal care levels 2 and 3 are exempt from this limit, although they must still demonstrate that they cannot meet the cost themselves. The limit may also be waived in cases where somebody has serious dental problems due to ill health. The 65+ Health Scheme also provides grants to older people in respect of dental costs.

If a working age person requests support with dental treatment in excess of £500, the excess cost will be provided as a loan, and recovered from ongoing benefit payments. Determining Officers in Income Support are provided with general guidance that helps set the level of weekly repayments from benefit entitlement. The determining officer applies the general guidance to the individual case, taking into account the specific circumstances of the claimant.

The level of any loan repayment is set with the customer before the initial payment is approved. The standard 'rule of thumb' is for repayment to be set between £14 and £28 weekly. The precise amount will depend on a number of factors, including the total weekly entitlement, other household income and whether or not there are any employed persons included in the household. In cases where a household demonstrates that it is unable to afford the lower level of weekly repayment, it

can be reduced to a smaller amount, on either a short or long term basis. In other cases, a higher repayment rate will be agreed.

As stated in my answer to question 8651, the limit on the value of a special payment grant for dental costs ensures that the tax funded budget is targeted to essential costs. The availability of additional support through loans provides a flexible system that acknowledges the high costs of some dental treatment, but also means that claimants who request more than a certain amount over a set period will only be offered support for any additional costs in the form of a loan recovered in small amounts from their weekly benefit.

3.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING LOCATE JERSEY:

Question

Can the Minister assure members that the mechanisms employed by “Locate Jersey” to encourage high net worth individuals to register and invest in business in Jersey are in no way similar to those used by HSBC Switzerland, whereby wealthy individuals were encouraged to transfer their funds from a savings account to a corporate account (with no genuine trading activity) to evade the European Union Savings Tax Directive (EUSD)?

Answer

I am unable to comment on the procedures employed by specific banks but I can assure members that every effort is made to protect the reputation of Jersey when reviewing applications for residency from High Net Worth clients.

Those applying for residency in Jersey go through a robust application process. Locate Jersey officers consult with officers at the States of Jersey Financial Crimes Unit and the Jersey Financial Services Commission and carry out a background search in World Check. Applicants provide detailed information on their income and wealth and are met by officers before the application dossier is submitted to the Comptroller of Taxes and to the Population Office for approval.

There is no room for complacency and we are constantly reviewing the procedures to ensure that the reputation of the Island is protected. Jersey has a very strong reputation for high levels of appropriate regulation and intermediaries and banks are required to carry out appropriate KYC to meet these requirements.

Those qualifying for residency under the 2(1)(e) policy are taxed on their worldwide income and are not required to transfer funds to Jersey. These clients are increasingly establishing business on the Island and employing staff in addition to using local service providers.

3.10 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING EXPENDITURE IN RELATION TO THE JERSEY CARE INQUIRY:

Question

Will the Chief Minister set out for Members full details of all costs and expenditure in relation to the Jersey Care Inquiry incurred by any of the following that are factored into the overall care inquiry costs:

- (a) Lawyers engaged by the Care Inquiry to sift, collate and prepare material for use by the Care Inquiry;
- (b) Lawyers representing States of Jersey departments and individuals breaking down the costs involved for each department and individuals (who may be identified as A, B and C etc.) and activity;
- (c) Lawyers representing the Care Leavers;
- (d) Lawyers representing the States of Jersey with regard to the Compensation Scheme;
- (e) The Law Officers' Department;
- (f) Other costs not included above.

Answer

1. The overall costs of the Inquiry to the end of December 2014 are as follows –

Independent Jersey Care Inquiry	£5.2 million
States Departments	<u>£1.8 million</u>
Total	£7 million

2. Further details of Independent Jersey Care Inquiry costs

	£
(a) Lawyers engaged by the Care Inquiry	2,738,803
(c) Lawyers representing the Care Leavers (Inquiry)	2,790
(f) Other costs not included above:	
Qtly rental & service charges	155,821
Running costs	44,561
IT & website support	7,761
Panel members	565,641
Media strategy & support	92,448
Hotel/travel/subsistence	550,379
Witness and Hearing costs	303,562
Expert witnesses: fees	15,870
States Greffe staff costs	59,194
Set up costs:	

Premises alterations	530,406
IT & website	81,314
Rental & service charges	62,859
Utilities and telephone	12,111
Administration & office costs	<u>1,358</u>
Total costs for Inquiry	5,224,877

3. Further detail of States Departments' costs

£

(b) Lawyers representing States of Jersey departments and individuals:

States of Jersey Police	471,298
Health and Social Services	706,553
Education, Sport and Culture	20,008
Chief Minister's Department	21,327
(e) Costs of the Law Officers' Department	347,334
Home Affairs departmental costs (Holmes team)	113,629
Chief Minister's Department costs	<u>129,750</u>

Total States Department costs **1,809,899**

4. Further details of Redress Scheme costs

£

(c) Lawyers representing the Care Leavers (Compensation Scheme)	408,582
(d) Lawyers representing the States of Jersey with regard to the Compensation Scheme	2,193,653
Ex-gratia payments to claimants	1,899,690
Professional services	60,404
Hired and sundry services	<u>40,279</u>

3.11 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING PARKING FINES ON PRIVATE LAND:

Question

Is the Minister aware of a company calling itself ‘CPARK’ ‘Car Parking and More’, which issues parking fines on private land and states that if fines are not paid, it will contact Driver and Vehicle Standards for the driver’s details before pursuing them for payment? Can the Department advise whether they have had any requests for such information from this or any other similar company; and whether it has handed over such details?

Answer

The parking of vehicles on private land is a significant issue, which should be taken seriously. Whether wilful or by negligence, such behaviour can cause serious inconvenience and incur significant cost for land owners.

The whole issue of parking on private land is a subject being looked at by the Minister of Home Affairs. The Home Affairs Department has developed law drafting instructions upon which they have sought advice from the Law Officers Department.

The company concerned has been known to the Department under its registered name Property Management Services Ltd, trading as PMS-Parking Management Services, since 2010.

Driver & Vehicle Standards (DVS) is obliged by legislation to supply details of registered owners to persons who have ‘reasonable cause’, this is set out in Article 19(2) of the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993:

“19 Supply of registration particulars

*(2) Upon request made by a person who satisfies the Inspector that the person has reasonable cause for the request and upon payment of £8.20, the Inspector **shall** supply – [Emphasis added]*

(a) the name and address of the person recorded in the register as the owner of a registered motor vehicle; and

(b) such other particulars recorded in the register as are, in the opinion of the Inspector, relevant to the circumstances constituting the reasonable cause for the request.”

DVS is required under the Article to provide certain information to parking enforcement agencies, including this one, who are acting as agents on the behalf of landowners where there is ‘reasonable cause’. Parking unlawfully without permission or in breach of contract private land is considered

‘reasonable cause’. This allows among other things, the injured party to pursue a legitimate claim through the Petty Debts Court.

Any parking enforcement agency wishing to make regular applications under the Article must make a written application to DVS detailing their business, who they are and the areas where they will be enforcing and details of their Data Protection Registration.

Data is not released lightly and the applicant must show “reasonable cause” for a release. Each application must be in writing, detailing the registration number, vehicle make and model, date of incident, location, reason for the request and in most cases photographic evidence is requested, accompanied with the stipulated payment fee for each request.

DVS is required to and legitimately provides information to parking organisations where there is ‘reasonable cause’, including States Departments, Ports of Jersey, Andium, States of Jersey Development Company and a small number private parking providers.

DVS provides a similar service to vehicle manufacturers when there is a safety recall for a particular model.

3.12 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE ELECTION PROCESS:

Question

Can the Chairman advise members what debrief and feedback the Committee has received following the 2014 election process and state what, if anything, the Committee is looking to change to improve the election process for candidates and the public?

Answer

The Committee is leading a wide-ranging, ongoing discussion on matters arising from the 2014 election process. A number of potential refinements to the Public Elections (Jersey) Law 2002 have already been identified, due in no small part to feedback received from the various individuals and bodies involved in the electoral process. At its meeting on 16th December 2014 the Committee welcomed the Deputy Judicial Greffier, Jurats J.M. Clapham, G.W. Fisher and A.J. Olsen, Mrs. S. De Gruchy, Secretary to the Comité des Connétables, and Mr. B. Buesnel, St. Saviour Parish Secretary, in connexion with a review of election procedures.

For electors, steps are being taken to improve the accessibility, ease and privacy of voting. The Committee has extended its support to the Chief Minister in his intention to lodge Regulations permitting a trial comparison of data between the Names and Addresses Register and the manually updated electoral register. The trial would establish whether the Names and Addresses Register could be used to generate the electoral register automatically without the need for the current annual registration process. Similarly, a recently enacted amendment to Article 7(A) of the Public Elections (Jersey) Law 2002 charges the parishes with issuing a notice to every unit of accommodation within their boundaries stating the names of the persons (if any) registered to vote. This notice is to be dispatched in the run-up to an election. It is hoped that these measures will enhance the accuracy and completeness of the electoral register. In addition, the Committee has directed the States Greffe to prepare drafting instructions to insert a sensible ‘cut-off’ time for sick

votes and to clarify the circumstances in which a ‘known name’ can be used on the ballot, so that ballot papers can be presented more simply. As for voters’ independence, the Judicial Greffe and the Jurats are reviewing the pre-poll process to ensure that candidates cannot knowingly or unknowingly pressurise voters, for example by accompanying them into the pre-poll room. The Committee has also supported the principle of amending the Law to enable electoral observers to be present for future elections.

For candidates, consideration has been given to the instances where one might demand a recount or a re-election. The Committee is of the view that Article 52(6) of the Law should be tightened to ensure that a recount can only be requested when there is reasonable and realistic doubt over the veracity of a result. The Committee further agreed to invite H.M. Attorney General to prepare drafting instructions to amend Article 61 of the Law, which deals with challenges to the legality of an election. It was considered that the Royal Court should have the power to declare a by-election in respect of one seat only in a multi-seat constituency in instances where an elected candidate had been declared ineligible. Article 61(3) currently makes no such provisions, requiring that an entirely ‘*fresh election*’ must take place in such cases.

Work is also progressing to ensure that the announcement of election results is made in a consistent manner, that accurate and complete results are published on Vote.je in a timely fashion, and that counters perform a practical level of vote reconciliation.

The Committee is currently awaiting correspondence from the Deputy Judicial Greffier which will set out other potential enhancements to the Law. Plans for refinements to the election process are expected to advance upon receipt of this correspondence.

3.13 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING DATA PROTECTION LEGISLATION:

Question

Can the Chief Minister inform members whether he intends to review the provisions of the current law in Jersey governing libellous statements or breaches of data protection made on social media websites such as Facebook and Twitter, and if not, why not?

Does the Chief Minister intend to introduce provision under data protection legislation to hold an individual responsible for a breach which occurs on a Facebook “group page” which they administer and, if not, why not?

Does the Chief Minister also intend to introduce provision to enable Jersey authorities to obtain the actual identity of persons using a pseudonym or false name for their social media account so that action can be pursued when libellous statements and made or breaches of data protection are committed, and if not, why not?

Answer

The areas of law highlighted in the question (and similar) are currently under review, and a Green Paper is being drafted to consult the public on potential changes to the law.

Should such a review and consultation conclude that legislative measures are necessary, I intend that draft legislation be brought before the States Assembly for debate.

3.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING A GRANT TO THE JERSEY MARITIME TRUST:

Question

Will the Minister give members a detailed breakdown of what the £41,200 paid to the Jersey Maritime Trust by Property Holdings on the aborted Port Galots development was spent on? Will he further explain the rationale behind the payment and whether he now believes it was money well spent?

Answer

The Jersey Maritime Trust (JMT) was established in January 2014 in conjunction with plans to develop a new harbourside facility known as Port Galots and to act as custodian of the Port Galots development and landlord to all commercial tenants.

The creation of a not for profit body, independent from the developer and the Ports of Jersey, to manage the facility post completion was agreed by the stakeholder groups and the Ports at the early meetings arranged by the Ports.

In addition to this specific role, the JMT has a wider responsibility for developing and implementing objectives to promote Jersey's maritime industry, including:

- Assisting maritime related businesses and community organisations in developing their strategies and objectives through the provision of business advice, resource and a first class facility within in which to flourish;
- Identifying and creating opportunities to increase event-led tourism;
- Providing and managing a unique facility in which to inspire and educate any member of the community irrespective of their age, gender, ability or disability;
- Developing relationships with international organisations to increase the opportunities available to the professional maritime industry and community in general; and
- Developing a comprehensive outdoor activity programme for disabled and socially disadvantaged islanders and visitors through the provision of a centralised disability-friendly facility.

The objects of the JMT are set out in its constitution as:

1. To provide an internationally renowned maritime centre of excellence (the "Jersey Maritime Centre"), which includes facilities for the Sea Cadets and other maritime organisations;
2. To promote the regeneration and sustainability of the local maritime environment and countryside;
3. To promote and enable equal opportunities for life fulfilment and employment through education, instruction and learning experiences for leisure and professional mariners alike and the wider island community;
4. To promote the Jersey maritime industry internationally, and to promote the growth of its economic contribution in the island particularly through maritime related event led tourism, employment, trade and industry and financial services;
5. To promote relationships with the Armed Forces, and especially the Royal Navy, in their role as protector of our national resilience, trade and industry and career opportunities; champion the Armed Forces Community Covenant in the Island and to sign a Corporate Covenant; and

6. To optimise the long term financial and social value of the asset in the care of the Trust, for the community and for the States of Jersey, raising commercial and other grant-funding as needed to give long term sustainability to the Trust and its activities.

Ministerial Decision MD-PH-2014-0092 dated 4th June 2014 made provision for the release of funds to support the setting up and operation of the JMT until such time as the facilities are developed.

Following approval of the above Ministerial Decision the following payments have been made in respect of the JMT:

Reimbursement for JMT set up costs	£16,450
Supported by invoices and timesheets	
Payment for Executive Support to JMT	<u>£24,750</u>
	£41,200
A grant payment to progress the JMT objectives	<u>£14,550*</u>
Total Payments by the Public to JMT	£55,750

* met from JPH base revenue budget

The funds allocated to JMT have been used to provide:

- Executive Support from October 2013
- Design and Publicity costs in respect of JMT promotional material
- Travel Costs
- Accounting and Legal Fees
- Insurance costs
- Postal costs
- Room hire
- Bank charges and other miscellaneous administrative costs.

The payment was necessary to enable the JMT to become established and to deliver against its objectives. The continued delivery of those objectives remains a key requirement to the successful development of Maritime community groups and the wider maritime industry moving forwards.

3.15 DEPUTY J.M. MA^{ON} OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING FUNDING TO JERSEY FINANCE:

Question

Would the Chief Minister confirm or otherwise that, in reducing States expenditure, the funding to Jersey Finance will be reduced back to pound for pound match funding?

Answer

There is no plan to reduce the funding of Jersey Finance to a matched pound for pound basis.

Given the significant impact of the international financial crisis and the changing external environment I believe our investment in Jersey Finance has been fully justified. This industry remains the mainstay of the economy providing significant jobs and tax and supporting many other industry sectors.

Jersey Finance Limited has played a key role in maintaining and growing the finance sector, which has seen an overall increase in employment of almost 500 since the jurisdictional review they commissioned in 2013.

3.16 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ENERGY EFFICIENT SAVINGS:

Question

Would the Minister be supportive of introducing an energy efficiency rating system for Jersey residential properties; how might this be done; what would the likely costs be and how quickly could this be introduced?

Answer

I am extremely supportive of the underlying principle of the question which I understand to be a drive to improve the energy efficiency of residential properties in Jersey for the benefit of both the occupant in terms of improved comfort and reduced bills as well as reduced energy demand and greenhouse gas emissions.

With this objective in mind there are already a number of policy and legislative levers that aim to achieve improved energy efficiency in homes which can be summarised as follows:

1. *The application of the Building Bye Laws.*

Energy performance targets currently exist for new-build residential properties and it is a requirement of the Building Bye-laws (BBLs) that energy performance certificates are produced to show those targets have been met. In addition, the BBLs require improvements to existing dwellings when roof coverings and windows are replaced, when walls are re-plastered or re-rendered and when heating boilers are renewed. The purpose is to ensure that when repairs are undertaken to a dwelling the opportunity is used to improve the energy performance at the same time. Action Statement 3 in Pathway 2050: An Energy Plan for Jersey (P.38/2014) outlines how I intend to use the BBLs to make improvements to the building stock over time. I plan to publish revisions to the energy performance requirements contained in the BBLs later this year. These will include energy targets for new dwellings of up to 50% higher than current standards, new fabric efficiency standards to reduce the need for space heating, requirements to make improvements to the energy performance of existing dwellings when extension works are proposed, higher standards for replacement windows and doors and improved insulation when renovating the external fabric.

2. *100% grants to improve the energy performance of badly performing properties occupied by eligible low-income tenants or owner-occupiers.*

Since 2009 nearly 2,000 properties have been fitted with a number of energy efficiency interventions such as loft and cavity wall insulation, draught proofing, energy system upgrades and pipe lagging. These interventions have been provided through a turnkey and 100% grant funded programme administered by the Department of the Environment.

3. *Private rental properties - the draft Health and Dwellings Law*

Legislation under development in the Department of Health intends to ensure that all rental properties reach a minimum standard in a number of areas such as contract management, health and safety and also energy performance. I very much support the objective of this legislation since improving the standard of rental properties is often very difficult because of the so called 'split-incentive'. This is where the landlord has no incentive to improve the energy performance of a property since they do not live in it and will personally feel no benefits from any upgrade. Equally, the tenant is likely to have little capital and also has no incentive to improve a property since they do not own it.

Thus to summarise there is likely to be an improvement in several sectors over time as follows:

- Dwellings covered by the increasingly stringent BBLs i.e. new builds and those undergoing alterations or a change of use. It is worth noting that a significant number of building applications to make improvements to existing dwellings are received each year so the impact on the existing stock will become greater each year;
- The homes of low-income eligible owner-occupiers or tenants who benefit from the 100% grant scheme run by the Department of the Environment;
- The private rental sector assuming draft legislation is agreed and adequately covers energy performance.

A notable sector not covered by these interventions is that of the 'able-to-pay' owner-occupier who chooses not to make any building improvements. It is a well-understood market failure that even those who can afford to, do not act logically and fail to improve the energy efficiency performance of their properties. This is despite the fact that up-front investments can be relatively low and the pay back, from savings in energy bills, can be as low as 3 to 5 years.

Different jurisdictions tackle improvements in energy efficiency using both incentives and punitive measures. Many countries offer incentives such as low cost loans or grants for energy efficiency measures. Action Statement 3 in Pathway 2050 outlines proposals to incentivise the able-to-pay sector's worst performing residential stock (built pre-1997) to make self-funded energy efficiency improvements to their homes. The premise is that subsidised energy audits (from trained energy assessors) alongside an advice toolkit (to help people procure high quality good value energy efficiency services) will drive behaviour change. A pilot scheme is currently under development in my Department and will build in pilot work studies carried out in 2013 and 2014.

EU directives require Energy Performance Certificates to be provided for dwellings at the point of sale in the EU. A trained assessor makes a number of assumptions about a property in order to calculate the likely energy performance of that property to inform the purchaser how much the property is likely to cost to run and also to highlight the energy efficiency improvements that could be made. The accuracy of these certificates depends very much on the assumptions made about the property construction and they simply give an estimated energy performance rather than act as a rating system. Nevertheless, these certificates do act to raise awareness of the energy performance of the property but the evidence is less clear on whether they influence actual improvements in energy efficiency either by the vendor or purchaser.

Therefore in considering and supporting such a scheme for Jersey I would need to satisfy several queries:

- Would an energy rating system be the most effective policy intervention to address the energy efficiency market failure in the residential sector? Is such a system effective elsewhere and would it be scale-able and transferrable to Jersey?
- What would be the costs of introducing and administering such a system if it were deemed appropriate to Jersey? Do these provide best value compared to other potential policy interventions?
- What support or facilitation would the industry need to service such a scheme e.g. assessor training / upskilling?
- What new resources / legislation / other policy instruments would be required to underpin any such scheme?

I conclude that there are a number of serious considerations that must be investigated prior to making a decision on whether an energy efficiency rating system would be effective in improving the energy performance of residential properties in Jersey. Furthermore, the additional benefits of such a scheme would need to be considered in the context of the existing policy interventions in place, and under development already to address this issue. With these uncertainties I cannot give any definitive view or timescale regarding the implementation of such a scheme.

Nevertheless, I remain open to any discussions with the Deputy on improving the energy performance of the residential sector and I invite him to meet with me and my officers.

3.17 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE TRANSFER OF SERIOUSLY ILL RESIDENTS TO THEIR JURISDICTIONS OF BIRTH:

Question

Could the Minister inform members what provisions are available for seriously ill Island residents who wish to be transferred to be cared for in their jurisdiction of birth and whether the Department will meet the costs of people wanting to do this when the costs of care in their jurisdiction of birth is lower than it is in Jersey?

Answer

The Social Security Department provides a variety of benefits to support people with long-term illnesses. Working age individuals who have worked in Jersey and have a contribution record may be entitled to claim long-term incapacity allowance. This benefit can be paid anywhere in the world. An older person who is already claiming a pension can also receive their pension payments throughout the world.

The long-term-care benefit has recently been introduced to support the cost of long-term care needs. The income support system also provides components to people who have ongoing medical or care needs. Both these benefits are available to people living and being cared for in Jersey. The long-term care legislation and the income support legislation include residency requirements and both laws have been designed to support local residents. Neither benefit can be paid off island. However, the income support law does provide for one off special payments to be made to assist with the costs of repatriation, and this could include helping a seriously ill individual move back to their home country.

3.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING LONG TERM INCAPACITY ALLOWANCE:

Question

1. Why did the Minister announce the policy to apply sanctions to those on 35% Long Term Incapacity Allowance (LTIA) through a media release 2 hours after a scheduled quarterly meeting with the HSS scrutiny panel?
2. Those on less than 30% LTIA are already expected to work. How many recipients is this? What percentage do so? In what job sectors have placements been? How many are zero hours?
3. How many have multiple and variable symptoms; how many have mental/psychological incapacity, and what training is in place for support workers for these recipients? What role does JET play in the assessment process?
4. Can the appeal process give timely consideration for a sanction which may only last 2 weeks? What is the current average period for second determinations? How long does a full appeal to tribunal take?
5. What targets does the Minister have for the successful implementation of this new policy and how much taxpayer funding would this save?
6. The current guidelines for Income Support state that those with a medical impairment component score of 24 points will be exempt from seeking work. How does this compare with the new limit of an LTIA score of 35%?

Answer

Together with my colleagues in the Council of Ministers I remain fully committed to the strategic priority of removing any barriers to employment for certain key groups, which includes people with long-term illnesses. Long-term absence from the workforce represents a significant cost to Jersey's economy, not to mention a personal and social cost to the unemployed person, and so we have made significant investments in ensuring that anybody who can work is given our support to find a suitable job. For people claiming Income Support, taking up this offer of help is in many cases a condition of receiving the benefit.

It is important to make it clear that people who claim Income Support as well as receiving Long Term Incapacity Allowance (LTIA) have never been exempted under the Income Support legislation from looking for work, regardless of the percentage of their LTIA award. Many of them will be exempted from looking for work for other reasons, including the relevant level of an Income Support personal care component, but equally there will be people even with very high percentage of LTIA award who are fully capable of working in suitable employment .

The LTIA benefit does not assess fitness to work. It is a test of 'loss of faculty'. This may or may not affect the ability of the individual to carry on their usual employment, or take up employment in another area. Therefore, there are no provisions under Income Support legislation for a blanket exemption from jobseeking to be applied to all people receiving the LTIA benefit.

During the introduction of Income Support an operational decision was taken to concentrate our work support resources on those people with the lowest percentage awards of LTIA, and this led to people with an award at 35% or higher being informed that they were not yet expected to be actively seeking work. Nonetheless, it was always the intention that those with higher percentages of LTIA would receive appropriate assistance as soon as there were sufficient resources to help them. The heightened levels of unemployment caused by the economic downturn meant that our efforts have until now been concentrated on other groups of unemployed people, but continued progress in this area has meant that we now have the resources available to help people with LTIA awards of 35%.

People who are completely incapable of work due to illness or disability will be exempted from job seeking, whereas those who require special assistance as part of a longer journey towards paid employment will be offered appropriate training and guidance from our specialist Work Right team.

I will address the Deputy's specific points in order.

- 1. Why did the Minister announce the policy to apply sanctions to those on 35% Long Term Incapacity Allowance (LTIA) through a media release 2 hours after a scheduled quarterly meeting with the HSS scrutiny panel?*

The change in our internal guidelines is not one that arbitrarily applies sanctions, but only serves to broaden jobseeking requirements to include people with an award of 35% LTIA. The same rules which have always been applied to people in receipt of LTIA at 30% or lower were simply extended to the group immediately above them. This was an operational decision extending the range of Back to Work support, and as such did not require a change to legislation or a Ministerial Decision, although I was of course aware and supportive of the principle. In order to properly manage their caseload operational staff had made the decision to write to this group of claimants and letters were sent on Wednesday 18th February, which happened to be the day before the Scrutiny hearing. On my return from the Scrutiny hearing I was asked to approve a press release; this was created because staff wanted to ensure that clear information was provided to the public

that would contextualise the rise in the Actively Seeking Work figures that would result from this operational decision. There was at no point a plan to obscure these changes from the Scrutiny panel, although I do apologise to the Panel for any confusion that was created by the timing of this sequence of events.

- 2. Those on less than 30% LTIA are already expected to work. How many recipients is this? What percentage do so? In what job sectors have placements been? How many are zero hours?*

There are 339 people included on an Income Support claim who receive LTIA awards from 5% to 30%, and who are expected to either be in full-time work or to be looking for work. This excludes people who are exempt from jobseeking for other reasons, such as being over the age of 65 or being responsible for the care of a young child. Of these 339 people, 39% are in some form of paid employment. In 2014, there were 91 new job starts for this group, distributed across the full range of sectors of Jersey's economy. The top 3 industries were construction, retail and hospitality, however it is not possible to provide precise numbers broken down by sector as some numbers are small enough that there is the risk of individuals being identified. Our data shows that 12 of these jobs commenced as zero hours contracts, which is by no means unusual for new job starts in any sector of the economy at present.

- 3. How many have multiple and variable symptoms; how many have mental/psychological incapacity, and what training is in place for support workers for these recipients? What role does JET play in the assessment process?*

It is not possible to describe how many people exhibit multiple or variable symptoms without examining each individual claim. Many long-term illnesses will exhibit multiple or variable symptoms and the assessment process will take this into account. Of the existing 339 people between 5% and 30%, 159 have a primary ailment that could be loosely categorised as mental and/or psychological. This is not an exact categorisation, as it is dependent on the initial recording of the primary ailment.

Employment Advisors undertake a comprehensive package of training during their induction, and continue to receive training as part of the ongoing development of their role. A substantial component of this involves work in understanding and responding to the individual client's barriers to employment, including long-term illness. One of the key strengths of the specialist service we provide is that staff work with clients on an individual basis, offering tailored support, motivation, understanding and where appropriate referral to a partner agency who might offer more intensive support. This can include Jersey Talking Therapies, Adult Mental Health, JET and other specialist agencies best positioned to help people with long-term mental and psychological illness.

No outside agency plays a role in the Department's assessment processes, but as part of the Income Support impairment assessment process many do take up the opportunity to submit evidence on a client's behalf. This evidence is always considered as part of the assessment of award.

- 4. Can the appeal process give timely consideration for a sanction which may only last 2 weeks? What is the current average period for second determinations? How long does a full appeal to tribunal take?*

The Department currently processes 61% of requests for reconsideration (second determination) of sanction decisions within 5 days or less. Best practice suggests that they should be processed

within 14 days and 94% of requests are completed within this period. There will however always be cases where the process is delayed to give the client the opportunity to provide supporting evidence for their case, and it is likely that this accounts for the majority of cases that take longer than 5 days to process. The very small percentage of claims that proceed to the independent tribunal take longer to arrange, as the process is more involved and depends on the time taken to produce case papers, and for the Registrar to liaise with the appellant and the independent tribunal members to arrange a sitting.

From the point at which a decision is issued to the customer, and including the Departments' internal reconsideration process, it typically takes 8 to 10 weeks for the conclusion of an independent tribunal.

As reported to the States in February in response to an oral question, recent statistics show that there have been 7 appeals to the tribunal in respect of sanctions and all of these appeals have been from only 2 people.

5. What targets does the Minister have for the successful implementation of this new policy and how much taxpayer funding would this save?

This change in our operating procedures was not designed to save money, although every individual who moves out of Income Support and into work represents a move towards personal financial independence and a saving to the taxpayer. I will consider this change successful if it helps people on LTIA into paid employment, but recognise that this is not going to be a process that happens overnight. The alternative is to do nothing, which has the guaranteed outcome of continued joblessness.

For example, at present roughly one in three people who are not on Income Support but who have an LTIA award at 35% are in paid employment. For people on Income Support with the same level of award, this proportion drops to around one in ten people. Taking this into account, our goal is to provide support to all those who have the capability to work; therefore the ultimate success for this programme would be to help IS claimants into suitable, sustainable work at a comparable level to non-IS claimants.

For each client who moves into paid work there will obviously be a saving to Income Support, as well as potential contributions and Income Tax revenue, although the amount would depend on the level of earnings. It is however recognised that a number of these clients have not worked for some time, and so investment of advisor support and training will be required to help them on their progress towards paid employment.

6. The current guidelines for Income Support state that those with a medical impairment component score of 24 points will be exempt from seeking work. How does this compare with the new limit of an LTIA score of 35%?

The two scores cannot be compared as they are the result of completely different tests, designed for separate benefits and producing outcomes that are not equivalent to one another.

LTIA is based on a loss of faculty; this is not related to an individual's functional ability to work but to the long-term loss of faculty to a specific area of the mind or body. An example would be the amputation of a leg, where the faculty is lost but modern medicine and appropriate aids can often allow for the function to be replaced, and for suitable work to be taken up. There is no direct

correlation with the ability to work. Only by engaging with the individuals directly can the department understand where LTIA recipients have barriers to employment, and provide appropriate support to help them achieve the benefits that work can bring.

In contrast, the Income Support impairment test is concerned with the functional ability a person needs to care for themselves, and produces an outcome which is a much better indicator of whether or not the degree of impairment would limit a person's ability to work. People who reach the 24 point threshold of the personal care assessment are likely to be impaired in multiple areas and will require a consistent degree of assistance in caring for themselves, regardless of any aids or adaptations available to them. It is for this reason that the Minister used 24 points as an indication that these individuals would not be required to undertake work, and included this threshold in the Income Support legislation. The majority of people who reach this threshold will experience higher barriers to rewarding employment, although the Department and other agencies will continue to provide support, if requested.

3.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING ECONOMIC GROWTH:

Question

To give clarity will the Chief Minister give a definitive answer to the following questions and illustrate his answer with appropriate diagrams:

- (a) the average level of economic growth in the Island between 1998 and 2013;
- (b) the average level of economic growth in the Island between 1998 and 2013 contributed by each sector of the economy e.g. Finance industry, agriculture etc.;
- (c) the average level of economic growth in the Island between 1998 and 2013 contributed by each sector of the finance industry;
- (d) the impact of the recession on Gross Value Added (GVA) together with the Treasury Department's/Economic Adviser's estimates of when (in years) the level of GVA will return to 2008 levels.

Answer

- a) Gross value added (GVA) fell by an average of approximately 0.5% per year over the period 1998 to 2013, after excluding inflation.

However, this compares two different points of the economic cycle and includes a significant structural impact from the global financial crisis. Sections 2.2-2.3 of the Fiscal Policy Panel (FPP) January 2015 pre-MTFP report provides a comprehensive analysis of recent trends in GVA and assesses the permanent (structural) and temporary (cyclical) changes in the different components of economic growth.

- b) The % change in GVA of each sector over the 1998-2013 period is set out below:

Sector	Average annual change in GVA (real terms)
Agriculture	-2%
Manufacturing	-5%
Electricity, gas & water	-2%
Construction	0%
Wholesale & retail	-1%
Hotels, restaurants & bars	-1%
Transport & communication	0%
Financial services	-2%
Other business activities (excluding rental)	2%
Rental	2%
Public administration	2%

Again, caution must be used in drawing any conclusions from rates of change between two different points in the economic cycle, and over a period which includes the impact of the global financial crisis.

- c) The % change in each sub-sector of the financial services industry over the 1998-2013 period is set out below:

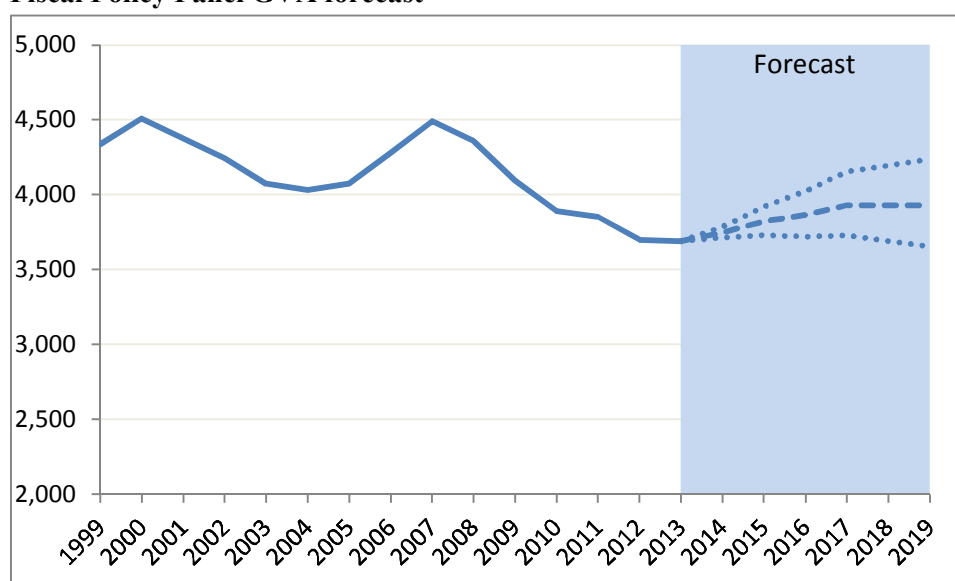
Sector	Average annual change in GVA (real terms)
Banking	-4%
Fund Management	-5%
Trust & Company Administration and Legal (including Fund Administration)	3%
Accountancy	2%
Other & Mixed Income	-3%

As above, this period covers two different points in the economic cycle and includes the impact of the global financial crisis. But further, financial services profits can be volatile from year to year so particular caution is required in interpreting changes between any two specific years for the financial services sector.

- d) Section 2 of the FPP’s January 2015 report also discusses the impact of the global financial crisis and global “great recession” on Jersey’s GVA.

The FPP has agreed to endorse the assumptions that underpin the next set of States income forecasts. Figure 2.16 of the Fiscal Policy Panel’s January 2015 report illustrates the best estimates at the time of their report. The report stated that, given the uncertainty about local and global economic trends, it would be advisable for the Panel to confirm these assumptions again before the next forecasts are finalised.

Fiscal Policy Panel GVA forecast



GVA – actual and forecast, £m constant 2013 prices

Source: adapted from FPP January 2015 pre-MTFP report

3.20 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DISCRIMINATION LAW:

Question

Given the Department’s commitment to get more disabled people back into the workplace, will the Minister explain the viability, or otherwise, of bringing the introduction of the disability component of the Discrimination Law forward by one year, so as to ensure that disabled people are not put at a competitive disadvantage when applying for or maintaining jobs?

Answer

The draft Strategic Plan 2015 – 2018 (P.27/2015) published by the Council of Ministers last week included the following action as part of the maximising economic growth priority:

3.5: Desired Outcome: *All working age people fulfil their potential in rewarding employment*

Key areas of Focus 2015 -2018: *Identify and address barriers to work for key groups, including those wanting to work beyond retirement, looking after home and long-term sick*

The commitment of the Department is to support this strategic aim - to support individuals with long-term health conditions to overcome barriers to take up and remain in rewarding employment. This reinforces and builds on existing services and support provided by the Department. For example, the Department provides annual funding (£1.7 million in 2013) to the Jersey Employment Trust and other organisations providing vocational and employment support in this area. Other support is provided directly through Back to Work, specifically the Work Right team who work with jobseekers with more serious or complex barriers to employment.

The Department has successfully introduced overarching discrimination legislation, with race discrimination being the first area to be brought into force. The decision to phase in the different areas of the discrimination law allows local employers and service providers to build up experience and confidence in this area, without imposing an undue burden on small companies.

Regulations to deal with sex-related areas are currently being drafted and these are due to be debated by the States later this year, aiming for an implementation date of September 2015. The next area to be developed will be age discrimination. Encouraging people to remain economically active for longer and providing the environment in which employers can make the best use of experienced local residents will be a key factor in ensuring the ongoing economic success of the island. Appropriate age discrimination regulations will be one of several areas where government can support workers and local companies to achieve this aim.

In parallel, the Chief Minister's Department is already working on a disability strategy for Jersey, which will gather information on the experience of local people living with a disability. From this knowledge, a disability strategy will be developed during 2015/2016.

Once a strategy has been agreed, work can begin on the development of disability regulations, for introduction in 2017/2018. Disability discrimination is the most complex of the areas (characteristics) to be covered and care will need to be taken to find the appropriate balance of regulations to protect individuals without imposing an undue burden on employers and service providers. The characteristic of disability is expected to require the most preparation and the most adjustment across wider society, not just for employers, and so we expect the preparations to take longer than for the other characteristics.

For example, compared to the other characteristics, a different approach will be required because behaviour is less likely to be a result of people's prejudices about, or hostility towards, disabled people, but is more as a result of workplaces and premises being designed in such a way as to exclude or limit access to some disabled people. Full consultation will be required as to the scope and the extent to which reasonable adjustments should have to be made to accommodate the needs of disabled people.

A careful approach will also be needed in the legal definition of disability to provide the appropriate separation from sickness or illness, but still include an appropriate range of conditions.

Given the amount of preparatory work necessary, it would be difficult, and perhaps counter-productive, to seek to bring forward the current timetable in respect of disability discrimination regulations.

The Department, JET and other organisations working in this area have very good relationships with many local employers who provide both work placements and permanent jobs to individuals with a wide range of disabilities.

3.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE ATTORNEY GENERAL REGARDING ENFORCEMENT ACTIONS:

Question

Further to written question 8634 of 24th February 2015, will the Attorney General advise:

- (a) whether it is a legal requirement for all enforcement actions to be referred to the Law Officers' Department to determine whether to bring a prosecution in the Magistrate's or Royal Court, and, if not, in what circumstances actions would not be expected be referred;
- (b) whether this has changed during the last 10 years and why;
- (c) whether he is satisfied that Centeniers have the relevant expertise to assess the evidential and public interest tests in Planning and Environment enforcement cases without reference to the Department;
- (d) how many times over the last five years:
 - (i) Centeniers have, and have not, referred cases to the Department for advice before prosecuting, filing charges or actioning charges lodged by Planning and Environment enforcement officers in the Magistrate's Court;
 - (ii) Centeniers have prosecuted cases based solely on reports submitted by enforcement officers, or accepted charges lodged in the Magistrate's Court by enforcement officers;
 - (iii) Planning and Environment enforcement prosecutions have been brought in the Magistrate's Court and the number of times the charges in these cases were amended before being determined and the reasons for these changes.

Answer

- (a) There is no legal requirement for all enforcement actions to be referred to the Law Officers' Department. However, guidance has been issued that it is best practice for officers in regulatory departments to refer potential prosecutions to a Legal Adviser in the Law Officers' Department to decide whether a prosecution should be brought.

The Department of the Environment is responsible for enforcement actions across a wide range of legislation. This includes matters relating to planning and building, wildlife protection, environmental protection, animal welfare and agriculture. The Attorney General, to the best of his knowledge, understands that the Department follows the guidance referred to above.

There is, however, an exception with respect to charging decisions relating to marine resource matters, which, due to the nature of the legislation, are often referred to the Honorary Police for straightforward cases to be dealt with by the Magistrate's Court or in Parish Hall Enquiries. The Honorary Police deal with these matters both appropriately and proportionately and there is no good reason to change this practice.

- (b) Guidance for regulatory departments was last updated in 2008 and the procedures that should be followed have not changed since then. On occasion, guidance has been provided to clarify the procedures to be followed, as referenced in the answers to the Deputy's questions on 3rd June 2014 (Written Question 8320) and 9th December 2014 (Written Question 8561).
- (c) With respect to regulatory matters administered by the Department of the Environment, the Honorary Police routinely make charging decisions without reference to the Law Officers' Department in relation to the narrow area of legislation referred to above. The Attorney General has full confidence that the Honorary Police make appropriate charging decisions and that, when necessary, they will seek advice from a Legal Adviser in the Law Officers' Department.
- (d) (i) The records which the Law Officers' Department holds do not necessarily reveal whether a request to provide pre-charge advice has been made by the Department of the Environment or by a Centenier. The Law Officers' Department has no records of the occasions upon which it was not consulted before proceedings were commenced. As the Attorney General indicated in his answer of 9th December 2014, there were two planning cases (one in 2012 and one in 2013) in which charges had been brought without reference to the Law Officers' Department. In both of those cases, the defendants entered not guilty pleas and, from thereon, the Law Officers' Department dealt with the cases.
 - (ii) It is for the Centenier or Legal Adviser to ensure that they have sufficient information and/or evidence to ensure that both the evidential and public interest tests are satisfied. In most cases, it is not possible to identify from our records what paperwork was provided in a particular case at the time a decision was taken.
 - (iii) The Minister for Planning and Environment has already committed to provide the Deputy with details of the number of cases his Department has brought in the Magistrate's Court in the last five years without reference to the Law Officers' Department. There are many reasons why charges may be amended during the life of any case. Prosecutions brought under the legislation administered by the Department of the Environment are no different. Without retrieving the case papers for each of the cases and conducting a full review of the history of each case, it would not be possible to identify in how many of the cases the charges were amended and the reasons for those amendments.

3.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DELIVERY OF PRIMARY HEALTH CARE:

Question

The Minister for Social Security has stated when discussing the restructuring of the delivery of primary health care that “we are hoping it will be this year”. Will the Chief Minister assure members that the Council of Minister will include costed policies for the delivery of all aspects of primary health care in the Medium Term Financial Plan lodged in July for September debate including costs for G.P. and dentistry services?

Answer

Primary health care costs are currently funded by the Health Insurance Fund. Any extra funding required will need to be considered as part of the Medium Term Financial Plan process.

The work to develop a proposed model for future Sustainable Primary Care is progressing, and a White Paper for public consultation is under development.

The work on sustainable funding mechanisms for health and social care is also being progressed by the Treasury & Resources department, working with the Health and Social Services and Social Security Departments.

3.23 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING UNAUTHORISED ABSENCES FROM SCHOOL:

Question

Will the Minister provide the following information relating to unauthorised absences from school for each year during the period between September 2013 and June 2014 in respect of -

- (a) the number of students in each primary and secondary school who were issued with warning letters;
- (b) the number of students that each Education Welfare Officer in primary schools and Attendance Officers in the four 11-16 schools were handling;
- (c) how many students, if any, were referred to the Alternative Curriculum following periods of unauthorised absences; and,
- (d) how many parents, if any, were prosecuted for failing to ensure that their children attended school?

Answer

- (a) Unauthorised absence in Jersey is lower than the UK national average. In the 2013-14 academic year there were 12,202 students in compulsory education in Jersey. During that period, 53 letters were sent from primary schools and 15 from secondary schools. However, letters are not always the most appropriate means of communication for every situation or every family. Head teachers use their discretion and often prefer to meet the parents concerned to discuss the issues.

Note: For data protection reasons, and in line with recommended practice, it is not possible to provide a breakdown of figures by school because the numbers are below 10 and it would be possible to identify individuals.

- (b) During the 2013-14 academic year there were approximately 5,600 pupils in primary schools and the three Education Welfare Officers had 150 open cases over the course that period. These covered issues

ranging from punctuality to persistent absence. The Attendance Officers in the 11-16 schools, which had approximately 4,200 pupils, had 192 open cases.

- (c) The Alternative Curriculum is a provision that caters for 20 pupils from Year 11. Places are allocated according to a clear process and set of criteria. School attendance is one of the main criteria.

For the school year 2013-2014 there were 1,063 pupils in Year 11 in Jersey. The Department received 28 recommendations from schools. Of the 20 places offered, only four pupils were prioritised for a place because of their low levels of attendance.

- (d) In the academic year 2013/2014 no parents were prosecuted for failing to ensure their children attended school.

4. Oral Questions

4.1 Deputy M. Tadier of St. Brelade of the Minister for Planning and Environment regarding energy efficiency rating systems:

Will the Minister consider the introduction of an energy efficiency rating system for all residential properties and, if so, how does he envisage it would work and what would the timescale be?

Deputy S.G. Luce of St. Martin (The Minister for Planning and Environment):

I have provided an extensive answer to this question in my reply to written question 8687 asked by the Deputy in today's Assembly. But I thank him for his interest on the work that we are already currently undertaking at the department. I reiterate that I remain open to any discussions with the Deputy on improving energy performance and I am happy to take other further questions. But as I stress, I have already given an extensive written answer today on this question.

4.1.1 Deputy M. Tadier:

Does the Minister envisage a time in the near future - and perhaps he could put a timescale on it - whether one is buying a property a Jersey or renting it in any of the particular rental domains one would be able to see very clearly a rating system, which we perhaps are all familiar with, which goes from red to green in order to assist the purchaser or potential renter to know what the likely bills are going to be for that property?

The Deputy of St. Martin:

There is already a system in place for new builds and extensions which we administer through the bylaws. The Deputy's question about a new scheme to do with all properties in the very near future I would just say that before I would make any decisions in that direction there are a number of questions I would need to answer. I am aware that in other jurisdictions you can get energy performance certificates but while they might sound wonderful it is sometimes only the question of a phone call and the person at the other end of the line will say: "What age was your property and what sort of windows have you got?" and will issue you a certificate on that basis without visiting or asking questions about cavity wall or loft insulation, so there are a lot of questions that need to be answered. I would add this: I would like to know what system would be most effective for the Island, the cost of introducing it and administering it, what support or facilitation the industry would need to service such a scheme, and what new resources the legislation or other policy changes would be required? At the end of the day without this sort of legislation it is quite straightforward at the moment for potential buyers to inquire of vendors to see the size of energy bills. I think in the immediate short term that is probably still the best way.

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

Will the Minister commit himself to at least maintaining the level of grants referred to in section 2 of his answer 8687 to improve the energy performance of badly-performing properties and, if possible, look to expand that particular grant system in the new M.T.F.P. (Medium-Term Financial Plan) coming out later in this year?

[9:45]

The Deputy of St. Martin:

I thank the Deputy for his question and it does give me the opportunity to highlight that since 2009, as Members will see, nearly 2,000 properties have been fitted and had their energy efficiencies improved. Those properties were owned or rented by people who were not in a position to financially afford to have those improvements made. I can certainly commit that we will, as a department, continue to help those people unable financially to improve their properties with regards insulation. The Deputy will also know that we are potentially on the changeover to looking to help the people who are able to pay, but I will certainly want to look very carefully before this Assembly or the Government commits funds to helping people who are able to pay to improve their properties with grants from Government. But certainly I would say to the Deputy, people who are unable to pay and cannot afford to do this work we would very much look forward to continue working with them and helping them in the future.

4.1.3 Deputy G.P. Southern:

Supplementary, if I may. When the answer refers to 2,000 properties that was 2,000 properties over what timescale and could the Minister further indicate what targets he has for the M.T.F.P. or for this particular scheme going forward?

The Deputy of St. Martin:

The target would be to continue. As I said just now, I think we are almost in the position where all the people who have applied - those who are not able to pay - all those people who have applied, have been helped and we are on the verge of moving into the "able to pay" sector. As the answer says, since 2009 nearly 2,000 properties have been fitted and assisted and I consider that that number will reduce. Because we have done so many we do not think there are very many more to do. But as people come forward we will continue to help them if they are not able to pay.

Deputy M. Tadier:

I do not need to ask a final supplementary, just to thank the Minister for his answer and I will no doubt ask more questions in future.

The Bailiff:

The next question was to have been asked by Deputy Higgins of the Minister for Treasury and Resources but as Deputy Higgins is *malade* that will not be possible.

[Dep Higgins to T&R re the proposed International Finance Centre?]

4.2 Deputy S.Y. Mézec of St. Helier of the Minister for Education, Sport and Culture regarding student loans:

Could the Minister update the Assembly on what progress, if any, has been made in investigating the feasibility of introducing a new student loan scheme for students undertaking higher education?

Deputy R.G. Bryans of St. Helier (The Minister for Education, Sport and Culture):

I met with the Community Savings Bank to discuss the potential for their involvement in any larger student loan scheme some weeks ago. The Community Savings Bank confirmed that they would be willing to participate but they saw their role as administrators of the scheme. The money would have to come from Treasury but loans would be underwritten by E.S.C. (Education, Sport and Culture) who would need to make provision in their budget. A meeting subsequently took place on 3rd March between officers from Treasury, E.S.C. and the Community Savings Bank. The Treasury will now revisit the model which was used in the previous discussion of student loans in 2006/7 to ascertain the impact of increasing the size of the loan and introducing a different repayment model. In particular, they will consider the size of the States liability, the amount of money that would need to be put aside annually to cover defaults - this obviously would impact on our budget - the level of debt for individual students, the structure of the repayment schedule and the impact on graduates returning to the Island. A further meeting between officers is planned as soon as these new calculations have been completed.

4.2.1 Deputy S.Y. Mézec:

I am sure the Minister is regularly getting concerned parents contacting him about the subject and it is quite topical. Given his previous answer, could he give an indication of which year or which academic year coming forward he believes would be the one where the new potential loan system would be in place for?

Deputy R.G. Bryans:

I think in the scheme of things of where we are now it would probably be in 2016. But we have, just in reference to the fact that parents are extremely worried, the Deputy and I attended the question time event at St. Clement and at that event there were several concerned parents who have formed a group. We are meeting with that group tomorrow.

4.2.2 Deputy G.P. Southern:

Notwithstanding his answer on the potential for student loans, is it not the case that the fundamental problem with our higher education system is that the grant itself has been left to wither and, in particular, the thresholds at which eligibility for grants are applied have been static for many years and that the value of the grant has been reduced over time by negligence on the part of previous Ministers? What does he intend to do about the level of the grant?

Deputy R.G. Bryans:

The level of the grants is always reviewed on an annual basis. There are some elements of what the Deputy says is true. I think there is a concern that for some reason we have not increased the grant for some time. But that was not anything to do with negligence. That was just a series of considerations made by the previous administration of which I was an Assistant Minister, where we found ourselves in a difficulty with regard to what we could apply through the budget.

4.2.3 Deputy G.P. Southern:

Supplementary, if I may. Will the Minister commit himself now to addressing the issues raised in the most recent report commissioned on the level of grants and report back to this House?

Deputy R.G. Bryans:

Yes, we are doing that and that is partly the consideration that we made when we meet with Treasury.

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

I had the great pleasure yesterday of talking to some Victoria College 6th form students and one question that came up repeatedly among the group that I was talking with was the question of

student grants and I pointed out to the students at Victoria College that the States Assembly were under increasing pressure as far as budgets were concerned and that in my personal opinion I did not believe that the grants would be increased any time in the future. Is that a comment that the Minister would agree with?

Deputy R.G. Bryans:

I think everything is up for consideration. At this point in time we feel - this is really top of my agenda at the moment - parents are under some pressure, particularly with the situation they find themselves that there is a possibility of fees going up in the U.K. (United Kingdom), so it is something we will always look at, we will continue to look at and we will be meeting with Treasury to see what we can do to alleviate the problem.

4.2.5 Deputy J.M. Ma, on of St. Saviour:

Given that the loan scheme in the U.K. is looking to be an abject failure with the billions of pounds not being paid back to the U.K. Exchequer, can the Minister explain why they are going down a loans-based scheme and not looking at something in the taxation system?

Deputy R.G. Bryans:

Everything is up for consideration. It is not that we are going down a loan-based scheme. I think you are quite correct that this is a broken model in the U.K. The debt is up to £46 billion considerably at the moment, and would increase to about £100 billion by the year 2020. So it is not that we are going down the U.K. model. We are looking at what we can achieve with the budget that we have got.

4.2.6 Deputy L.M.C. Doublet of St. Saviour:

Could the Minister tell me: is he more in favour ideologically of using funds to increase grants for individuals to study off-Island or would he rather use the money to increase the courses that are on offer at Highlands and perhaps develop a Jersey University on the Island?

Deputy R.G. Bryans:

I think it is a balance between the 2. I think I mentioned in the Assembly last time I was asked about this, that in 2006 we had one degree course. This year we have 13 degree courses. So we are always trying to achieve a balance between what we can afford to offer here on the Island and what we would do with regard to the U.K. It is, from my perspective, as a Minister for Education, using the word “ideology”, that I would wish every student every opportunity to go to the courses that they desire.

4.2.7 Deputy M. Tadier:

We know that on occasions when it suits the Council of Ministers there is some form of collective responsibility and group thinking. Given that other departments are considering using charges which are ring-fenced to fund things such as sewage possibly, could it be worth looking at ring-fenced charges for higher education, perhaps via a progressive tax system, so that more money can be put into the pot to educate the Island’s children without necessarily having to scabble around for loan systems which we know are not going to work anyway?

Deputy R.G. Bryans:

Consideration has not been made for ring-fencing at this point in time as far as I am aware, but once again all of this sort of stuff goes into consideration when we sit with the Treasury to discuss the matter as we move forward.

4.2.8 Deputy S.Y. Mézec:

Following on from the questions from Deputy Southern and Deputy Hilton, does the Minister accept that when he is under pressure to find potentially up to £10.7 million savings a more comprehensive loan scheme would provide perfect justification for undermining the grants even further? Does he not agree that it is a bad thing for young people to be put into such extensive debt to become educated properly?

Deputy R.G. Bryans:

I would not wish for any student to be put under that pressure. In fact that is one of the considerations why we are looking at the U.K., as Deputy Maçon has already said. Consideration that you load up a student with £50,000 worth of debt and then try to reclaim that at some point, we see it particularly as a disincentive for students of ours going to the U.K. to come back to Jersey at that point. So we are going to look at it in great detail. It is high on my agenda. We will speak with Treasury within the next week.

4.3 Deputy G.P. Southern of the Chief Minister regarding cases investigated by the Metropolitan Police:

Does the Chief Minister accept Transparency International's analysis that a significant proportion of grand corruption cases investigated by the Metropolitan Police involved the use of suspected illicit funds by offshore companies to purchase U.K. property, with half of these companies registered in Jersey, and, if so, will he provide the number of requests for beneficial ownership received by the J.F.S.C. (Jersey Financial Services Commission) over such transactions and of suspicious activity reports registered locally?

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

Statements made in Transparency International's report on property ownership in the U.K. are very much open to question in their application to Jersey. The authors themselves state that conclusions are difficult to draw from the data alone and they acknowledge that Jersey has a central register of beneficial ownership of companies. As this information can be readily obtained by law enforcement authorities it is difficult to see how Jersey fits the report's references to secrecy jurisdictions. Over the past 2 years no requests for information on beneficial ownership have been received in the form of production orders by the J.F.S.C. Over the past 5 years, however, 394 intelligence reports have been shared with the Metropolitan Police by the Joint Financial Crimes Unit.

4.3.1 Deputy G.P. Southern:

Far from casting doubt on the figures produced, the figure of 50 per cent of the transactions involving Jersey companies was in fact a figure produced by the Metropolitan Police themselves. Does the Minister accept that?

Senator I.J. Gorst:

I think I have just made clear what I accept. Officers and officers at the Joint Financial Crimes Unit have subsequently, as you would expect, spoken to members of the Metropolitan Police and so we find it difficult to reconcile that figure with the reality of what is happening in every day activity.

4.3.2 Deputy G.P. Southern:

In the light of the statement that no requests have been received recently, does the Minister not consider that it might be an improvement to move to automatic exchange of this sort of information about beneficial ownership in the short and in the long term?

Senator I.J. Gorst:

The Deputy knows that we have signed a F.A.T.C.A. (Foreign Account Tax Compliance Act) agreement with the United Kingdom and he also knows that we have signed the O.E.C.D. (Organisation for Economic Co-operation and Development) Common Reporting Standard in Berlin in October of last year. We are at the forefront of these changes with regard to exchange of information and both of those agreements are automatic exchanges of information agreement.

4.3.3 Deputy G.P. Southern:

Will the Chief Minister turn his attention to the question about suspicious activity reports registered locally? To what extent are the safeguards built into our system sufficient to flag-up this sort of suspicious activity, one of which is highlighted in this latest report?

Senator I.J. Gorst:

Absolutely they are, that is why we have so many suspicious activity reporting. On the one hand the Deputy ... we were in a lose/lose situation. We are co-operative. We are transparent. Appropriate authorities of which law enforcement agencies are appropriate authorities can make requests and can receive information.

[10:00]

The very fact that we are open and transparent means that we perhaps have more cases than elsewhere where they are not so. We cannot, it would seem to, win in this regard. Just because a request is made does not mean to say that illegal activity is taking place.

4.3.4 Deputy G.P. Southern:

As an indication of illegal activity or otherwise, can the Minister state how many prosecutions have arisen from suspicious activity reports or otherwise?

Senator I.J. Gorst:

He is asking me how many prosecutions, I assume, based on the Transparency International report and the subsequent line of his questioning, how many prosecutions have taken place elsewhere. I can only assume he means in the United Kingdom. That is outside of my control and I do not have the figure to be able to give the Deputy.

The Bailiff:

I was in 2 minds, I must say, Chief Minister, as to whether that was in order. It is not a matter for which you have responsibility. The Attorney General is responsible for it.

Deputy G.P. Southern:

Indeed that was not my intention to go in that area, as I am fully aware that it is not his responsibility. But suspicious activity reports are registered locally and I presume suspicious activity indicates that possibly some illegal activity is taking place so I was referring to local prosecutions.

The Bailiff:

It is still a matter for the Attorney General rather than the Chief Minister.

4.4 Deputy A.D. Lewis of St. Helier of the Minister for Social Security regarding drug prescriptions:

Could the Minister for Social Security confirm whether she will consider issuing a directive to all G.P.s (General Practitioners) and other medical practitioners who issue drug prescriptions, to print

the actual value of the drug on all prescriptions so as to better inform the public of the true value of the drugs and to assist in the reduction of waste and the over-prescribing of some pharmaceuticals?

Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

G.P.s, and to a less extent dentists, are responsible for the provision of prescription drugs in the community. They must ensure that the drug is appropriate and necessary for the treatment of the individual. Since October 2014 all G.P.s are required to register on a local performers' list and to undertake an annual appraisal which includes an examination of their prescribing habits. Our pharmaceutical adviser meets with G.P.s and reviews their prescribing in a face-to-face meeting. As a standard discussion item this review includes their average prescribing cost and their top 20 list of high cost drugs. Community prescribing in Jersey compares well with the U.K. We have a high use of generic drugs which keeps costs down and the average cost of each item and the number of items purchased prescribed per visit is lower than that in England. However, the issue of medicines waste is an important one and it is useful to be reminded that community prescribed medicines are supplied at a significant cost to the Health Insurance Fund, around £18 million per year and climbing. The average cost of each drug dispensed in 2013 was £6.67. Printing the price of medicines on a prescription slip is an interesting idea but it does come with some risk. There is a danger that vulnerable people would be influenced by the cost of their prescription and that people who really need their medicines will not collect them through fear of becoming a burden on taxpayers. We would also have to consider I.T. (information technology) issues and our ability to link the G.P.s and dentists in with the National Health Service Businesses Services Department in the U.K. who price-out prescriptions. The department will be considering options to reduce the cost of prescriptions this year and will continue to monitor cost and develop initiatives to reduce waste. I have also asked officers to investigate the reintroduction of a prescription charge with appropriate safeguards for those on low incomes.

4.4.1 Deputy A.D. Lewis:

I know the Minister clearly said there that the drug cost was about £18 million, there are 1.8 million prescriptions issued so even if the prescription charges were reintroduced it would recover very little of that fund, therefore it is a suggestion that there are some considerably expensive drugs there that are being prescribed on a regular basis albeit I understand a lot are generic. Could she give an indication of what the percentage is between generic drugs and the more expensive variety that are prescribed?

Deputy S.J. Pinel:

Prescribers are encouraged to prescribe generic medicines, as the Deputy is aware, rather than branded and this helps to control the cost. In 2013 over 90 per cent of all items prescribed in the community in Jersey were generic.

4.4.2 Deputy A.D. Lewis:

Therefore if the average drug price is £6.67, in the U.K. it is about £8, we have got our costs at the moment of £18 million but we have got 1.8 million prescriptions. Is she therefore saying that if she was to introduce a prescription charge she would be looking for full cost recovery or partial cost recovery?

Deputy S.J. Pinel:

When comparing Jersey to the U.K. there are differences in the range of medicines that are reimbursed at public expense; different restrictions on the quantity of each medicine that may be dispensed per prescription. Analysis of our data on the N.H.S. (National Health Service) prescription pricing system shows on average the cost, as I mentioned, in Jersey is £6.67 per item compared with £8.37 per item in England. The plans for prescription charges have not been

undertaken in any detailed research but it does seem possible that some sort of fee will encourage people to value the medicine they are prescribed and could reduce waste, particularly around repeat prescriptions.

4.4.3 Deputy L.M.C. Doublet:

Could the Minister - sorry to go off topic - tell me if she is aware about the research showing that an over prescription of antibiotics can be harmful to an individual and also to society as a whole, as bacteria become resistant to it and if anything is being done to reduce the over prescription of antibiotics in Jersey?

Deputy S.J. Pinel:

I thank the Deputy for the question. Yes, I am aware of that. Regarding the waste situation and possible prescribing, we are tackling that as a department and we ran a D.U.M.P. campaign in 2014, which stands for the Disposal of Unwanted Medicines Properly. Over 2 weeks in June medicines were dropped off to local pharmacists for safe disposal and these dumped medicines filled 120 bags. Over 70 per cent of all medicines prescribed are on a repeat prescription so this would hopefully go some way ... we are running another D.U.M.P. campaign in the next few months.

4.4.4 Deputy M. Tadier:

There is a lot of information which is very interesting but I am still at a bit of a loss to what the answer is to the actual question, which was: is it possible and is the Minister minded to print the actual value of the drugs on prescriptions? So could I ask that?

Deputy S.J. Pinel:

Yes, when the Deputy first raised this question with me a few weeks ago it certainly has interesting connotations but, as I mentioned in my first answer, the I.T. system is not linked-up with U.K. and Jersey G.P.s. Even the pharmacists over here are not linked-up. As Boots is the biggest dispensing pharmacy we would have to be linked-up to make the whole thing coherent, which is quite a big step.

4.4.5 Deputy G.P. Southern:

Supplementary to that last question. Does that last statement about the I.T. capacity of the department indicate a lamentable degree of co-ordination, which is available both on and off the Island in her particular system?

Deputy S.J. Pinel:

I would not call it "lamentable". It is quite a big issue to link-up pharmacists across the country. It is not just in Jersey. The primary care review is happening at the moment and it is something that will be looked at.

4.4.6 Deputy G.P. Southern:

Has that in fact not been a target for the last 10 years to co-ordinate information systems across the hospital, G.P.s and pharmacists and can she give an indication at when she might finally find a solution to that?

Deputy S.J. Pinel:

Progress has been made. G.P.s now operate under a general server and I hope this can be extended to pharmacists.

4.4.7 Deputy M. Tadier:

The supplementary I would have asked is that the dispensers, whether they are dentists, Boots, whatever, presumably know exactly what the units cost because they re-charge them to the Minister and it is paid out from the fund, so if they know the cost per unit what is stopping them from simply printing that on the receipt, whether or not they have systems that are linked-up?

Deputy S.J. Pinel:

There are several costs per unit inasmuch as the pharmacists will buy in bulk and get discount, so what they pay for the drug is not necessarily what the customer or the Health Insurance Fund will pay. So there will be different prices.

4.4.8 Deputy M. Tadier:

Is that not something that should be flagged-up, if in fact that the bulk purchase is not being passed on to the consumer or indeed the department and the department is having to pay over the odds for these things? Is that not something that should be flagged-up?

Deputy S.J. Pinel:

It is already being. As I said, the primary care review is being undertaken at the moment and pharmacists constitute a lot of that research.

4.4.9 Deputy A.D. Lewis:

I am also curious, does the Minister think that it is desirable for doctors to own or part own pharmacies and if so is she satisfied that sufficient governance exists to avoid any allegation of over-prescribing by owners of such establishments?

Deputy S.J. Pinel:

Yes, I am very aware that some G.P. practices own pharmacies or even rent. Pharmacists can rent the space from them. There is no governance in order at the moment over this and it is something that will be looked into.

4.5 Deputy M. Tadier of the Minister for Social Security regarding Income Support rental reductions:

Notwithstanding the answer tabled to question 8648 on 24th February 2015, in which no figures were provided, will the Minister inform Members how many claims for income support are subject to a reduction in rental component because of under occupancy?

Deputy S.J. Pinel (The Minister for Social Security):

Then answer tabled to written question 8648 explains that it is not possible to say how many income support claims are subject to a reduction in rental components because of under occupation without examining claims on an individual case-by-case basis. I am happy to repeat the explanation previously given. There are a variety of situations in which the size of the property does not match the size of the household but the household will continue to receive a full rental component. Although the department keeps detailed information on income support claimant households it does not continue to track people who leave the income support system. It is therefore not possible to differentiate automatically between a household receiving a reduced rental component due to under occupation and a household receiving a reduced rental component because the accommodation is being shared with a family member or someone else who is not on the same income support claim or is not receiving income support. There are also situations in which households are supported with full rental costs, even though the property is being under occupied. Establishing the precise reason for the level of the rental components in each case would require

checking on a claim-by-claim basis. This would be a time-consuming task which would take operational staff away from their core function of providing services to our customers.

4.5.1 Deputy M. Tadier:

Good luck with the F.O.I. (Freedom of Information) requests, Minister, because if that is the state of the department there is not going to be a lot of information coming out. I am not so much interested in what we do not know and what the department does not know compared to what the department does know, and the question remains fairly simple about those on income support, not those not on income support who have a reduced claim because of under occupancy. That could be for all sorts of reasons but it should be possible to give at least a figure with some caveats in there. Is the Minister able to do that, perhaps not today but could she go away and provide that figure with the relevant caveats?

Deputy S.J. Pinel:

As a straight answer to the Deputy's question, no, we cannot do it for the reasons explained in the written question, as I have just explained in my first answer. It would simply be too time-consuming with 4,000-odd income support households and we just do not have the facility. The main computer Nessie, is not able to do that so it would have to take staff to do individual claims, and it is just too time-consuming. But I could give the Deputy examples of different types of property makeup that constitute this problem, but that does not answer his question about numbers.

4.5.2 Deputy G.P. Southern:

In the good old days, in another life perhaps, we used to have a Housing Department which used to co-operate widely with the Social Security Department and the custom and practice then was that provided a person in receipt of rental support had applied to downsize, that rental support would be maintained. Under the new regime with Andium Homes does that convention still apply and if Andium Homes says that this person is looking to move will she waive the reduction in whatever effectively is bedroom tax on that particular household under income support rules?

Deputy S.J. Pinel:

As Minister for Social Security I am not in a position to comment on Andium's waiting list but people who are on the waiting list for new social housing property are not treated as under-occupying.

[10:15]

They are paid the accommodation component at the higher rate until a new property is available, and this can be paid for up to a year or until 3 reasonable offers of alternative housing have been turned down.

4.5.3 Deputy G.P. Southern:

It must be me but would the Minister simply repeat the word she used there because I cannot work out whether that was a yes or no, the convention still applies?

Deputy S.J. Pinel:

I think I made it quite clear that if somebody is in a 3-bedroomed property, for instance, and the 2 adult children leave home, leaving the couple, just to give an example, that couple would then be required to be on a waiting list for a one-bedroomed unit. Until such time as one is available then the rental component will stay the same.

4.5.4 Deputy G.P. Southern:

So the Minister is aware of those particular instances and does she have a list of those, does she have a number for the exemptions that she obviously in the system makes? Because that would be part of the answer to Deputy Tadier's question.

Deputy S.J. Pinel:

No, there is no list of numbers. It is constantly changing. In the previous question Andium Homes have confirmed that an average of 154 one-bedroom units have been available to let each year over the last 5 years but that is not all these units for households that are moving from larger properties.

The Bailiff:

Deputy Higgins is not here so question 7 falls.

4.6 Deputy G.P. Southern of the Minister for Social Security regarding training for Back to Work officers:

What measures are in place to ensure that Back to Work officers have had sufficient training in dealing with those with disability and illness to assess fitness for work and does the Minister consider that the use of sanctions to persuade those on long-term incapacity allowance of 35 per cent, or those with an impairment score of less than 24 points, to return to work, is entirely appropriate?

Deputy S.J. Pinel (The Minister for Social Security):

Back to Work employment advisers are trained to support people by preparing them for suitable employment including addressing any specific barriers that a jobseeker may have. In many cases a person's long-term health may constitute a specific barrier and our advisers have accumulated considerable knowledge in helping customers overcome health issues to find suitable work. Where long-term illness or disability represents a more significant barrier to employment we have dedicated specialists inside the Work Right team who have consistent experience in helping these people with greater challenges prepare for employment. This includes working closely with colleagues in the health services to determine the best approach for the individual customer. At all stages our advisers will consider whether or not a person is realistically capable of the job-seeking activities set out for them and to have the discretion to reduce or change work and training requirements so that they are appropriate to the individual circumstances. Long-term incapacity allowance itself is not a measure of someone's capability to work. The number of L.T.I.A. (Long Term Incapacity Allowance) claimants who are already working supports this assertion. We do offer a full range of support to this group of jobseekers and appreciate that for many it will be a longer journey into work. The vast majority of people take advantage of the support on offer. If however they refuse to engage with us then, yes, as with all other income support claimants, we would issue a written warning that could eventually lead to a financial sanction. We have always said that a life on benefits should not be a lifestyle choice and if someone is capable of work it is appropriate that they are subject to the same rules as any other working age person on income support. We will always offer tailored and specialist support that acknowledges a person's specific barriers to employment. But people who repeatedly choose not to take up the support will eventually see cuts to the amount of benefit they receive.

4.6.1 Deputy G.P. Southern:

From the answers supplied in the written question also submitted today it appears that there are 2 measures now in operation under which applicants will be persuaded, cajoled into work. One is they have a long-term incapacity allowance of 35 per cent or less and the other is an impairment score of less than 24 points. Could the Minister explain to Members what the difference between these 2 measures is and why it is not a single measure?

Deputy S.J. Pinel:

These are 2 very different assessments and 2 different laws. As I have said previously, long-term incapacity does not assess a person's capability to work however the income support impairment assessment does. So people who have conditions that completely limit their ability to work will fall under that category. My plan is to observe the success of this scheme and the general principle is that anybody who is able to work should do so as part of the conditions of income support, and so I am not prepared to rule anything out at this stage.

4.6.2 Deputy G.P. Southern:

The Minister is talking about a 24-point score on impairment as being fit for work. Does she recognise that someone who cannot sit without severe discomfort for more than an hour, cannot stand for more than 30 minutes without support, cannot rise without holding on to something, and cannot walk more than 200 metres on level ground without having to stop or feel severe discomfort scores 21 points on the impairment scale and would be encouraged to seek work? Is that the case?

Deputy S.J. Pinel:

A third of people with a long-term incapacity allowance claim of 35 per cent to 50 per cent have a job. But these people are not on income support. Less than one in 10 people with an L.T.I.A. claim of 35 to 50 per cent have a job on income support.

4.6.3 Deputy G.P. Southern:

The question was about impairment not income support. This is one of the things that is wrong. You have got 2 standards there and you are actually talking about a different one in answer to my question on impairment.

The Bailiff:

Through the Chair, Deputy.

Deputy G.P. Southern:

Sorry, Sir. The Minister is talking about one and not the other, which is the direction of my question. Does she recognise that someone scoring 21 points under those circumstances should not be subject to sanctions to make them return to work if they feel that they are not capable of it?

Deputy S.J. Pinel:

I apologise to the Deputy, I did answer the wrong question. The income support is the format that has the impairment and L.T.I.A. is a different assessment. The 2 are not compatible. With an impairment in ... there are 3 levels - personal care levels 1, 2 and 3 - and on personal care levels 2 and 3 it is very rare that the claimant is asked to return to work and even some exceptions on personal care level 1.

4.6.4 Deputy M. Tadier:

Could the Minister reiterate how many individuals are likely to be caught in this change in policy roughly?

Deputy S.J. Pinel:

It is about 100, but 30 were already volunteering with the scheme before we announced the change and 64 people received letters asking them to come into work ... or to look for jobs.

4.6.5 Deputy M. Tadier:

If we say there are 64 individuals who might now have to go from not working because they were considered exempt to working, what safeguards are there in place legally to make sure that

employers do not discriminate against these individuals on disability grounds, given that there is no legislation in fact? Does the Minister see that as an issue?

Deputy S.J. Pinel:

No, I do not. What we are trying to encourage - and I know where the Deputy is coming from - is the disparity as he sees it, between introducing a slight increase of 5 per cent in this L.T.I.A. situation and the latter introduction of Discrimination Law, which will not be until the end of 2017. It is a most incredibly difficult law to bring in, or the regulations under the Discrimination Law, so, no, I do not see there will be any irregularity and each Back to Work or Actively Seeking Work and claiming L.T.I.A. will have a personal adviser that will help them and there would be no situations where somebody will put in a job that they could not do.

4.6.6 Deputy M. Tadier:

What incentive is there for employers who may have to make changes to their office layout to accommodate disabled individuals when they could simply take on able-bodied individuals who are also on the waiting list? Is there any incentive that the department is offering to make sure that employers give preferential employment to disabled individuals, particularly under this new provision?

Deputy S.J. Pinel:

We are not asking employers to give preferential treatment. We just ask employers to offer somebody training or placements in Back to Work. The level of incapacity that we are talking about at 30 per cent would not require any changes to office accommodation.

4.6.7 Deputy G.P. Southern:

However in the matter of the level of incapacity, which 24 points refers to, it might well. Would the Minister admit that what she is doing is trying to run before she can walk? In the logical world she would be operating not only on the applicants for work but also the employers. Is it not appropriate, much more sensible and sustainable to wait or accelerate the move to Anti-Discrimination Law so that she has got something to work on with both employers and employees in this particular issue and she might succeed in getting substantial numbers in employment rather than now.

Deputy S.J. Pinel:

The Back to Work team and Actively Seek Work have done a huge amount of work with employers. We have had an employment grant which gives the employer £7,200 equivalent to take on somebody for 6 weeks' training, which often results in the person staying on. Now, these systems are just the same for the Back to Work team, whether they are on long-term incapacity or income support or both. The other one we do is a Community Jobs Fund which gets people back to work in a community scenario and pays the minimum wage for them for 6 months. There are jobs fests, there are very many initiatives, hospitality initiatives that we have with employers. So much work has been done in that area.

4.7 Deputy S.Y. Mézec of the Chief Minister regarding the implementation of e-Government:

Could the Minister explain to the Assembly precisely whether anything has gone wrong with the implementation of e-Government and, if so, what?

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

e-Government remains integral to public sector reform and it has my full support as sponsor of the programme. Providing efficient online services to our citizens is essential if we are to maintain competitiveness in an increasingly global economy and it is what Islanders expect. The process of engaging a lead partner has been paused while we refocus our approach to implementation, the work, of course, that has already been done remains relevant to the continuing programme.

4.7.1 Deputy S.Y. Mézec:

Does he agree with Digital Jersey's Mark Loane, who, on his blog site, said that this whole project has suffered from a lack of leadership and ownership, and even went so far as to call it inadequate and shameful?

Senator I.J. Gorst:

No, I do not. I have subsequently spoken with the writer of that blog. There are certain things that we disagree on but what we do agree on is that it is a critically important programme and it needs greater focus and probably, over time, is going to require greater resources - that is financial resources - to ensure that this process is speeded-up.

4.7.2 Deputy T.A. Vallois of St. John:

In the media the Chief Minister stated that there were personal issues in regard to the e-Government project; would he care to explain exactly what those personal issues are?

Senator I.J. Gorst:

No, I would not. This is part of the problem, I think, sometimes with what happens in Government. We get fixated on personalities rather than dealing with delivering policy and delivering programmes and all working together for the common good.

4.7.3 The Deputy of St. John:

Supplementary? Does the Chief Minister therefore think it is appropriate to state in the media that part of the reason for the problems with e-Government are personal issues?

Senator I.J. Gorst:

I did not state that. I said there were or had been and I think that the Deputy's initial opening question referred to a blog that spoke about personalities. That is what I was referring to.

4.7.4 Connétable J.E. Le Maistre of Grouville:

Senator Maclean in November 2013 said that less than 8 per cent of our transactions, or the government's transactions, were done online. At the last sitting he said exactly the same thing, that is 14 months later and no progress has been made. Would the Chief Minister accept that this is simply not good enough?

[10:30]

Senator I.J. Gorst:

A lot of progress has been made but just because the underlying number is not yet improved... having said that, there probably is more action and activity, I should say, sorry, on the new and improved government website but this is a programme which takes time. The Connétable knows that our digital engagement with the community, I would agree, is nowhere near where we want it to be and if we are to deliver an efficient digitally led public service then we need to speed this programme up.

4.7.5 The Connétable of Grouville:

The target set in 2013 was 75 per cent, would the Chief Minister set a timeframe by which that will be achieved?

Senator I.J. Gorst:

I do not have a timeframe with me today but that is part of the pause and the rethinking is developing a timetable so that we can be held to account for delivery.

4.7.6 Deputy G.P. Southern:

Can the Minister state in direct terms how much has been spent before the pause on this particular initiative? In particular, whether any disbursements have been made to the partners in this scheme, either at Atos or Capita, which I believe are the 2 in the hunt. What has been spent so far?

Senator I.J. Gorst:

I do not have the detailed budget figures in front of me but the Deputy will know that there was a written answer provided by the Minister for Treasury and Resources which gives the combined spending of the various phases to date. The important thing, of course, is that all that work remains valid and will be used going forward.

4.7.7 Deputy M. Tadier:

Can the Chief Minister explain why there is, in the Digital Jersey terms and conditions of membership, a so-called non-disparagement clause, which is clause 8, saying that users shall during and after the participation in and use of the facilities refrain from making any statements or comments of a defamatory or disparaging nature to any third party regarding Digital Jersey or any officers, directors, employees, personnel, agents, policies, services or products other than those to comply with the law?

Senator I.J. Gorst:

I cannot say why that was put in but it sounds eminently sensible to me.

4.7.8 Deputy M. Tadier:

So the Minister who did himself go to the Charlie Hebdo rally in Jersey to fight for freedom of expression supports ... the defamatory clauses, of course, are completely understandable but non-disparagement. So if there are problems with Digital Jersey or related, a member is not allowed to say that because that could be interpreted as being disparaging to Digital Jersey. One has to say that everything is rosy in the garden or one's membership can be revoked and discipline action can happen. Is that really a wise state of affairs? Is it even human rights compliant, more to the point?

Senator I.J. Gorst:

I am not one to pass judgment on whether it is human rights compliant. We would need legal advice to do that. I do not see, sitting here, that it would be. The Deputy is trying to suggest that such a clause means that those on Digital Jersey will not make negative comments or critical observations about certain programmes. Yet the Deputy that asked the initial question read out a blog from such a person who is on the board of Digital Jersey. I have no problem with constructive engagement. I will not agree with everything that perhaps is said about a government programme but I have no problem with that whatsoever. Therefore I do not think that that clause limits conversation or criticism in the way the Deputy is suggesting.

Deputy J.M. Ma, on:

The Constable of Grouville asked my question through a supplementary question, so I will pass.

4.7.9 Deputy A.D. Lewis:

With the delay, what is the new timeline that the Chief Minister expects for the roll-out of e-Government and if it is delayed, as it is, is there any additional cost, and is it significant? Also, this obviously has an impact on the whole structure and change of the States and there will be an impact on costs there because we will not be able to reform the States as quickly as some would like. Could the Minister advise as to what the whole knock-on effect of this delay is and how does it affect the reform of the States?

Senator I.J. Gorst:

I believe the knock-on effect is that we are going to have an improved service, that we are going to be able to do it in an appropriate manner, learning from elsewhere in the world. Not least of which is the U.K.'s Government digital services, which is recognised around the world as the best approach to take. Delivering I.T. (information technology) and technology programmes has changed and is constantly changing from the all-encompassing programme that tries to get perfection before you have even started and decide what that perfection is, meanwhile technology and solutions have moved on and one is left in not the place that one wishes to be. If you take an incremental approach, as they have done in the United Kingdom, and you are able to respond to technological changes and make up dates and improvements as you go along, that is a far better approach and that is an approach that we will be taking to implementation. But the simple truth of the matter remains that we need to enhance our digital and technological provisions so that members of our community can engage with us via technology because I believe that that is what the public want.

Deputy A.D. Lewis:

They do, but what is the timescale?

Senator I.J. Gorst:

I answered that question when the Connétable of Grouville asked it of me and that is part of the pause programme that we will be delivering a timescale so that we can be held to account.

4.7.10 Connétable J. Gallichan of St. Mary:

Is the Chief Minister still supportive of the role of the Parishes as key players in delivering e-Government and, further, is he aware that although some elements of the programme may have paused, as he said, the Constables are still working fully with senior deliverers of the programme within the department to ensure we get as many quick wins as possible delivered for the public as soon as possible?

Senator I.J. Gorst:

Absolutely, and of course I do not think any Member of this Assembly would expect any Connétable to have missed a beat. They are continuing to work with officers in the department and they provide, or will provide, a very important front line to digital provision right across our community.

4.7.11 The Deputy of St. John:

Could the Chief Minister advise who was the accounting officer and who will be the accounting office for the implementation of e-Government?

Senator I.J. Gorst:

With regards to the accounting officer, I do not think there is any change.

The Deputy of St. John:

Can the Chief Minister explain who the accounting officer is then?

Senator I.J. Gorst:

The Chief Executive of the States.

4.7.12 Deputy S.Y. Mézec:

My final supplementary I think has already been asked twice, that was about the timetable. So since we do not know what the timetable is, do we know when there will be a timetable? Could I ask for a timetable for the timetable?

Senator I.J. Gorst:

This is absolutely the right thing to do. Technology is changing all around us and we need to make sure that we are responding to that, that we are going in the right direction and that we are applying our resources appropriately. If things had gone wrong, then I would have expected Members to be getting excited in the way that they are this morning, but things have not gone wrong. I am absolutely committed to delivering this programme. As the Connétable of St. Mary rightly says, work continues and work with the Parishes is continuing. So it seems to me that we are trying to create a problem where there is no problem and therefore, of course, I will not be offering to provide a timetable of when I am going to provide a timetable. That would be a complete waste of resources and officers' time.

5. Questions to Ministers without notice - The Minister for Transport and Technical Services:

The Bailiff:

We now come to Questions to Ministers without notice. The first question period is the Minister for Transport and Technical Services. Deputy Southern.

5.1 Deputy G.P. Southern:

The Minister in a previous written answer gave some figures for ridership of the bus service; not broken down into the various bands and zones of the service. Could he agree to supply the proportion of people taking Band A, Band B and Child Fares in his figures and would he give an estimate based on the current ridership of the overall price rise he has brought in - because it has already happened - over the bus fares?

Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):

Quite simply to Deputy Southern's first part of his question, the answer is yes, I can obtain that information from LibertyBus and will forward it to States Members. Just a point of clarification, it is not my increase or the department's increase; it is a LibertyBus increase of their fares. We merely have a veto on that. The calculation that the Deputy wants can be done but it is a meaningless calculation because it is the future use of the bus, i.e. from 1st March this year, and the desire to encourage as many Islanders as possible to switch to the AvanchiCard and the prepaid systems, and thus decreasing their overall costs of their bus travel. What Deputy Southern is trying to apply is a calculation to historic data with current prices and one of the reasons for that, quite crudely, is it could be used in a pay negotiation between the employees and the company itself. That really is a matter between the company and their employees, and not a matter for this Assembly.

5.1.1 Deputy G.P. Southern:

He used the words "can be done": will he do it and publish it?

Deputy E.J. Noel:

As I said it can be done but it is a meaningless figure. It is comparing future prices with historic data. But that is not how the final revenue for the company will be for 2015 because people will vote by feet, so to speak, and move away from paying cash to the AvanchiCard system and therefore saving themselves money.

5.1.2 Deputy G.P. Southern:

The Minister has still failed to answer my question. He is using the word “can” again. Will he produce this? The difference between historic and future is present and that is the present I am in and I wish the Minister to get in it.

Deputy E.J. Noel:

I am not going to produce that calculation myself because upon the information that I will provide to States Members about the banding the Deputy could easily calculate the figure that he wants himself. However, it will be a meaningless figure.

The Bailiff:

Deputy Southern, you have been given your answer. The Minister is not going to do it. Deputy Andrew Lewis.

5.2 Deputy A.D. Lewis:

This morning on the BBC the Minister for Planning said that he will be doing a walk around St. Helier with the Minister for T.T.S. (Transport and Technical Services) sometime soon to look at various issues in the town. Could the Minister give us some assurance that he will also be walking around and looking at the First Tower area of St. Helier, which is often overlooked we feel by T.T.S. with regard to pavement repairs, general cleanliness of the sidewalks and the roads? I did a walk there this weekend with residents and it is in a bit of a state. Will the Minister give some assurance that he will have a look at this area as well and report back on his view as to how the cleanliness should be? I have sent him some photographs this morning of the condition and I hope has received them.

The Bailiff:

You have asked the question twice now.

Deputy E.J. Noel:

I am happy to visit any part of the Island that needs attention. What I can say to the good Deputy is that officers do patrol that area and do inspect it on a regular basis. That is a particularly difficult stretch of road. The road itself is in urgent need of resurfacing and replacement works on the road and that will be taken into account in the coming years after various utility companies have put in main supplies that they are planning to do. But generally the area is patrolled and I will speak to officers to see that maybe those patrols can be increased, and in the meantime I will make a personal effort and inspect the area myself.

5.3 The Connétable of St. Mary:

What is the Minister’s opinion of filter-in-turn junctions and does he agree with me that it is confusing and perhaps potentially even dangerous to have apparently similar junctions within metres of each other, one being a filter-in-turn and the other being a hard give way?

Deputy E.J. Noel:

I have some sympathy with the Constable of St. Mary. I do favour the filter-in-turn system as very much a Jersey pragmatic solution to some of our traffic measures. I myself have experienced

difficulty with a filter-in-turn junction in St. Helier and I have asked officers to have a look to redesign it because in some instances there needs to be more clarity.

[10:45]

5.3.1 The Connétable of St. Mary:

Specifically I would like the Minister to comment on the fact that there are lots of junctions in St. Helier that have apparently similar characteristics. Some are filter-in-turns, some are not. It is confusing for local motorists but it is particularly confusing for tourist, I would hazard a guess. Would the Minister look into whether we can have perhaps more filter-in-turns?

Deputy E.J. Noel:

That is something that clearly the Minister for Planning and Environment, myself, the Constable and also my Assistant Minister, Deputy Rondel, will be looking at on our walk around this Friday.

5.4 Deputy P.D. McLinton of St. Saviour:

It is interesting to hear that the Minister has struggles with filter-in-turns, I have a struggle with Five Oaks roundabout on a daily basis. I take my life into my own hands, particularly since the garage and business on the corner put up a sign telling us how much money we could save on a Wednesday. It is impossible off Princess Tower Road to see if any traffic is coming down St. Martin's main road, which, of course, looks right for its right of way but does not take into account somebody that has not seen them coming from their left. In discussions with the Connétable I mentioned that maybe some rumble strips or something just to make people aware they were approaching the roundabout could be a good safety idea. She informed me that apparently Education and T.T.S. have an initiative to improve the safety of roads in the areas of school and nothing had happened for quite some time. I was wondering if the Minister could inform the Assembly as to what work, if any, has been made to progress this initiative?

Deputy E.J. Noel:

There are many issues in St. Saviour concerning the road, at Five Oaks, at Longueville Road as we had in a written question from Deputy Maçon and indeed in the school areas, in particular at Wellington Road. I have instructed officers to arrange to have a meeting with the Constable, myself and the relevant Deputies from those districts to progress these matters. I have seen an outline scheme for the Longueville Road and I am keen to move these things on. What I would say, unfortunately, is that resources, as in everywhere else in public life, are constrained and that we need to prioritise those most urgently. I have come to discover that my department has been encouraged to over-promise and under-deliver in the past on some of these schemes, hence the delay in the Longueville solution being brought forward. I have instructed them that they should have a different mandate of under-promising and over-delivering and we hope to achieve that in the coming 3 years. But certainly I would encourage the Deputy to engage with myself, with the Constable, and his other Deputies, along with officers of T.T.S. to make the necessary improvements to a number of areas in St. Saviour.

5.5 Deputy S.Y. Mézec:

We received a press release yesterday from T.T.S. explaining that the skateboard park in the Millennium Town Park is to be made permanent. Could I ask the Minister what consultations, if any, he has had with local residents about this move, and in particular the Millennium Town Park Group? Could I also ask what, if anything, his department will be doing to try and end the masses of skateboarders who skate at the far end of the Town Park, opposite the Odeon, which I think is causing quite some nuisance to the local residents? There was at one point a sign saying: "No

skateboarding” which seemed to work well but it mysteriously disappeared. Could we have that back by any chance?

Deputy E.J. Noel:

This is a matter that myself and the Constable have had involvement in. The consultation has not been carried out directly by T.T.S. but it has been more community led. It has been led by the Freedom Church, by the Youth Service, by the Parish. The area closest to the former Odeon site has been a problem and what we are trying to now is to encourage those youngsters to use the enhanced facilities that are going to be provided in the designated area within the park and we are talking a leaf out of our cousins in Australia, they have developed a type of rumble strip that can be inserted into the paving areas without damaging the paving areas that acts a barrier and preventative measure for skateboarders. That is going to be trialled in the area outside of the former Odeon cinema.

5.6 Deputy M. Tadier:

The Minister may be aware that on the buses the actual voiced place names were removed, I think, because of such terrible pronunciations that there were, although they were initially comic they became grating very quickly. However, it has had the consequence of visually impaired users of the bus commenting that they are not being told where their bus stops are and subsequently are missing their stops. Is there something that could be done in short order to make sure that these signals are put back on the bus, preferably with the correct pronunciation but not necessarily?

Deputy E.J. Noel:

That is the first I have known about this potential issue and I would encourage Deputy Tadier to join with myself to visit LibertyBus, and perhaps Deputy Tadier would be able to provide the voice-overs so we have the correct pronunciation.

5.6.1 Deputy M. Tadier:

There are probably people better placed than myself to do that, although I am happy to provide any musical interludes that are required. **[Laughter]** But insofar as contacting LibertyBus, could I ask that Minister do that directly, perhaps by email, and that could be resolved pretty quickly?

Deputy E.J. Noel:

Of course.

5.7 Deputy J.A. Hilton:

In answer to previous questions in the Assembly about the phased removal of asbestos from Island schools, can the Minister confirm whether he intends to increase the budget available in the new Medium-Term Financial Plan to remove asbestos in schools in a shorter timeframe than is happening at present?

Deputy E.J. Noel:

Sir, I have to seek clarification from yourself under Standing Orders; this question is relating to my role as Assistant Minister for Treasury and Resources with responsibility for Property Holdings and I understand that is being called in by Scrutiny. Your guidance as to whether or not it is appropriate me talking to it? I am willing to do so.

The Bailiff:

I think that is probably right. The Minister is answering questions at the moment as the Minister for Transport and Technical Services and that is not part of the function of Transport and Technical Services, so technically it is out of order.

Deputy J.A. Hilton:

Sorry, I thought that the Minister was responsible for Jersey Property Holdings?

The Bailiff:

Yes, and he is answering questions at the moment as Minister for Transport and Technical Services. Greffier, is that right?

Deputy M. Tadier:

There are plans to merge the 2, are there not? Maybe the Deputy can think of a way to re-phrase her question.

Deputy E.J. Noel:

I am happy to answer the question; I just did not want to upset Scrutiny.

The Bailiff:

Deputy, the answer is they have not been merged yet so you are not able to ask that. Deputy of Grouville.

5.8 Deputy C.F. Labey of Grouville:

As it is now over 5 years since plans were drawn up and I secured funding to initiate the eastern cycle network, could the Minister inform the Assembly what priority he and his department give to delivering the network from the east to St. Helier?

Deputy E.J. Noel:

I thank the Deputy of Grouville for that question, but I would just like to clarify from the previous question with Deputy Hilton. I would like to have answered that question but I do not want to upset Scrutiny in this matter. Going back to the Deputy of Grouville, I know she has passed me on some of her plans for various routes of cycle track, it is something that is dear to my heart and many Member will know that I spend my summer holidays on the adventure island of Reagh and they have 100 kilometres of cycle track and are very buoyant to this industry on the back of that. I would like to see the same - maybe not to the same scale of 100 kilometres - in Jersey. So I am keen to bring this forward. It always will be down to getting the funding available but I think we can be imaginative and we can join-up and we can work with landowners and we can work with the Parishes and we can do this do if we want to. It is a matter of funding but we should be able to find some imaginative solutions to make sure that we have more cycle tracks in Jersey, and I am pleased to confirm that the cycle track in St. Peter will be commencing this year linking-up Tesson Mill to the Vic in the Valley.

The Deputy of Grouville:

Sir, could I not have a supplementary?

The Bailiff:

I am sorry, Deputy, you have had a question and I have got 5 more Members wanting to ask questions. Deputy Hilton.

5.9 Deputy J.A. Hilton:

Can the Minister inform Members what progress has been made with regard to the disposal of asbestos down at La Collette?

Deputy E.J. Noel:

At the end of February - so the week before last - we completed the paperwork necessary for the Planning and Environment Department to approach the U.K. authorities to get a derogation for us to be able to export our backlog of asbestos to the U.K. for disposal. We are waiting for that. If that becomes a viable solution we will be removing the backlog asbestos from the Island but going forward we will then be required, for future asbestos coming out of various buildings in the Island, to be dealt with on Island.

6. Questions to Ministers without notice - The Minister for Home Affairs:

The Bailiff:

Apologies to the 5 Members who are not able to ask their questions of the Minister. That period of question time comes to an end. We now come to questions for the Minister for Home Affairs. The Connétable of St. Mary.

6.1 The Connétable of St. Mary:

Further to discussions that I have had with the Minister in the past and notwithstanding a headline in the media some months ago, can the Minister confirm whether consideration of introduction of on-the-spot fines is ongoing and, if so, where we are along the timescale?

Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):

Discussions and thoughts on this matter are ongoing and I am hoping soon to attend the City of London where we will meet some police officers there and see what technology they have that helps them to implement on-the-spot fines.

6.1.1 The Connétable of St. Mary:

A supplementary? Will the Minister undertake to engage with the Honorary Police and other agencies here following those discussions?

Deputy K.L. Moore:

We would be delighted to discuss this with the Honorary Police, in particular in St. Helier where I am very aware that the Constable would like more to be done on the subject of littering, and particularly cigarette ends.

6.2 Deputy J.M. Ma, on:

I wonder if the Minister can inform the Assembly whether there are any plans to further deregulate the marriage law in order to remove the structure restriction to allow things like weddings on beaches in Jersey?

Deputy K.L. Moore:

That is an area where I have no awareness at the moment but it is an interesting proposition. I thank the Deputy for the suggestion and I would very much like to follow that up.

6.3 Deputy D. Johnson of St. Mary:

My understanding is that the Jersey Field Squadron is currently somewhat under-strength. Could the Minister please advise what steps have been taken to increase its strength paying particular regard to the Island's commitment to produce that as part of our contribution to the U.K. defence budget?

Deputy K.L. Moore:

Thank you for the question. This is a very important commitment that we take most seriously and recently the Field Squadron have been working with Guernsey and have been recruiting officers in Guernsey to help boost our numbers. They have also been conducting a major recruitment campaign and you cannot have helped, I am sure, to have noticed there were several points throughout St. Helier a couple of weeks ago where officers were standing all day and engaging with the public and encouraging them to join.

The Deputy of St. Mary:

Has there been any positive results?

Deputy K.L. Moore:

The question in case anybody did not hear was whether there had been any positive results and the first information is that there was a good number of people who were interested and we are following them up.

6.4 Deputy L.M.C. Doublet:

Has the Minister noticed the recent strength of public feeling in favour of the legalisation of cannabis? Does she have any thoughts on the matter?

Deputy K.L. Moore:

I have been aware of a campaign - a petition - that is going online at the moment and watching that from a distance. It is something that is a very delicate decision to be made and I will continue to watch the comments that are coming in and I reserve my decision at this time.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Chief Minister made a statement regarding P.90/2013 Sunstone Holdings Limited and De Lec Limited – *ex gratia* payments to investors

The Bailiff:

No other questions for the Minister? Very well, that brings question time to an end. There is nothing under J. We come on to K, Statements of a Matter of Official Responsibility and the Chief Minister has a statement to make.

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

This morning the Council of Ministers has presented a report - R.26/2015 - to the States Assembly concerning P.90/2013 Sunstone Holdings Limited and De Lec Limited and *ex gratia* payments to investors. Documents annexed to the report will allow Members who are not familiar with this matter to be informed of the issues that the proposition raised. On 4th June 2014 the States rejected the proposition P.90/2013 in full. States Members agreed with the Council of Ministers that any decision on whether the taxpayer should compensate the investors should depend upon on whether the circumstances can be seen as sufficiently exceptional in terms of hardship suffered to justify public support. States Members, of course, did not consider this condition to have been met. However, the Council of Ministers were aware of the report of David Thomas, an experienced U.K. professional ombudsman, that there is the suggestion that a number of investors might not have invested money or increased an existing investment if issues had come into the public domain in early 2007, which would have had a significant impact on the reputations of those who promoted the investment schemes.

[11:00]

Accordingly, I undertook to ask David Thomas to further consider whether in the light of this a case could be made for this group of investors to be recompensed in some way and I undertook to report the outcome of further work on this matter back to the States. Mr. Thomas received 5 claims from investors who said they had put in new money after 31st March 2007, the total of these claims was £269,834, of which one claim is for £134,691. Mr. Thomas was able to satisfactorily establish the claims with evidence in 4 out of the 5 cases, the fifth case of an investment of £10,143 would have to be established with further evidence if *ex gratia* payment was to be made. Therefore the total amount in consideration for *ex gratia* payment would range between £259,691 and £269,834 depending on whether the fifth claim could be verified. In considering the matter of an *ex gratia* payment in these cases the Council of Ministers has borne very much in mind the views expressed in P.90/2013 that any decision on whether the taxpayer should compensate the investors should depend upon whether the circumstances can be seen as sufficiently exceptional in terms of the hardship suffered to justify public support. While there are 5 investors who may not have made an investment if they had had earlier information, there is no evidence available to suggest that they had suffered greater hardship than other investors. In the view of the Council of Ministers, when considering the position of all 50 investors involved in the schemes making a decision to compensate 5 of those investors based solely on whether they invested before or after a certain date would be unfair on a large group of investors, and in particular those who may have suffered greater hardship. In order to justify the high test for *ex gratia* compensation from the public purse, the situation must be sufficiently exceptional in terms of the hardship suffered to justify support. The Council of Ministers are of the view that this requirement is not met in this case and share the view expressed by the previous Council that an *ex gratia* payment to any of the investors cannot be justified. I appreciate that the report and the statement made today will be disappointing to a number of investors in these schemes. However, the Council of Ministers are firmly of the opinion that *ex gratia* compensation from the public purse should be reserved for only the most exceptional cases where it would not be deemed unfair or discriminatory.

PUBLIC BUSINESS

8. Draft Loi (1914) sur la Voirie (Amendment) (Jersey) Regulations 201- (P.4/2015)

The Bailiff:

Any questions for the Chief Minister? Very well, then we come on to Public Business under L. The first item of Public Business is the Draft *Loi (1914) sur la Voirie* regulations lodged by the Comité des Connétables. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States, in pursuance of the Order in Council of 26th December 1851 and Article 47 of the *Loi (1914) sur la Voirie*, have made the following Regulations.

8.1 The Connétable of St. Clement (Chairman, Comité des Connétables):

Failing to cut and clear the branchage carries a potential penalty currently of up to £50. This was last changed some 20 years ago in 1995, since when the value of this penalty has reduced by 50 per cent in real terms. This regulation raises the penalty from the current £50 to £100, effectively putting us back to where we were in 1995. I propose the principles.

The Bailiff:

The principles are proposed. Are they seconded? **[Seconded]** Does any Member wish to speak on the principles? Members in favour of adopting the principles, kindly show? Those against? The

principles are adopted. Deputy Le Fondré is not present. Is anybody from the Corporate Services Scrutiny Panel here? No wish to scrutinise. Do you wish to propose the Regulations *en bloc*?

The Connétable of St. Clement:

Yes, please, Sir.

The 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. Do you wish to propose them in Third Reading?

The Connétable of St. Clement:

Yes, please, Sir.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak? Those Members wishing to adopt the Regulations in Third Reading, kindly show? Those against? The Regulations are adopted.

9. Public Holidays Designation: Friday, 8th May 2015 (P.11/2015)

The Bailiff:

We now come to P.11 the Public Holidays Designation of Friday, 8th May 2015, lodged by Deputy Mézec. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, (a) to agree that Friday 8th May 2015 should be designated as an extra public and bank holiday for 2015; and (b) to request the Chief Minister to bring forward for approval the necessary Act under the Public Holidays and Bank Holidays (Jersey) Law 1951 to give effect to the decision.

9.1 Deputy S.Y. Mézec:

It feels somewhat futile to stand here and make the case for something which I suspect that every Member in this room has probably already made up their mind on. I lodged this proposition soon after learning that the Council of Ministers would not be doing so, so I could offer the States the opportunity to decide definitively one way or the other. I have seen the public debate that this issue causes whenever it arises and I can see that there are very strong views on each side of the argument, so I think it is right that it is at least put on to the agenda rather than taking the lead solely from the Council of Ministers, which as Members will know, is not something I often do. For the 65th anniversary of the Liberation the then Council of Ministers proposed making it a bank holiday in the same year in which Guernsey also did so. But that attempt failed and then Deputy Tadier gave it another go shortly after, which also failed. This situation of Liberation Day falling on a weekend will not come up again until the year 2020 and so I hope that regardless of whatever the outcome of this debate is, in the future there could be some sort of change in the law to make this an automatic process in future to provide certainty and to not leave it for Back-Benchers to have to propose it in this way, which is obviously totally unsatisfactory. I want to first explain what this proposition is not about in the hope that in the debate we have afterwards I can pre-emptively avoid any opportunity for Members who are against this to trot out some of the clichés which were used last time. The first of those is this - and let me be completely clear as to negate any need for anyone to subsequently suggest the opposite - this proposition does not say in any part of it that Liberation Day will be moved to a day that is any other than the 9th May. Its wording is

completely unambiguous and so hopefully we can avoid the arguments which were employed last time that Liberation Day is the 9th and you cannot move it. That is not what this proposition is about and I would be completely stupid to ever propose moving Liberation Day and that is not what this is. It is simply about providing a lost bank holiday on another day to make up for it. This is commonplace in many other jurisdictions to provide an extra bank holiday when their main day is on a weekend. It happens for Australia Day, it happens for Independence Day in America and it is a typical thing to do. So I completely reject the argument that doing so will somehow devalue Liberation Day. As we know when Christmas and/or Boxing Day fall on a weekend we automatically get a bank holiday in lieu and I doubt anyone could seriously argue that that would somehow undermine or devalue Christmas. In this proposition I am asking specifically that it is the 8th that is made the bank holiday rather than the 11th because the 8th is itself a special day. It is V.E. (Victory in Europe) Day marking the end of the war in Europe which is surely worthy of commemoration in its own right. Our Liberation Day is uniquely special to Jersey and Guernsey but the wider significance of the 8th as a day that ended a war in which 50 million people were killed is the right day to put the bank holiday on if there is to be one. We have had the comments from the Council of Ministers which came out yesterday, or officially came out yesterday - which helpfully demonstrates the imperative need for more efficient government, but that is obviously another matter. The comments are helpful to my cause insofar as they are pretty inconsistent, I think, going from explaining all the fantastic things planned from 3rd April up until 11th May and then going on to say, and I quote: "Liberation Day is the most important date in the Island's history and can only properly be celebrated on the 9th." Which, if you ask me, is a clear contradiction of the point they make earlier in those comments. The comments say that they do not believe that an extra bank holiday is necessary for people to enjoy those events, and I agree. Of course it is not totally necessary but it is certainly helpful. I am thinking in particular of people outside the Island, perhaps people with family here who may be looking for an excuse to come over but would only be enticed by a long weekend so they know they would be able to spend more time with their friends or relatives here because they would not be working, and to make the most out of the money they would be paying on the flights here. The comments talk about an additional £1.5 million for this. I think that is misleading, to be honest, because we do this every year anyway so I am suggesting that we leave it as it normally is anyway. As this is the year in which we are holding the Island Games, I think this is surely the best year to be doing what we can to entice people to come to Jersey for whatever excuse but preferably to come and see what the best of Jersey is all about so they will want to come back in future. I have to accept that I think the strongest argument against this is that it is relatively short notice and I agree that is certainly not ideal. I lodged this as soon as I could after learning that the Council of Ministers would not be doing it and I understand that it does not do my cause any favours, but I would hope that it would not cause too much destruction as there is normally a bank holiday at that time of year anyway. Last year I had a particularly good Liberation Day, it was my first since becoming a States Member. On the day before I met a Jerseyman who now lives in the U.K. but who visits the Island every Liberation Day, who lived here through the Occupation, and got to hear his fascinating stories of his experiences with fellow Islanders who did what they could to resist the Occupation, encouraged German soldiers to leave the occupying forces and to protect any escaped prisoners of war. I went to the St. Helier breakfast in the morning and tea party in the afternoon and met lots of Islanders who told me what it was like to be there for that original iconic moment at the Pomme D'Or. Things like how great the weather was and what the community spirit was like having been through what it just had. But the best part of Liberation Day for me that day was the slave workers' memorial which is held up by the crematorium to commemorate the prisoners of war kept in Jersey and those brave Islanders - the real heroes - who did what they could to help them. At that event were many of these Islanders with real stories to tell and people with relatives who took part in the wider conflict... some who even fought in the Spanish Civil War for the Republican side. A war which, had it gone a different way, may have

helped prevent or at least mitigate some of the bloodshed that eventually occurred because of the Nazis. I make these points simply to point out what is an inevitable but unfortunate truth, that these experiences will not be possible for that much longer. I have relatives who lived through the Occupation who were here for the last landmark anniversary but sadly are no longer here for this one. There will be more who will not be here for the next one. This, the 70th anniversary, could well be the last landmark anniversary in which a significant number of people who were around during the Occupation are still here to tell their stories. So at the very least, that extra time off work for Islanders could give people just that extra bit of time to go and visit relatives who were there, ask them what it was like and learn the lessons for the future about how important it is to live in a free society where people are free to choose their own destiny uninhibited by a foreign occupying force. We have not given a bank holiday when this has happened in the past but this is the 70th anniversary so I think we should at least have the opportunity to do it differently this time and give the people of this Island an extra day to celebrate and commemorate the events which happened 70 years ago. I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? The Connétable of St. John.

9.1.1 Connétable C.H. Taylor of St. John:

I had the honour of meeting the Golden Age Club, a wonderful organisation in the Parish of St. John, of some individuals whose minds, hearts and spirits are very young but their bodies are unfortunately not quite so young. I asked them about Liberation Day and said: “What should happen?” I was very, very firmly told Liberation Day is 9th May, not the 8th, not the 10th or any other day. They do not wish to see the day in question, 9th May, being diluted or in any way changed. The celebration is May the 9th. Their superior knowledge to mine also went on and said: “If you follow France, quite a few of the French villages celebrate their Liberation Days on the day that they were liberated a year earlier, approximately, than our Island.” So I feel that I need to support the wish of those who were here during the war and they are very firm in informing me that 9th May is the day and they do not wish to see it changed. So I would ask Members to support those who were here during the war and oppose this proposition. Thank you.

[11:15]

9.1.2 Deputy P.D. McLinton:

Firstly, and somewhat strangely, although I am speaking for the proposition, I am going to list some of the arguments against it. In no particular order: it will spoil, detract from Liberation Day if we have an extra day off; it will affect business, the economy if we have an extra day off; an extra bank holiday will be unpopular. First argument against: it will spoil, detract from Liberation Day if we have an extra day off. Right, let us take an imaginary journey back to 29th January 2010, as I am sure you will remember, it was a Wednesday. Let us just imagine the conversation taking place between 2 people who have just returned to work after the Christmas break. “How was your Christmas?” “It was awful.” “Really, why is that?” “You mean you have to ask? Christmas Day fell on a Saturday, Boxing Day on a Sunday so we had to have both Monday and Tuesday off in lieu, I got so confused by all those extra days off that I forgot which day was Christmas Day and it completely ruined it for the whole family. What were the government thinking, giving us more time off to enjoy ourselves in our life?” **[Laughter]** At least Easter is predicable. Good Friday is always on Friday, although, admittedly not necessarily in the same month every year, but we seem to cope with that one. Let us not underestimate the intelligence of the population, shall we? I think they will have the cognitive ability to know what day of the week it is. Just because the proposition suggests that we all have Friday, the 8th off does not mean that Saturday, the 9th will be any less

Liberation Day, just as Christmas Day 2010 was no less Christmas Day because we had a couple of extra days off in lieu. By the way, forewarning to any confused Members of this Assembly, this year Boxing Day will be completely spoilt for you. Boxing Day falls on a Saturday which means we will be forced to have an extra day off on Monday, 28th. How will we cope? Argument against number 2: it will affect business if we have an extra day off. Let us make this absolutely clear, the proposition is not asking for an extra day off it is suggesting that we do not have one day off a year less. For example, currently if Liberation Day falls on Monday we have a day off, if however it falls on a Sunday, we do not. So I would suggest that if a business can afford to pay its workers for taking a day off when Liberation Day falls on a Monday, it can afford to pay its workers to take a Monday off when Liberation Day, for example, falls on a Sunday. We should never look at any day off to mark Liberation Day, whether it be on the day itself or a day off in lieu, as a financial or business burden. It has to be looked at in the broader sense. It is a time to spend with family, with friends, a time to grow our society, to help it knit even more closely. To take more time to reflect and fully celebrate the hard fought for freedom to enjoy our lives. After all it is better that we work to live, not live to work. Arguments against Deputy Mézec's proposition number 3: an extra bank holiday will be unpopular. Well, of course, people always hate it when they are given a bit of extra time to spend as they wish. Governments are unpopular, need I tell you that. But I have a crazy dream that one day people will review this government as the, in the main, hardworking group of people, who, although they get it wrong sometimes, in the main get it right for the people they work for. We make tough but fair decisions which the majority of the population can get behind. I would suggest that voting for the proposition will only serve to raise people's opinion of the Members of this Assembly and, goodness knows, it could with a bit of a lift. How exactly could anybody see the population of our wonderful Island being diminished by having Friday the 8th off? It is not even an extra day off for goodness sake. How about this for an idea, if we should have the common sense to vote to have a day off in lieu whenever Liberation Day falls on a Saturday or Sunday, then if people want to go into work, they can. It is their business and their choice. I am all for choice. So what we are voting for here today is a vote for choice, Friday the 8th off equals choice, no Friday the 8th off equals no choice. You may want to take this into account when making your decision. The U.K. gets the lowest number of bank holidays of any European nation, we get one more unless, of course, Liberation Day falls on a Saturday or Sunday. Let us put this into perspective, shall we? Between now and the 100th anniversary of Liberation in 30 years' time, when I will be a chunky 84 years old - a scary thought - you are being asked not to take away from people days off in the following years. This year, obviously, the next the issue of a so-called extra day off arises is May 2020, followed by 2021 and then another 5 years to 2026, 2027 and then another 5 years to 2032, 2037, 2038 and 2043. That is right, between now and the 100th anniversary of Liberation in 30 years' time you are being asked to not take away from people the grand total of 9 days off. The 2 most precious commodities we all can hope for are health and time. Today we are asking you to give the people who voted you into this Assembly just a little more time to enjoy their life. An extra week and a bit in the next 30 years. Go on, I dare you, vote with your heart, vote for the proposition and give the people of our precious liberated Island the priceless gift of time.

9.1.3 Senator I.J. Gorst:

I understand that this, for some, is a difficult debate and I initially came to this debate thinking - not today you understand, but earlier when it was being discussed by the Bailiff's Consultative Panel and by the Council of Ministers - that I would like to give Islanders an extra day's holiday. But I was quickly convinced by members of the public that their fear was, or their point of view was, that Liberation Day is the 9th and we should appropriately be celebrating Liberation Day on the Saturday. I believe that we are going to have an exciting and yet appropriate programme of events on Liberation Day. I believe that the Parishes are working on an exciting and appropriate

programme of events for the 10th, and of course there will be an Island service on the Friday evening. So it quickly became apparent to me that this was a question around did we want an extra holiday. The person moving the proposition is not asking for an extra holiday for us to recover from the weekend of celebrations, but perhaps to charge our batteries in advance of that weekend of celebration. But having come to the debate from that position, as I said, I was convinced that Liberation Day is the 9th, that is the day that we should regard as special and should be managed as if it were a bank holiday with regard to shops being open. That is another issue that the Connétables are going to have to deal with and therefore I cannot this morning accept the proposal from Deputy Mézec. I do not make all the arguments that Deputy McLinton makes, for me it is quite straightforward and I concur with the view of the parishioners of St. John. I hope Members will do so as well.

9.1.4 Deputy A.D. Lewis:

I came very close to bringing this proposition myself because I heard different things from parishioners to the Constable of St. John. There are a number of debates that have occurred on this over several years. The last time, I think, was in February 2010, Deputy Tadier brought a proposition to the States, but that was 2 parts, it also asked the States to consider a change in legislation. That did not get adopted. However, the Chief Minister of the day did bring a proposition to the States to amend the Public Holiday Law but it did not really go far enough. I will quote to you from the proposition that was brought forward. I have it in draft form here so I am not sure whether it was ever implemented. But it said that there would continue to be a maximum 9 public holidays per year, other than where Liberation Day falls on a Sunday when there will be 8. That was what was proposed in 2010. The draft Act seeks to establish that Saturday is not a week day for the purpose of the Act. Can I propose maybe to the Chief Minister to consider bringing some legislation before this House to sort this matter out once and for all, so the businesses have some certainty, that those Members in this House that feel passionate about this issue each year that it occurs can rest assured that every year there will be 9 bank holidays and not 8 as there are in other countries. At the end of the day, Liberation Day is regarded by many as our national day. As time progresses and those that were here on the day pass on, it may become even more of an important national day rather than a celebration of liberation because it will be less relevant to those that are still here. But it will still be regarded by many as our national day. Many other countries that Deputy Mézec referred to have a national day and it is either a day of the year or a day of the week. Generally a date is confirmed and that is then the public holiday. The Public Holidays Law is enacted to allow that and every year every employer, every business, every government knows exactly where they stand. I was, as I say, minded to support this proposition but when I looked at the timescale - because yet again this had been brought in March, last time it was brought in February - it is not enough time for businesses to prepare for this change. It is not enough time for Government to prepare. Government will have a cost as a result of this which has not been budgeted for. Had it been budgeted for, had the legislation been passed 5 years ago in favour of this, then it would have been all very clear and we could have budgeted for it. There is a cost to the States of approximately £1.5 million, albeit some people may say they are wooden dollars, or wooden sterling should I say. Nevertheless, there is a cost and a cost to business as well because it is not a statutory holiday. People cannot build it into their business plan, into their budgets, and every time this happens, as the Deputy of St. Saviour had said, you have this debate, you have this uncertainty, and it is really a bit messy. The public think we are the devils with 2 horns and we are being baddies and we are not being nice people providing them with a bank holiday. The certainty is what people would like to see. This year I think it is too late, although I will be interested to see what other people have to say if anybody else wishes to speak and I may change my mind because I thought Deputy McLinton's speech was really compelling. I do not know anybody out there that would say no to an extra day off. It is just not human nature to do so.

I know employers that will be slightly concerned, but in times of austerity, yes, if it was a year ago, 2 years ago, yes, I think definitely no. At the moment I am on the margins because businesses are beginning to recover. The Minister for Economic Development and the Minister for Treasury and Resources may well say to me: “Yes, but we are on the margins here. We need everything we can do to pick things up and this would be bad for business.” Maybe he is right, but I would like to be convinced and I would like to hear from the Minister for Treasury and Resources or the Minister for Economic Development what they really think the impact would be on business if this was to happen. The other thing to mention is that Guernsey decided in the end not to have a bank holiday and I think being out of sync with them would not necessarily be a good thing, but not impossible. Some may feel it is one up on us; we decided to do it and Guernsey did not. So I will be interested to hear people’s views on that, whether Guernsey not doing it and us doing it is an issue. Like I say, I will hear what everybody else has to say before I make my decision, but at the moment I am right on the fence on this. I would urge the Chief Minister to bring a proposition forward to sort this out once and for all and amend the public holiday legislation.

9.1.5 Deputy M. Tadier:

What better reason could you want than to have one up on Guernsey **[Laughter]** in our 70th anniversary year where they did not have the perhaps foresight or the ability to make a decision for their group of people in society, but we say no, we value our Liberation Day and we are going to give you a day off as we give you a day off in normal years and this year is no exception. Because in one sense it does frustrate me, this kind of debate, because it is riddled with illogicality, if that is such a word. We have decided at some point in the past that Liberation Day is a special day in our calendar and we have a public holiday. Now, if we do not want to have a public holiday on that day, fine, we can get rid of that. We can say Liberation Day should be marked primarily by those who were here at the time. Most of those will be necessarily not working, certainly not necessarily in paid employment, although I am sure they are very busy. They can celebrate it and those of you who happen to get the time off work can come along if you want to. If that is what we want to do, then we can do that. We can say it should not be a day off, just come along to Liberation Day if you happen to have the day off or if you are retired. But that is not what we say.

[11:30]

We say in most years Liberation Day is a public holiday and normally what happens on a public holiday, as has already been alluded to by Deputy McLinton, is that if it falls on a day where you are not working, where it is the weekend, you get a lieu day. So I do not understand why Liberation Day is not as valuable as other events in our calendar which are not specific to Jersey: Christmas Day, Boxing Day, *et cetera*. Easter Sunday always falls on a Sunday and guess what, we always get Easter Monday off because that always falls on a Sunday. That does not devalue Easter Sunday. You do not hear people say: “No, I am not going to do Easter Sunday. I am not going out to get the Easter eggs in the garden anymore for 3 year-olds because you have devalued Easter Sunday by giving us Easter Monday where I do not have to go to school.” It probably falls within the holidays anyway and what it means is that you get an extra day to go to the gym on Easter Monday with your family so you can work off those chocolate calories. So it is completely illogical. The other thing is this Government has failed the public of Jersey by not seeing this coming. When did we know that Liberation Day this year was going to fall on a Saturday? Did we only find out last week, a month ago, 6 months ago? We knew this because it is set down in stone. We know when the future Liberation Days will fall on a Saturday or Sunday and we can choose to take action for this or we can condemn future Assemblies, which we may or may not be part of, to having this same day again. In fact, we may not be so much focusing on Liberation Day but focusing on the creation of Groundhog Day because we will be condemning those future Assemblies to debate this every time because our Government cannot come up with a clear decision

about what we do. So we are short-changing the public, the majority of those who pay the taxes for us to be here and make the decisions, by saying: "Sorry, this year you cannot have Liberation Day." What would the majority of the public do with that not extra day off but the replacement day off that we are seeking to put quite appositely on the 8th because at least there is some kind of rationale for the 8th, which is V.E. Day and there are events starting on that day? Let us look at the sandwich generation. What is the sandwich generation? It particularly applies to women. Those are the ones who have to care for their children and their parents and I am sure there are those in this Assembly who know what that is like, either one or probably both. They will spend that extra day with their families. They will spend it with their elderly relatives, who probably were here in the Occupation, by driving them round probably to events, *et cetera*, and they will be spending time with their family, valuing their family who may have been here during the Occupation and, even if they were not, were part of that generation who knew what the wartime issues were. It can only be a good thing. I think I would appeal certainly to Deputy Lewis of St. Helier to say that the pros must certainly outweigh any of the cons. We are giving people an extra day off. Admittedly, the strong argument is it is not enough notice, but it is still some notice. We should not be punishing the majority of the population for the lack of foresight of this Council of Ministers not to have dealt with this, first of all, by the underlying legislation. We need clarity about what we do on days off that fall at the weekend, but also specifically to fail to take action far back. We could have known last year that we were not going to have a Liberation Day falling a day in lieu and then my colleague here or another colleague could have brought that back well within time. I do not think that argument that there is not enough time should be allowed to override the multifaceted benefits which this replacement day off will give. Certainly, as far as I am concerned, the logical thing to do, and I think also the heartfelt thing to do, is to make sure that we do give this day off as we do in other years and that straightaway, as soon as possible, we get legislation consistently to apply for future days off so that we do not have to come back here every time that this situation, which is foreseeable, arises.

9.1.6 Deputy S.M. Bree of St. Clement:

We have heard some very stirring speeches, particularly from the Deputy of St. Saviour, a wonderful speech, but unfortunately he misses the point completely. Yesterday, I sought advice from my parents, who were both here during the liberation as young people, as to what their views were. It was very, very clear Liberation Day was, is and always will be 9th May. To add another public or bank holiday into the equation in their opinion takes away from the importance of that day. There are many people over here who for them Liberation Day has little meaning. It may well be that they did not have any relatives in the Island. It may well be that they have only recently moved to the Island. To them, Liberation Day is an historical fact, not an important part of many people's lives that they remember. I would also just like to prick the bubble about making this a public or bank holiday. For those of you who have worked in financial institutions over here or banks, you will understand and know that local holidays are not recognised by financial institutions. You do not get Liberation Day off. You choose to possibly take it off as a holiday, but it is not recognised. So this argument that we will set free the Islanders of the public to have a wonderful day is completely wrong. We will not because they do not get local public holidays off. It is not about money either. It is not about the amount of money that is going to be lost by businesses. It is not about the amount of money that is going to be spent by possibly the Parishes or anybody else. This is about the fact that Liberation Day was, is and always will be 9th May and we have to honour the memory of people who are not here anymore and honour those people who lived through it by recognising the day as an important day in their lives. To change the public holiday to be 8th May or any other day you may choose to mention is, in my opinion, wrong and dishonouring the memories of the people who lived through the Occupation. **[Approbation]**

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

I am pleased to follow Deputy Bree. He echoed much of what are in my thoughts. I think my thoughts have been honed this morning in listening to the speeches in support of 8th May being designated as a bank holiday. I am very much mindful of what my mother went through during that period of time. She was here during the Occupation and also my older brother. For them, 9th May is a very special day. It has very special memories for them and had my mother been alive today she would still want to be here on 9th May to enjoy 9th May. I think there is a lot of good argument in support of having a bank holiday and the arguments around having family days so people can get together to talk about their experiences and share how important it was to give us the life we have now. I fully support those arguments except not for being on 8th May. Those arguments stand just as strong and just as powerful if the proposition came forward for 9th May and if it had come forward for 9th May it may well have garnered my support. But all we are doing here, we are likely to be giving a day off to people who, as Deputy Bree said, were not even here during that period of time. The Jersey population was round about 48 per cent of the total population nowadays in Jersey so there is less than half the people here are Jersey born and just a mere fraction of those that will have real memories of 9th May and why that was so important to them. I do not think having a bank holiday on 8th May will devalue 9th May because for the people that were there nothing will take away their love and affection for those British troops which relieved us on 9th May. I cannot support the proposition because it is on the wrong day. If it had been on another day, I may well think differently.

9.1.8 Deputy G.P. Southern:

Once again, I will rise to my feet to praise the Deputy of St. Saviour, Deputy McLinton, for giving an excellent speech once more. He clearly knows the facts and can present them well. The other thing I have to comment on before I go on to make my own comments is the mention of Deputy Tadier who said: “When did we know that this was going to happen?” We knew it quite some time ago and the Council of Ministers could have prepared and should have prepared some strategy to deal with it rather than forcing this to be a relatively late change to the schedule of things. But the main point I wish to make is this stuff around ... which are in the comments of the Council of Ministers: “The Council of Ministers is fully supportive of the events being organised to commemorate the 70th anniversary of the Island’s liberation from Nazi occupation, but does not view an additional public holiday as a necessity or a requirement.” Additional public holiday, is that the correct word to use or should the word be a replacement public holiday because on 5 out of 7 years we have that public holiday? The majority of the time, most of the time, we celebrate it because the date falls on the right day. So where we talk about the cost to the public purse, the cost to industry, what we are talking about is something that on 5 out of 7 years happens anyway. That is the reality. So instead of talking about a cost, we ought to talk about the saving we are making this year because we are not having a public holiday. Then when the Council of Ministers go on to say again an additional public holiday: “Liberation Day is the most important date in the Island’s history and can only be properly celebrated on 9th May”, well, not by a large tranche of workers who are going to be working on that Saturday. That is the reality. They cannot properly celebrate because they will be given no day off in lieu and they will be busy working and servicing the demands of society on that particular day. I suppose Deputy Mézec sums up his arguments in his middle paragraphs of his proposition when he says: “Some will argue that the cost of having a public holiday is too great, but it must be said that Liberation Day is usually a public holiday anyway.” So the fact that this is not this year is essentially a bonus to the public purse given that it is a cost that is usually met every year, 5 years out of 7, anyway. On that basis, the cost to the public purse is notional. It is worth noting that a precedent has been set before. In 2011 a public holiday was granted to celebrate the wedding of His Royal Highness Prince William and Miss Kate Middleton, and in 2012 for the Queen’s Diamond Jubilee. If we can make an exception, Deputy Mézec says, for those, we can make an exception for this especially significant Liberation Day, the

70th. So the precedent is there. We have done it in the past. We can do it again. Then, finally, he says: “In many other countries, when their national day falls on a weekend it is automatically observed and a public holiday will be given in lieu. This is the case for Independence Day in the U.S.A. (United States of America) and Australia Day.” It is perfectly possible to do this. Lots of other people do this. I think this should be regarded as a replacement holiday and not an additional holiday and that we should get on and agree the proposition that Friday, the 8th, should be designated as an extra public bank holiday from 2015 and in that way we may take a small step on the road to making politicians a little more popular than they otherwise are.

9.1.9 Deputy M.J. Norton of St. Brelade:

I look back at my diary from 2012, which I oddly still had lurking around at home, and in there the date is exactly the same as it is now. Yes, Friday, 8th May was Friday, 8th May back then. We knew it many, many years back. It has not changed. There is and there has been some criticism that the Council of Ministers did not bring a proposition forward to deal with this. Well, as was mentioned earlier on and as is in the comments in front of me, they did look at it. They did consider. They did consider the arguments and they decided not to bring a proposition forward. What were they supposed to do, bring a proposition forward not to bring a proposition? Would anyone enjoy a day off, paid, on a Friday? Well, surprise, surprise, of course they would. Ask 100 people and I bet you most of them would say: “Yes, we would rather have a day off.” Do I want to be more popular for giving a day off? I do not think that is our job, is it? It is not, really. Our job is to make sure that there is economic growth. Our job is to make sure that we put the Island straight and that we carry on doing that.

[11:45]

Our job is not to give away holidays for spurious reasons. Liberation Day is on the 9th. Finally, it is 8 weeks away this Friday. You start telling employers that in 8 weeks’ time they have to build in a day off, it is just too late. I am afraid I cannot support this proposition.

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

I will be very brief. As you know, I sit on what is known as the Bailiff’s Consultative Panel. As the Chief Minister mentioned earlier, the members of that panel were consulted some time ago on their views as to whether or not we should designate an alternative day as a bank holiday because Liberation Day this year was falling on Saturday. I spoke at that time I remember quite clearly and I said: “No, Liberation Day was 9th May” and, as we have heard someone else say, it was and always will be 9th May. Subsequently, I too carried out a straw poll or a few straw polls of parishioners at recent Parish functions and asked their view. Similarly to the Connétable of St. John, it was very clear to them. For those Occupation survivors, who we must remember suffered deprivation and suffered hardship and, indeed, in some cases near starvation while living under the occupying German forces, 9th May is Liberation Day. We have also heard the word “honour” used in the debate this morning. I recognise that those Occupation survivors, the majority of them that I spoke to, their view was that 9th May is Liberation Day, it always will be, and I honour their views. I cannot support Deputy Mézec’s proposition that we have an extra bank and public holiday on 8th May.

9.1.11 Deputy R. Labey of St. Helier:

I was not going to speak in this debate, but I think there is a very clear confusion here. Those speaking and representing the views of people who were living here during the Occupation, that view of those people I think is without the full knowledge of what this proposition sets out to do. I think when this was announced those against it gave the impression that somehow Deputy Mézec was trying to move Liberation Day to 8th May so, of course, everybody in the Parish Halls is outraged and is going to say: “No, we do not want that.” But that is not his proposition. Bizarrely,

in reply to the Constable of St. Peter, he says less than half the people on the Island now are Jersey-born. It is because of that reason that we should enhance Liberation Day and make sure that it is properly recognised every year. It is because people are leaving us who lived through the Occupation that we should really make sure that it is enshrined in our culture and that it is properly recognised. So I cannot see that Deputy Mézec is doing anything other than bolstering Liberation Day and that is why I am supporting him. When I was growing up in the 1970s, the Jersey indigenous population, for them even in the 1970s life in many ways still revolved around the Occupation. It was mentioned every day in my childhood virtually. If you did not finish your dinner you would be told: “You obviously were not here in the Occupation. You would have done that.” **[Laughter]** Of course, my grandparents and parents lived through it and we grew up on all of their stories, some incredibly tragic. My mother and my maternal grandparents lived on the next door farm to Mrs. Gould. We know her story and they were implicated in that. They had to go down to be interrogated at Havre des Pas. They went down on their bicycles, my grandparents waving off my mother and their mother, and they thought they would never see them again. They were interrogated specifically on that issue of Mrs. Gould and harbouring the Russian slave worker. Fortunately for them, they played dumb and they were interrogated together so they could keep their story straight. So they survived it and they cycled back up and, as I say, great joy because my mum thought they would never see their parents again. There are lots and lots of similar stories, so it is enshrined in my psyche, the liberation and the Occupation. I cannot see that this is not doing anything other than making it even more special, so I will support it.

The Bailiff:

Does any other Member wish to speak? Then I call on Deputy Mézec to reply.

9.1.12 Deputy S.Y. Mézec:

I am particularly grateful to both Deputy Labey and Deputy McLinton, who I think attempted in their speeches to make the point that I had tried to make in my initial opening speech where I specifically in what I said tried to avoid a situation where we would have certain clichés trotted out. I am sorry to say that I clearly utterly failed in that as many Members have tried to make an argument against something which is not what I am proposing. Of course, Liberation Day is 9th May. Sir, you yourself would have been the person who gave this proposition the green light after I lodged it and I am sure from your own reading you can clarify, just in case there is any legal confusion over this, whether I am, in fact, proposing that Liberation Day be moved from the 9th. Of course that is not what I am proposing and it is simply a cliché. Liberation Day is the 9th. We cannot have it any other day. Well, duh, of course we cannot. That is not what I am proposing at all. So I am particularly grateful, I think, to both Deputy Labey and Deputy “Mac” for making their points I think more eloquently than I did, although the 3 of us combined still were not able to show some Members that the arguments they were making were just nonsensical. I think Deputy Tadier used the word “illogicality” I think it was, which I think sums it up perfectly. Some of these arguments really were illogical. We have heard from the Constable of St. John and the Constable of St. Lawrence, who have spoken to some of their parishioners who said they were against it. Okay, I have spoken to some of my constituents who are in favour. Who wins? Who wins? The Island is divided in this issue. There are some people who think it is a great idea, some people who think it is a terrible idea, and that is essentially why I lodged this proposition because I thought let us have the debate anyway and whatever the result is we go by that, that is fine. But to say I have spoken to some parishioners and they are against it, I just do not think it is a good enough argument because I have spoken to constituents who are in support of it. Not only have I spoken to constituents in support of it, I have also spoken to businessmen and women who are in support of it as well. I remember the day after I lodged this proposition I walked into a shop in my constituency and the person behind the counter recognised me and said: “Oh, nice one, Deputy Mézec,

completely support you, good idea. We obviously have to come up with something to accommodate that but we think it is worth it because Liberation Day is an important day in Jersey's calendar and having that extra bank holiday will enhance the Islanders' ability to enjoy it." So there are 2 sides to every coin on this and I accept that there are strong feelings either way. But one argument that I regret, and I am sure he did not mean it the way it came across, but Deputy Bree I think used the word "dishonour." I think that is an unfortunate word to use because nothing could be further from what my intention is here. I cannot see how it is possible to dishonour the people who lived through the Occupation and those who liberated the Island by saying: "Let us enhance the Island's ability to commemorate those events." I cannot possibly see how that is dishonouring it. In the United States of America, when Independence Day, 4th of July, falls on a Saturday, they get the 3rd as a public holiday. When it falls on a Sunday, they get the 5th. Is that dishonouring the Americans who fought for independence for the United States of America in the early days? Of course it is not. I think that is a ridiculous argument to make. Is it dishonouring the memory of Jesus Christ to say that we will have an extra bank holiday when Christmas falls on a weekend? Of course it is not.

The Bailiff:

Deputy, it is against Standing Orders to bring our Lord into debates.

Deputy S.Y. Mézec:

That is very strange but fair enough, I think the point is made anyway. Deputy "Mac" talked about how Boxing Day this ... oh, Deputy McLinton, yes, sorry. That is going to take a while to get me to stop doing that. Deputy McLinton talked about how Boxing Day this year falls on a weekend and that is important for me because Boxing Day happens to be my birthday. Obviously, it is tragic for me to learn that my birthday present this year will be an extra day off. I know my liver in particular is going to feel very upset at the idea of an extra day to recover from it. It just does not make sense that somehow these extra days devalue it. We have already heard the point that in Jersey we do have fewer public holidays than many other jurisdictions do and the point I am making here is that this is not just an ordinary bank holiday. We get them every now and then for no particular occasion at all it seems. It is the most important day in Jersey's calendar, unique to Jersey and Guernsey, and it is the 70th. This is the one we have talked about, the experiences of the people who lived through the Occupation, and some of those who do not believe that it is right to have an extra bank holiday, that is fine they are entitled to that view, but I think it would enhance Liberation Day to be able to say to people, particularly young people if they have grandparents who were there in the Occupation, if you are off school or you are off work on that Friday go and see them. Just go to their house, sit down and have a cup of tea and ask them what it was like because you will learn some fascinating things, not just about where your family comes from but what the Island went through. Of my grandparents, I had 2 that lived through the Occupation of Jersey and 2 that lived through the Occupation of Brittany and hearing some of the things they went through was fascinating. I heard about how my great-grandparents even sheltered an escaped Russian soldier in their house, despite the fact they lived relatively close to one of the places where the Germans were stationed. So that was a pretty brave thing to do and they would have got in big trouble if they had have been caught for that. But they did it anyway because they knew it was the right thing to do to show that solidarity for someone who had been fighting on the right side of that conflict. It is these lessons I think to show to people today who have absolutely no idea what it is like to live through something like that and who hopefully never will know what it is like to live through something like that, to offer them that extra time, further opportunity to go with those people and learn what it was like. I cannot possibly see how that could be dishonouring the people who lived through that and the people who liberated the Island to offer people who were not there, who will never experience those things, the opportunity to go speak to these people, spend time with them, go to

events that might be added to the schedule if this opportunity is presented to us, and offer the chance to enhance it for those people. I just cannot possibly see. I have had a note passed to me talking about the Jersey way. Well, surely if we want to take back the phrase “the Jersey way” and celebrate what it is to be a Jersey person, then surely this is a great way of doing it by adding an extra day so we can have more time to celebrate. We know that there are events going on in some of the Parishes on the 10th. Nobody is going to propose cancelling those because they are not being held on the 9th because they do not detract from Liberation Day. They enhance it, so let us have stuff on the 8th as well. Having taken that opportunity to address those clichés which unfortunately were trotted out, I am not sure I have anything further to say so I ask for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the proposition of Deputy Mézec as set out in paragraphs (a) and (b). I will ask the Greffier to open the voting.

POUR: 9		CONTRE: 33		ABSTAIN:
Deputy G.P. Southern (H)		Senator A.J.H. Maclean		
Deputy of Grouville		Senator I.J. Gorst		
Deputy M. Tadier (B)		Senator P.M. Bailhache		
Deputy J.M. Maçon (S)		Senator A.K.F. Green		
Deputy S.Y. Mézec (H)		Senator Z.A. Cameron		
Deputy A.D. Lewis (H)		Connétable of St. Helier		
Deputy L.M.C. Doublet (S)		Connétable of St. Clement		
Deputy R. Labey (H)		Connétable of St. Peter		
Deputy P.D. McLinton (S)		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Connétable of Grouville		
		Connétable of St. John		
		Connétable of Trinity		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy R.J. Rondel (H)		
		Deputy of St. Ouen		
		Deputy S.M. Wickenden (H)		
		Deputy S.M. Brée (C)		
		Deputy M.J. Norton (B)		
		Deputy T.A. McDonald (S)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		

The Bailiff:

Before we come on to the next item, Deputy Mézec corrected himself halfway through his summing up speech but can I remind Members that there is more than one Deputy of St. Saviour and also that his name is not Deputy “Mac.” [Laughter]

10. Jersey Overseas Aid Commission: re-appointment of Commissioner (P.12/2015)

The Bailiff:

We now come to P.12/2015, the Jersey Overseas Aid Commission: re-appointment of Commissioner, lodged by the Jersey Overseas Aid Commission. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint, in accordance with clause 7.4 of the constitution of the Jersey Overseas Aid Commission, as set out in schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005, Mrs. Toni Roberts as a non-States commissioner for a further period of 3 years.

10.1 The Deputy of Grouville (Chairman, Jersey Overseas Aid Commission):

The value that a non-States commissioner brings to the work of the Jersey Overseas Aid Commission should not be underestimated and Mrs. Toni Roberts is testament to that statement.

[12:00]

It is clear to see from her biography that her professional background and skills bring a valuable contribution to the work of overseas aid. Toni as a volunteer has actively gone a step further by undertaking key roles within the charities she has served and her contribution to Jersey overseas aid is no exception. Toni has held the post ...

The Bailiff:

Chairman, it is usual to describe her as Mrs. Roberts. Thank you.

The Deputy of Grouville:

Sorry, Mrs. Roberts. Mrs. Roberts has held the post of vice-chair under various chairmen. I have no doubt that both Senator Gorst and Senator Routier will endorse the significance of Mrs. Roberts' contribution to the work of the Commission and her experience will be invaluable to me now as the new chairperson. Mrs. Roberts has also undertaken the responsibility of chair of the sub-committee for community work projects, which is perhaps for some Islanders the face of the Commission. Mrs. Roberts has passion for this area and has led projects which require time, dedication and sheer hard work, which offers life-changing experiences not only to the beneficiaries of the projects but also to many Islanders who take part in them. Mrs. Roberts goes way beyond what could reasonably be expected as a volunteer. She has undertaken many in-country visits to projects. In-country monitoring is crucial to the Commission's work and I would like to take this opportunity to express my gratitude and personal thanks to all its States and non-States commissioners who have undertaken such visits, usually at little to no cost to the Commission. More recently, Mrs. Roberts has been effectively working on the introduction of bursaries and leadership programmes, a new venture for us but one which the Commission hopes will ensure more Islanders can be offered opportunities from the infinite experiences available when working overseas. I recommend the reappointment of Mrs. Toni Roberts for this which will be her last term.

The Bailiff:

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

11. Draft Act annulling the Road Traffic (Public Parking Places - Charges) (Amendment No. 6) (Jersey) Order 2015 (P.14/2015)

The Bailiff:

We now come to P.14/2015, Draft Act annulling the Road Traffic (Public Parking Places - Charges) (Amendment No. 6) (Jersey) Order 2015 lodged by Deputy Southern, and I ask the Greffier to read the draft Act.

The Greffier of the States:

The States are asked to decide whether they are of opinion to adopt an Act as set out in the appendix annulling the Road Traffic (Public Parking Places - Charges) (Amendment No. 6) (Jersey) Order 2015 and to request the Minister for Transport and Technical Services to make a new order limiting any increases in parking charges to 1.3 per cent.

11.1 Deputy G.P. Southern:

I bring this draft Act annulling a decision of the Minister for Transport and Technical Services because that is all that is allowed under our rules and the Minister has the power to fix increases in parking costs by Order so it does not come before us for debate in the normal routine of things. I lodged this particular proposition because on reading - and perhaps not everybody does pick up the copies - what the Order was going to be I was shocked, shocked by an apparent lack of logic and, indeed, a logic that belongs to some simple mathematics. Because I read in the explanatory note of the original Order the following: "This Order increases the parking charges set out in the Road Traffic (Public Parking Places - Charges) (Jersey) Order 2010 so as to produce an annual increase of 1.8 per cent." All well and good, I thought, until I looked elsewhere in the documentation and I found that in order to produce an annual increase of 1.8 per cent that meant that the cost of a parking ticket went up from 74 pence to 76 pence. I immediately reached for the calculator and did the sums and lo and behold I found not 1.8 per cent but 2.7 per cent. That is the relevant figure: 74 pence to 76 pence, an increase of 2p, is an overall increase of 2.7 per cent, which on whatever figures you choose, and I mistakenly picked the R.P.I. (Retail Price Index) at 1.3 per cent when I should have picked the R.P.I.Y. (Retail Price Index excluding mortgage interest payments and indirect taxes) at 1.8 per cent, but whether or not it is 1.8 or it is 1.3, it is one point something and the increase that we have is 2 point something. In fact, it is 33 per cent greater than what it ought to be. My wife said to me: "Why bother? It is only a penny." But think about it. I have seen The Parade and if you stand by any of the public car parks you will see worker after worker dashing out every 2 or 3 hours to quickly do another card. It does happen. At its extreme - I am not suggesting this happens often - that 1p per card on the price times 5 days in the week is 5p times 40 hours a week, and we are talking quite significant money that people pay in order to be able to work for the required hours. I have seen it time and time again, even in Morier House where if one stands outside for any length of time, one will see civil servants dashing out to fix their card and dashing back promptly. It does happen. So 1p a week sounds like nothing, but if you are a worker in Jersey and you are dependent on public parking spaces, then it can be quite significant. It all adds to the increasing cost of living that we have bear with. What we have here is a policy which increases the cost of parking by significantly more than inflation, whether it is 1.3 or 1.8, significantly more than inflation. Looking back as I am prone to do, having spent so many hours and days in this Chamber, looking back to 2000 I find our anti-inflation policy clear as crystal. We are to keep inflation low. It is a target that all Ministers are sworn to and there is a limit of 2.5 per cent or less. Now, you might say it is only a little bit, but it is only a little bit that adds up. If every Minister did this, we

would soon find a little creep in the cost of living. Even though the cost of our fuel is going through the floor, inflation still maintains its inevitable rise slowly, slowly increasing. The fact is the Minister is sworn to keep rises below the level of inflation if he can, certainly below the level of 2.5 per cent, and this is not. This is above that level. I brought this rescindment motion in order to effectively request the Minister to go back and think again and do what he says he is doing, which is to produce an annual increase to the public, the paying public, at or around the 1.8 per cent he says he is doing when it is actually 2.7 per cent. That is what I ask your support for. It is the only way to make sense of this particular measure. What is happening on the ground to the public is they are faced with a significantly above inflation rise in the cost of parking. That should not be happening. The Minister knows it should not be happening and the Minister should, I believe, accept this rescindment and go away and come back with some new figures.

The Bailiff:

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

11.1.1 Deputy E.J. Noel:

Firstly, I would like to thank Deputy Southern because we have some agreement here in the light that I think we both believe that scratch cards need to be replaced in part and a more flexible method of payment produced for public parking, and that is exactly what my department is proposing to do. But to move back to the actual main thrust of the Deputy's proposition. When I first read Deputy Southern's proposition I thought it must be a simple misunderstanding. In an effort to avoid wasting States time and providing a quick response to the Deputy, I immediately offered to meet with him and, indeed, his Reform colleagues to explain why his calculations and assumptions were, in my opinion, mistaken. Unfortunately, we are here today discussing this because that offer was completely ignored. I received no acknowledgement of reply and even a second offer I made was also ignored, albeit I have to thank Deputy Tadier as he kindly agreed to chase his reform colleague regarding this matter but I still heard nothing. Had the Deputy taken the time to contact myself or my department or Treasury in the first instance before drafting his proposition, he would have been able to, I believe, avoid wasting our time today and officers' time. The calculations can be hard to visualise when verbally explained, so I would refer Members to my comments paper and, in particular, to the table at the back so that explanations can be more easily followed. Firstly, I would say that this is not a new or a changed calculation. It has been consistently used since 2008. In addition, this process has been applied in accordance with the financial codes as with other charges since G.S.T. (Goods and Services Tax) was first introduced. You will see that the calculation has 3 variables which when combined produce the annual increase allowing parking charges to keep pace with inflation. Surprisingly, the Deputy has managed to muddle all 3 variables by treating them as one. Firstly, the Deputy has chosen to use - and he realises now that he has used - the incorrect R.P.I. figure. We like to use the R.P.I.Y., which is the underlying rate of inflation, which is a lower figure. This figure is more appropriate because it excludes housing costs. It excludes indirect taxation and in doing so it avoids factoring tax increases twice and does not include the cost of mortgages. This is a fair index to use and it does not, therefore, double-count G.S.T. increases and I am grateful to Deputy Southern for acknowledging this. On the face of it, it was seen that the R.P.I.Y. index would have been better suited to the Deputy's case. Secondly, the Deputy believes that we should be using the December quarter's R.P.I. figures rather than the usual September quarter R.P.I. The September quarter R.P.I. has been used since the introduction of pay cards back in 1998. September was originally chosen for administration reasons at the time and has been adhered to ever since, providing a consistent 12-month period. Moving to December as a new point of the calculation would mean being inconsistent and would produce an inconsistent 15-month period. As such, Deputy Southern's figures would subsequently have to be corrected. Finally, and more importantly, it is a matter of

law how the G.S.T. is applied. Direction is given in the States Financial Code 4.1, increasing States fees and charges, and reflects the relevant stance of the Parking Places Order which explicitly defines the unit value as excluding G.S.T. The effect of this is that inflation must be first considered and then G.S.T. applied. As set out in my comment, the calculation, therefore, complies with the law, whereas Deputy Southern's simply does not. To summarise, the calculation we have used in 2014 is the parking unit charge pre-G.S.T., which was 71 pence, plus the September increase in the R.P.I.Y., which equates to 1.3 pence, plus 5 per cent G.S.T., which equates to 3.6 pence, and that totalled 75.9p.

[12:15]

The normal rules for rounding take us to a tenth of a penny up to 76 pence. Our calculations have been checked by senior T.T.S. finance officers, by senior Treasury officials, and even parts of the Law Draftsmen themselves in terms of it complying with the G.S.T. legislation. Indeed, as you would expect, naturally the management of the Jersey Car Parks have also been through these figures with a fine-toothed comb. I simply ask Members: are all these people wrong and Deputy Southern right? We are absolutely not. They are, indeed, right and Deputy Southern in this instance has misunderstood the sums involved. On a lighter note, that is perhaps why the Deputy taught me physics and not mathematics at school. **[Laughter]** Deputy Southern has cherry-picked an R.P.I. figure which he acknowledged was incorrect and he has also cherry-picked an arbitrary date to veer from consistency. If we had done the same, we would have been criticised and rightly so. In summary, we have a responsibility to be fair, to be consistent, to act within the law. We should not be arbitrary. We should not fluctuate between methods and points of time from year to year just to be popular. I wish that Deputy Southern had taken up our offer to explain the methods and processes that we use so we are consistently fair. It may have saved some time today. But I do hope that Members will agree with me that this proposition should not be supported.

11.1.2 Deputy A.D. Lewis:

I have to say that I do feel that Deputy Southern's proposition is somewhat frivolous. We have been for many years trying to persuade people out of their cars, getting on to their bike or walk to work. Increasing parking charges is one way of stimulating that and encouraging people to change their behaviour. So to bring a proposition on this basis does not really grab me at all and I feel is a bit of a waste of States time, although I am sure his intentions are well-meaning. We really should be encouraging people to leave their car at home at any opportunity. We should be sweating our assets, of which the car parks are one, and maybe more people would be working up a sweat walking or cycling to work. That is what I would like to see and I really feel this is a bit of a frivolous suggestion but I do understand where it is coming from.

11.1.3 The Connétable of St. John:

If one hypothetically took inflation last year at 5 per cent and everybody said: "Oh, we must put our prices up 5 per cent because that is what it was last year" then inflation would continue at 5 per cent *ad infinitum* for ever and ever because of that process. I am against increasing prices based on inflation from the year before because the only way we will stop inflation is by stopping putting up prices. Deputy Lewis of St. Helier very eloquently put that we should be encouraging people out of cars and into other forms of transport. I can agree with him on that subject, but that is not this debate. This debate is about car parking charges. I am a very simple man and I punched into my calculator in front of me right here 74p times 1.8 per cent equals 75.332p, an increase rounded down of one penny. So even if we take inflationary rules and we increase by the rate of inflation, that is one penny. Personally, I would like to see it stay at 74p because we need to break this cycle of continuing to throw more fuel on the fire of inflation. I am going to support this proposition because it should be 75p maximum.

11.1.4 Deputy S.M. Bree:

The rate of inflation being used in the calculations is 1.8 per cent. Now, that is a figure that has traditionally been used, the same calculation or the same model, year in, year out. That in itself is not wrong, but I would just like to ask the question and perhaps Members of this Assembly can think about it: does that mean that everybody's salaries have gone up 1.8 per cent? No, I do not think it does. What we have to consider here is a fundamental issue. Irrespective of the right of the Minister for Transport and Technical Services to put the price up, should he be doing it? I would say no because people's salaries have not gone up accordingly. Therefore, their take-home pay, their disposable money, is less and the reason it is less is we, the States, are taking more money off them. That to me is not fair. I would also like to just pick up the issue behind trying to encourage people to leave their cars at home. Again, this is perhaps an area that the Minister for Transport and Technical Services can answer. The reason people use their cars is we do not have a reliable bus service extending to all over the Island. We do not have safe, usable cycle tracks to encourage people to use bikes. I am sorry, I drive in and I would never cycle on some of the Island's roads. We have failed to provide a suitable solution in a public transport area so we cannot now penalise car users just to raise revenue. I will be supporting this proposition.

11.1.5 The Connétable of St. Mary:

I just feel I need to make one very brief point in response to some things that people have said about encouraging people to leave their cars at home, *et cetera*. This particular issue we are dealing with now is about a small increment increase to the cost applied, as the Minister has said, to cost of living rises, *et cetera*. But there was an amendment which I brought to the Sustainable Transport Plan way back when it was debated that was approved by this Assembly that said that car drivers would not be disproportionately penalised until there were other reliable options for transport available to them. That is outside the scope of this particular argument, but just so that Members are aware, who were not in the Assembly then, that that has been taken on board and that is part of the Sustainable Transport Plan.

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

It is curious, is it not, that T.T.S. has been calculating the annual price increase the same way since the dawn of our dreaded G.S.T. This is the first year that Deputy Southern has queried it. Nobody welcomes a price rise. Being a good Jerseyman, I certainly prefer to pay less rather than more. However, I do believe this increase is fairly calculated in accordance with established States practice. Some of our new Members may not be aware that car parks are run through a trading account. The income from parking pay cards, A.N.P.R. (automatic number plate recognition) charges and fines go into the Car Park Trading Fund. This covers the cost of on-street policing that stops dangerous parking, ensures parking spaces are available and keeps our town roads flowing and our footpaths clear of obstruction most of the time. It funds the maintenance of 81 car parks, including 35 free car parks for beaches and coastal walks, supporting tourism, the leisure economy and the quality of life for Islanders. It funds the operation, maintenance, improvement and eventual replacement of the multi-storey car parks as well as purchase of any new facilities. There have been concrete protection projects to extend the life of car parks such as the refurbishment of Pier Road, which provided many wider parking spaces. There is a planned refurbishment of Sand Street later this summer and the new parking facilities at the Ann Court development, subject to Andium delivering the necessary amount of hopefully shopper parking but that is another story. The cost of the new flexible payment system to be introduced at all sites this summer will also come out of this fund. It is a service funded by its users, not by all taxpayers. It is important that this fund is maintained to ensure standards do not drop. I trust that the Minister has provided Members with sufficient evidence in the comments provided and at this Assembly. The small inflationary increase applied to the unit cost of parking was done so fairly and legitimately in accordance with

established States practice. I recommend Members vote like me and against Deputy Southern's proposition.

11.1.7 Deputy S.Y. Mézec:

I stuck my light on a little too early in Deputy Bree's speech because he went on to make the point that I was going to. To add another element to it, raising the price of parking fares is not going to encourage people to not take their cars, it is just going to penalise poor people who have to drive for whatever it is they have to do as part of their work. So the real solution, perhaps maybe it is not a great idea to increase the cash bus fares by as much as is going on now if that is your aim to get people out of their cars and on to public transport. So I just wish to add that to the points that Deputy Bree made.

11.1.8 Senator L.J. Farnham:

Just very briefly on the issue of parking. While I understand the reason the Deputy has brought this, really we are focusing too much on the price of parking. We need to be focusing on the logistics and from an economic and development point of view. Having spoken to the retailers they are far more concerned about people being able to drive into town, park where they want to for as long as they want to, do what they have to and then go and they are prepared to pay a reasonable fee for that. Thank you.

11.1.9 Deputy R. Labey:

At a time when fuel costs are going down, bus fares go up for those paying cash, some people are wedded to paying cash and want still to do so and do not know how to pay online for their cars. Where does that leave the policy of trying to get people to use public service transport? I think we have to keep an eye on T.T.S. here because it seems that what we are seeing is an attempt to reduce the public subsidy to the bus company as part of their cuts possibly. I think it means that it is a £3 journey into town now for those paying cash. They will just go to the out-of-town places to buy their groceries [Laughter] sometimes at inflated prices, but there we are. [Laughter] So I will support the proposition.

The Bailiff:

Does any other Member wish to speak? Then I call on Deputy Southern to reply.

11.1.10 Deputy G.P. Southern:

As to the 2 mentions of bus prices, hang on, folks, there will be one along in a minute in terms of bus fares. It is coming. But this is about parking charges clearly and it is about the fact that the law, structured as it is, has this phrase "so as to produce an annual increase of 1.8 per cent" or R.P.I., in it when in fact that 1.8 per cent, the way it is calculated, the public never get to see. This is an internal mechanism involving G.S.T. whereby some goes off to the Treasury for G.S.T. and some goes into our pot for provision of parking spaces and all the ancillary bits that surround it. All well and good. However, the key that Members must pay attention to is: what is the overall impact on what members of the public pay? That is the only relevant bit because that is the bit that we, as members of the public, see. That is the bit that we have to pay. No matter what calculations you do and how you approach it, the fact is this year that is a rise from 74 pence for a ticket to 76 pence for a ticket.

[12:30]

However you calculate it, and there is no denial of that fact, the overall impact on what people will be digging in their pocket and paying is over the inflation rate. It is 2.7 per cent, as I said before, one-third greater than what it should be. The reality is far different. What we should be seeing is a rise, a much more moderate rise, from 74 pence to 75 pence. That would keep the Minister in line

and on target for what is States policy and has been for the last 15 years. We should not allow this Minister, or any Minister, to breach that anti-inflation policy unless we want to bring that inflation policy back to us and change it. That is the reality. We should not let Ministers get away with it because this is almost a charge that is hidden in the fact because you do not see the bits that we are calculating on; you see the net result. So, I am accused of muddling figures wildly. I am also accused of having failed to teach the Minister the mathematics and I have to say that mathematics is of course central to a study of physics. It is an essential tool that we need and I think the overall evidence of this debate is that I may have taught him but, as the phrase goes, not a lot. He claimed to be accurate according to the law and that may well be true. But the thrust of my proposition is to adopt an Act as set out in the Appendix, annulling the road traffic amendment that he has done in October so that the annulment says: “Go back and think again.” It says: “You cannot do this.” That is all we are saying: “You cannot do this because your numbers are not right. Go back and think again.” That is what it says and that is what I think this House can do. Deputy Lewis, I look forward to his proposition increasing the price of parking further to encourage people on to the bus. I hope it comes with a reduction in the bus charges so that people can afford the bus charges as well. But he brought an argument which is not relevant to this particular argument. I was pleased to hear the support from the Constable of St. John and from Deputy Bree who hinted that this was in fact a hidden charge when most people’s incomes and salaries are frozen and stuck. Here we are doing something that we should not be doing: increasing the cost of parking by greater than the rate of inflation. I would argue, along with the Constable of St. Mary, or agree, her phrase about disproportionately penalised is fair, and does apply to this particular rise, is disproportionate. I thank Deputy Mézec for his support and fail to understand what Senator Farnham’s argument was around logistics. They want to be able to park where they want, when they want but they do not mind paying a little more for it so they have got less to spend in the shops where they are parked close by. With that I suggest that Members ignore the obfuscation that comes from the Minister for Transport and Technical Services about being technically correct because the overall impact, and that is what counts, is not to produce an annual increase of 1.8 per cent. What it has produced is an annual increase of 2.7 per cent and this House has the chance to say: “No, you do not, Mr. Minister. Go back, reconsider it and come back with something that more accurately reflects the R.P.I. and not your figure which is completely arbitrary. The net effect is that it will cost ordinary people out there in their pocket to pay your prices which basically are not justified.” I call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether or not to adopt an Act annulling the Road Traffic (Public Parking Places - Charges) (Amendment No. 6) (Jersey) Order 2015 and I ask the Greffier to open the voting.

POUR: 9		CONTRE: 30		ABSTAIN:
Connétable of St. John		Senator A.J.H. Maclean		
Deputy G.P. Southern (H)		Senator I.J. Gorst		
Deputy of Grouville		Senator L.J. Farnham		
Deputy M. Tadier (B)		Senator P.M. Bailhache		
Deputy S.Y. Mézec (H)		Senator A.K.F. Green		
Deputy L.M.C. Doublet (S)		Connétable of St. Helier		
Deputy R. Labey (H)		Connétable of St. Clement		
Deputy S.M. Brée (C)		Connétable of St. Peter		
Deputy of St. Mary		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Connétable of Grouville		

		Connétable of Trinity		
		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy R.J. Rondel (H)		
		Deputy A.D. Lewis (H)		
		Deputy of St. Ouen		
		Deputy S.M. Wickenden (H)		
		Deputy M.J. Norton (B)		
		Deputy T.A. McDonald (S)		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

12. Jersey Police Complaints Authority: appointment of new members (P.15/2015)

The Bailiff:

We now come to P.15/2015 the Jersey Police Complaints Authority: appointment of new members lodged by the Minister for Home Affairs. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 2 of, and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999, to appoint the following people as members of the Jersey Police Complaints Authority for a period of 3 years: Mr. Duncan Baxter, Miss Allana Binnie, Mrs. Gail McCourt and Ms. Debbie Sebire.

12.1 The Deputy of St. Peter (The Minister for Home Affairs):

Under the law, the Police Complaints Authority has responsibility for overseeing, monitoring and supervising the investigation of complaints against officers of the Honorary Police and the States of Jersey Police who are below the rank of Deputy Chief Officer. They themselves do not investigate; they oversee the investigation. Members will have seen that I have recently lodged the Authority's annual report for 2014 which shows that 35 new complaints were referred to the Authority for supervision during last year, of which 30 were complaints made by members of the public and 5 were voluntary referrals. The role played by members of the Authority is extremely important as they ensure that the investigations they supervise are carried out by the investigating officers in a thorough and impartial manner and they can ultimately insist that disciplinary action is taken against an officer. I am grateful to the members of the Authority and would particularly like to pay tribute to Mr. Bruce Ridley, the former Deputy Chairman, Mrs. Jane Martin and Dr. John Birtwistle who have now left the Authority. Membership of the Authority is not remunerated and I do not underestimate the commitment and balanced judgment that is required to fulfil such a difficult and exacting role. The vacant positions were advertised in late 2014 and following a shortlisting process, interviews took place just before Christmas. In January this year, and subject to approval by the States, the position of member of the Authority was offered to Mr. Duncan Baxter, Miss Allana Binnie, Mrs. Gail McCourt and Ms. Debbie Sebire. Brief C.V.s (curriculum vitae) of the nominees are included in the report accompanying this proposition. Members will have noted from the report that we have technically been in breach of the law since the start of the year as the Authority has not had the number of members prescribed by law which is a Chairman and not less

than 6 or more than 8 other members. This happens occasionally because the process for appointing members is very thorough, including advertising, shortlisting, interviewing, *et cetera*, and the necessary police checks, of course. This has taken several months to complete. The appointment of the 4 new members will bring the membership of the Authority up to a Chairman and 7 other members. I recommend these 4 members and I move the proposition.

The Bailiff:

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

COMMUNICATIONS BY THE PRESIDING OFFICER

13. Appointment of Advocate Mark Temple as H.M. Attorney General

The Bailiff:

I wish to take this opportunity of announcing that the Queen has, on the recommendation of the Lord Chancellor and Secretary of State for Justice, been pleased to approve the appointment of Advocate Mark Temple as Her Majesty's Solicitor General for Jersey in succession to Mr. Howard Sharp Q.C. (Queen's Counsel), our present Solicitor General. Mr. Temple will take up his appointment later in the year at some point after Mr. Sharp has retired. **[Approbation]**

PUBLIC BUSINESS (continued)

14. Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) (No. 2) Act 201- (P.17/2015)

The Bailiff:

Now do Members wish to move into the next item before lunch?

Senator I.J. Gorst:

You might note from the Order Paper that the item P.16/2015 appears twice, in effect. I would be grateful if the next item could be P.17/2015 so that we can then take all the MONEYVAL items in order and take P.16 in its second position rather than the first, if that is appropriate.

The Bailiff:

Very well. Let us now take P.17/2015 the Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) (No. 2) Act 201- lodged by the Minister for Economic Development and I ask the Greffier to read the draft Act.

The Deputy Greffier of the States:

Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) (No. 2) Act 201-. The States, in pursuance of Article 27 of the Financial Services Ombudsman (Jersey) Law 2014, have made the following Act.

Senator L.J. Farnham (The Minister for Economic Development):

The Assistant Minister will be taking this. Thank you.

14.1 Connétable S.W. Pallett of St. Brelade (Assistant Minister for Economic Development - rapporteur):

As a former member of the Economic Affairs Scrutiny Panel in the last Assembly I, along with other members of the panel, pushed the previous Minister for Economic Development hard to implement the office of a Financial Services Ombudsman as soon as was humanly possible. I am

pleased, therefore, that we are moving ever closer to the office being open for business. After being adopted by the Assembly on 1st April 2014, the Financial Services Ombudsman (Jersey) Law 2014 has been sanctioned by order of Her Majesty and registered in the Royal Court. This proposition will bring into force Articles 20, 21 and 22 as laid out in the explanatory note. Other provisions will be brought in force as a matter of course before an Appointed Day Act is presented to this Assembly after which complaints can be referred to the Financial Services Ombudsman in their own right. I commend this proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? All Members in favour of adopting the proposition, kindly show. Those against? The proposition is adopted. I wonder if it would be convenient to propose the adjournment.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. Then the States will stand adjourned until 2.15 p.m.

[12:42]

LUNCHEON ADJOURNMENT

[14:16]

15. Draft Proceeds of Crime (Financial Intelligence) (Jersey) Regulations 201- (P.6/2015)

The Bailiff:

We now return to the Order Paper with P.6/2015 the Draft Proceeds of Crime (Financial Intelligence) (Jersey) Regulations 201- lodged by the Chief Minister and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Proceeds of Crime (Financial Intelligence) (Jersey) Regulations 201-. The States, in pursuance of Articles 41B and 42A of the Proceeds of Crime (Jersey) Law 1999, have made the following Regulations.

The Bailiff:

Chief Minister, you would like to propose the principles?

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

Yes, in 2009 the International Monetary Fund published a report on Jersey's compliance with the recommendations of the Financial Action Task Force on anti-money laundering and countering the financing of terrorism. Members of course are aware that the Island has had its most recent on-site mutual evaluation by MONEYVAL, and that is a body of the Council of Europe. In preparation for that evaluation there was a variety of legislation lodged and this proposition today is another example of legislating relating to the mutual evaluation. Of course, as I said at the last sitting in asking Members to take this legislation today, that process of MONEYVAL does not end with the on-site evaluation. There is the 60-day window after the evaluation team leave the Island for changes in domestic policy to be taken into account and, therefore, that is why I am bringing forward this piece and the following pieces of legislation. Of course Members - and I am grateful to them - were able to attend a full briefing on the MONEYVAL legislation which we will now go on to consider. I hope that those Members who were able to attend understood from that the

importance of this legislation for the Island. So the draft Regulations relevant to this proposition are presented further to amendments being made by the Draft Proceeds of Crime Law which was adopted by the States last year. These Regulations formally establish in legislation a F.I.U. (Financial Intelligence Unit) as the Joint Financial Crime Unit of the States of Jersey Police force and determine that it should carry out the functions of such a unit as defined by the 1999 law. The Joint Financial Crime Unit of the police force has existed of course for some time and this legislation simply formalises its existence and its powers in legislation. The purpose of course is to facilitate the Island's continued compliance with the evolving recommendations of F.A.T.F. (Financial Action Task Force) in respect of the ability of an F.I.U. to obtain information from financial institutions in certain prescribed circumstances. Finally, I would note that I would be grateful if Members could take the proposition as amended. The amendment is minor and only amends the commencement provisions due to an error when the amending law and amending Regulations would be debated. Of course that will be when we come to the Regulations. I therefore maintain the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All Members in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Bree, does the Scrutiny Panel wish to scrutinise these Regulations?

Deputy S.M. Bree (Acting Chairman, Economic Affairs Scrutiny Panel):

No, Sir, we do not.

The Bailiff:

Do you wish to propose the Regulations *en bloc*, Chief Minister?

Senator I.J. Gorst:

I do. Sorry, I was incorrect, it was the Economic Affairs Scrutiny Panel that normally scrutinise this piece of legislation.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations as amended? All those in favour of adopting the Regulations as amended, kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading?

Senator I.J. Gorst:

I do, if I may, thank you.

The Bailiff:

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

16. Draft Foundations (Amendment of Law) (Jersey) Regulations 201- (P.21/2015)

The Bailiff:

We now come to the Draft Foundations (Amendment of Law) (Jersey) Regulations 201- P.21/2015 and I will ask the Greffier to read the citation of the draft following which he will take over in the Chair.

The Greffier of the States:

Draft Foundations (Amendment of Law) (Jersey) Regulations 201-. The States, in pursuance of Article 52 of the Foundations (Jersey) Law 2009, have made the following Regulations.

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

This is another proposition dealing with issues arising from the recent assessment of MONEYVAL. It is for 2 primary purposes. Firstly, to introduce obligations in respect of record-keeping requirements for the Council members of the foundation which relate to F.A.T.F. requirements on anti-money laundering and countering the financing of terrorism. Secondly, the proposition makes a number of miscellaneous amendments to the Foundations Law in relation to its operation for industry practitioners. So if I could just cover the 3 miscellaneous amendments for practitioners. Firstly, an amendment to the definition of “qualified person” to deal with a regulatory issue as to who can act as a qualified member of a foundation. Secondly, an amendment to the objects clause which provides that in terms of specifying the objects of a foundation, it is sufficient for the charter to provide that the specified purpose may be determined in accordance with the charter or regulations of the foundation. This allows greater flexibility for the Foundation Law. Thirdly, a minor amendment clarifying the interplay between Articles 5 and 10 of that law relating to how the regulations of a foundation can be amended. Therefore, I propose the principles.

The Greffier of the States (in the Chair):

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show. Any against? They are adopted. Deputy Bree, I think this falls within Economic Affairs or Corporate Services which you are both at the moment, I think?

Deputy S.M. Bree (Acting Chairman, Economic Affairs Scrutiny Panel):

Indeed I am. No, we do not wish to scrutinise this.

The Greffier of the States (in the Chair):

No scrutiny. Do you wish to propose the Regulations *en bloc*, Chief Minister?

Senator I.J. Gorst:

I do. I will not go into any detail but I will endeavour to answer any questions arising. Thank you.

The Greffier of the States (in the Chair):

So Regulations 1 to 4 are proposed. Are they seconded? **[Seconded]** Does any Member wish to speak on any of the Regulations? All those in favour of adopting the Regulations, kindly show. Any against? They are adopted. Do you propose the Bill in Third Reading, Chief Minister?

Senator I.J. Gorst:

I do, Sir, thank you.

The Greffier of the States (in the Chair):

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

17. Draft Proceeds of Crime (Amendment of Law) (Jersey) Regulations 201- (P.22/2015)

The Greffier of the States (in the Chair):

We come now to P.22/2015: the Draft Proceeds of Crime (Amendment of Law) (Jersey) Regulations 201- and I will ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Proceeds of Crime (Amendment of Law) (Jersey) Regulations 201-. The States, in pursuance of Article 1(9) of the Proceeds of Crime (Jersey) Law 1999, have made the following Regulations.

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

This is the third item for me arising from the MONEYVAL on-site review. Of course, the Minister for External Relations has a following item as well. The particular changes with regard to this law are in relation to the definition of property and the definition of legal professional privilege. I maintain the principles.

The Greffier of the States (in the Chair):

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show. Any against? They are adopted. Deputy Bree, again, is that a no?

Deputy S.M. Bree (Acting Chairman, Economic Affairs Scrutiny Panel):

No, Sir.

The Greffier of the States (in the Chair):

Very well. Chief Minister, do you propose Regulations 1 and 2 together?

17.2 Senator I.J. Gorst:

I do, Sir. I think it is fair to say that, as I said in the principles, the changes are with regard to the definition of property, not that we felt there was anything inadequate in our existing definition but just that it gave clarity for the assessors who visited Jersey and the same with regard to the definition of legal privilege to make certain that it would be considered in regard to common law. Thank you.

The Greffier of the States (in the Chair):

Regulations 1 and 2 are proposed. Are they seconded? **[Seconded]** Does any Member wish to speak on either of the Regulations? All those in favour of adopting Regulations 1 and 2, kindly show. Any against? They are adopted. Do you propose it in Third Reading, Chief Minister?

Senator I.J. Gorst:

I do, Sir, thank you.

The Greffier of the States (in the Chair):

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

18. Draft Terrorism (Amendment No. 4) (Jersey) Law 201- (P.23/2015)

The Greffier of the States (in the Chair):

We come now to P.23/2015: the Draft Terrorism (Amendment No. 4) (Jersey) Law 201- and I will ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Terrorism (Amendment No. 4) (Jersey) Law 201-. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

This makes the identical changes to the previous law which was P.22/2015 with regard to property and the definition of legal professional privilege and its removal therefrom the law. Thank you.

The Bailiff:

Are the principles proposed and seconded? **[Seconded]** Does any Member wish to speak on the principles? All Members in favour of adopting the principles, kindly show. Those against? The principles are adopted. Scrutiny, Deputy Bree?

Deputy S.M. Bree (Acting Chairman, Economic Affairs Scrutiny Panel):

No, Sir, we do not wish to.

The Bailiff:

Do you propose the Regulations *en bloc*, Chief Minister?

Senator I.J. Gorst:

If I may, Sir. As I said, they are identical to the ones just taken. Thank you.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on either of the Regulations? All those in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. Do you propose them in Third Reading, Chief Minister?

Senator I.J. Gorst:

If I may, Sir.

The Bailiff:

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

19. Draft Terrorist Asset-Freezing (Amendment of Law) (Jersey) Regulations 201- (P.16/2015)

The Bailiff:

We now come to P.16/2015: the Draft Terrorist Asset-Freezing (Amendment of Law) (Jersey) Regulations 201- lodged by the Minister for External Relations. I will ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Terrorist Asset-Freezing (Amendment of Law) (Jersey) Regulations 201-. The States, in pursuance of Article 40 of the Terrorist Asset-Freezing (Jersey) Law 2011, have made the following Regulations.

19.1 Senator P.M. Bailhache (The Minister for External Relations):

The Terrorist Asset-Freezing (Jersey) Law 2011 is a valuable tool in the prevention of terrorist financing and is an important part of the legislative framework that we have. The law implements Jersey's international obligations in respect of Security Council 1373, the Counter Terrorism

resolution which was adopted unanimously by the Security Council in the wake of the terrorist attacks on 9/11 in the United States. The law gives the Minister the power to freeze the assets of individuals and groups thought to be involved in terrorism, whether in Jersey or abroad, and to deprive terrorists of access to financial resources. The power operates independently of the criminal justice system and it can be used whether or not a designated individual has been charged with or convicted of a criminal offence. If the Minister makes a designation under the law, he must report that designation to the States. The result of the MONEYVAL inspection was to recommend 2 minor modifications of the law and perhaps I can come to those when I propose the Articles. I move the principles of the Regulations.

The Bailiff:

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

[14:30]

Those Members in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Bree, does your panel wish to scrutinise?

Deputy S.M. Bree (Acting Chairman, Economic Affairs Scrutiny Panel):

No, Sir, we do not.

The Bailiff:

Do you wish to propose the Regulations *en bloc*, Minister?

19.2 Senator P.M. Bailhache:

Yes, please, Sir. Regulation 1 amends Article 2 of the law so as to extend the meaning of “designated person” to a natural or legal person, group or entity listed by a number of United Nations’ committees. The purpose of that is to remove a lacuna in the law in the sense that if the United Nations Security Council makes an amendment to the list and that is then implemented by the European Union, there is obviously a gap in time which might enable a terrorist to remove funds from the jurisdiction because the designation was not yet in force. The designation will come into force automatically upon a person being listed by one of these United Nations’ committees. The Island has an obligation under the United Nations Act to implement the resolutions of the United Nations in this respect and so there is no loss of autonomy in that respect. The second Regulation amends Article 4 of the law to provide that the designation of an individual covers the designation of property which is owned jointly with another person and avoids any possible interpretation that the funds were not seized by the designation. It is in that sense a codification of existing policy because that is the interpretation which the financial services industry is encouraged to take of the existing law but MONEYVAL thought that there might be some ambiguity about it and the law is accordingly being amended to that extent. I move all the Regulations *en bloc*.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations? All those in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. Do you move them in Third Reading, Minister?

Senator P.M. Bailhache:

Moved in Third Reading, Sir.

The Bailiff:

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

20. External Relations: Report for the period September 2013 to January 2015 - in committee debate (R.15/2015)

The Bailiff:

We now come to the in committee debate on External Relations. The Minister for External Relations has lodged R.15/2015, a report for the period September 2013 to January 2015. Members have seen a copy of his letter of 18th February 2015. Minister, I note from that that you are hoping to introduce the debate and I ask you to do so.

20.1 Senator P.M. Bailhache (The Minister for External Relations):

In the United Kingdom it is the practice of the Government from time to time to ask the House of Commons to debate the conduct of foreign affairs. The conduct of foreign affairs is the responsibility of the Crown, that is the United Kingdom Government, but nonetheless the Government thinks it is right to ask Back-Benchers by means of a procedure known as an “adjournment debate” from time to time to discuss external relations. My purpose in lodging this report is to give Members for the first time the same opportunity. If Members find it useful, I will repeat it. If not, we will drop it but my hope is that Members will find it a useful and interesting exercise. I have notified Members, Sir, as you will be aware, that I would be asking you to draw the debate to a conclusion in no more than 2 hours, so perhaps I could put you on notice that I would be most grateful if you would control the debate in that way. The conduct of foreign affairs is something new for Jersey. This Ministry was created by the Assembly only in 2013. As a matter of international law and constitutionally, ultimate responsibility for Jersey’s international affairs rests with the United Kingdom Government. It is important to remember that. We are not a sovereign state and we need to have a proper sense of our place in the world. If Ministers were to express a view on every international crisis of the moment, that would be hubristic. However, the United Kingdom Government has agreed that we can, with entrustment, negotiate and conclude international agreements in certain respects and that it is legitimate for us to seek to develop our international identity. It is in fact very important that we should do that. Experience has taught us that if we do not defend our international interests, then those interests will often go by default. We no longer exist in an insular bubble. Our interests are international and our success or failure in a number of different spheres depends upon our ability to get others to understand our point of view. I think that we are beginning to achieve that, although there is a long way to go. Last week I was in Brussels and the Channel Islands’ office organised a number of meetings with policy-makers, including the ambassadors for France and Norway to the European Union. I am not breaking any confidences when I say that both ambassadors told me that their countries were entirely satisfied with the assistance that they were getting from Jersey and Guernsey in relation to the exchange of tax information and with our compliance with international standards. That is a tremendous advance from the position of 2 or 3 years ago. In 2013 we were put on a French blacklist and but for intense co-ordinated work by a number of departments we, including a number of Jersey people with second homes in France, would have suffered penal tax rates, a loss of confidence in the Island and a loss probably of some 500 jobs. To get off the blacklist was a significant achievement. Of course, despite what the Government say there remains a lot of negative perception in the media and among the public which are false but also damaging. I think it is worth repeating that all Members can help or, indeed conversely, hinder in removing these misperceptions. We can talk the Island up or we can talk the Island down. In the context of the C.P.A. (Commonwealth

Parliamentary Association) and the A.P.F. (Assemblée Parlementaire de la Francophonie) a great deal of good can be achieved by well-informed and positive references to our successes. It is absolutely right for Deputy Le Fondré - who I am sorry to see is not here at the moment - and Deputy Lewis to be raising in the context of the British-Irish Parliamentary Association issues in relation to our compliance with international standards. The advancement of Jersey's interests internationally can be divided into what might be called the "protect agenda" and the "promote agenda" although they overlap to a certain extent. The protect agenda involves the building of relationships, especially with the United Kingdom and France, our closest geographical neighbours. Through the London office, Ministers and officials engage in a targeted series of meetings with M.P.s (Members of Parliament), Members of the House of Lords, of all parties and with the diplomatic community. We explain the benefits of Jersey to the United Kingdom, how we support more than 150,000 British jobs, how we contribute to the fiscal revenues of the U.K., and so on. We explain how we are committed to international standards of tax information exchange, to the suppression of money laundering, as shown a few moments ago by the Assembly in passing amendments to the relevant legislation, and to generally being a good neighbour. Conducting external relations can prevent collisions. The termination of the U.K.-Jersey Health Agreement a few years ago was a collision which ought not to have happened; with the competent management of external relations, it would not have happened. I like to think that if the Ministry of External Relations had been in existence at the time of the L.V.C.R. (Low Value Consignment Relief) crisis we might have been able to avoid that too. If departments of government are aware of potential problems, it is important that they share those with the Ministry of External Relations. The Promote Agenda involves the promotion of Jersey's international interests in areas where we anticipate economic growth and new business. In some countries economic activity can only happen if there is a political relationship to underpin it. China is a good example: Ministerial visits both to China and to the embassy in London lay the foundations for trade. It was, I think, a triumph of diplomacy that last summer the Chinese Ambassador, the representative in the United Kingdom of more than a billion people, should have spent 4 days in this Island of 100,000 inhabitants. It was a very important visit which involved the co-ordinated and considerable efforts of many people from His Excellency and you, Sir, downwards. I think that the Ambassador enjoyed his visit and left better informed and better disposed towards Jersey. It was a piece of serendipity that he was here on the eve of the Battle of Flowers and that one of the floats had a Chinese theme that was thought perfectly to capture the spirit of China. I should like to pay tribute, if I may, to the assistance given by our Crown Officers in these ambassadorial visits. Being received at Government House, meeting the Bailiff to talk about the constitution and seeing the Royal Mace, the seal, and, of course, coming to this Chamber and to the Royal Court, add considerably to the flavours of Island life and to the impressions of competence and stability that we try to convey. We should play to our strengths. The Chinese visit paid dividends because the ambassador has organised next month, I think, a round table in London at which local businesses will have the opportunity to meet London representatives of Chinese companies. Ambassadorial visits I think are an area where all Members can help because there will always be contacts or pieces of information in the possession of Members which could make a visit more valuable or more interesting. The Promote Agenda merges into our engagement on international poverty reduction and capacity-building in Africa. There are certainly business opportunities in Africa, but the Government has been trying for a number of years to help to develop African governance and their capacity to collect taxes and to build sound financial administrations. I chaired another round table at the House of Commons a few weeks ago attended by parliamentarians interested in Africa, representatives of N.G.O.s (non-governmental organisations) and of the African diplomatic community, including one ambassador, and of Jersey Finance, in order to consider ways in which Jersey could use its expertise not only to help African countries, but also to build their administrative capacity and, of course, to develop business for Jersey companies there too.

[14:45]

This is work in progress, but it is very important work from all perspectives. It is also a work that cuts across the responsibilities of a number of departments and organisations. Members will have seen from the appendix to the Ministerial report which sets out the budgets devoted, broadly speaking, to the conduct of Jersey's external relations. There are significant omissions, I am afraid, because the £5 million grant to Jersey Finance Limited and the budget of Senator Ozouf's part of the Chief Minister's Office should also have been included. Taking those into account, it can be seen that we devote more than £17 million each year to the conduct of external relations in the broadest sense. If that money is to be well spent, it is important that departments and organisations are joined-up in their objectives and in their practice. The autonomy of the Overseas Aid Commission and Jersey Finance must be respected but we, equally, need to work together. I am very glad that the Deputy of Grouville, as Chair of the Overseas Aid Commission, is in agreement with that general principle. It would not be sensible for the Commission to be dispensing taxpayers' money without any knowledge of the broad foreign policy objectives of the Government of Jersey. Working together, particularly in the African context, can have a much greater impact for good. I want to conclude by saying a few words about the United Kingdom general election in May, and the possible referendum on Europe which will occur if the Conservative Party is returned to power. Pundits say that the forthcoming election is one of the most important for a generation but I do not want to talk about U.K. politics, except to the extent that Jersey is affected. Usually we are disinterested in the outcome of United Kingdom elections because we have worked, and have to work, with governments of every political colour, but the prospective referendum in Europe, as supported by the Conservatives and by U.K.I.P. (United Kingdom Independence Party), is significant. It is significant because if people were to vote to leave the European Union then our own Protocol 3 would fall and our own relationship with the European Union would need to be rebuilt. Two or 3 years ago the Foreign and Commonwealth Office began what was called a Balance of Competencies Review, analysing objectively what the European Union did and what the United Kingdom and other member states did. We contributed to that work, as did the other Crown Dependencies, and all the evidence was published, some 3,000 pages of it, but no conclusions were published. When I was in Brussels last week I saw the director of an independent think-tank called the Centre for European Policy Studies, and I was given a small book entitled *Britain's Future in Europe*. The opening paragraph of the book is instructive: it says: "This book is rather unusual; it is about the conclusions that the British Government chose not to draw from its own in-depth and impressive research into the workings of the European Union." In a nutshell, the conclusion from the research of U.K. Government officials was that the balance of competencies between the U.K. and the European Union was about right. Some things in the bureaucracy could obviously be improved, but there were no grounds for suggesting that it was in Britain's interests to repatriate substantial powers from the European Union. The scene has been set for an interesting debate in the United Kingdom, and it is one that we must follow closely. If the vote in the event of a referendum were to be against continued membership of the E.U. (European Union) then it is clear from the views expressed to Ministers and officials that a difficult 2 years would ensue; 2 years is the period set out in the treaties for renegotiating a relationship between a member state that is withdrawing from the union and the remaining member states. There would not be, we have been told, very much goodwill towards the United Kingdom, and we in Jersey would be caught up in the slipstream of that anger. I am sometimes asked by Members at question time: "What are the circumstances in which it would be in Jersey's interest to become a sovereign state?", and I have always replied that it would not be helpful to speculate on hypothetical situations, and I have always said, and I repeat, that it is not the policy of any member of this government to seek a change in the constitutional relationship, either with the United Kingdom or with the European Union. But it would be the case if the United Kingdom were to withdraw from the European Union that Jersey could find itself in a similar position to that which we were in during 1971 when the

United Kingdom Government had negotiated, or was negotiating entry to the European Communities. Our predecessors in this Chamber were given a choice between accepting what the United Kingdom Government had negotiated on our behalf, Protocol 3, and independence. This time, if that situation were to arise, I think it would be more difficult. Hopefully the scenario will not arise; if there is a referendum, the decision will be for the electors of the United Kingdom, but it is certainly not in Jersey's interests, and I can say that as a member of the Government of Jersey, that the United Kingdom should withdraw from the European Union. Ministers and officials are drawing the position of the Channel Islands to the attention of parliamentarians and officials and policymakers in London, and I will obviously keep Members informed as best I can. I said in my report, to which there is appended the Council of Ministers' policy on external relations, that I would welcome any suggestions from Members as to modifications or additions or subtractions from that common policy, and I hope that Members will feel free to express their views in that respect and they will certainly be taken into account by the Chief Minister and other Ministers when this policy is debated by the Council of Ministers. So I thank Members for their attention.

[Approbation]

The Bailiff:

The Minister has suggested that discussion be focused around 4 areas in the letter which was circulated at lunchtime, but it is an in committee debate and up to Members how they wish to address the Assembly if they do. I call on any Members to make their contributions now. The Connétable of St. Lawrence.

20.1.1 The Connétable of St. Lawrence:

While trying to listen to the Minister, I have been going through the report again just to confirm my initial view. I have got down to page 19, but I am pretty certain that when I looked at it initially I did not see the words "human rights" mentioned in here or "ethics." I do recall having heard the Minister being questioned on human rights in the Chamber in the past and, looking at number one of the areas that the Minister has suggested that we refer to, that refers to our commitment to international standards and regulation. What I would like to say is I am very impressed with this report. Clearly, the Minister for External Relations, working with other Ministers, has undertaken a vast amount of work and I think anybody reading this cannot fail to be impressed with how far our reach is globally, but I am concerned that there is nothing in here about human rights. We know, and the Minister has referred to China, in particular that China does not have a good reputation for human rights at all, and clearly there are other countries that do not, but we do deal with them, and so I do think that that is an area that we should be considering about how we as an Island can involve ourselves with promoting the standards that we would expect to be found. I am not quite clear whether the Minister is going to sum up, Sir, at the end. I did not ...

The Bailiff:

I think he is hoping to sum up, yes.

The Connétable of St. Lawrence:

Yes. So I think really what I would like to hear from him is how he views this and how he is working potentially in the background to ensure that our views on this are expressed, because I know it is not only me who has concerns about this, but there are other Members as well. That is my opening shot.

20.1.2 Deputy S.M. Bree:

Obviously, an awful lot of work has gone into the Island's external relations with other countries, and for that I think we should all commend the Minister for External Relations for his work. However, I do have some issues with this report. Foreign policy of any country should be

aspirational, looking to protect that country's interests, but I think above all it should be presenting to the outside world the Island's core values and our moral standards. I echo what the Connétable of St. Lawrence just said: there is nowhere in this policy document anything about presenting the Island's core values and our moral standards. One of the activities that the Minister undertakes is obviously to promote external business relationships and economic growth of the Island, but unfortunately, reading the report, it fills me with a fear that we are doing this by sacrificing our morals. If we look at the countries that we are actively approaching and promoting business ties with: China, as we all know, has a long history of human rights violations. Nigeria, well, recently there has been a report that 20 billion dollars are missing from that Government's finances; that report has come from the former Governor of the Central Bank of Nigeria.

[15:00]

Are we to believe that that is not true? Nigeria has a long history of possible corruption at government level. Brazil. Brazil, yes, is a fast-growing economy, but it also has severe issues about transparency of ownership, proceeds of crime, drug money. Russia. Well, I am sorry, but all of us probably do watch the news and read newspapers; we know exactly what is going on in Russia at the moment. We know that the President, Vladimir Putin, believes that he has a seemingly God-given right to annex other countries: he has done it to the Crimea, he is looking to do it to the Ukraine, and where next? Yet we want to do business with that country, we feel it is good to promote business relations with that country. I am sorry, I do not agree. I think we have to have a stance and we have to show the world that we do have certain core standards and certain moral values. There is also a public perception that the Government of Jersey, and in particular the Minister himself, is very keen to promote the idea of gaining independence from the United Kingdom. This can be evidenced by a number of public speeches and comments that he has made in the past. I know that we do have to think about this, I know that we do have to look at reality and do the "what if" calculation, however, we are British and we should be proud of being British, and I think that the public of the Island of Jersey need to be consulted on this. It is all very well to say: "We need to look at gaining independence from the United Kingdom should they leave Europe." Have we consulted with the public of the Island? Have we sought their opinion? Because that is what we are here to do, is to represent the views of the public of the Island, we are not here to represent the views of the finance industry solely alone. I think this is where our foreign policy is going drastically wrong, and I would urge all Members of this House to just take a moment and think: do you truly believe that your electorate, the people who elected you into this Assembly, feel that we should be independent from the United Kingdom? Does your electorate feel that we should cease to be truly British? I certainly know that my electorate does not, and this why I feel that we have to look at this policy and look at the work of the External Relations Department. Is it what we want them to be doing? I fear that there is nothing in this document that shows me that we are promoting the Island's core values and moral standards.

20.1.3 Deputy S.Y. Mézec:

It is a privilege to follow what I think were 2 very good speeches there: I endorse 100 per cent the words just spoken by Deputy Bree and the Constable of St. Lawrence and I would encourage them both, if they are interested in human rights, to join the Jersey Human Rights Group which meets in this building every month and discusses issues like this, occasionally contributes to Scrutiny Panels and things like that. I want to welcome the principle of an adjournment-type debate like this; I think this is important, it gives a good opportunity for Members who are not a member of the executive to put forward points of view like those that we have just had expressed. I think it would be useful in the future to have them not just on this subject, but potentially on others as well, as and when it becomes relevant. I think the broad principle of Jersey's external relations policy about promoting Jersey's unique identity internationally and going out there to gather business interests

and promote the Island more generally, is certainly praiseworthy; I do not think there is anybody who should realistically be saying Jersey should be doing less to go out there and promote the Island's identity and draw attention to people, businesses and governments outside in the world that we exist, what services we are good at providing, what other products we have got that are good that they may wish to come here or trade with, *et cetera*. That is certainly a good thing. I had the opportunity just recently the last time I was in London of going to visit the new Jersey London Office, which I encourage any States Member who is in London at some point to just ring up or email ahead and go and see the office first hand; it is very impressive. The staff who work there are very good and, from what I can gather from everything I have witnessed, they seem to be doing a really good job that we should be delighted with. **[Approbation]** As a base itself ... forget everything else about it, just its location is fantastic, it is just a few minutes' walk away from the Houses of Parliament, just a few minutes' walk away from the train station. It is a really great location for Jersey ambassadors, be they politicians, be they business people, who want to have a location to which they could bring people who are based in London to come and promote the Island. It is a thoroughly good thing, and that is a really positive development that we have seen over the past few years. I also welcome the development of this brand we are now seeing more and more of which we have got on this letter in front of us: "Government of Jersey"; I do not know what standing that has in law here, but as a principle of being a Government of Jersey distinct from the States of Jersey, which is not necessarily the same thing, I think that is important and I would like to see that developed even more to show what Jersey democracy looks like and have a clearer distinction between what is the legislature and what is the executive. That is an important thing. Now, I come on to the negative stuff. I want to criticise a few of the things I see in the External Relations Common Policy document, which is as Appendix A in the report we have. There are some issues I have with this, perhaps the least important one is that I think some of the wording in the first paragraph about recalling the distinct history of Jersey is not necessarily accurate. Jersey does have a unique history, one that goes in a different path in many ways to the longer history of the United Kingdom or the Kingdom of England before that. I object to this phrase that we elected to remain loyal to the English Crown, because I think that insinuates that there was some sort of mass public movement at the time when we know in those days no such thing existed; it was a feudal system and such decisions back then were not made for the benefit of the wider public, they were made by the aristocracy, by the people who essentially owned the people who lived on that land. I think it is better for us to be just a bit more honest about history, and some of the fawning we have seen recently over the anniversary of the *Magna Carta*; that is a document that was purely designed to take power for a small selective group of people and it is not this paragon of democratic virtue that people seem to say it is. So I think we need to be a bit more honest about our history if we are to properly understand where we come from and, more importantly, where we are going in the future. This talks about the Justice Select Committee in the U.K.'s work into Jersey. We know some of them visited the Island not too long ago and we know Islanders, politicians have contributed to it before. I note that there is one conclusion that that Select Committee arrived at which is conspicuously missing from this common policy document, that the Select Committee's view is that the United Kingdom has the right to legislate for Jersey. That is an important constitutional issue in terms of knowing exactly what the Island's relationship with the United Kingdom is, what rights the United Kingdom Government, which we do not have a say in electing, has over the Island, to what extent they can influence what goes on here, that is an important question and one which is completely missing from this document. I have to be honest, I think it is more than just a coincidence when we go on to the points which Deputy Bree made about independence for Jersey. This document here says that part of our external relations policy is to observe the recommendations of the second interim report of the Constitution Review Group. I am sorry, Sir, I know you have had an involvement in that group, but I do not particularly want our external relations policy to have any regard for the conclusions drawn in that report, because it is

based on a premise which I believe the vast majority of Islanders here would find absolutely intolerable, completely. The idea of Jersey becoming an independent country is something that I think has minimal support in this Island from ordinary citizens. Jersey is British, the people of this Island feel British, we feel uniquely Jersey as well as that, but they are not 2 conflicting identities and I cannot for a single moment imagine in any circumstance, if there were a referendum held on the subject of whether Jersey stayed British or not, that we would end up with any result other than one which is identical to when referendums on this subject have been held in places like the Falkland Islands or Gibraltar, where it ends up 98 to 99 per cent in favour. I have to be honest, I think this constant talk about it as a potential option is not good for the Island, it is not something that is ever likely to happen, I think in any circumstance, and I do not like that certain politicians keep bringing it up; they talk about it as if it is something that could potentially happen. There is no mandate whatsoever that any Member from this Assembly has to pursue it. The Islanders do not want it, it is not going to happen and I do not think it should feature at all in any part of our external relations policy. But I know the point will be made that it is not a government policy to seek independence from the U.K. but it is simply to be aware that it may come up one day if situations change. If you assume that that neutral view is the case, well then surely there are also other options that should equally be on the table? If certain situations arose in Jersey, we may even want to seek independence, maybe we would want to seek an arrangement which cuts off our ties with the U.K. and rather connects ties instead to another country, perhaps France, perhaps to the E.U. separately. Perhaps we may even choose if, for example, we hit a natural disaster and we simply did not have the finance to deal with repairing that, rebuilding infrastructure, things like that, there may be a situation where it might be desirable to become fully incorporated into another country, such as the U.K. I do not think Islanders would want that either, I do not think any Islander thinks that it would be right for Jersey to become a full part of the U.K., I equally do not think they want us to become independent, but if you are going to have one option on the table, surely it is logical to have the other option on the table as well. The fact that only one is there I think leads to legitimate suspicion that there is a hidden agenda there and some people do want to see Jersey as an independent country and there is absolutely no mandate for that whatsoever. The final point I want to make is to add to the points that have already been made by the Constable of St. Lawrence and by Deputy Bree, that there is no reference at all in this document to principles of human rights; instead what we have, if we scroll down, we can see pictures of representatives of our government cosyng up to representatives of other governments which are some of the worst dictatorships on the planet. We have a picture here of the Chief Minister, the Bailiff, the former Bailiff alongside members of the Arab Ambassadors Council. The Arab countries are, I think without exception, a collection of dictatorships, some of which have some of the worst human rights records on the planet. Even Palestine, which was the first Arab country to have free and fair elections, several months later ended up where the party who lost the election refused to hand over power to the other party which did win the election. So there is no democracy in these countries. Palestine happens to be a country which I have significant sympathy for, given how it is treated by its occupier, and that is a subject I will come on to slightly later. We know that we have government representatives who go and visit countries like Saudi Arabia. Saudi Arabia is considered the second worst dictatorship on the planet; only North Korea is worse than Saudi Arabia in terms of its human rights records, the fact it executes people for being gay, the fact it flogs people for blogging on subjects like freedom of speech and democracy. In Saudi Arabia you cannot even elect the president of your local fishing club in case the idea catches on, such an oppressive society it is. Women cannot even drive there, and this is a country we want to be seen with? Of course, we want to be making money to fund Jersey businesses, stuff which we can eventually tax and improve our own public services with, of course we want to do that, but surely there has to be a line somewhere in the sand which we will not go over because it is too much against what are meant to be our Western liberal values on things like democracy and human rights. There is nothing in this document at all to suggest that

that has even been considered. Whenever I have raised questions about it in this States Assembly before Ministers have brushed it off by saying: “We just have the same policy as the U.K.” Well, what if the U.K.’s policy is wrong? I am sure within the U.K.’s policy of engaging with countries which it has problems with in order to maintain some influence in those countries, which I think is a legitimate argument there, there is nothing to say, for example, that when we send a Minister to Israel, that they should meet with the Deputy Mayor of Jerusalem. Let us not forget that the Mayor and Deputy Mayor of Jerusalem are illegitimate officers because they are officers who are governing a city which is half illegally occupied, and that administration will fundamentally be illegal in terms of international laws.

[15:15]

Israel in particular is in breach of more United Nations resolutions than all of the other countries of the world put together: more than Russia, more than Saudi Arabia, more than China, more than Iran, and somehow this is a country we want to be seen to be doing business with. I am sorry, but I do not want our Island to be making a single penny from these jurisdictions and I think we should take the moral high ground and say: “There are things that are just not worth it and it is not worth essentially cosyng up to these disgraceful countries with disgraceful records and instead we should show our solidarity for the people who are being oppressed by saying: ‘We will have nothing to do with these governments which are oppressing you.’” Because instead we are just cosyng up to them. It makes me as a Jerseyman feel incredibly uncomfortable and, frankly, I want absolutely nothing to do with it, and this is not even vaguely addressed in this document. Ministers, I think, will have to realise that this issue will not be going away; some of us in this Assembly will keep bringing it up time and time again. Frankly, when they stand next to these people with horrendous human rights records, I think those Ministers look utterly ridiculous and they should begin to realise that, because it is doing our Island some harm, in my view.

20.1.4 Deputy A.D. Lewis:

I just seek some clarity; when the Minister sums up perhaps he could answer some of these questions. On the question of ethics and morality, how do we balance it against opportunity and growth? I am sure we have some views on that, because I do not quite share Deputy Mézec’s view that we should not do business with any of these countries, but if we are spreading the word about morality and ethics and human rights at the same time, perhaps we have been doing some good at the same time, influencing the way they set their own policy and encourage democracy, which is what America does, albeit in a rather heavy-handed way. I would like some clarity on that, because I think there is great opportunity out there and we should not close the door fully shut, but we should be very careful as well. The other thing that I am curious about is Protocol 3. This was, as you know, designed when the E.U. was formed and the U.K. joined the E.U. many years ago now, and it is a ruling that we have used to our advantage, particularly for the agricultural sector initially, for a very long time, and we have never revisited it because perhaps it is a bit too delicate to do so. I just wondered if the Minister for External Relations had a view on that. Is it something we should be reviewing and looking at again? Is there a different way of doing it? We have had this method for a long time, this Protocol 3, which has served us well, but in the modern world we live in, with the risk of the E.U. potentially breaking up, with the U.K. referendum coming up on membership of the E.U., is it time to relook at it? Is it fit-for-purpose today? I would be very curious to know what the Minister has to say about that. My other point was about Guernsey. I read with interest the report that the Minister for External Relations has a very good relationship with his counterpart in Guernsey and we work on the world stage with Guernsey very successfully. In my past life in the States I experienced that myself, it was a very good relationship for external affairs when we were really under pressure from external forces. But there are other issues, more domestic issues, that we seem to be completely at loggerheads on and seem to make very little progress ever on co-

operation. Can the Minister for External Relations bring some light to this as to how Guernsey views those other opportunities, and is it us, is it them? What is it that prevents us from doing more successfully, as we clearly do with external relations? I would be very interested to know what the Minister's view of that is. Because I guess he must be speaking to the same people that have these issues with other matters we make no progress on. Finally, independence; it has been bought up a number of times. I read the report that the Minister wrote a number of years ago; I thought it was an excellent blueprint if we ever had to use it; it even mentioned warships and gunboats and all sorts, which the press unfortunately picked upon. Nevertheless, it was a blueprint that was useful and it was a blueprint if we ever had to use it. I think the Minister at the time did say that it is an Armageddon option; it is not a preferred option, it is simply there should we ever need it. Clarity is what I think people would like to hear, because a number of mentions today were being made of other options should the E.U. situation get uncomfortable, because if the U.K. was ever to leave it, of course, it would give us cause for concern. Gibraltar for that matter would be in an even more difficult position because they currently are members of the E.U. and are very concerned about what the referendum may throw up. We equally should be concerned about that so we must have a plan for it. Of course, there are lots of varieties of independence, we are not here talking just about independence and not being British anymore, there are other overseas territories and what used to be colonies, of course, that still regard themselves as British but are quite independent. I would like some clarity as to what that really means. I see the Chief Minister wagging his head there saying: "That is not the case." If I am confused about it I am sure the public is. Are there other options of independence of a kind that allows us to do the things that we may have to do in a crisis without becoming not British anymore, which I think most of us would be not happy about at all, as would most of our residents. So perhaps the Minister could clarify that as well. A final final. It is a great report, it really amazed me just how much work is done externally to obvious great effect. For such a small Island to appear to be punching above its weight in so many areas is a great credit to the Minister, his team and all the other civil servants that work in External Relations at Cyril Le Marquand House. They clearly do a great job, as we heard a little about that at the support centre last week about some of the matters that were debated earlier in this Chamber. They are doing a great job and to get that far up the tree across the world talking to all those sort of people; little old Jersey, I think that is an amazing achievement. So well done to the Minister.

20.1.5 Deputy M. Tadier

There have been some unexpected speeches and it is nice to know that I have got some fellow traitors in the Assembly from areas that I never knew existed, and I will explain what I mean by that comment in a moment, although I am sure Senator Bailhache knows what I mean. Some interesting things have come out here about priorities, and I have been thinking about what it means: what is Jersey? What is our actual identity? Which I think is one of the questions touched upon in those 4 points. It is the first point: "What is our identity?" Not our international identity, but what is our identity as Jersey men and women and as an Island, and how has that changed even in the last 100 years and how has it changed, perhaps very quickly, to the point where those who we were talking about earlier who were here during the Occupation do not even recognise the Island in which they are living, not simply because it has changed demographically or geographically, but because the Island and what we thought was the Island is now completely different. I will just wait for that page to load up. In the meantime, I have been looking through the report, and I am fascinated to see some photographs; we have got a photograph of Senator Ozouf, who is, I think, away on States business today, or he is ill ... send my best wishes. But we know that he does go away quite often; he has got a new role in London. I have got a photo here of our only openly-gay Minister and States Member sitting in a room full of Arabs with head gear on. I am wondering to myself whether they know about Senator Ozouf and, if they do, what they think about him. There are certainly no women in that room, and it has already been raised quite separately, I am thinking

in my head: “What are the safety issues of him travelling around to different countries when we know they have got appalling human rights records?” when probably any other individuals might be locked up and perhaps not even for any good reason, and who knows what kind of human rights implications and appeal mechanisms are absent in those places. What happens to us when we get our priorities wrong? In a family context what happens to a family when they get their priorities wrong? When a parent, for example, perhaps decides to spend a little bit too much time at work, a little bit too much time chasing the dollar and not enough time with their children later on? It can have unforeseen consequences. The page has loaded up now, and I want to just read a quote. It says: “Increasingly, we live in a world where nothing makes any sense. Events come and go like waves of fever leaving us confused and uncertain. Those in power tell us stories to help make sense of the complexity of reality but those stories are increasingly unconvincing and hollow.” Those are the opening words from a new film of Adam Curtis called *Bitter Lake*, and what is particularly interesting, and I think relevant perhaps for Members who may wish to look at that if they have not already seen it, I think it is still available on BBC iPlayer, is it talks about the unintended consequences of what had happened in recent history. The film starts looking at the relationship between President Roosevelt and King Abdulaziz in Saudi Arabia and how, quite innocently, seemingly Roosevelt was quite keen to get in there and to exploit the new wealth that he saw available in Saudi Arabia. It discusses also the links consequently in Helmand Province in Afghanistan, when similarly they were looking to get dams built by the U.S. companies, and their own country later on started playing the Chinese, the Russians and the Americans off against each other, which all led to instability in that region which we are still dealing with today. It talks about the complexity of international issues, when, seemingly innocently, we deal with very distinctly different cultures, in fact, extremist cultures, where there are forms of Islam which are not moderate, whether that is Wahhabism or other factions which are spreading around the world. It is very risky when we deal with these countries, who in other contexts we would not touch with a barge pole, but because we can see the allure of the dollar, we go in there to try and get our fill and perhaps without the full knowledge of what the consequences are likely to be. Those issues have certainly been raised by other Members and it is something we should be aware of, because I think it is more than one Member now - from different parts of the Assembly, it has to be said - have stood up and questioned whether we should be doing business with certain parts of the world. I think that is fundamental: if there is one thing that comes out of this debate today, we need to take those concerns on board. I am also concerned when I read: “(1) Promoting our international identity and reputation by maintaining good relations with our neighbours through commitment to international standards and regulation.” Implicitly, that talks about the finance industry, even though it does not mention it, and what we have allowed ourselves to do in Jersey over decades, rightly or wrongly - I think it is wrong, in the sense that we have allowed this to creep in - is that it has become entirely synonymous now that Jersey is the finance industry. When Ministers go abroad and talk about what Jersey does, they talk about finance. Even when we read that, we say: “We should be committed to international standards and regulation.” We presume there is a sub-text there which refers to the finance industry, but in fact it could equally, and should equally, just relate to our other democratic measures that we have in place. Can Jersey stand up on the international stage truly and say that we are committed to international standards of democracy and human rights and legal aid, *et cetera*? There is a legal review going on at the moment, so for me, the identity that is of paramount importance is locally and not simply a paranoia about how the rest of the world sees us, because the rest of the world is not stupid. We can of course try to paint a picture which may be correct, but which may be selective of how we want to appear on the world stage, but that does not mean that they do not look at other factors. The proposer of this in committee debate will recall that he came to my home Parish of St. Brelade at Communicare when he was doing his rounds with the Senatorials, and he decided that he was not going to make a general speech like he did in the other Parishes, but that he would dedicate the entire content of his

speech indirectly to attacking myself and my colleagues at Reform Jersey. It would have almost been comic, because I recall the word “treachery” being used in that assembly and it followed 3 or 4 days after I thought what was quite a good hustings, from my point of view, only a few days earlier. No doubt that was why it was targeted to remind the good electors of St. Brelade No. 2 that they had a Communist traitor who wished to bring the downfall of Jersey and if they did vote for him, then there would be consequences. That is why I am pleased to note that St. Clement has also just elected another traitor to their number, although clearly that is not the case, because one does have a duty, I think, to stand up and say it as it is. Whether that is popular or not and whether that is in the local context or not, I think that is very important, because we know globally the same struggles that they have in other countries we have in our own Island. When I see poverty and I see exactly the same struggles in the U.K., my natural instinct is to have my heart go out to those individuals who are facing the same problems as us.

[15:30]

I do take exception to those types of words and that type of language coming from somebody who is perceived very credibly in our society because of the former positions he has held. I have said that our international reputation is important: not simply on finance are we judged and how we measure up on those issues, but when we are handling things like a child abuse investigation which has international scrutiny looking at it, we know that other countries are dealing with exactly the same issues currently. The U.K. initially did not handle it particularly well. It took them several times to figure out that they had to get somebody independent to chair their Committee of Inquiry. We luckily got there the first time round; in effect, the second time round, but it was no fault of the individual who was appointed, she fell ill. I suspect that what does more damage internationally is not Back-Benchers who stand up and raise alarm bells about the morality of some of our industries and perhaps some of the ways in which those can be abused for either aggressive tax avoidance, or in fact evasion, which can be caught, but is not always caught. It is how senior people are perceived and whether they are in support of openness and transparency when it comes to looking after the most vulnerable in the Island. That is also what gets clocked on an international stage and that is what the media will be looking at abroad when they perceive their idea of whether Jersey is an open forward-looking democracy, not simply interested in whether the finance vehicles meet their requirements. I think it is important to put those words into the mix. Clearly it is an unenviable task to be a Minister for External Relations, but in an ever-changing world, I think we have to be aware that the world that we live in in 50 years’ time, the Island that we live in in 50 years’ time - indeed, even 20 - will not be the same one and we may need to look to different relationships with different countries and also different sources of revenue than those to which we have become accustomed.

20.1.6 The Connétable of St. John:

As a country Constable coming down to St. Helier to sit with 11 other Constables and other Members of the Assembly, that is about the limit of my international diplomacy, but joking aside, it is a serious matter, because when you look over the years at Jersey’s history, the term: “Punching above its weight” really is something to be commended. You can look at many examples, for example, the first-ever captain of the European Ryder Cup was a Jerseyman; the Jersey cow, as we all know, there are over 10 million of them around the world, and here in our Island, we have less than 3,000. We certainly do punch well above our weight, which is why it is important that we have External Affairs and we have this debate and discussion today. We have heard a lot about human rights, and while I support it, there is also, with every right, a responsibility. Isolating a country because of its political views does not always produce the desired effect. If nobody had traded with China for the last 20 years, they would not be as open as they are now. You can go there as a tourist without being arrested, you can trade, and more importantly, members of the

country - citizens in China - are earning wages which enable them to buy luxuries and to travel. It is their experiences that give the hunger to the country to become more democratic and to make their Government more accountable to them. It is a very delicate balancing act and we need these types of discussions to decide how we tackle these delicate balances and how we address situations that may be forced upon us at very short notice. We need to do the homework and we need to know the direction that we may have to travel, whether we want to or not. I would like to thank the Minister for External Affairs for his document. It has been a good document and I have been educated in reading it and I endorse much of what it says, but it is a balancing act very much between trying to do what is good and trying at the same time to be accountable for our future actions. Thank you.

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

I will be brief. In my 11 years in this Assembly, I have had the privilege to represent the Island abroad and through the U.K. I was privileged to represent the Island with the Commonwealth Parliamentary Association, British-Irish Council, and as the Minister for External Relations just pointed out, I am now the Associate Member of the British-Irish Parliamentary Association, which gives us a direct link into U.K. and nearby politicians. They had a saying in Fleet Street in the old days: "Never let the truth get in the way of a good story" and this gives us the opportunity to correct these stories that are circulating at the moment obviously with certain U.K. politicians exactly what we do here. Having a direct link with Westminster politicians, both in the Commons and in the Lords, is vitally important. We have other organisations, the A.P.F. and indeed Overseas Aid, which brings us into contact with politicians from all over the world so that it fosters a greater understanding of exactly what we are about in Jersey. I fully support this report of the Minister for External Relations and urge other Members to do also.

20.1.8 Senator I.J. Gorst:

I would like to thank those Members who have spoken so far in this debate, because I think it has been a very good debate, and one of the purposes that we hoped to deliver - and I know that the Minister hoped to deliver - just such a debate was to consider the complex issues which are involved in representing oneself across the globe and whether the Assembly thought that Ministers had got that balance right or not. There have been opposing views, to some extent, from Members about whether that is the case. But I for one - and I am sure the Minister will feel the same - feel that it has been so far a very useful and important exercise. My approach to this particular facet of the job starts and perhaps finishes with the idea of positive engagement. I believe that the money, the effort, of time and individuals in working positively with countries around the world has paid dividends, not just financially, but I will come on to that, and has benefited the Island community. I think it is fair to say that we have not always - or from time to time we have not - enjoyed a positive and warm relationship with the United Kingdom governments of the past. But we have taken steps proactively to engage positively with the United Kingdom Government over the last 3 years and more actively since the creation of the Ministry for External Relations and the setting up of the London office. It would not be fair to single out one individual, because I believe all have engaged, trying to find common ground, trying to find areas upon which we can agree upon or where our interests are aligned. Yes, to some extent the dialogue in the public domain might have been around financial services and might have been around international standards in that regard, but perhaps some of the areas which are much less seen are many-faceted, where our interests are aligned and where we need to engage positively with the U.K., where they represent us in international fora for our best interests. I think although with any relationship, perfect is not possible and there will always, from time to time, be areas where interests may not be aligned, I think that during the course of the last 3 years, we have worked successfully together. I think that positive engagement is also a theme that we follow when it comes to regard human rights issues. I

understand the frustration of some Members, who feel that perhaps engagement is not the correct approach. I understand intellectually why they arrive at that position, but I continue to believe, from what I have seen and experienced, that positive engagement is the best approach. I think it was Deputy Mézec who mentioned regimes in various countries around the world, and some of what he said, it is difficult to argue with. But we, in this complex and difficult world, have to ask ourselves: “What is the alternative?” When one asks: “What is the alternative?” the answer sometimes - perhaps more frequently than we might care to consider - is less palatable than the regime that we are positively engaging with. We also have to recognise the limitations of our influence as well. We are only a small place in the world. However, I think that the best antidote to that is to have people to visit our Island and experience our community for themselves, and that is of course a whole other area of work of inward engagement of V.I.P.s (Very Important Persons) which I think is extremely important in that theme of positive engagement. I was pleased yet again today with the Connétable of St. John mentioning the Jersey cow, because I well recall - I will not say where I was, but I was somewhere far from these shores - I was explaining the number of Jersey cows around the world, into the millions, and my hearers, I am not sure if it was the translators, became somewhat perplexed to understand quite how in an Island but 9 by 5 we could accommodate these 10 million cows. Of course it was not a comfortable experience to explain the number of cows we enjoy on our Island, but the point I think was finally got across. But the reason his intervention was important was that I do not just speak about financial services, and on my visits and engagements, the Jersey dairy industry, the Jersey cow, Jersey milk, tourism and many other areas of our economy, our culture and our history, are spoken about, our skills, our education system and areas that we share commonality right across the globe. In fact, if I look back to my previous 3 engagements in London over the course of the last fortnight or so, one was an engagement in Parliament about the 1,001 Days and the work that we are doing in our Social Services and wanting to do in delivering early intervention.

[15:45]

One was supporting Jersey Post at an influential think-tank. I keep forgetting what it is referred to as ... Call and Check. I keep thinking of click and collect, which is another service I think probably Jersey Post offer, but Call and Check and the recognition that that is receiving not only in the U.K. but elsewhere in the United States and elsewhere around the world. My next engagement will be about the peace work that Jersey Rotary have been undertaking and I think what I am trying to illustrate is that while to some it may appear in the media that we simply focus on financial services that nothing could be further from the truth. To pick up the point of Deputy Tadier, those that we are engaged with are interested in understanding our constitutional position, are interested in understanding our organs of Government, how our judiciary works, whether we have our own police service, what is the remit of our Government and how our democracy works as well. There have been a number of interventions this afternoon, which I fear - and I am sorry about this - have been perhaps a little more personal than I would have liked. The Minister made his position and the Government's position absolutely clear, and that is that we support the current constitutional position. We support that in many ways, not least of which comes back to that point of positive engagement with the United Kingdom, the Crown and Her Majesty's Government. I must say that it seems strange to me that so many people want to concentrate on our constitutional position, because when I go around explaining it to those that I am engaging with, most people think that we probably have the best of both worlds and look at our situation somewhat enviously. Therefore, I think that it is something that we should cherish, but that it is something that we should work to continue to maintain. That is not to say that the relationship that we enjoy with the European Union may change. Some of that change may be driven by decisions elsewhere. But once again, what is the appropriate answer to those possible changes on the horizon? I think the first thing to say is that most of my engagement, be it in the United Kingdom or in Europe, is that there is an acceptance

that the position of the current United Kingdom Government about wanting to see changes in the E.U. structure is understood and is largely accepted. The difficulty is how will that be achieved and how will it be achieved across 27 sovereign states? That is something that we continue to watch. We know that the E.U. is in the process of negotiating with micro-states its relationship, and that is also something that we watch with interest. The important thing is that we, as an Island, continue to think about if that situation changes what would be and what would continue to be in our best interests. I think Senator Bailhache said in his opening remarks that it does appear at this stage that getting any betterment to the current arrangement that we have might appear more difficult than it has in the past, but it is something that we think about. The other area that some Members spoke about was this idea of trade. I think we must absolutely remember that - I do not think it is overstating it - to say at the heart of foreign policy or external relations policy for a small jurisdiction like ourselves must be trade. We will need and continually need to ensure that the focus of the resource that we put into the External Relations Ministry, into Economic Development, into my department certainly around the financial services agenda and the international tax agenda, make sure that we are getting best value out of those resources and that they are appropriately focused on trade and building trade with countries and institutions around the world. We have got more work to do on that, and that is why this debate is so important at this time for Members to comment upon that and make suggestions in that regard. Perhaps I can finish my remarks at this time talking about Guernsey. I think it was Deputy Andrew Lewis who spoke about Guernsey and commented upon the fact that in the international and external-facing arena, we work extremely positively together, in some circumstances so much so that we will only send one Minister, because we know that the line that is being delivered will equally apply to both Islands. I for one would like to see that expanded and extended. We of course did that with the setting up of the new Caen Office, from being a purely Jersey office to becoming a Channel Island office, like the office in Brussels, and I hope that one day we might be able to do that with all our offices. But we have to recognise equally that when it comes to domestic issues sometimes there is competition and we are never going to be able to agree. We just have to accept that, but continue to work towards the greater aim of working together where we can and also internationally. Some of us would like to see that delivered in a more formal way, but for others, because of history, it is more difficult. But we continue to work together to see whether it cannot be formalised in a way that each Island would continue to have the ability to veto anything that was done in that formal way. For this point, I will sit down, and I thank Members for their contributions and I look forward to hearing others as well.

20.1.9 Deputy M.J. Norton:

A pleasure to follow the Chief Minister and his words there, which I endorse, as I do that of the Connétable of St. John and Deputy Andrew Lewis as well on some of their comments that have been made earlier. It does seem that positive engagement is the way forward and it is something that I would like to endorse at this point. It was something that was on the tip of my tongue as it was just previously mentioned. I would also like to mention as well clarity, which was asked for earlier on by the Deputy in front of me, and if I could urge the Minister for External Relations to ensure that there is some clarity on our position within the final document and also on our human rights. It is something that was mentioned earlier on and I feel that it is something that should be mentioned again. It is something that I think needs to be included in the document in some form, that we have an assurance that that is in our minds. I still think we must engage; I still think positive engagement is our only way forward, as it would be in all diplomacy. The alternative is, quite frankly, unthinkable. We do punch above our weight - and that is another cliché that has been used today - for 9 miles by 5, whether it be in the dairy industry, whether it be in the finance industry, whether it be in tourism. I myself recently have returned this week representing our tourism industry and thanking our German-speaking operators in Berlin at the largest-ever of the

travel shows. At that travel show, the tourism industry of Iran was some 6 to 8 feet away from the tourism industry stand - and it was very large - of Israel, which was just down from that of Egypt. Frankly, just about every country in the world was there, because they were doing trade. They may not all agree with each other, but they are doing trade. Now, if we are to not do business with Brazil or Nigeria or the Middle East or Russia or China, we could start ticking quite a few countries off the list that we will not do business with any more. Then for some reason there is a referendum and we do not end up being part of Protocol 3 and part of Europe. We can start dealing with ourselves and perhaps our friends in Guernsey, because there will not be many others left. I think in all areas, from trade to those that we do not agree with politically or for any rules that they may have, we still have to engage with those people, because the change can come from within. We shut the door, we have no one to talk to about it and it will still happen. I commend External Relations for the document and the report. There is, as many have said before, some very good things in there and it has been quite an education as well, but I must emphasise that I think that we do need some assurance that somewhere on that agenda of External Relations that we do think of human rights as much as we think of business and trade and engagement.

20.1.10 Deputy A.D. Lewis:

It is just a pleasure to be able to speak twice for once, so I think I might take advantage of it. I am not going to speak for very long though. It was really just to ask the Minister as well what discussions have occurred between other Crown Dependencies and perhaps overseas territories as well about what the effect may be if the U.K.'s relationship with the E.U. was to change. Has there been some kind of forum with all those that would be quite severely affected? It is of great concern to me personally, but also I think many businesses in Jersey, the referendum that may occur after the general election. I know it is fairly high on your list of concerns anyway, Sir, but what discussions have occurred so far; what opportunities are there out there to work with our competitors - I know there are competitors as well - but jurisdictions are that in a similar situation to ourselves, for example, the other Crown Dependencies and perhaps the overseas territories? I would be very interested in the Minister's comments on that.

20.1.11 Deputy S.M. Bree:

Once again, I would like to say how pleased I am to be able to have a second chance to speak. First of all, just to correct any misconceptions about me, I am a great support of the finance industry. It is a very well-regulated industry and very well-managed. I would, however, like to just talk about this issue of positive engagement. It is a lovely term, is it not? It is meaningless when we talk about countries such as Russia, China, Nigeria or Brazil, because basically under the positive engagement policies of countries such as the United Kingdom or the United States of America, they are lending those countries money for infrastructure reasons. Therefore, they can quite rightly say: "We have the ability to influence their policies by positive engagement." Does the Chief Minister really think that China will change its human rights issues because Jersey is positively engaging with them? No, the business we are going after in these countries is to provide financial services to private individuals, institutions and corporate entities from that country who wish to hold their money overseas. We are not lending to them, so the whole argument of positive engagement goes out of the window. The Chief Minister also asked: "What is the alternative if Jersey does not have a foreign policy of positive engagement to these countries?" Why not have positive engagement with countries that are much more aligned to the Island's core values and moral standards? We can take a stance, we can go: "We accept, but yes, perhaps the finance industry will not grow by 30 per cent in 2017." We can go: "Yes, we accept that we might be missing some opportunities to attract certain business from these countries" but we can also go: "No."

[16:00]

There has to be a change in our foreign policy, that we attract business from countries that are more aligned to ourselves; we do not chase the dollar purely for that sake. Now, I know that is probably going to be not a popular stance to take, but it is one that I am very passionate about. I believe we, as a States Assembly, have a duty to the Island to maintain, as I said, our moral values. I think that is very, very important when looking at our foreign policy.

The Bailiff:

Does any other Member wish to speak? Then I call on the Minister for External Relations to reply, sum up.

20.2 Senator P.M. Bailhache:

Perhaps I could begin by saying how much I appreciate all the contributions that have been made during the course of this debate. Some reservations were expressed to me as to whether Members would want to engage in discussing external relations and I am delighted that so many have chosen to do so and I thank Members for their contributions. I will not respond to every point, but they have all been noted. I particularly enjoyed, if I may say so, the thoughtful contribution of Deputy Mézec, even if I did not agree with everything that he said. I hope he will not feel that I am being condescending - it is certainly not my intention to be so - but his speech reminded me of speeches which were given by a much younger Deputy Bailhache sitting in a seat over on the other side of the Chamber about 40 years ago. I was wondering, with some sadness, whether Senator Bailhache has changed beyond all recognition during those intervening years. I remember once being given, in the early stage of my career, a book by Bertrand Russell entitled *Political Ideals*, and endorsed by the friend on the inside: "I hope you never lose them." I am sure we all feel that, we all hope, as a matter of fact, that the conduct of our Government and of this Assembly can be moral and ethical and something which will cause us all to lift our heads high when we engage with people and parliamentarians in particular from other countries. I think that we do try to be ethical in our foreign policy. The engagement or the attachment to international standards, about which we speak so often, is not just restricted to financial services, it is a commitment to accept international standards in every domain in which we have engagement with the outside world. It is interesting that a country like Norway, which has the largest sovereign wealth fund in the world and has an investment policy which is rigorous in the absolute extreme, Norway's Sovereign Wealth Fund will not invest in a whole range of investments which are regarded by the Norwegians as being suspect or not entirely morally correct. I think it is interesting that if one looks at the website of the Norwegian Sovereign Wealth Fund, one will find that there are a number of investments in Jersey and in Guernsey, so the Norwegians have clearly applied their minds to the question of whether this is an ethical jurisdiction, one which complies with international standards and they have reached the conclusion that the answer is in the affirmative. Finding the right balance between engaging with other countries which have human rights policies or practices which we would regard as repulsive is difficult. Deputy Bree spoke a few moments ago as to whether we will change China by having a positive engagement with it. I am not sure what the answer to that is, but I think the better question is would China's policy on human rights be affected by Jersey's refusal to trade or to have anything to do with China? Would China suddenly say: "Oh, my goodness. Jersey is not having anything to do with us. We must be doing something wrong. We must therefore be much more human rights compliant than we have been in the past"? I think that is pie in the sky. It may be the case that positive engagement brings only slow or very gradual improvement in the observance of human rights norms by some other countries, but I think that when Jersey Dairy goes to Hong Kong or to Shanghai and has dealings with companies there in order to sell Jersey milk, there is at least the possibility that discussions between businessmen in the margins of their commercial dealings will gradually bring about changes in public attitudes. To be frank, it is the attitudes of the public which are the only things that are going to change governmental policies in

countries like China. There are countries - and I am not going to name them this afternoon - where the government takes a reasonably strong line with industry and gives pretty strong and firm advice that: "We do not approve of dealing with that particular country." I accept that the report said nothing about human rights. That was an omission and we shall try to do better on the next occasion. If I may respond to the Constable of St. Lawrence, I am not sure whether she was referring to the policy of the Council of Ministers or to the report, but there is in fact a paragraph in the Council of Ministers' policy which touches upon human rights and the observance of conventions in that respect. A number of Members, Deputy Lewis in particular, talked about the constitutional position and asking for clarity. One of the things he asked about, I think, was whether we could negotiate a change in Protocol 3, where we stuck with Protocol 3, which has been around for more than 40 years. I think the answer to that is, to be frank, we cannot change Protocol 3, because any change to the protocol would require the concurrence of all the 28 member states of the European Union, and the prospect of our gaining concurrence from all the member states to do something which was in the interests of Jersey I think is very, very small. A number of Members took me to task for talking about the risks of a change in our constitutional relationship if the referendum in the United Kingdom were to go the wrong way and we were to be compelled to renegotiate our relationship with the European Union. The position of the Government has been made absolutely clear. We seek no change in the constitutional relationship, but it does seem to me that it is worthwhile exploring other options other than the particular relationship that we have at the moment. One of the frustrations of the Minister for External Relations - and it is one which will inevitably not be shared by other Members of this Assembly - is that inability to do what we know to be right in the interests of Jersey in the conduct of external relations. We can only conduct external relations to the extent that we are permitted to do so by the United Kingdom, and that permission is not always forthcoming. It is not forthcoming necessarily for good and valid reasons; certainly from my perspective, it is not in the interests of the United Kingdom to give the permission which we seek to conduct a particular measure in external relations. It is worth, therefore, looking at other relationships. That does not necessarily mean the assumption of sovereignty, although, for example, in the context of the Cook Islands in the Pacific, the Cook Islands took sovereignty but gave some of it back to its mother country, New Zealand, in order to create a more satisfactory position so far as the Cook Islanders were concerned. In the Faroes, which is part of the Kingdom of Denmark - unlike Jersey, which is not part of the United Kingdom - there is a very considerable authority to conduct external relations on their own behalf and the Kingdom of Denmark is extremely relaxed about allowing the Faroes to protect their own economic interests, particularly in relation to fishing. Some Members may recall that it even went to the extent of the Faroes taking legal action against the European Union in the European Court. One can hardly imagine that we would be entrusted by the United Kingdom to take that kind of action in the unlikely event that we might want to do so. So there are variations on the theme, which it seems to me are worth exploring, even if I entirely accept ... and one of my Ministerial colleagues, who is not here this afternoon, constantly describes himself as a British Jerseyman or a Jersey Briton; I cannot remember which way around he puts it. But the point is that we have a very strong attachment to the Crown, which nobody would ever contemplate losing, and we have a strong attachment to Great Britain as well, but we have to balance that, in my view, with the interests of the Island and the interests of the Islands whom we represent. Deputy Lewis again asked about ... sort of breaks it in the context of the overseas territories. I just say that I think that although the position of the Crown Dependencies may be difficult, the position of Gibraltar is much more precarious, because Gibraltar suffers very great difficulties from Spain and one can only imagine what might happen if the United Kingdom were not part of the European Union and Spain were not constrained by the fact that the United Kingdom was a fellow member state in her dealings with the colony of Gibraltar. I omitted to mention in my opening remarks - and perhaps I could put that right now - that there is of course one other element of our administration which

deals in external affairs, and that is the Law Officers' Department. The Attorney General and Solicitor General engage in external affairs as well, and the Attorney General has recently signed with the United States of America an asset-sharing agreement which will be of great benefit to the Island, as well as to the United States. It is important that the Law Officers should be embraced in the general collective approach to the conduct of international affairs. There are a number of other matters which I could deal with but I think they are of lesser importance and perhaps I could conclude by thanking Members very warmly for their participation in this debate and I shall take it from what Members have said that this is an exercise to be repeated, which will certainly take place. **[Approbation]**

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

That concludes Public Business for now. On to the Arrangement of Public Business for the Future. Chairman.

[16:15]

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

I refer Members to the Consolidated Order Paper. I have had no requests for any changes to that, except it should be noted that there is an amendment to the Committee of Inquiry: historical child abuse in the name of Deputy Tadier. That will also be down for 24th March. Otherwise, the items are as per the Order Paper, and I would suspect that the items for 24th March would take no more than a day.

The Bailiff:

Thank you. Chairman, thank you for taking over my job again, of announcing Deputy Tadier's Committee of Inquiry amendment, but you have done. It is there; P.20 should have been circulated to Members. I am also asked by the Greffe to remind Members and also those listening on Radio Jersey that the 18th Annual Youth Assembly will be held next Tuesday, 17th March starting at 1.30 p.m. Six schools and colleges will take part in 6 debates on topics of their choice and will be preceded by question time. Twelve questions have been submitted for the students to grill the Chief Minister for 15 minutes without notice as well. Members are most welcome to watch from the gallery and it promises to be an interesting and enjoyable afternoon. I am also reminded that 2 Members of this House, who are not present at the moment, once took part in a similar assembly and therefore one may be looking at your colleagues of the future. The States now stand adjourned until 9.30 a.m. on 24th March.

ADJOURNMENT

[16:16]