

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 20th OCTOBER 2015

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to H.E. The Lieutenant Governor

The Bailiff:

First of all, may I take the opportunity of welcoming His Excellency as Her Majesty's personal representative? **[Approbation]**

1.2 Welcome to H.E. the Honourable Alexander Downer, Companion of the Order of Australia – High Commissioner to London

The Bailiff:

I also draw to Members attention that we have in the public gallery His Excellency the Honourable Alexander Downer, who is a Companion of the Order of Australia and he is the High Commissioner to London appointed in 2014. **[Approbation]** I was going to explain to Members much more than that because he was a member of the Australian Parliament for 25 years. He was the Foreign Minister for 9 years between 1996 and 2007, therefore the longest serving Foreign Minister in Australia. He had a number of meetings yesterday and showed a great interest in the Island, which was delightful. So I am very pleased to welcome him into this Assembly. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING DISRUPTION TO RESIDENTS FOLLOWING MATERIAL CHANGES TO SHOPS IN ADJOINING PROPERTIES:

Question

Will the Minister outline what laws or other protections are in place to protect pre-existing residents from material changes to shops below, or otherwise adjoining, their properties which cause a nuisance and even disrupt sleep, such as noisy fridges? Similarly, are there laws or guidelines in place regarding the times at which deliveries can be made to such premises? If there are no such safeguards, will the Minister consider what might be done to remedy this?

Answer

Under the Statutory Nuisance (Jersey) Law 1999, the Minister for Health and Social Services has responsibility for investigating noise. Where evidence of a statutory nuisance exists, action can be taken against the person or business causing the nuisance. The noise must be audible to the average person and of a sufficient level, frequency and nature as to disturb that person within their own home.

Building bye-laws set standards to ensure any major changes to existing shop premises, such as works to materially alter or replace existing separating floors and walls, are done in a way that sound insulation is not compromised.

There are no specific rules that state what time a business can receive deliveries, provided those deliveries do not cause a statutory nuisance. When a business is starting up, and if planning permission is required, Environmental Health is consulted in this process and may make recommendations limiting potential noise nuisance. This can include recommended timings for deliveries. However, if delivery timings constitute a statutory nuisance, action can be taken under the Statutory Nuisance (Jersey) Law.

Because these safeguards exist, the Minister does not believe additional measures are required.

2.2 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE DUAL ROLE OF THE BAILIFF:

Question

Does the Chairman consider that the dual role of the Bailiff, as Presiding Officer of the States and as President of the Royal Court, should be separated, and if so, when does the Committee intend to bring a proposition to the Assembly seeking to separate those roles?

Answer

The Chairman has not yet reached a view on this matter.

The Privileges and Procedures Committee is mindful that this subject was touched upon by the Assembly in 2014, although the continuation of the dual role was not debated directly. Members may recall that the Connétable of St. Helier lodged P.160/2013 'Elected Speaker of the States'. Amendments by Senator Sir P.M. Bailhache and Deputy R.G. Le Hérisssier were approved by the States when it was debated in April 2014, inserting the requirement that any change to the role of the Bailiff as Presiding Officer should be the subject of a referendum. The Connetable of St. Helier then sought leave of the Assembly to withdraw the proposition as amended, but this was rejected and the amended P.160 was rejected 5 Votes Pour, 41 Contre and there were 4 abstentions.

Nevertheless the issue is under further discussion and a decision will be made in due course as to whether the Committee wish to bring the matter forward for re-examination by the Assembly.

2.3 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DEVELOPMENT OF THE ESPLANADE CAR-PARK SITE AND CONTAMINATION COSTS:

Question

In relation to the development of the Esplanade car-park site, the Minister has assured the States Assembly and the public on a number of occasions that the States of Jersey Development Company has entered into a fixed price contract with no risk to the public. Is this still the case, given that the contamination costs to date and related anticipated costs may not have been included in the fixed price contract? Furthermore, is the Minister still able to assure the States Assembly there is no risk to the public?

Answer

The Minister provided a response to a written question from Deputy Hilton (8961) on 22 September 2015 highlighting the following:-

“SoJDC have informed the Minister that the costs of dealing with contamination are excluded from and are over and above the fixed price construction contract sum. As the excavations are ongoing SoJDC do not know with certainty at this point what the actual out-turn cost will be for this element of the works. The Minister is informed by SoJDC that this is the only part of the construction where SoJDC are exposed to cost variation and they have a contingency within their budget for dealing with the contamination.”

The Minister is informed that SoJDC has entered into a standard design and build construction contract (JCT Design and Build 2011). This sets a fixed price for the contract that included less than 1% of provisional sums. The Construction Contract did however exclude the costs of dealing with the contamination as this was an unknown quantity that the contractor was unable to price for accurately. As such, SoJDC is responsible for the costs of site investigations, analysis, monitoring, sorting and disposing of the contaminated material which will be dealt with as variations to the Construction Contract.

The Minister can confirm that this development is being undertaken by SoJDC which is legally an arms-length organisation to the States of Jersey and as such there is no financial risk to the public.

The Minister previously responded to Deputy Hilton's written question 8990 on 6 October 2015 stating: "SOJDC has confirmed that the project remains both financially viable and financially profitable. SOJDC is forecasting a net receipt of £7.5million from Building No.4."

SoJDC has informed the Minister that this position remains.

2.4 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT OF INCOME SUPPORT AND BENEFIT CUTS:

Question

Can the Minister produce for members any documents which have resulted from the research carried out by her department into the impact of the Income Support and other benefit cuts on levels of relative low income for pensioner households; those containing children and those with a disability? If she cannot will she state why?

Will the Minister further explain to members how her statement that "The department has not decreased in any way the income support to those with disabilities" can be justified in the light of the removal of the 6% disregard for Long Term Incapacity Allowance income which will reduce incomes for those with a disability by £7 on average and by £12 for those with a 100% award?

Answer

The proposed changes to Income Support and other benefits were supported by detailed reports accompanying each proposition. It is never easy to make choices that reduce benefit expenditure, but each decision voted on by this Assembly was supported by a detailed, reasoned argument. I know they are not arguments with which the Deputy agrees, but the fact is that the research supporting them has already been provided.

To reiterate a point I made during the debate, the research that produced these propositions is based on the objective financial and numerical analysis of the extensive data that the Department holds on individual households claiming benefit. It is impossible to restrict benefit spend without some level of impact, but my officers are the experts in this area, and were able to shape a savings package that spread the reduction over a large number of households. A significant proportion of our required savings were achieved by maintaining Income Support components at their current level for the years 2016 and 2017, which is specifically intended to avoid a disproportionate reduction on the benefit received by any specific group.

In terms of payments made to people with disabilities, the approval of my spending plans has allowed the Department to maintain the level of these benefits. The impairment component of Income Support comprises three separate elements, providing additional financial support for personal care costs, mobility costs and GP costs. They are available to income support claimants of all ages, including pensioners and children. These elements have not been reduced. Long-term incapacity allowance is a contributory benefit that compensates a working age person in respect of a loss of faculty, judged on a percentage scale. The value of Long Term Incapacity Allowance has not been reduced. What has changed is that the treatment of the overlap between Income Support and LTIA benefit income has been brought in line with the treatment of other contributory benefits, to simplify the calculation of income support and ensure that all benefits claimants are treated fairly. This results in the removal of a 6% disregard within the income support system.

The most common award of LTIA is at 20% of the standard rate of benefit, or approximately £40 per week. A person with the most common 20% award would not see any decrease to the value of their LTIA, but if they were also claiming Income Support, the removal of the overlap would see the value of their income support benefit reduce by £2.40 a week. Only 1% of all LTIA claimants have an award of 100% and also claim income support.

2.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING CONSULTATION CONDUCTED PRIOR TO THE PUBLICATION OF BENEFIT CUT PROPOSALS:

Question

Will the Minister produce for the States any documents containing the results of the consultation that took place with the Citizens Advice Bureau, the Jersey Child Care Trust and Age Concern prior to the publication of the benefit cuts proposals? If she cannot, will she explain why?

Answer

As explained both before and during the MTFP debate, briefings were arranged with a number of charities and voluntary groups to explain the proposals that formed our savings package.

It is an important part of the day-to-day business of running a large government department for my officers to hold regular meetings with the stakeholder organisations with whom we work. These valued partners support the same clients within the Island, and so they often have a direct interest in any changes made to the benefits we administer. This informal contact is particularly valuable when the Department has developed plans that involve changes to the existing benefit rules, and so it is typical that officers will meet with stakeholder organisations to provide advance notice of any changes. This also gives stakeholders the chance to ask questions of my officers.

The Department undertakes formal consultation when appropriate, for example in developing the details of the new discrimination law, but it is not appropriate to use this process as part of a budget setting exercise.

2.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE LOW INCOME THRESHOLD:

Question

In the absence of a new Income Distribution Survey (I.D.S.) due by the end of 2015, does the Minister accept that the low income (poverty) threshold of 60% of median income after housing costs derived from the 2009/2010 I.D.S., today stands at £348 (£522 x 60% x 11.1% AEI growth) and if not, what figure does she have for this threshold?

Will the Minister also explain to members why changes to benefit rates were not held over until the results of the I.D.S. 2015 were available in order to assess what their impact would be?

Answer

The “low income (poverty) threshold” that the Deputy refers to is the ‘relative low income threshold’ published in the 2009/2010 Income Distribution Survey¹.

The relative low income threshold indicates how many households, and what types of households, have a relatively low household income by Jersey’s standards.

In this case, ‘relatively low’ has been defined as 60% of the median average household income in Jersey. Household income is standardised to allow fairer comparisons to be made across different sized households.

The relative low income threshold does not measure the proportion of households that have an income level below that which is necessary to maintain a certain standard of living.

This estimate of relative low income can be adjusted by five years of average earnings growth. Adjusting the relative low income threshold provides an estimate of about £445 per week before housing costs and about £350 per week after housing costs. The next survey will provide an up to date income distribution for Jersey and is scheduled to be published towards the end of 2015.

¹ <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=457>

The proposals to change benefits were required for the Medium Term Financial Plan (MTFP) for approval in 2015 to allow changes to be phased in over the full four years of the MTFP. The benefit changes of £10 million are a small part of the overall total of the £145 million measures required by 2019. The MTFP aims to balance the budget by 2019 and includes more resources for all the strategic priorities, including economic growth, health and education, which will benefit all households in Jersey. The impact of the proposals in the MTFP needs to be judged as a whole. For example, the level of economic growth and the availability of good health and education services can all have a significant impact on the overall well-being of lower income families.

2.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT OF BENEFIT CUTS:

Question

Can the Minister produce for members any documents which have resulted from the research carried out by her department into the impact of the Income Support and other benefit cuts on levels of relative low income for pensioner households; those containing children and those with a disability? If she cannot will she state why?

Will the Minister further explain to members how her statement that “The department has not decreased in any way the income support to those with disabilities” can be justified in the light of the removal of the 6% disregard for Long Term Incapacity Allowance income which will reduce incomes for those with a disability by £7 on average and by £12 for those with a 100% award?

Answer

The proposed changes to Income Support and other benefits were supported by detailed reports accompanying each proposition. It is never easy to make choices that reduce benefit expenditure, but each decision voted on by this Assembly was supported by a detailed, reasoned argument. I know they are not arguments with which the Deputy agrees, but the fact is that the research supporting them has already been provided.

To reiterate a point I made during the debate, the research that produced these propositions is based on the objective financial and numerical analysis of the extensive data that the Department holds on individual households claiming benefit. It is impossible to restrict benefit spend without some level of impact, but my officers are the experts in this area, and were able to shape a savings package that spread the reduction over a large number of households. A significant proportion of our required savings were achieved by maintaining Income Support components at their current level for the years 2016 and 2017, which is specifically intended to avoid a disproportionate reduction on the benefit received by any specific group.

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The most common award of LTIA is at 20% of the standard rate of benefit, or approximately £40 per week. A person with the most common 20% award would not see any decrease to the value of their LTIA, but if they were also claiming Income Support, the removal of the overlap would see the value of their income support benefit reduce by £2.40 a week. Only 1% of all LTIA claimants have an award of 100% and also claim income support.

2.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CLOSURES OF HOSPITAL BEDS:

Question

Will the Minister inform members of the full schedule of closures of hospital beds due to take place over the coming months, along with the reasons for the closures and which wards are due to be subject to the closures?

In particular, will he inform members of the increase in orthopaedic waiting lists and give reasons for the closure of orthopaedic beds in the face of any increased demand?

Answer

There are and will be fluctuations in the bed base at the hospital. Among the reasons for this are:

- to ensure wards are safely staffed
- to reduce the requirement for premium rate 'agency' staff
- to build in contingency to be able to re-open beds in times of greatest pressure
- to encourage the transition to new ways of working that will reduce the number of in-patients admitted and staying in the hospital. This will be achieved by managing their care either more rapidly or in more appropriate settings.

Corbiere Ward (Medical ward) – 6 in-patient beds are currently closed on Corbiere Ward. This is primarily due to nursing vacancies on the ward. The use of agency staff to support these beds is extremely costly and is being avoided if at all possible. While these beds are closed, the opportunity is being taken to install a new nurse call bell system within the ward. When this is completed, we will use the closed bay to accommodate the Medical Day Case Unit (MDCU), which is currently housed on the Emergency Assessment Unit (EAU). The purpose of the MDCU is to deliver day case treatment and prevent admission to Hospital. This transfer has the added benefits of increasing MDCU capacity from 3 to 5 patients and of providing more clinical space on the EAU.

Robin Ward (Children's ward) – is currently being re-designed to improve the accommodation for CAMHS patients and is therefore decanted to Rozel Ward until late December. The impact is a temporary reduction in beds from 15 to 8. Contingency plans are in place should more beds be required during this period.

Beauport Ward (Orthopaedic ward) – 6 beds will be temporarily closed on Beauport Ward from early November until early January. This is due to unprecedented numbers of Beauport nursing staff on maternity leave, staffing vacancies and the requirement to avoid using agency nurses where possible. Vacancies are currently being advertised.

All orthopaedic operating lists will continue to be full during this period, but the schedules will be adjusted to reflect more 'minor' and day case procedures to reduce the requirement for beds. Patients will continue to be treated in an order based upon their clinical need, with urgent cases taking priority.

Maternity – It is anticipated that 6 beds will close in maternity at some point yet to be determined, as demand for in-patient beds has reduced as changes in practice have occurred.

Surgical Beds – It is anticipated that some elective surgical beds will close over the weekend following Beauport re-opening its beds in January. This is to make more efficient use of staff at weekends.

Orthopaedic Waiting Lists

Challenges that affect our orthopaedic wait times and actions we are taking:

- There is a high number of referrals for this specialty – over 200/month

- Patients often require more follow-up care than other specialties so the clinics have to balance new patients with follow-up patients
 - the arthroplasty nurse has helped remove some of the follow-up case load from the doctors
- Patients almost always require some degree of imaging tests that can add to the wait time
 - we are continually working to reduce the waits for imaging and have plans to appoint a further radiologist and radiographer
- The surgery is usually quite lengthy which means that you cannot get many cases through one theatre session
 - the new temporary theatres currently being erected will offer additional theatre capacity, once the essential maintenance to the existing theatres is complete
- Emergency or trauma cases can displace routine elective cases
 - we have a dedicated ‘emergency’ theatre but all emergencies and ‘urgent’ cases will be clinically prioritised
- Joint replacements tend to have a finite life span so there is a steady stream of islanders needing a second replacement too; our increasing longevity means this number will continue to rise
 - this forms part of our future modelling for the service and the increasing demand.

714 patients are awaiting an out-patient appointment as at 1 October 2015 (576 at the same time last year).

The out-patient waiting position is:

Orthopaedic Average Wait in Weeks for a First Out-patient Appointment				
May 15	June 15	July 15	August 15	September 15
9	11	9	8	9

524 patients are awaiting a procedure as at 1 October 2015 (579 at the same time last year)

The in-patient waiting position is:

Orthopaedic Average Wait in Weeks for a Procedure				
May 15	June 15	July 15	August 15	September 15
18	18	17	19	21

Initiatives taken to reduce orthopaedic waiting times

Additional clinics

Additional theatre lists

Arthroplasty nurse appointment – independently sees follow-up patients

Change of clinic management

Upper limb ambulatory assessment service (Physiotherapy)

Enhanced recovery programme for hip and knee surgery.

2.9 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE RENTAL COSTS OF ANDIUM HOMES' OFFICE PREMISES:

Question

How much is the yearly rent paid for Andium Homes' new offices compared to their previous premises and how much was spent on relocation and redecoration at the new premises?

Answer

Andium Homes paid rent and service charges of £288,000 per annum for their offices at Jubilee Wharf. It has purchased its offices at 33-35 Don Street for £1.5 million, with a calculated payback period of 10 years.

Andium Homes advise that Final accounts for the works are being agreed but are estimated at:-

	<u>£</u>
Cat A ("Landlord") fit out costs	626,000
Cat B ("Tenant") fit out costs	454,000
Fees & Stamp Duty	163,000
I.T costs, Security, signage	60,000
Relocation costs	<u>5,000</u>
	<u>1,308,000</u>

The move to new premises was a deliverable set out in Andium's Strategic Business Plan 2014-2019. This recognised that the Jubilee Wharf offices did not provide an acceptable client service area. The reception was small and offered little private space for clients to discuss what are often very sensitive issues. Significant refurbishment costs were also needed to Jubilee Wharf, but would still not have addressed the need to improve the customer service area.

Although smaller than the previous building, the new office provides a much improved client services area on the ground floor. This provides ease of access for all clients, private meeting areas and enables all client facing staff to be located in the client services area.

2.10 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE REDUCTION IN GROSS VALUE ADDED FOR AGRICULTURE IN 2014:

Question

How does the Minister explain the 17% reduction in Gross Value Added for agriculture in 2014 as shown in Table 3 of the "Measuring Jersey's Economy: G.V.A. and G.D.P., 2014" report published on 30th September 2015? What measures, if any, will the Minister be proposing to reverse any potential decline in agriculture?

Answer

Gross Value Added (GVA) is calculated by combining total Gross Operating Surplus (GOS- total income less total expenditure) and total compensation of employees for a given sector.

The 17% reduction in the GVA for the Agriculture sector in 2014 was primarily driven by a reduction in the industry's GOS, for that year, coupled with a reduction in overall employment in that sector.

The Agriculture sector does tend to experience a great deal of volatility in respect of GVA, particularly in respect of the level of GOS generated in any particular year. This behaviour is expected because agriculture

is heavily dependent on a number of external factors. This can be seen from 'Jersey in Figures' produced by the States of Jersey Statistics Unit. The latest version is available here:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Jersey%20In%20Figures%202014%2020150428%20SU.pdf>

Due to the volatility of the industry a single year reduction in GVA cannot be seen as an overall decline in the industry.

In fact, 2014 was one of the Island's best growing seasons for a number of years, with an increase in sales from 28,000 tonnes to 31,000 tonnes of Jersey Royal potatoes with a value of around £29 million, which was £1.45 million higher than the previous year.

Sales at Jersey Dairy also rose from £12.7 million in 2013 to £14 million in 2014 to meet the growing international demand for UHT milk and milk products. This was underpinned by an increase in milk production from 13 million litres to 14 million litres, and improved milk production.

The Department is currently in consultation with the agricultural industry and other interested parties, to develop a new Rural Economy Strategy placing greater emphasis on increasing efficiency and productivity, that is due to be published next year.

2.11 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE RESIGNATION OF MR. KEVIN KEEN FROM HIS POST AS ADVISER WITH THE STATES OF JERSEY:

Question

At what point was the Chief Minister aware of the resignation of Mr. Kevin Keen from his post as adviser with the States of Jersey? How long did it take for Mr. Keen's resignation to be made public and why did it take this long? Will the government be seeking someone new to fill the post?

Answer

Mr Keen's role reviewing the Public Sector Reform programme was initially expected to be short term. The Chief Minister was aware in early September that Mr Keen's review had been completed and that this particular arrangement would not continue. Mr Keen will remain as an independent advisor alongside Sir David Henshaw and Ms Lis Astell.

I am very grateful for the work he undertook and for the assistance he gave departments with the Public Sector Reform programme.

2.12 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF AUSTERITY MEASURES ON JERSEY'S GROSS VALUE ADDED PER HEAD:

Question

Following the publication of the 'Measuring Jersey's Economy: G.V.A. and G.D.P., 2014' report which shows that Jersey's Gross Value Added per head has dropped by 19% since 2007 to £38,800, what impact does the Chief Minister believe austerity measures, including the new proposed health tax, cuts to income support and a public sector pay freeze, will have on this figure? Has any official advice been sought on this matter and if not, why not?

Answer

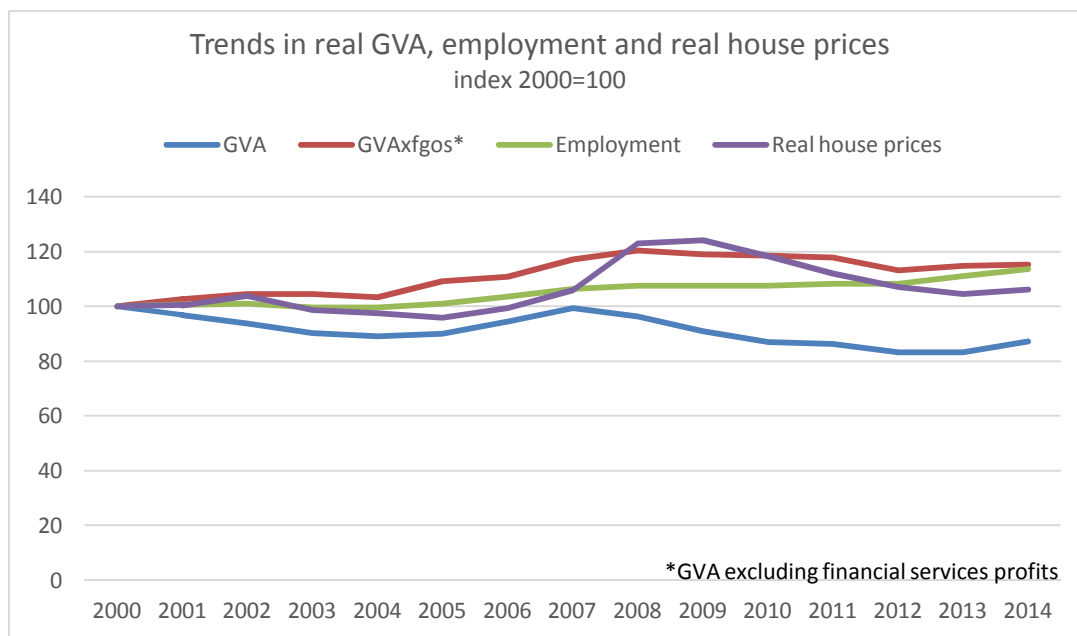
The fall in headline GDP per head since 2007 exaggerates the underlying trends in the economy because it compares things since the peak in the economic cycle and after a period when large falls in GDP and GVA were driven by sharp falls in financial services profits.

Headline GVA is informative but we need to look at underlying trends and other economic indicators to really understand the overall economic performance. Financial services profits are volatile and variations

can have different implications for the wider economy, not always reflecting the underlying picture (or tax revenue). The chart below shows that excluding this part of GVA from the measure (leaving the wages bill of all employees in the Island and the profits in non-financial services) shows a different picture.

Although clearly the economy was affected by the global financial crisis this underlying measure of GVA appears to have peaked in 2008, fallen 2009-2012 (with the largest fall actually in 2012) but by much less than headline GVA. This measure of GVA began to grow again in 2013 and the position in 2014 is above that at the start of the period, not far below the peak in 2008. However, it is still below where we might have hoped to be if the global financial crisis had not been so severe and long lasting.

The trends in employment show a similar picture of a much more stable environment than headline GVA, as do trends in house prices after inflation is taken into account. Overall headline GVA in recent years appears to exaggerate the underlying trends. At first glance these trends look worse than in other economies such as the UK and Guernsey but if they were really of the scale suggested larger falls in employment and house prices would have been expected. This is not to say that we have not been impacted from the global financial crisis or that it has not led to higher unemployment or impacted on our fiscal position.



Rather than imposing austerity the Council of Ministers' Medium Term Financial Plan (MTFP) follows official economic advice from the Fiscal Policy Panel (FPP) by continuing to support the economy in the short term while working towards balanced budgets by 2019 when the economy is expected to be close to capacity. Balancing our books at the right point in the economic cycle is conducive to economic growth and the stability businesses and individuals need to make key decisions.

Public expenditure is being reprioritised so that investment in health, education and the infrastructure set out in the MTFP can support productivity improvements and help lay the foundations for future economic growth. That includes investing an extra £168 million for capital projects over the next 4 years; £96 million more for Health; £27 million more for Education and £20 million for projects that boost economic and productivity growth. Projects will be selected for helping to raise our underlying economic performance.

The approach set out by the Council of Ministers, as advised by the FPP, is the right way to create the conditions for sustainable economic growth and to improve our standard of living.

3. Oral Questions

3.1 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the impact of benefit cuts on income support households:

Given the average yearly cost of new taxes per household, estimated at £1,000 per year, can the Minister advise the amount by which benefit cuts, including the removal of the disregards and the freeze on benefits, will reduce income for income support households per annum, and if not, why not?

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

The Deputy is asking me to speculate about the possibility of new taxes in the future. I cannot do this, as he well knows. What I can say is that the majority of people who are reliant on benefits as a form of income do not pay income tax and it has been the consistent policy of my department to target its tax-funded benefits to support those households who do not earn enough to pay income tax. The impact of benefit changes on individual households are clearly spelt out in the previous propositions I have brought before this Assembly, which were mostly approved in a lengthy session only a fortnight ago. My decision to keep benefit expenditure more or less flat over the next 4 years rather than cutting it is the best possible solution to make necessary savings while minimising impact on individual households. Detailed information on each of the benefit changes in respect of each household type is contained in the detailed written reports that accompanied each proposition. Information has also been provided in response to the 4 written questions submitted by the Deputy on this topic and Members will have copies on their desks.

3.1.1 Deputy G.P. Southern:

There is no question of speculating about new taxes, we know they are going to raise up to £45 million and cost £1,000 per household on average. Could the Minister confirm that over the 4-year period of the Medium Term Financial Plan she will be taking on average £1,500 from each and every household on income support; and that is a very simple calculation, she is raising £10 million, or saving £10 million by her measures, and there are 6,500 households on income support. Doing the division, it is quite simple, reveals it is going to cost households £1,500 each per year by 2019.

Deputy S.J. Pinel:

I disagree with the statement the Deputy has made. Firstly, about £1 million of the savings of the £10 million relates to the Christmas Bonus that will no longer be paid to thousands of households outside of income support from 2016.

[9:45]

Secondly, the majority of the remaining £9 million worth of savings takes place by not increasing the overall income support budget and instead keeping it broadly flat; this is not the same as taking £9 million from income support households.

3.1.2 Deputy G.P. Southern:

If one freezes the components of income support is it not the case that inflation will eat away into the value of those awards and that inflation is estimated to be 3.1 per cent for each of the 2 years of the cuts, which leaves households on average around £9 a week worse off?

Deputy S.J. Pinel:

The inflation numbers that the Deputy has mentioned are forecasts - we do not know whether they are going to be 3.1 per cent - and the whole idea of all these savings is to invest in health and education.

3.1.3 Deputy M. Tadier of St. Brelade:

The problem is the Minister is not the Minister for Health or Education, she is the Minister for Social Security and she is presiding over some of the most savage cuts we have seen in social

benefit in recent years. Can the Minister confirm that those with a disability will be, on average, £800 a year worse off. If she does not agree with that figure, could she give us the actual figure?

Deputy S.J. Pinel:

No, I cannot confirm that because the Deputy said “cuts”. We broadly levelled-off, we are not increasing rather than cutting. The lone parent package is a reduction, which is going to be gradually phased in over 4 years, compensated for by a 23 per cent disregard of the maintenance, should they pursue the absent partner. So a disability is a separate situation altogether; that is cared for by the personal care components, PC1, 2 and 3.

3.1.4 Deputy M. Tadier:

On average disabled people will be between £7 and £12 worse off a week under this Minister. How does she square that with a statement given in her manifesto that we must do more to support the estimated 18,000 Islanders with some form of disability and improve their quality of life? Do we improve their quality of life by hitting them hard when it comes to their income support claims?

Deputy S.J. Pinel:

I think the Deputy is referring to the Long-Term Incapacity Allowance where the disregards are being reduced gradually again over a period of time purely because that was seen to be as a double disregard that was not necessary. The disability side of the equation, we are starting with age discrimination now and then disability discrimination, which I very much expect to see in place in the law by 2018; so sticking to my manifesto that, yes, we are going to very much look after the disabled in our society.

3.1.5 Deputy A.D. Lewis of St. Helier:

During the process of the M.T.F.P. (Medium Term Financial Plan) and other debates there have been claims and counterclaims about benefits lost or gained. Would the Minister be prepared to put together some kind of simple ready reckoner so that all Members fully understand what exactly has changed, who the beneficiaries are, who the losers are - if there are any - so that it can be very, very clear to all Members exactly what has happened with the changes to benefits. At the moment I think there is a degree of confusion and it may help.

Deputy S.J. Pinel:

A letter has gone out this week to all households who will be affected by any of the changes. If the Deputy wants a summary or precis then that can be given to him, but certainly everybody on income support who are affected by these changes have been notified this week.

3.1.6 Deputy G.P. Southern:

Does the Minister at least admit that her cuts are more harsh than those enacted by George Osborne in the U.K. (United Kingdom) where it is estimated that the average is £1,300 per household reduced income or loss of benefit compared to the Jersey system, which is £1,500 on average to each and every household on income support, and that is indeed draconian measures?

Deputy S.J. Pinel:

The Deputy keeps referring to this sum of £1,500. It is not anything that has come up in our equations and, as I said in my previous answer, that the income support levels have been held stable. They have not been cut. They are just being held flat so this mythical £1,500 is not correct.

3.1.7 Deputy G.P. Southern:

Would the Minister, at the very least, consider delaying the onset of her measures in order that we may examine the new data, which is coming forward by December in the income distribution

survey, and recalculate the impact on each of these groups that I have been mentioning? Would she consider delaying the implementation of her cuts?

Deputy S.J. Pinel:

No.

3.2 Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding the development of a population policy:

Could the Deputy Chief Minister update the Assembly on what progress, if any, has been made towards bringing forward a full population policy?

Senator A.K.F. Green (Deputy Chief Minister - rapporteur):

The Assistant Chief Minister was very clear on this in July. In our first year the Council of Ministers has been focused on bringing a Strategic Plan and a Medium Term Financial Plan. Now we can continue to work to reshape our public services, to deliver sustainable public finances, and set long-term policy direction. The population policy is a critical element of the Government's priorities and this week or later this week the Chief Minister will be inviting Members to a briefing to provide more detail of what we have done and how we intend to progress.

3.2.1 Deputy S.Y. Mézec:

Surely population is the most important of our long-term policies we need to be looking at, given that it will have an impact on virtually every single penny that the Government spends or raises. So could I ask the Deputy Chief Minister then in these discussions will say to Members they have an opportunity to propose ways that we can reverse what has been up until now the consistent track record of this Government where it has missed every single one of its population targets over the past few years?

Senator A.K.F. Green:

It is not as simple as the Member would have us believe. It is a balance between providing people to work in the economy, be that at the lower end although this Government's policy is that we should target our scarce resources at those that are going to produce the greatest income, and thereby increase our productivity. It is not as simple as the Deputy suggests. We have seen very clearly that the number of jobs in the community have grown - grown by 800 in the last year - and I think it is quite important that we ensure that we have a population that can support our ageing population as we go forward. But of course we need to make sure that we have the right people in the right jobs increasing productivity.

3.2.2 Deputy G.P. Southern:

How successful, in the Minister's estimation, has the present policy been of targeting towards the higher earning end of migration rather than lower end given that 450 of the 800 jobs created in the last 2 years were zero-hours jobs?

Senator A.K.F. Green:

The Deputy is muddling up 2 different things. I know that the H.A.W.A.G. (Housing and Work Advisory Group) group that meet regularly to look at the applications that come in from companies for support for workers frequently, regularly, challenge and dismiss at the lower end appropriately and try to ensure that we only bring those scarce resources in at the higher end. That said, they also challenge to ensure that employers are doing their bit to ensure that local people are encouraged to reskill and train up to the higher end jobs as well.

3.2.3 Deputy G.P. Southern:

Has the Deputy Minister examined and analysed the data given by the Stats Office about those new jobs and, if he has, has he noted that they are largely in fairly low-paid areas, those 450 jobs, rather than high paid, and does he believe that his policy is being successful?

Senator A.K.F. Green:

I believe our policy is cautious and been reasonably successful. It is very popular to knock zero-hour contracts but they have a useful place in the community. For example, zero-hours contracts for bank nursing is a good thing. Zero-hours contracts for supply teachers is a good thing. Zero-hours contracts, I heard the Farmers Union talking the other day, has benefited those seasonal workers in the agricultural industry, so it is very easy to knock it. Appropriate use of zero-hours contracts I can accept is the right thing. Inappropriate is wrong. But the examples I have given are totally appropriate.

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

Can the Minister explain why he believes the open door policy granted to all workers in the European Union and E.E.A. (European Economic Area) countries is the best immigration policy for Jersey and does he not believe the time has come for Jersey to be more selective in whom it attracts to the Island in order we extract best value and productivity from those workers?

Senator A.K.F. Green:

I think we are straying into the next question but I am happy to talk about that. In terms of who the open door policy, as the Deputy calls it, we know very well that those who hold European Community passports have a right to reside in the Island providing they live in either qualified accommodation and take unqualified posts or firms have licences. I am advised there is nothing we can do about that. That is where we are under Protocol 13. The trick is, I think what the Deputy wants me to say, is that we would consider bringing in work permits. I think H.A.W.A.G. are virtually doing that insomuch as they ensure that we target the jobs... that we get the best value out of the jobs that they give licences for and that they are always conscious of the fact we need to increase our productivity. So they are looking at the effect on the economy and our productivity whenever they give out a licence.

3.2.5 Deputy J.A. Hilton:

I am not convinced by that answer because we all know that population increased by 1,200 people over the previous 2 years and from June last year to June this year 250 new registered jobs were created over and above the entitled to work people who came out of the register to work into entitled to work. So these jobs are being created and, generally speaking, they are low value jobs. So Jersey does operate an open door policy to anybody who wishes to come here and basically they can find work and accommodation. Does he not agree with that?

Senator A.K.F. Green:

Not entirely, but I do accept that we do need to have people here that can do the jobs that need to be done. We do need to have some... and I hate the term "low value". I thought as a Government we had banned that term, but we do have to have some people working in industry such as agriculture and tourism. If the local people are not going to take those posts up we need to ensure that we can support those parts of the industry that are important to our economy. They may not be important in terms of generating income in some cases but certainly, if we take tourism, it is very important in terms of maintaining our communication links. That is what gives us the connectivity with the airports that we have got. So it is not as black and white as the Deputy suggests.

3.2.6 Deputy A.D. Lewis:

Would the Minister agree that any job increases in the current world economic cycle for most economies should be celebrated, not condemned? Surely what we should be more concerned about, which is a common problem with small island nations, is the risk of depopulation?

Senator A.K.F. Green:

I quite agree and when you look at some of the other economies where they are suffering from depopulation, what that effectively means, because they have got the same ageing profile as we have, in that years to come their grandchildren, their children, less of them working, we will be supporting more people who are retired. So it is a good thing to have appropriate jobs, but what we need to do is to make sure that those jobs are the ones that not only support our community but increase our productivity and therefore economic activity.

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

Following up on the Assistant Chief Minister's answer to Deputy Southern, he mentioned that he thought zero-hours contracts were beneficial for bank nurses. In the U.K. the N.H.S. (National Health Service) is struggling with a fantastic bill for bank nurses. In fact would he say it would be far better to have more nurses rather than using agencies where they are paying not only for the nurse but also for the agency services?

[10:00]

Senator A.K.F. Green:

Clearly the Deputy does not understand the difference between a bank nurse and an agency nurse. A bank nurse is a nurse on our payroll who is called in to cover when we have periods of maternity leave or sickness or holiday. Agency nurses are exactly what they say they are. They work for somebody else and they cost a lot of money. That is why we have bank nurses.

3.2.8 Deputy M. Tadier:

The Deputy Chief Minister said something quite insightful or rather which gave us an insight into the thinking of the Council of Ministers when he said: "I am told there is nothing we can do about it" when asked a question by Deputy Hilton about population and limiting it in terms of the European Union. Does the Deputy Chief Minister not think that this is the wrong way round? That he should not be relying on presumably civil servants to tell him what can and cannot be done policy-wise but it is up to politicians who are elected to tell civil servants what they wish to be done and say: "Go away and find 2 or 3 ways for us to do this"?

Senator A.K.F. Green:

The Deputy is twisting my words. He knows full well this does not come from the Civil Service, but comes from advice that we have been given in the past. Under Protocol 13 I believe it is, that those who hold European passports have a right to come to the Island. How they reside and how they work is what we control. He knows very well and I am not going to rise to that bait.

3.2.9 Deputy M. Tadier:

The Senator will also know that there are other jurisdictions with relationships to the E.U. (European Union) which do have limits and work permits, *et cetera*, which can function quite well and that just simply requires initially a change of approach from the Government, so can the Minister confirm that if there was political will there we could look to have work permits if it was thought to be politically desirable and that the obstacles that he talks about are not insurmountable?

Senator A.K.F. Green:

What I said right at the beginning is that this Chief Minister will be inviting Members to come along and listen in more detail to what is to be done and discuss the way forward. That is as far as I am prepared to go on that one.

3.2.10 Deputy S.Y. Mézec:

I think the Hansard will show that my previous question that I asked did not produce anything that even closely resembled an answer, so I am going to give the Deputy Chief Minister a final go to see if he can produce one. Yes, we accept population control is a difficult issue. Yes, we accept that we need something that strikes the right balance between what will give us economic growth and what will not produce any strain on public services. But whatever the actual outcome is, it matters nothing if the population policy is a brilliant policy if we are not hitting it; if we are reaching above that it will not be doing what it is meant to be doing. So what assurances will the Deputy Chief Minister give us that when we do come forward with a full population policy it will be something that is worth the paper it is written on, that it will be achieved, and what opportunities will there be for States Members to suggest ways that this can be done?

Senator A.K.F. Green:

I suggest that the Deputy takes up the invitation of the Chief Minister and attends the meeting and then he will understand the way that we want to take this forward, and also have an opportunity for his input.

3.3 Deputy J.A. Hilton of the Chief Minister regarding the average economic standard of living of Islanders and the rise in population:

Are the findings of the *Measuring Jersey's Economy G.V.A. (gross value added) and G.D.P. (gross domestic product) 2014* report by the Statistics Unit, which measured the average economic standard of living of Islanders as having declined by a fifth in real terms since 2001, compatible with the Council of Ministers' policy on population control which saw a rise in population of approximately 10,000 people during the same period?

Senator A.K.F. Green (Deputy Chief Minister - rapporteur):

I think this is a similar question coming from a different angle to the previous one, but I am assuming that the Deputy is asking whether the Council of Ministers' population policy is likely to improve standards of living. Our Strategic Plan commits to securing targeted migration and delivers economic and social gain. The ageing population, as I said before, means that the working age population will shrink while the pensioner age population grows. Jersey needs targeted migration, productivity improvements and increased participation to maintain and improve the standard of living. The Strategic Plan sets out how productivity growth can be achieved through greater innovation and enterprise, who focus on high value activities such as digital and FinTech, and a stronger competition framework and improvement in skills.

3.3.1 Deputy J.A. Hilton:

The Minister in his response talked about economic and social gain for Islanders. Does the Minister agree with me that significant rises in the population during the last decade has impacted negatively on the population as evidenced by the requirement of 14 new primary school classrooms being constructed as we speak? An ever growing house waiting list, lengthy delays at the hospital, the need to build 4 new theatres to cope with ever increasing demand, while productivity has dropped by 37 per cent since 2000 and the average economic standard of living of residents in Jersey as measured by G.V.A. per head has declined by 20 per cent since 2001?

Senator A.K.F. Green:

There is rather a lot there and I will try and remember all the different points that the Deputy raised. What I will say is that it is a very fine balance between encouraging or allowing people to come in to support the communities that need jobs to be done, such as tourism, agriculture, our finance business. It is a very fine balance to be had. I am not an economist so if the Deputy wants to follow up on the G.V.A. per head with the Economic Adviser she can. But I would advise that the G.V.A. is not a good measure primarily because the biggest distortion in that figure comes about because of the fact that this particular finance industry depends a lot on deposits and therefore when interest rates are low the G.V.A. does drop probably higher than some of our other competitive finance centres. So it is not as straightforward as the Deputy made. Just picking her up on the point of the new theatres. The new theatres have nothing to do with the growing population. It is to do with Government's inability to invest in the past, to provide safe, sustainable theatres for our population to have their surgery carried out. That is why we are having to do that. That is why we are having to increase the size of the theatres. It just was not fit for purpose. It is not to do with the size of the population.

3.3.2 Deputy G.P. Southern:

Sounds like the schoolyard: "It was not me, it was him, Sir." Does the Minister accept that if he is to accept increased migration rates to deal with the ageing population that that is a short-term solution and eventually will produce a larger ageing population than we currently have. The problem gets bigger, unless of course the Minister has come across some migrants who age at a different rate to us - a slower rate - in which case he is probably right.

Senator A.K.F. Green:

I think we are all ageing at a different rate. When my grandmother was 60 - and I am over 60 - she was a very old lady. I am certainly not an old man, we all age differently - although others may have a different view. It is about working smartly. It is about ensuring that the people we do give licences to, those that we do allow to come in and work in the Island, are the ones that are going to contribute financially and in terms of productivity. It is not as simple as the Deputy would have us believe. Shut the doors and let us just ...

Deputy G.P. Southern:

I was asking the Minister for his answers not suggesting that anybody shut the door. If he wants to shut the door, let him say so.

Senator A.K.F. Green:

No, I think the Deputy was suggesting that we should have a shut door. My answer is that we are looking at this at the moment. We are going to invite Members to come along and have their input, but we need to find some way of supporting our industries, of ensuring that we increase productivity and grow our economy so that we are in a position when one third of the population in 15 to 20 years' time will be retired that we can support them without putting a burden on our children and our grandchildren. That is the policy we need.

3.3.3 Deputy M.R. Higgins:

If I am not mistaken I heard the Deputy Chief Minister say that the measure of G.V.A. was not appropriate or was not good enough because he was mentioning about the fall in the finance industry causing G.V.A. to fall. So is this a case that we have used G.V.A. as a measure and now that G.V.A. has fallen by 20 per cent over the period, it is now inconvenient having that particular measure? We have been using that measure all the way through. We have been told it is the best measure possible and surely you cannot blame the measure that you are measuring the economy

with when it is the policies of the Government, and I will also acknowledge world events that have caused G.V.A. to fall.

Senator A.K.F. Green:

The Deputy again is putting words in my mouth and I always hesitate to stand up and go against the Deputy when we come to economics because I know that he has a degree in economics. But the fact is you cannot look at one measure in isolation. You have to look at it in the round. You also have to look at it, as the Deputy rightly said, some of the problems were caused by world problems, not of our own making. I think this little island, this 9 by 5 island, has fared extremely well compared to many during the downturn. We are now in a position to come out of the recession. We are starting to grow out of the recession and we are now in a position to take advantage of that and move forward. So I did not say it is just ignore G.V.A. What I said is you must take all these indicators in the round.

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

The Minister was referring to smart thinking. Surely smart thinking is retraining and upskilling our local unemployed people before we bring others into the Island?

Senator A.K.F. Green:

We have to do both. We have to do both and that is why we are putting £9 million per year once we get to the end of the Medium Term Financial Plan. £9 million a year going in to improving standards and skills in education. The Deputy is right. We need to do that. We also need to bring the right skills in to help people move on, have something to aspire to. Bring experience from other countries and other parts of the world.

3.3.5 Deputy J.A. Hilton:

Interestingly the Minister talked about depopulation of other islands and the impact that has on the economy. I notice in the report that I have been quoting from that over the 7-year period, from 2007 to 2014, the average economic standard of living increased by 10 per cent in Guernsey. Can the Minister explain to Members why he thinks that Guernsey got it right but we got it wrong?

Senator A.K.F. Green:

I am slightly out of my depth here with this one, but what you are looking at there ... what I will say is that their finance industry is very different to ours. They do not work so much on deposits but they work differently and therefore their income was more stable than ours. It is looking at just one item. I tell you one thing: we will be in a better position to support our ageing population in 15 years' time than they will be because they are suffering from depopulation.

3.4 Deputy M. Tadier of the Minister for Planning and Environment regarding pollutants:

Further to the answer given to written question 8766 on 28th April 2015, which detailed the difficulty of identifying a polluter in the context of the Water Pollution (Jersey) Law 2000, has consideration been given to levying a charge on pre-specified pollutants upon entry to the Island to act as both a disincentive for the use of harmful products and as a source of funding for the associated remediation expenses?

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

My department is considering a number of options around the principle of polluter pays charge. This work is being undertaken as part of the development of the water management plan that I will be bringing to the Chamber next year. This plan will address our Island's key water issues, our

potential pollutants - which will includes nutrients and pesticides - and will also need to include a mixture of differing measures to change attitudes and behaviours to drive improvement in nutrient management practices and water quality. For example, these measures could include further regulation, targeted support, or polluter pays charges to encourage a behavioural shift.

3.4.1 Deputy M. Tadier:

Do we know what the current cost is on a yearly basis for the associated remediation of nitrate and associated pollution in Jersey and, if not, could we have those figures?

The Deputy of St. Martin:

I do not have a cost and I think the answer to that question would probably be better directed to the Minister for Transport and Technical Services. We certainly know that moving forward we need to remove more nitrates from our water sources. This is a difficult thing to do. It is a diffuse pollution. It is not easy to specify exactly where it is coming from but we do know that we need to do better and we are going to do better because we know in the future my ability as Minister to allow dispensations to therefore allow Jersey Water to allow nitrates in our drinking water will reduce. We know the cost moving forward will be substantial. A figure of £30 million has been put on the cost of the new liquid waste plant but it will be my job to make sure that the agriculture industry, in particular, and other people as well, reduce nitrates in our water supply so that work is not necessary.

[10:15]

3.4.2 Deputy R. Labey of St. Helier:

I declare an interest in that my brother is a grower and I am sure the Minister knows more on this subject than I do, but would he agree with me that making the farmers the whipping boys here without any evidence is quite wrong and that blindly following the U.K. protocol RB209, a kind of zero-tolerance, is also wrong because it is a U.K. protocol and as far as potato growing is concerned the U.K. is a foreign country, they do things differently there. They do not plant in January and February. They plant in the warmer months and there are naturally occurring nitrates. If we want the Jersey Royal potato industry we have to allow the judicious use of phosphates in January and February.

The Deputy of St. Martin:

The Deputy makes some good points. I am not going to go into the use of phosphates, which is a different thing altogether. But what I would say to the Deputy is, yes, I accept that in January and February when growing conditions are not conducive to natural growth we do need artificial fertilisers. But some of that nutrient can come from liquid manure and our dairy industry is well placed to help to provide that. I think what we need to accept here is that while I know that we cannot level all the blame on the agricultural industry there can be no doubt that the vast majority of nitrates in our water source comes from or via the agricultural industry. Notwithstanding that, I accept that we have always had farmers who are wonderful at innovating and coming up with solutions to problems, and I am very confident that the agricultural industry will address this problem in short order. I have written to every one of them personally in the last couple of months to seek an assurance from them that they will help me in this quest to reduce nitrates, and I am confident that the innovative nature of our Jersey farmers will allow us to reduce nitrates below the levels we require quite easily and straightforwardly.

3.4.3 Deputy R. Labey:

Is the Minister also looking at other areas? There is evidence a farmer next door to us in St. Ouen tested his boreholes in 2 fields, they were off the limit as far as E.coli and nitrates are concerned but

those fields that those boreholes were in had not had fertiliser on them for 10 or 15 years. What they did have was soakaways next door to them. Is the soakaway issue being looked at? The finger needs to be pointed there.

The Deputy of St. Martin:

I did mention other sources of pollution and nitrate pollution in our groundwater and the Deputy is quite correct, that is another one. Again we might well refer this to the Minister for Transport and Technical Services, and I know in his plans for the future will be the further rolling out of mains sewage services to the countryside, but this is difficult. It gets increasingly expensive as you move further and further away but certainly we do need to look at that. There are other reasons why we may have nitrates in our water that may well come from domestic sources or golf courses and other amenities, so I would just go back to what I said before. I accept the agricultural industry are not entirely to blame and certainly soakaways are part of that problem.

3.4.4 Deputy G.P. Southern:

If this voluntary agreement and wish to reduce nitrates in the soil does not work does he have a stick rather than a carrot to encourage farmers to reduce?

The Deputy of St. Martin:

I do. In the U.K. and in the E.U. the Water Framework Directive gives them power to do things. In Jersey we have the Water Pollution Law, which allows me to have regard to a cost principle in respect of pollution by which means the costs of preventing, controlling, reducing and eliminating pollution are borne by the persons who cause and knowingly permit it. But I would go back to the problem we had with nitrates, that Deputy Labey has already told us, where the source of the nitrates is is difficult sometimes to find out. But what I would say to Deputy Southern is I do have measures which I could use. I do have a big stick which I could get out and use if I have to. And I have told the farming industry, in particular, that if they cannot work with me to reduce nitrates in water it may well be that we will need to legislate, but it would be a last resort but it certainly is something I have in my portfolio should I need to use it.

3.4.5 Deputy M. Tadier:

It seems strange to me as someone born and raised in Jersey that in the past we used seaweed from the beach to put on the fields and now we do not seem to do that. It seems that we put artificial fertilisers on and it creates seaweed on the beach. It seems a strange paradox. To get back to the initial question, we all know this is a problem, I am glad the Minister and the department are looking at it, but could the simplest way be to levy a charge on these artificial fertilisers, *de facto* pollutants, when they come into the Island and therefore the heaviest users of those pollutants will also be the ones that pay in advance, and it saves any issue of having to find out who polluted, when, diffuse pollution, and those issues which were detailed in the previous written question? Is that not the best solution or at least one of the solutions that the Minister could use?

The Deputy of St. Martin:

It is potentially one of the solutions that I could use but as an ex farmer I know only too well the importance of cash flow and the fact that quite often fertilisers need to be paid for upfront. I am aware that in the coming season there may well be a big change to mechanical planting, and I am hoping that farmers will use that opportunity to maybe look at more precise ways of placing the fertiliser. But to return to the Deputy's last question about upfront payment for pollutants, I would say to the Deputy that whether it is diesel or whether it is chemicals or whether it is other pollutants, it is only a pollutant when it is polluting and people who use the substances carefully,

reasonably and in the correct manner are not necessarily polluting. I think it would be extremely unfair to charge people additional sums of money when they are doing a proper job on the land.

3.5 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding support for charities working within ‘The Bridge’:

Given the Assembly’s commitment to the 1001 days initiative, can the Minister describe how charities working within ‘The Bridge’ such as Brighter Futures are supported and valued and outline what plans, if any, there are to assist them in further developing their services to help more families?

Senator A.K.F. Green (The Minister for Health and Social Services):

The Bridge, as the Deputy knows, is a child and family centre and it brings together public services and charities who work to achieve better outcomes for babies, children and young people. These charities include the Jersey Childcare Trust which receives £178,000 from the Education Department; Brighter Futures which receives £82,000 from my department plus the Chief Minister, in accordance with the decision made by the Council of Ministers, has agreed to provide some additional funding to help them manage their cash flow; Family Nursing and Home Care, which overall receives £7 million from the department. In addition to direct funding those charities are also supported through the provision of The Bridge as a facility. Work is underway to determine the services that are required to best support families during the first 1001 critical days and beyond. All these charities and many others are involved in that work and this work may involve extending services or investing in different areas of work.

3.5.1 Deputy L.M.C. Doublet:

The Minister mentioned that Brighter Futures was receiving £82,000 a year, is that correct?

Senator A.K.F. Green:

Yes.

Senator L.M.C. Doublet:

And that some additional funding was being provided. Could the Minister please detail how much this additional funding is for this year please?

Senator A.K.F. Green:

This is funding coming via the Council of Ministers and the Chief Minister. I have a letter in front of me here ... just trying to look at the figure. The States will make a payment of £100,000 both in 2014 and 2015.

3.5.2 Deputy G.P. Southern:

Has the funding for any of the bodies he refers to been frozen for 2016 and is it the case that where agreements are made with third party bodies to supply services is that these agreements are made for at least a 3-year period to provide continuity or are we talking about one year renegotiating year on year?

Senator A.K.F. Green:

The Deputy raises a good point because I do know that because of the Medium Term Financial Plan only being agreed one year at the moment, although the headline figures have been agreed for the remaining years, I do know that this is worrying some charities. But as soon as we have done the work going forward so that we can see what it looks like for the next 4 years, so up to 2019, then

charities will probably be more comforted by that. But it is very difficult. We have not at the moment taken money away from charities but we are asking them to do things differently to provide very clear outcomes for the money that we are providing them with.

3.5.3 Deputy G.P. Southern:

Can the Minister confirm that these bodies have to go in and bid again, negotiate, for 2017 money and beyond 2017? Does he not accept that one year at a time is no way to run a charity or a wheel stall and that 3 years is the minimum anybody needs to work to be able to plan for the future and to provide decent services into the future?

Senator A.K.F. Green:

I was not suggesting we run a wheel stall although that is something Jersey does not seem to have at the present time. What I am saying is that we are in an unusual position and I agree that working forwards 3 years in advance is better for everybody because we have a very clear understanding. But this year we had a 4-year plan. We have got very clearly the first year and charities, like other States departments, will be very clearly shown what the next 3 years look like. We have the headline figures. We now need to do that detail.

3.5.4 Deputy L.M.C. Doublet:

Could I just touch briefly on the £100,000 for Brighter Futures for 2014 and 2015? Can the Minister just confirm: have the charities received that and if they have not will they be receiving that soon and will the Minister be writing to them to confirm because I think there is some confusion there over what they are getting? Also with regards to rent, given that The Bridge is a States-owned building does the Minister think it is appropriate that Brighter Futures, for example, is paying ... it was paying £11,000 last year in rent and that has been nearly doubled to £20,000 this year. Is that appropriate given the valuable services they are providing?

Senator A.K.F. Green:

I am afraid the Deputy has me at a disadvantage on the rent. As I understand it the building belongs to - and I am not trying to pass the buck, but I suppose I am - the Education Department and as such they need to discuss their rent with their landlord. With regard to the clarification on the £100,000. As I understand it, the payment has not been made. That is my interpretation. It is not something I am responsible for but, as I understand it, the payment has not been made but there is an assurance that it is there if there is a need to help with the cash flow. That is my understanding, but it is there if required.

3.6 Deputy S.Y. Mézec of the Chief Minister regarding negotiations with Jersey's trade unions following the adoption of the 'Medium Term Financial Plan 2016-2019':

What negotiations, if any, are currently taking place with Jersey's trade unions so as to avoid the possibility of strike action following the decision of the States to adopt the Medium Term Financial Plan 2015-2019?

Senator A.K.F. Green (Deputy Chief Minister - rapporteur):

Negotiations on the 2015 public sector pay review are continuing. A number of unions have formally notified us of a failure to agree and officers have held a collective disputes meeting with Headteachers on 6th October and a number of other meetings with unions on 15th October. The States Employment Board meets regularly to discuss developments and continue to do so. As I understand it, we are still negotiating, or at least our officers on our behalf, are still negotiating with the staff and we are not in formal dispute.

3.6.1 Deputy S.Y. Mézec:

I think the Deputy Chief Minister pointed out that it is not the Ministers themselves who are involved in those negotiations. Does he accept that that is a real sticking point here and that representatives of the Jersey Trade Unions are very frustrated at speaking purely to members of the S.E.B. (States Employment Board) and not the people who have political responsibility themselves, and so will he give an undertaking, regardless of what the actual Chief Minister decides to do, because I have asked him this and made no progress. Will he personally volunteer to start attending these meetings and get personally involved so that we can avoid any potential disruption that strikes would cause in the future, which all of us want to see avoided?

Senator A.K.F. Green:

We all want to avoid industrial action but the fact is that the States Employment Board is the board that sets the policy and that the officers are the experts in negotiation. I am the Minister for Health and Social Services but I do not go and take an appendix out. The fact is we are always happy as a board to listen to and have listened to what trade union representatives want to say. But we are not going to start negotiations. That was the old days when you had amateurs trying to do the negotiations. We now have professionals. The trade union side have professionals. We have professionals representing us. We set the policy and they sit down and discuss it. At the moment negotiations are ongoing.

[10:30]

3.6.2 Deputy G.P. Southern:

Is that not the case that negotiations are absolutely not ongoing because there is a failure to agree, being declared at this very moment, between a number of unions and their employer, the States Employment Board; that the state we have is a failure to agree and the next thing is a ballot, either indicative or otherwise, for action?

Senator A.K.F. Green:

The officers met last night with a number of the unions and I have to say at the moment we are still in negotiation.

3.6.3 Deputy G.P. Southern:

Negotiation, as I understand it, in my training, involves some give and take on each side. Where is the give in the position that the Chief Minister and his States Employment Board have taken or are to?

Senator A.K.F. Green:

I am not going to try and carry out a wage negotiation in public. We have officers who are doing that with our staff, with the trade union representatives and negotiations are still ongoing. I am not going to get drawn into trying to debate this in public.

3.6.4 Deputy M. Tadier:

Does the Deputy Chief Minister accept that it is a false and I think a slightly insulting dichotomy when we say we do not do things like this anymore; we do not negotiate as amateurs, we have professionals that will do that? In fact sometimes the unions, the civil servants, whatever jobs they are doing, would find it helpful to sit down with the political representatives that they may have elected, I am sure some of them did at some point in the recent past, so that they can have conversations civilly, amicably, to see what can be achieved rather than necessarily always setting up these professionals who do not have, necessarily, knowledge of on their behalf. Does the

Minister accept in some ways the old way of doing things, where you have a face-to-face conversation with frank talk is probably the best way to do that?

Senator A.K.F. Green:

The Deputy is distorting my words again. I said that we do meet with trade unions and their representatives and we listen to what they have to say and we look at their presentations and we discuss it and then we advise our officers on the next course of action. We listen. The negotiations are done on our behalf by professionals.

3.6.5 Deputy K.C. Lewis:

Is the Minister aware of the great worry and distress being encountered by the workforce at the moment with possible impending redundancies and outsourcing?

Senator A.K.F. Green:

Yes, and the quicker we conclude this and get a satisfactory solution the better for all concerned.

3.6.6 Deputy S.Y. Mézec:

The Deputy Chief Minister says that they listen but the representatives of Jersey's trade unions say the precise opposite. So I would like to ask the Deputy Chief Minister, at what point does it have to reach before they will finally get around the table, face to face, and speak with these people directly rather than sending people to essentially do their dirty work for them? So what point does it have to reach? Does it have to be a ballot for strike action? Does it have to be an indicative ballot for strike action? At what point will the situation change so they will get round a table and start treating these people seriously?

Senator A.K.F. Green:

We always treat our staff seriously. Our door is open. We will listen to staff when they want to make a point but the negotiations on pay has to be done properly and professionally and I will not be bullied into that. Threaten me with strikes. Threaten me with what you like. The fact is there is a professional way of doing this. The trade union has professional negotiators. The States Employment Board has professional negotiators. Negotiations are ongoing and we have to, hopefully, hope that we will soon come to a suitable outcome.

3.7 Deputy G.P. Southern of the Minister for Economic Development regarding the growth in zero-hour jobs:

Can the Minister account for the predominance of zero-hours jobs in the June 2015 Jersey Labour Market figures and state what impact, if any, the growth in such jobs will have on the Island's economy and in particular on tax revenues?

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

The June 2015 Labour Market figures shows that 11 per cent or 6,450 jobs in the private and public sectors were filled on zero-hours contracts. This does not represent a predominance of zero-hour contracts in the Jersey market. The Deputy is shaking her head but a predominance means when something is in the majority so I just wanted to be absolutely correct. Members will know, but just as a reminder, a zero-hours contract is a non-legal term used to describe many different types of agreements between an employer and an employee. The Jersey figures may look high in comparison to the U.K. but this is due to different reporting mechanisms. The Jersey data being more accurate as it uses actual figures from businesses as opposed to extrapolating results from a small sample of employers as they do in the U.K. Zero-hours contracts are useful where business

and work demands are irregular or where there is not a constant demand for staff. Zero-hours contracts can also provide a level of flexibility for the individual which allows them to work around other commitments such as study, child care or other employment. Responsible and appropriate use of zero-hour contracts enables employers to expand and enable individuals to secure work. This is not only in the interests of business ... the Deputy really should listen because he might find it quite interesting. There is a lot of chatter in the background.

Deputy G.P. Southern:

I am listening intensely [**Laughter**] for anything that might resemble an answer to my question and not just a vague piece of waffle.

The Bailiff:

Minister, if I might add, you should finish your answer in 90 seconds, that is the rule.

Senator L.J. Farnham:

Sorry about that. This is not only in the interests of business and individuals but has a potential positive impact on tax revenues. Can I refer the Deputy to R.52/2015, a report produced by the Minister for Social Security, which investigates the extent to which zero-hours contracts are used across various sectors of the economy and provides useful statistics pertinent to the Deputy's question? Finally, there is an ongoing Scrutiny review into zero-hours contracts and I look forward to hearing their findings in due course.

The Bailiff:

Minister, would you please go back to those advising you on answers and say that that answer was too long.

3.7.1 Deputy G.P. Southern:

With some exhaustion, I believe, in trying to pick out an answer: what will the growth... and it is a growth, and they are predominant, because of the new jobs 55 per cent are zero-hours contracts? So they are predominant. Do not play sophistry please. Not with me anyway. The question was: what does the growth in these jobs impact upon the Island's economy and particularly on tax revenues? What about tax revenues for these zero-hours jobs in low pay sectors? Is it not the case that the migration policy, for example, has gone completely off-beam? It no longer focuses on high-end jobs but on low-end jobs.

Senator L.J. Farnham:

The Deputy is one day going to have to accept that jobs are good for the economy. All jobs are good jobs. If he reads the report, R.52, he will realise that the average salary for people on zero-hour contracts has been calculated at £17,000 per annum, 6,500 jobs created. On average, £17,000 per annum is good for the economy because the majority of that money is spent in the local economy. So on top of whatever tax is paid on that the Island benefits from G.S.T. (Goods and Services Tax) and if we look further than... and Deputy Hilton raises a serious concern about, we do not refer to them as low value jobs because all jobs are good jobs. Look beyond the value of the jobs to the importance of them in areas such as hospitality which underpins the whole infrastructure of the Island.

3.7.2 Deputy M. Tadier:

The Minister trots out the trite aphorism that jobs are good for the economy but is it not possible to concede that in some cases the jobs, if the zero-hour contracts are not on the living wage, are not necessarily good for the individuals who hold those jobs and that we need to get to a point where we have a living wage and we have stable and fixed work hours, not a preponderance of zero-hour

contracts being used to fuel so-called growth which does not help the individuals get out of their poverty traps in many cases.

Senator L.J. Farnham:

No, I do not agree with that. I stand by my earlier comments. I think all jobs are good jobs and zero-hour contracts provide a level of flexibility for individuals and employers which allows them to work around their other commitments, such as study, child care and employment if used properly, which the majority of them are. They are very beneficial for the employer and the employee and a benefit to the economy overall.

3.7.3 Deputy M. Tadier:

Supplementary. The Minister is saying that he thinks that all jobs are good jobs. There is no such thing as a bad job out there and he refuses to accept my reasonable question, and agree with it, that we should be getting to a point where people can reasonably expect to have a certain amount of hours a week and a certain wage a week which will at least cover their living expenses. Is that too much of a radical suggestion for this Minister?

Senator L.J. Farnham:

No, absolutely not but the Deputy should understand that people that are on zero-contracts are still protected by a statutory law. They are still entitled to a certain level of pay and they are still entitled to holidays and a day off, since September of this year.

3.7.4 Deputy K.C. Lewis:

In recent times the whole Tourism Department was ripped apart and decades of experience was lost. Now it is being advertised as people looking to take over this department possibly on zero-hours. Does the Minister not find this a ludicrous situation?

Senator L.J. Farnham:

That is a nonsense. It was not ripped apart. Absolute nonsense. We have Visit Jersey which has produced a new tourism strategy and which is building on the very good work that was carried out over the decades by the previous Tourism Department.

The Bailiff:

It has been suggested through the Greffe, Minister, that you should try and lean back a bit because the microphone is not picking up what you are saying, for Hansard.

3.7.4 Deputy M.R. Higgins:

Just following through on the “ripping apart”. We had a Tourism Department that was responsible for quite a number of different activities, including the Visitor Centre, including events. Visit Jersey is just purely and simply a marketing body and the staff who were in the department have been basically ripped apart and have to do other activities. Would the Minister not accept that Visit Jersey is only doing a fraction of the job that the old Tourism Department did?

Senator L.J. Farnham:

I am just trying to find a link between that and the original question.

Deputy M.R. Higgins:

With respect, I am following up on the Minister’s own answer.

The Bailiff:

I thought it was marginal, Minister, but it was picking up on your answer and I think ...

Senator L.J. Farnham:

Could the Deputy repeat it? No, I am only kidding.

The Bailiff:

The question was, whether Visit Jersey was just a marketing tool and was not ...

Senator L.J. Farnham:

Yes, Visit Jersey's key responsibility is to use all of its available resources to market Jersey, to promote Jersey and bring people to the Island.

3.7.5 Deputy S.Y. Mézec:

I think we are all really enjoying this question. Deputy Southern's initial question was about the impact of the predominance of zero-hours jobs on tax revenues and I do not think we have heard anything close to an answer on that yet. So we accept that people in zero-hours contracts will generally have irregular hours which makes it harder to work out what somebody's tax liability is. When your income is irregular it makes it harder to plan what spending you are going to do and we want people to be spending in the local economy to help it grow. So the question is, what, if any, impact assessment has been done by his department and what impacts on tax revenues will the rise of zero-hours contracts jobs have and if he does not know the answer could he just admit that he does not know? That would be much more helpful for the rest of us than the answers he has given previously.

Senator L.J. Farnham:

I will explain it again and I urge Deputy Mézec to try listening this time. The zero-hours contracts, as explained - and there is a very good report produced by the Minister for Social Security - there are some very pertinent statistics. So I ask the Deputies - the 3 Deputies sitting in a line on the back row - to read it because it contains facts pertinent to the questions they are asking. We do not know how much tax and I cannot tell you how much tax each one of those individuals on zero-hour contracts pays but the report states that the average pay for people on zero-hours contracts is £17,000 per annum; 6,500 jobs creating £17,000 per annum will generate tax and is good for the economy.

3.7.6 Deputy S.Y. Mézec:

Supplementary. If those are indeed the figures of the average wage that people are making when they are on zero-hours contracts, since zero-hours contracts are on the rise, does he consider it a good thing that we will have more people on these wages rather than people in proper jobs, with full contracts, full hours, and higher wages? Does he genuinely think it is a good thing for our economy that the position of zero-hours jobs is rising? Does he genuinely suggest that that is good rather than an alternative which is based on more stable hours and higher pay?

Senator L.J. Farnham:

One simply cannot sort of take a blanket approach to this because many of the people on zero-hours contracts ... in fact I think in the J.A.S.S. (Jersey Annual Social Survey) survey it was approaching 80 per cent were satisfied or found their situation advantageous.

[10:45]

So clearly it suits the majority of people because it allows them flexibility. Do not forget it also allows employers to create extra jobs because the flexibility created by the zero-hours contract means they can give people work that otherwise they could not.

3.7.7 Deputy G.P. Southern:

It is nice to hear the Minister for Economic Development admit that these jobs are low paid jobs because £17,000 is relatively low pay. It is just above the income tax threshold, around £14,400 through £15,000 before you pay any tax whatsoever. That compares with the median wage on the Island of £28,000 and the average wage of something of the order of £35,000. So these are in fact low paid jobs which generate a relatively low amount of income tax. Is that not the case? Does the Minister believe that these low paid jobs, zero-hours jobs, contribute to the £145 million shortfall we have got in our tax revenues?

Senator L.J. Farnham:

No, I do not.

3.8 Deputy M. Tadier of the Minister for Education, Sport and Culture regarding the capacity required for the new Les Quennevais School:

What population projections have been used to determine the capacity required for the Les Quennevais School and what will be the expected student intake when it opens?

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

The Education, Sport and Culture Department has detailed the projections for the pupil population for the next 15 years. These are based on birth numbers, children we know who are already born, an analysis of current demographic trends including net migration. The forecasts are revised every year to take into account any changes. If the school opens on time, as hoped, in 2019 we are expecting approximately 700 pupils, gradually rising in the years after that as the current increase in primary numbers feeds through.

3.8.1 Deputy M. Tadier:

I asked for 2 figures there. One was the population projection; so I want to know what the overall population in Jersey will be when the school finally opens, let us say, in 2019 and he has given me a figure of 700 as the estimated student intake. How does that compare to the current population of the school?

Deputy R.G. Bryans:

I answered the first part of the question. I could not give him the projected figures for the total population at that point in time. I do not have those figures but I am sure somebody could provide something along those lines. In terms of what we have at the moment, we have got about 650 students. The school is built to cater for a capacity of 750 but there is an architectural need to build extra capacity into the school so that it can accommodate up to 825 to 850 pupils.

3.8.2 Deputy M. Tadier:

This Minister will obviously appreciate this is an important issue for my constituents but, I think, more widely than that, and it seems to me that we still have not been given the figures which should be widely available. We know that population projections are out there. We have seen them in the numerous presentations we have had with the Council of Ministers for different departments. Without knowing what the population figures are going to be in 2019, in 2029 and perhaps in 2049 it is very difficult for us to try and hold the Ministers to account to find out whether or not the school being built is going to be big enough so that we do not have a school which could be too small 5 or 10 years after it is open. So will the Minister go back and get those figures for us so that we can sit around, have a look at those, analyse them and then speak to him subsequently?

Deputy R.G. Bryans:

The models that we use for predictions are highly detailed, and because they are consistently and constantly revisited have a strong track record. The forecasts have been consistently accurate to within one or 2 per cent for several years. One exception was in 2010/2011 where there was an increase in the birth rate. In terms of the school itself we have built-in this extra capacity. It is meant to be a community school. We have focused on what we currently know. I do not have the projection figures. I think the debate has swung around population and turned into more of a population debate than about the capacity for the school. So I can provide what I can provide but not what I cannot.

3.8.3 Deputy M.R. Higgins:

Just following through on this and the Minister's answer to an earlier one. If the school is going to have a capacity of 650 at the moment and you are building in 750 but with architectural provision to go up to 850, those figures must have been derived from some population basis. You just do not build in 200 extra places on the assumption that we just need some extra space, it is extra expense and so on. You must have some population figure that you are basing that projected 200 places on. Will the Minister just elaborate how they arrived at 850?

Deputy R.G. Bryans:

They are extrapolated from the answer I gave right at the beginning, on actual birth numbers; children who we know who are already born. These are net figures. We have got a current demographic trend, which we have already identified, and we revise it every year. So we have been fairly accurate in all of the figures that we have produced so far. I have more analysis that can be provided but it is not related to the population figures in that sort of context.

3.8.4 Deputy G.P. Southern:

Surely the source of these children are adults and the fact that there is no link between his numbers of children and the numbers of the population overall, he must be somewhat mistaken, surely? Surely there must be a link between the projected population figures in the overall population policy, which we have not yet finalised and will not be finalised for 18 months, and the figures that he is quoting for children in this particular school? Surely that is the case and what number is that based on?

Deputy R.G. Bryans:

I go back to what I said originally. These are net figures. We have constantly trawled through these figures over the past and we have been fairly accurate in them. We are confident the school will be able to cope with the numbers for the foreseeable future and certainly over the next 15 years. Beyond that I do not have a crystal ball and we will get updated figures as we go along.

3.8.5 Deputy G.P. Southern:

If I may remind the Minister, the population projections are based on, I believe, from memory, zero net growth, 350 net growth, 500 net growth and 750 net growth. Which of those figures does he expect to see in the finalised population policy on which a relationship can be built to his numbers for potential children in this school?

Deputy R.G. Bryans:

Once again I will go back to what I said originally. We base it on the birth rates. We based it on the figures that we produced over the last 10 years or so which have been extremely accurate. The only aberration being, as I say, 2010 and 2011. We constantly look at the figures. We constantly look at the migration situation and we are building capacity into the school. I can say no more than that.

3.8.6 Deputy M. Tadier:

I am not particularly inspired by confidence when we ask some basic questions for figures and projections that are already out there only to get no satisfactory answer. My concern is, and I will put this to the Minister, that currently we are proposing to build a school which is far too small. He talks about the foreseeable future and 15 years in advance but when we have had a school there which is the best part of 50 years old and has had no extra capacity during that time, and when we have also seen the population increasing and projected to increase in 3 or 4 years at 50 to up to 700 then being told that we have a school for 750 capacity is cold comfort. So will the Minister take this seriously on board and speak to perhaps some of the Deputies and the Constable of the area, among others, who have an interest in the school to make sure that we have a properly sized school that can cope with the projected population for the next 50 years, not simply for the next 5 or 10.

Deputy R.G. Bryans:

I understand the Deputy's frustration and what I can provide for him is a set of figures that we have produced which relate to what we see the school holding currently and what we project over the next 50 years to some extent. I have every confidence in the size of the school that we are building. We know that the current school is out of date, as he quite rightly says, and is holding too many children in a very small school. The school that we are projecting to build will hold 850. The figures that I have show that in 2029 the figure will only have risen to 743.

4. Questions to Ministers without notice - The Minister for Planning and Environment

The Bailiff:

We come now to Questions to Ministers without notice. The first question is for the Minister for Planning and Environment and I invite questions.

4.1 Deputy S.M. Wickenden of St. Helier:

I would like to ask the Minister for Planning and Environment what his officers are doing about changing the law to make running over a cat and not stopping and calling the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) for identification illegal, the same way as it is for dogs?

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

I thought this might come up and I might just tell Members in the Assembly that over the weekend I was contacted by the Deputy for St. John and she contacted both myself and the Minister for Home Affairs and alerted us to an event that had occurred on one of Jersey's roads. The particular law that the Deputy refers to is not one that falls under my department but I know that the Minister for Home Affairs will be addressing it herself. What I would say to Members is that as regards this particular event, my department have received an allegation of animal cruelty and the particular law that we administer, which is the Animal Welfare (Jersey) Law 2004 does provide protection for all animals against cruelty and unnecessary suffering. So consequently I have asked the States Veterinary Officer to investigate this allegation and obviously we are in the first stages of that and so currently I am not able to elaborate as I would not want to prejudice any part of the investigation.

4.2 Deputy S.M. Brée of St. Clement:

I was wondering if the Minister could update us on whether there have been, or what developments or changes have been made with regards to the replacement of single-glazed windows in historic listed buildings for more efficient, environmentally friendly double-glazing?

The Deputy of St. Martin:

Members will be aware that planning decisions are always difficult or quite often difficult and no less so in the case of listed buildings where on one hand we may well want to preserve the historic nature and fabric of the building - and that may well include wooden windows with single-glazing - and on the other hand we have an energy plan where we are committed, as a Government, as an Assembly, to move forward with reducing energy and reducing our carbon emissions and those 2 do not easily go hand in hand. We have to move forward and be sensible about this. I have asked the department in the next year or so to come forward with some proposals which will potentially make it easier to have the situation resolved. There must be a way forward. We do have to be sensible and I do say to the Deputy I am working on the situation. It is not easy. We have to protect our historic environment but at the same time we have to realise that we have to take our energy requirements seriously as well.

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

I think it was 2 weeks ago in this Assembly that the Minister for Health and Social Services said that they were seriously considering People's Park as a site for the new hospital. Could the Minister for Planning and Environment inform this Assembly as to are they involved in this or is he being consulted or are the officers being consulted right at the beginning?

The Deputy of St. Martin:

Not only officers but myself, right at the beginning, were involved in discussions about the site for any new hospital. I thought it was important that the Planning Department had a lot of input into where the site might be but I can tell Members in this Assembly that more recently I have withdrawn myself not only from the Ministerial Oversight Group that was looking at the new site for the hospital but most recently I have also withdrawn from the Council of Ministers when we have come to discuss the site because Members will know that the work has been moving on and the decision is quite close as to where the preferred site might be. I am very aware that I cannot take any part in that decision so I was advised ... well, I was happy to advise and put my opinions forward when we were looking at a number of different sites and we were very much in the early stages but now we are close to the end of this procedure I have withdrawn although, of course, my officers still are available for any comment that might be required.

4.4 Deputy R. Labey:

I know this is a T.T.S. (Transport and Technical Services) issue but also an environment one too. If the Minister is in agreement with the Minister for Transport and Technical Services that La Collette concrete pits are the best places to store the asbestos, was serious consideration given to the German underground hospitals, which I have just heard about recently? Does that idea have any merit at all?

[11:00]

The Deputy of St. Martin:

The idea of putting asbestos in underground tunnels does have merit but I do have to say to the Deputy that the best option is to do exactly what we are doing, which is to put this asbestos in underground engineered cells and to cover it over. Asbestos, as we all know, is not good for you especially if you breathe it in. That can only happen if those asbestos particles are in the air and circulating and, as I said, you can breathe them in. If they are buried in pits underground and ideally those pits are slightly damp there can be no harm. The Deputy may know that I was certainly a big campaigner in the last session of Government to get this asbestos waste out of the second-hand containers, which are not in a good state of repair at La Collette and into these

engineered pits which have been built specifically for this purpose. The reason it has not happened sooner is that both myself and the Minister for Transport and Technical Services have been investigating the possibility of that asbestos being removed from the Island to the U.K. At the end of the day if we have the best option here, why would we want to do that? The U.K. are not keen to take this asbestos. We can treat it just as easily ourselves as they can and the Minister for Transport and Technical Services and I are completely in accord with this.

4.5 Deputy M. Tadier:

Has the Minister given any further consideration to an ecocide law for Jersey and if not why not?

The Deputy of St. Martin:

Could I ask the Deputy to expand on that a bit? I am not quite sure exactly what he means.

Deputy M. Tadier:

Happily. An ecocide law generally stops anything that would affect adversely the environment. Obviously like homicide is to do with killing a person, ecocide is anything that would be of significant detriment to the environment and it is used as a framework elsewhere for paying on things such as polluter pays, *et cetera*.

The Deputy of St. Martin:

Well, I can say to the Deputy that we do have in some areas of Jersey law some laws that we do not have in the U.K. I am certainly thinking in particular about the footpaths that we enjoy around our Island. The Deputy may well know that not all of those footpaths were in States and public ownership, many of them were in private ownership. It has come to my attention recently that those private owners could be at liberty to do things with the cliffs and footpaths which may not be conducive to the ethos of the Environment Department so it certainly is something that I am looking at, I can say to the Deputy. I would be very much in favour of protecting all things eco. Members may be interested to know that in that regard I am hoping to commission a student very shortly to undertake a work of identifying all the trees in St. Helier so that we can protect them further and not have them knocked down at a whim by people overnight. I mean that is just one small part of it but I would agree with the Deputy, it is important to protect the environment.

4.6 Deputy A.D. Lewis:

Is the Minister happy with the current numbers of seagulls and pheasants in the Island? Is there any requirement for any culling to take place in order to control these populations or is he satisfied that they are currently balanced in an appropriate manner?

The Deputy of St. Martin:

Seagulls and pheasants are always an emotive issue. They are slightly different in some ways. The pheasants, as the Deputy, I am sure, knows, until relatively recently did not populate the Island of Jersey so it was not an issue for us. They certainly did not appear on any list for shooting and Jersey has a particular way of dealing with birds for shooting inasmuch as we list the ones we do and everything else, other than those, are protected. Thereby pheasants are protected and we need to issue specific licences for landowners to use them where they become a nuisance. I would just say to the Deputy I do believe the population of pheasants has been in decline and I do not know that that is necessarily a bad thing. Certainly the amount of pheasants we had on the Island was starting to become a bit of an issue for farmers and crops were being eaten. As regard seagulls, that is another emotive issue and difficult to deal with, especially when seagulls become so tame or fearless that they almost attack people in certain parts of the Island who might be enjoying alfresco facilities. I have to say to the Deputy, with the declining number of seagulls generally around Europe I cannot see any possibility in the future of us being allowed to shoot them.

4.7 Deputy R.J. Renouf of St. Ouen:

Reverting to the Minister's reference to private landowners who have cliff paths on their land, what exactly is the Minister's concern with regard to what those private landowners may do given that he has powers under the Planning Law to prevent any material change of use of such cliff land?

The Deputy of St. Martin:

I think my concern was not about any change of use which might have a massive impact on the footpaths. It has come to my attention recently that it is possible for private landowners to organise events on their land and part of that land may be cliffs or footpaths close to cliffs, just outside the agricultural zone and that I might not have as much power to protect the environment as I thought. Certainly if certain things were happening on States-owned land I would not allow them. So I will not elaborate further other than to say that I think it is important that the Minister, whoever that is, has some power over the environment on private land especially as it may well happen to be in the Coastal National Park.

4.8 Deputy S.M. Brée:

Following recent concerns from members of the public can the Minister please confirm that the States of Jersey Development Company are fully in compliance with any and all conditions relating to environmental issues pertaining to Building 4 of the Jersey International Finance Centre and that he, the Minister, is completely satisfied that this development represents no public health risk whatsoever?

The Deputy of St. Martin:

I am happy to tell the Assembly and the Deputy, I am sure will know, that I receive regular correspondence about the Waterfront, the Financial Centre, Building 4, Building 5. I have a weekly letter, almost, from various people who write to me on the subject. I look over the correspondence and pass it to officers who respond and I can say to the Deputy, I am not aware that the way Building 4 is proceeding at the moment that any part of it is outside of what is being required and been asked for and I am not aware that there are any health problems at all. I know that people will have seen on social media and the internet people who are suited and wearing respirators but that is a precautionary measure. I am sure if the workers onsite were not wearing protective suits that people would be complaining that they were not. We are between a rock and hard place but what is proceeding on the site, as far as I am aware, is all completely in accordance with what has been required. I will leave it there for now.

5. Questions to Ministers without notice - The Minister for External Relations

The Bailiff:

Indeed you will, Minister. That is end of questions to you without notice and questions to the Minister for External Relations now start.

5.1 Deputy M. Tadier:

The question relates to cultural diplomacy. I would like to ask the Minister whether he thinks Jersey could do more in its offering when it comes to culture and whether he still or would favour some kind of gallery, a multi-purpose art centre, to be built in Jersey which could be of a world-class standard?

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

The Deputy is quite right that cultural diplomacy is an important part of what is available to small jurisdictions such as Jersey when overseas visitors are being entertained. Certainly my Ministry takes considerable care to include in the programme for a visiting Ambassador or a High Commissioner appropriate cultural activities, whether they are visits to the museums or visits to an agricultural place which would be of interest to the visitor concerned. I am not sure that this falls within my remit as Minister for External Relations but I certainly would welcome the construction of a national gallery as being an additional institution of value, not just to Islanders but also in terms of cultural diplomacy.

5.2 Deputy K.C. Lewis:

Members are aware that in the not too distant future the United Kingdom will have a referendum as to whether they stay in the European Union or withdraw. If the U.K. withdraws it will put Jersey and the Channel Islands in an awkward position and we may have to renegotiate our terms with the European Union. My question is: is the Minister, along with Crown Dependency colleagues, lobbying Westminster colleagues or does he consider it to be a matter for the United Kingdom alone?

Senator P.M. Bailhache:

Well, the United Kingdom referendum on membership of the European Union is, of course, strictly a matter for residents and voters in the United Kingdom and residents of Jersey and the other Crown Dependencies do not have a vote in that referendum. The Deputy is quite right that the referendum is of considerable interest to us in the Crown Dependencies because if the electorate in the United Kingdom were to vote to leave the European Union then at least part of our relationship with the European Union would change. I have to say that not everything would change because as a third country Jersey has negotiated a number of matters with the European Union, in particular in relation to data protection, market access and certain financial services products and those relationships would stand us in good stead in the event of a Brexit. What would change, of course, would be the fact that Protocol 3, which is a protocol to the United Kingdom's Treaty of Accession, would fall away and we would have to renegotiate our relationship with the European Union insofar as trade in goods was concerned.

The Bailiff:

The question, Minister, was whether you were lobbying.

Senator P.M. Bailhache:

I am sorry.

The Bailiff:

The question was whether you were lobbying.

Senator P.M. Bailhache:

I am sorry. Lobbying is not a word that I would use but it is certainly the case that Ministers are very actively engaged with United Kingdom Ministers and indeed with parliamentarians in explaining what Jersey's position is and what the effect of a Brexit would have for us. The Chief Ministers of Jersey and Guernsey met Mr. David Lidington, the Minister of State in the Foreign Commonwealth Office, a few weeks ago and made very clear what the position of the Channel Islands was and received an undertaking that the islands would be kept fully informed on the progress of the negotiations with the European Union.

5.3 Deputy M.R. Higgins:

Can the Minister for External Relations advise the House whether he is fully aware of the proposals in the G20 regarding base erosion and profit shifting and whether he believes that is going to have an impact on the Jersey finance industry?

Senator P.M. Bailhache:

Officials in Brussels and indeed in Jersey are certainly watching very closely the discussions which are taking place on B.E.P.S. (base erosion and profit shifting) although I do not think that the matter is of great concern to Jersey or indeed to Guernsey. The practices of some large multinational companies, which have given rise to some controversy in terms of their avoidance of tax by using certain jurisdictions, is not something with which we are particularly concerned because we do not have a raft of double-taxation agreements, which are often the basis whereby multinational companies can make use of particular arrangements with regard to other jurisdictions. As a matter of practice, these multinationals do not use Jersey for these purposes but nonetheless we are watching the matter very closely.

[11:15]

5.3.1 Deputy M.R. Higgins:

Is the Minister also concerned that they are also looking at wealthy individuals who are moving from one centre to another because they are talking about offshore tax evasion by wealthy individuals as well as by corporations and we do know that an awful lot of wealthy individuals do use Jersey.

Senator P.M. Bailhache:

The Deputy will know that Jersey has a large number of tax information exchange agreements with Member States of the European Union and other countries as well and those arrangements and the Island's subscription recently to the multilateral convention would mean that it would be extremely difficult, I would suggest, for any wealthy person to avoid taxation by making use of Jersey.

5.4 Deputy J.A. Hilton:

Deputy Higgins beat me to it. I was going to ask a question about the O.E.C.D. (Organisation for Economic Co-operation and Development) but I will ask this question instead. Has any consideration been given to approach the BBC with regard to providing free television licences for the over-75s in Jersey like they do in the U.K.?

Senator P.M. Bailhache:

I think the short answer to the Deputy is, yes. Discussions are taking place between officials. I am not sure whether discussions are taking place with the BBC at this stage but certainly discussions are taking place with officials of the relevant United Kingdom department. It may be that in due course discussions will take place with the BBC. For my part I think there is a very strong argument for saying that if over-75s who pay licence fees in the United Kingdom are going to be exempted by the BBC from paying the licence fee there are strong grounds for saying that residents of the Crown Dependencies, who also pay the very same licence fee, should be exempted in the same way.

5.5 Deputy L.M.C. Doublet:

Does the Minister ever have the opportunity on his travels to find out about education systems in other jurisdictions and bring new ideas back to Jersey? If he has not yet had the chance to do this will he consider it for future trips?

Senator P.M. Bailhache:

I am not sure that the Minister for External Relations is such a peripatetic Minister and constantly travelling but I have taken the opportunity with the current Minister for Education, Sport and Culture to travel to Malta, about 2 years ago, when we did have discussions with the Ministers there as to educational matters and in particular as to the possibility of creating some form of an institute or college which might offer tertiary education in information services and the digital economy. So that certainly, as an Assistant Minister for Education, as the Deputy might surmise, I have an interest educational matters and when the opportunity does arise I certainly would take the opportunity of having any relevant discussions.

5.6 Deputy A.D. Lewis:

It is a follow on really from Deputy Hilton's question about the E.U. During the German Ambassador's visit to Jersey last week he appealed for any support that our Government could give to Germany's own desire for the U.K. to stay in the E.U. What would Jersey's position be with regard to any such lobbying or would it be even appropriate for Jersey to take a particular position on this subject?

Senator P.M. Bailhache:

I think that is an interesting question from the Deputy and although I did not hear the German Ambassador's remarks I did learn that he had been encouraging Jersey to take a rather more proactive stance in relation to the United Kingdom's renegotiation or attempted renegotiation of its relationship with the European Union. I do not think that any practical purpose would be served at the present time by the Government of Jersey making any particular position known because we do not yet know what, if anything, the United Kingdom will be able to negotiate with its European partners. Once the negotiation has been completed and the referendum question has been put to the... or is about to be put to the people of the United Kingdom, I think it will be a matter for consideration as to whether the Government should, in fact, express a view one way or the other.

5.7 Deputy S.Y. Mézec:

Is the Minister aware that in December this year the Israeli peace activist Ilan Pappé will be visiting the Island and speaking at an event which is being hosted by J.I.C.A.S. (Jersey International Centre of Advanced Studies)? Given that Israel is a country which the Government of Jersey is seeking to create closer economic ties with, would he be prepared to come to this event and meet Ilan Pappé to learn more about the plight of the Palestinian people and learn what it is that governments should be bearing in mind when dealing with a country which is illegally occupying its neighbouring country?

Senator P.M. Bailhache:

I was not aware of the visit but if the Deputy would be kind enough to give me further information about it I shall certainly consider my position.

5.8 Deputy R. Labey:

Apart from the tax compliance exchanges, I am interested in what other potentially beneficial agreements the Minister might be pursuing, and would he consider negotiating with other jurisdictions, primarily the U.K., to ensure that parents, usually former husbands, who renege on their parental obligations can be pursued for maintenance payments?

Senator P.M. Bailhache:

I am not sure that this falls within the remit of the Minister for External Relations but I believe it is the case - the Attorney General will correct me if I am wrong - that there are existing arrangements which enable errant husbands to be pursued in the United Kingdom if they fail to pay maintenance to a former spouse, as they should do. There are always practical difficulties in relation to

enforcement because sometimes errant husbands are simply difficult to find or even if found are difficult to serve with legal process, or if they are served with legal process any judgment obtained against them is difficult to enforce. I do agree with the Deputy that certainly these kinds of arrangements ought to be kept under constant review by the appropriate Minister so that enforcement of obligations by those who leave the Island and go to the United Kingdom or to Ireland can be pursued.

PUBLIC BUSINESS

6. Draft International Criminal Court (Amendment) (Jersey) Law 201- (P.86/2015)

The Greffier of the States (in the Chair):

I am afraid that completes the time for questions without notice to the Minister so we come to Public Business. The first item is the Draft International Criminal Court (Amendment) (Jersey) Law, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft International Criminal Court (Amendment) (Jersey) Law 201-. A Law to amend the International Criminal Court (Jersey) Law 2014. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

Senator A.K.F. Green

The Minister for External Relations has chaired the Legislation Advisory Panel and will take both P.86 and P.87.

6.1 Senator P.M. Bailhache (The Minister for External Relations - rapporteur):

This amending law seeks to correct some minor errors which were included in the International Criminal Court (Jersey) Law 2014 when it was adopted by the Assembly a year ago. The report set out clearly what the 2 matters in question are. First, it is desired to clarify an ambiguity in paragraph 5(c) of Article 38 by making it clear that the paragraph refers to the disapplication of rules made under the Prison Law of 1957 rather than the Repatriation of Prisoners Law of 2012. The second matter is to change provisions for making provision for the privileges and immunities of members and officials of the international criminal court and to provide that any such provision should be made by Regulations made by the States rather than by Order made by the Minister. I propose the principles of the Bill.

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? The principles are adopted. Deputy Brée, does your panel wish to scrutinise this matter?

Deputy S.M. Brée (Vice-Chairman, Corporate Services Scrutiny Panel):

No, we do not.

The Greffier of the States (in the Chair):

Very well. Do you propose the 3 Articles together, Minister?

6.2 Senator P.M. Bailhache:

I propose the 3 Articles *en bloc* if I may?

The Greffier of the States (in the Chair):

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

6.2.1 Deputy M.R. Higgins:

Just to ask the Minister if he can just explain what the various privileges and amenities are of the I.C.C. (International Criminal Court) that are being incorporated in this?

The Greffier of the States (in the Chair):

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

6.2.2 Senator P.M. Bailhache:

The privileges in question would be likely to be consular privileges under the Vienna Convention on Consular Relations which would give certain privileges in the event that members or officials of the International Criminal Court were to come to Jersey. I must say I think it is rather unlikely that that eventuality would come to pass but nonetheless as a responsible jurisdiction we have to make provisions for these immunities in just the same way as other countries have to do.

Deputy M.R. Higgins:

Just a supplementary. Can the Minister also say what privileges they would be entitled to as well; it is immunities and privileges?

Senator P.M. Bailhache:

They would be the customary privileges that would be obtainable by diplomats or by consular officials as the case may be. I cannot be more specific than that at the moment because I think that different provisions would apply to different members of the Criminal Court or officials. I think that would be a matter for discussion when the Regulations came back to the States.

The Greffier of the States (in the Chair):

All those in favour of adopting the Articles **[Interruption]** ... The appel is called for on the Articles. Articles 1 to 3 have been proposed. If Members are in their seats I will ask the Greffier to open the voting.

POUR: 25		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator P.M. Bailhache				
Connétable of St. Peter				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				

Deputy S.Y. Mézec (H)				
Deputy of St. Ouen				
Deputy S.M. Brée (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Greffier of the States (in the Chair):

It is adopted in Third Reading.

7. Draft Criminal Justice (Miscellaneous Provisions) (Jersey) Law 201- (P.87/2015)

The Greffier of the States (in the Chair):

We come now to the Draft Criminal Justice (Miscellaneous Provisions) (Jersey) Law 201- also lodged by the Chief Minister. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

The Draft Criminal Justice (Miscellaneous Provisions) (Jersey) Law 201-. A Law to increase the standard scale of fines, to increase the sentencing powers of the Magistrate, to amend penalties for offences, to provide for the construction of fines and Orders in Council that are affected in Jersey and for connected purposes. The States, subject to the sanction of her Most Excellent Majesty in Council, have adopted the following Law.

7.1 Senator P.M. Bailhache (The Minister for External Relations - rapporteur):

This appears to be a rather chunky piece of legislation but the object of it is very simple in that 1993 the Assembly adopted the law which made provision that statutory offences should be placed on the scale of either level 1, level 2, level 3 or level 4 with a view from time to time to being able to uplift the maximum penalty for each of those levels.

[11:30]

That has indeed been done in the 20 years or so in the past since the enactment of the law but a very considerable number of offences will not get on the standard scale because it has not been necessary to bring any amendment to those laws and the opportunity has not therefore arisen to place the statutory offences on one of the 4 scales. The result of this can be unfortunate if some law which creates an offence is broken by some individuals who come before a court and the Magistrate finds that he or she is able only to impose a fine which is inadequate for the conduct in question. This law therefore does a number of things. Firstly, it simplifies the process by providing that instead of having 4 levels on the scale, there will be 3, those 3 levels being: level 1, a maximum of £200; level 2, a maximum of £1,000 and level 3, a maximum of £10,000. It is also proposed to increase the maximum jurisdiction of the Magistrate's Court from £5,000 to £10,000 so that the Magistrate's jurisdiction will be concurrent with the level 3 maximum penalty. The schedule to the law places every single offence which is not already on a scale on one of the levels of the law, level 1, level 2 or level 3, and it also amends in relation to some offences which have been placed on the standard scale of fines, amends some of those levels. I should like to pay tribute, if I may, to the very considerable work done in the Law Officers' Department and in the Law Drafting Office in bringing this piece of work to fruition. Members will appreciate from the huge number of offences, I think 400 or so in all, the huge amount of work which has had to be carried out in order to assign each particular statutory offence to the appropriate level on the standard scale. The draft has been subject to considerable consultation, both with the Magistrate

and Assistant Magistrate, and also with the various departments of the Government insofar as laws under their jurisdiction are concerned and also with the Comité des Connétables. It may be worth emphasising that the law deals only with financial penalties; it does not deal with custodial penalties. That will be a separate piece of work to be undertaken by the Legislation Advisory Panel in due course and it does not deal either with compensation orders and, again, that is a further piece of work which I think will have to be done by the panel in due course. I propose the principles of the Bill and I would be glad to answer any questions that Members may have.

The Greffier of the States (in the Chair):

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Deputy Tadier, your light was on.

Deputy M. Tadier:

It was on for a different purpose, Sir.

7.1.1 The Deputy of St. Martin:

I would just like to add my support to the Minister and thank him for his explanation. I am sure Members will have looked through this proposition but it cannot be very often that we get a single proposition which covers things as diverse as artificial insemination, weeds, lodging house registrations, radio equipment, gender recognition, terrorism, pharmacy technicians, explosives, national service and decimal currency all at the same time. But as a member of the Legislation Advisory Panel for the last 3½ years I do know a little bit about this. It has been a great - I was going to say enjoyment - but great interest to go through this proposed draft. I would just like to echo the Minister's thanks to the Law Officers' Department and officers responsible for this particularly large piece of work but it is something that we all felt was very necessary and I am very pleased to be able to support it.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the principles? Do you wish to say anything in reply, Minister?

7.1.2 Senator P.M. Bailhache:

I thank my fellow Minister and fellow member of the panel for his remarks and I move the principles of the Bill.

The Greffier of the States (in the Chair):

All those in favour of adopting the principles, kindly show. Any against? The principles are adopted. Once again, Deputy Brée, this falls to the Corporate Services Panel. You do not wish to scrutinise it?

Deputy S.M. Brée (Vice Chairman, Corporate Services Scrutiny Panel):

No, Sir, we do not.

The Greffier of the States (in the Chair):

Do you wish to propose the Articles and the 2 Schedules together, Minister?

7.2 Senator P.M. Bailhache:

I think I should propose the Articles and Schedules *en bloc*, Sir.

The Greffier of the States (in the Chair):

Are they seconded? **[Seconded]** Does any Member wish to speak on any of the Articles or Schedules? Deputy Higgins.

7.2.1 Deputy M.R. Higgins:

As Members know, I do not speak French and nor do I understand the French written text. In Article 1(3) it refers: "In Article 1 of the Loi (1853)" the rest of it is in French. I have no idea what it means. Could I say that I do not think it is acceptable for those of us who do not speak French that there is no translation of it or something? Would the Minister please explain what the meaning of this particular Article is?

Senator P.M. Bailhache:

Could you identify which one it is?

Deputy M.R. Higgins:

Article 1(3) in the Magistrate's jurisdiction.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the Articles? If not, I will call on the Minister to reply and perhaps translate as well.

7.2.2 Senator P.M. Bailhache:

Yes, I shall be glad to do that. I cannot resist reminding the good Deputy that French is one of the official languages of the Island and that we recently hosted a visit of French-speaking parliamentarians very successfully and that there is an excellent organisation called the Alliance Française de Jersey at which the Deputy would be extremely welcome should he wish to seek further instruction in that language. But I accept the chastisement nonetheless because it is the policy, it is the practice indeed to offer translations of text which are in the French language and I am sorry that we did not do that in relation to Article 1(3). What it says is that in relation to the Magistrate's jurisdiction in Article 1 of the 1853 law establishing the court for the suppression of minor offences, which is now the Magistrate's Court, the words, and whose punishment shall not exceed £5 in the fine or 8 days of imprisonment shall be deleted. That, I think, was originally the limit of the jurisdiction of the court when set in 1853. It has long since passed into desuetude and this will abolish that revision. I move the principles.

The Greffier of the States (in the Chair):

The Articles and the Schedules.

Senator P.M. Bailhache:

I am sorry.

The Greffier of the States (in the Chair):

All Members in favour of adopting the Articles and the 2 Schedules, kindly show? Those against? The Articles and Schedules are adopted. Do you propose the draft law in Third Reading, Minister?

Senator P.M. Bailhache:

Yes, Sir.

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 draft law in Third Reading, kindly show. Any against? The draft law is adopted. I notify Members before the next item that the Chief Minister has lodged a proposition

this morning, P.130, Jersey Bank Depositors Competition Board: appointment of members that Members will find in their pigeon holes.

8. Draft Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 (Appointed Day) Act 201- (P.107/2015)

The Greffier of the States (in the Chair):

We come now to the Draft Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 (Appointed Day) Act 201- and I will ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 (Appointed Day) Act 201-. The States, in pursuance of Article 37(2) of the Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015, have made the following Act.

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

The Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 was approved by the States Assembly on 12th May this year and registered in the Royal Court on 24th July. At the same time work has taken place in conjunction with the U.K. to ensure the old Order in Council, that the law replaces, is repealed. Members may recall that the Order in Council gave effect to 2 important oil pollution conventions. These regulate the liability for and provide compensation in the event of damage caused by oil pollution from shipping in Jersey waters. Just to remind Members the law adds an additional layer of compensation through a supplementary fund introduced by special protocol. This is not currently available in Jersey. Access to this fund will be a very valuable supplementation to the original 1992 fund increasing the total available compensation from £188 million to £694 million. It is now important that the law comes into force so that the Island continues to have a modern and a comprehensive oil pollution liability and compensation scheme. I therefore propose the Appointed Day Act be adopted.

The Greffier of the States (in the Chair):

Is the Act seconded? **[Seconded]** Does any Member wish to speak on the Act? Deputy Kevin Lewis.

8.1.1 Deputy K.C. Lewis:

Very briefly. I well remember in 1978, I think it was the Amoco Cadiz that went down off Brittany, there was a great oil smell. I well remember the stench of crude oil coming over the Island. I believe there was a fund set up, a compensation fund, and Jersey was awarded, I believe, substantial funds at that time. Would the Minister inform the Assembly if that fund is still active and any funds remaining?

8.1.2 Deputy A.E. Pryke of Trinity:

To help the Senator and to answer Deputy Lewis's question, a fund was set up under the States appointment, if I remember rightly, it is set up as the Ecology Trust Fund. At the moment I am chair of the Ecology Trust, and the Ecology Trust uses the interest from the money that was set aside from the oil spill on environmental issues. People apply for a grant and then it is assessed by a panel of voluntary members interested in the environment. So the capital is still maintained by the Treasury and it comes under the ... I cannot think what the fund is called but all the funds have been put into one pot. **[Interruption]** Common Investment Fund, thank you. So the type of grants that we have given are we pay for Environment Week for schools, we have done some surveys, paid for surveys, schools, *et cetera*. But the requests do come to that panel and it is still going and

it has done some really good work or enabled some really good work to be done. I think the capital is still intact and the interest is approximately about between £8,000 and £10,000 a year, depending on interest rates.

The Greffier of the States (in the Chair):

Very well. Does any other Member wish to speak? We strayed a little way from the point there. Can I ask the Minister for a reply if he wishes?

8.1.3 Senator L.J. Farnham:

Can I thank the Deputy of Trinity and I would just add that in 1978 there was a spillage by the Amoco Cadiz, 220,000 tonnes of crude oil was spilled, leading to claims totalling £167 million which would have exceeded the fund but now we have an increased fund to apply to, so we would be covered in a similar incident.

The Greffier of the States (in the Chair):

All those in favour of adopting the Act, kindly show? Any against? The Act is adopted.

9. Defining the cost of ministerial government (P.111/2015)

The Greffier of the States (in the Chair):

We come now to the proposition of Deputy Martin, Defining the cost of ministerial government, and I will ask the Greffier to read the proposition.

[11:45]

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion to request the Council of Ministers to provide, in the Addition to the Medium Term Financial Plan covering the years 2017 to 2019 (that is to be proposed no later than 30th June 2016), breakdowns and estimates of the financial costs and manpower figures (headcount) relating to the dedicated support for Ministers and Assistant Ministers by individual department and also as a total.

The Greffier of the States (in the Chair):

Deputy, I note the Council is accepting your proposition. I am sure that will affect the length of your proposal speech. Deputy Martin.

9.1 Deputy J.A. Martin:

Yes, I will be very brief. I am pleased to say that the Council did contact me on Friday. I know they were not lodged until yesterday but I really appreciated that, as I had asked them whether they would be supporting. Just to point out, I fully accept what they say in paragraph 4 but I am not talking about Ministerial Decisions. I understand that is work of officers; it is actual admin support. I am looking forward to seeing all the different breakdowns for this before 30th June next year. I will leave it there.

The Greffier of the States (in the Chair):

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Not? All those in favour of adopting the proposition, kindly show. Any against? The proposition is adopted.

10. Jersey Heritage Trust: appointment of Chairman (P.112/2015)

The Greffier of the States (in the Chair):

We come now to the Jersey Heritage Trust: appointment of Chairman and I will ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion to appoint Professor E. Sallis, O.B.E. (Order of the British Empire) as Chairman of the Jersey Heritage Trust, with effect from 23rd November 2015.

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

Professor Sallis's track record speaks for itself. He was a long-standing principal of Highlands College, the place most people will associate him with. He has also been a trustee of the Jersey Heritage Trust for some time and has been a visible supporter of the Island's cultural life in many ways. He replaces Clive Jones who I would like to commend for his 7 years' service in the post. It has been a time of major change and he leaves this important organisation in a strong position and highly regarded by the community it serves. Professor Sallis was selected by a formally-constituted panel and the recruitment process has been endorsed by the Jersey Appointments Commission. Therefore, in accordance with the Trust's constitution, I invite the Assembly to confirm this appointment as set out in the proposition. Thank you.

The Greffier of the States (in the Chair):

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

Deputy S.M. Wickenden:

Sir, is this in camera or is this ...?

The Greffier of the States (in the Chair):

It is not, no.

10.1.1 Deputy S.M. Wickenden:

It is not, that is fine. I was just curious on this appointment that I see that the gentleman himself is a member of the Appointments Board. I am very concerned about the fact that somebody that is on a board that appoints people to board members is being put forward for a member of a board. It is almost like you appoint yourself. I am very concerned about this matter. When he put himself forward for the Appointments Commission and he was accepted, surely he would understand the restrictions that would be put upon him in going forward in any other boards.

10.1.2 Connétable S.A. Le Sueur-Rennard of St. Saviour:

I am on a similar vein. We seem to have the same names coming through all of the time. **[Approbation]** Does nobody else want these jobs? This is ridiculous. We just do not have a choice. We are lumbered with the same people every time. Maybe the word "lumbered" is not the right word to use. **[Laughter]** Sorry, Sir. **[Interruption]** As you would know, I have been ill for quite a while. I am drugged up to the eyeballs so I **[Laughter]** apologise for my word. But I do feel that it is the same names that come up every time and I, as a Member of this establishment, am not happy with it.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? Deputy Andrew Lewis, are you waving? Deputy Andrew Lewis.

10.1.3 Deputy A.D. Lewis:

I was not in the Chamber, I was just in the corridor. I just overheard the Constable of St. Saviour's words there. I have mentioned this in the Chamber before because it is a concern of mine and I heard Deputy Wickenden say the same. There is perhaps an opportunity here though to broaden the depths of our sphere of people that we can ask to step forward for these roles outside of the Island to our neighbours, i.e., Guernsey, Isle of Man, other small jurisdictions, Wales, Northern Ireland. I did have this discussion at the Welsh Assembly only a few months ago and they have exactly the same problem in Wales, Northern Ireland and other small parts of the U.K. I do wonder if we have an opportunity here to share such directors right across the piece. Maybe Heritage is not the perfect one but there are others that perhaps we should be considering. Thank you.

10.1.4 Deputy M. Tadier:

This seems to come back every time and we hear similar comments being made and it seems that these points are never, ever being taken on board. Of course it is difficult obviously in a public forum because the individual in question who has put himself forward, and I am sure is someone who is very capable, should not himself be criticised for that. I think that has to be acknowledged but something does at some point need to be done. Because if this was the biological equivalent of what we are doing in terms of a gene pool, we would soon find that we have got genetic mutations occurring because of the incestuous nature of some of the relationships that seem to be occurring and I think that cannot be healthy for democracy. It seems that perhaps one of the easy steps when advertising for these jobs is that we could use some of the publications that are already out there, I am sure for free. We know that all of the 12 Parishes publish their booklets - Parish magazines, indeed, is the technical term - 4 times a year and I am sure that could be something that could be included in there. But it is not satisfactory every time in this Chamber for these valid concerns to be raised.

The Bailiff:

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

10.1.5 Deputy R.G. Bryans:

I agree with many things that the Members have said and, in fact, I raised it myself at the Ministerial ... I think the ghost of Deputy Le Hérissier was hanging around at the time. I think it is true that we do have quite a limited number of people who apply for these positions but I would just reiterate in this particular case, it was a formally-constituted independent panel and it was only that the recruitment process had been endorsed by the Jersey Appointments Commission. I think we do have to look further afield and I will take on board what has been said. I think there is a need for us to go out into the community and ask for a greater number. But I can also say that in this particular case the choice was unanimous. Thank you.

Deputy R. Labey:

I am sorry, could the Minister address the point that this candidate was a member of the Appointments Panel which oversaw this procedure?

Deputy R.G. Bryans:

Yes, the actual panel that was constituted was independent of the Jersey Appointments Commission, of which he is a member, so it was completely separate from where he was. They chose him against the other candidates and it was a unanimous decision.

Deputy S.M. Wickenden:

Can I just say that in the proposition itself it says: "... a panel comprising 2 existing trustees and a representative of the Department for Education, Sport and Culture, with a member of the Jersey Appointments Commission"?

The Bailiff:

All those in favour of adopting the proposition, kindly show? **[Interruption]** The appel is called for. I invite Members to return to their seats. The proposition is to appoint Professor Sallis as Chairman of Jersey Heritage Trust and I ask the Greffier to open the voting.

POUR: 31	CONTRE: 5	ABSTAIN: 2
Senator P.F. Routier	Deputy of St. John	Connétable of St. Saviour
Senator P.F.C. Ozouf	Deputy S.Y. Mézec (H)	Deputy M. Tadier (B)
Senator A.J.H. Maclean	Deputy L.M.C. Doublet (S)	
Senator L.J. Farnham	Deputy R. Labey (H)	
Senator P.M. Bailhache	Deputy S.M. Wickenden (H)	
Senator A.K.F. Green		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy J.A. Hilton (H)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy E.J. Noel (L)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy A.D. Lewis (H)		
Deputy of St. Ouen		
Deputy S.M. Brée (C)		
Deputy M.J. Norton (B)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy P.D. McLinton (S)		

11. Draft Aircraft Registration (Jersey) Law 2014 (Appointed Day) Act 201- (P.113/2015)

The Bailiff:

We come now to P.113 the Draft Aircraft Registration (Jersey) Law 2014 (Appointed Day) Act 201- and I ask the Greffier to read the draft Act.

The Greffier of the States:

Draft Aircraft Registration (Jersey) Law 2014 (Appointed Day) Act 201-. The States, in pursuance of Article 67 of the Aircraft Registration (Jersey) Law 2014, have made the following Act.

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

I propose to the Assembly the Draft Aircraft Registration (Jersey) Law 2014 (Appointed Day) Act. Fundamental to the development and establishment of the Jersey Aircraft Registry was the introduction of 2 pieces of primary legislation, namely the Aircraft Registration (Jersey) Law and the Air Navigation (Jersey) Law which replace the old Air Navigation (Jersey) Order 2008. In order now for the Jersey Aircraft Registry to function it is necessary to bring into force the Aircraft Registration Law through this Act. To that end I commend the Appointed Act to the Assembly.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak? Yes, the Connétable of Grouville.

11.1.1 Connétable J.E. Le Maistre of Grouville:

I wonder if I could ask the Minister why this has taken so long. We scrutinised this I think over a year ago now and we were told there was a great urgency because there were people waiting to have aircraft registered and I wondered when he thinks the first registration will take place.

The Bailiff:

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

11.1.2 Senator L.J. Farnham:

Save the 3 years spent working with our sister Island when it was ultimately agreed not to work together, I believe just over 2 years represents reasonably good progress when you consider we have had to introduce 2 new pieces of primary legislation. Nevertheless, I do share the Constable's frustrations. I would like to have seen this completed a little bit earlier but we are where we are and I am pleased to say that hopefully the first aircraft registration will take place in November.

The Bailiff:

All Members in favour of adopting the draft Act, kindly show. Those against? The Act is adopted.

12. Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015)

The Bailiff:

We come now to P.46 the Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (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 States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201-. The States, in pursuance of Article 29(2) and (3) of the States of Jersey Law 2005, have made the following Regulations.

12.1 Senator A.K.F. Green (Deputy Chief Minister - rapporteur):

I seem to be having a few technical problems this morning. This Council of Ministers has very clearly outlined the things we need to do to keep Jersey special and to tackle the challenges that we face. We did this in the Strategic Plan and the Medium Term Financial Plan. We want to prioritise

our health and education services, invest in essential infrastructure and regenerate St. Helier to help us boost our economy. I am confident that Jersey can and will prosper but let us be under no illusions. The world is changing, it is becoming increasingly competitive; technology is changing how we live. Our society is also ageing. These are not trivial matters, they are matters of fundamental importance to our future well-being. We should of course welcome challenge and change but we will not succeed if our, for example, education system falls behind our rivals, or if our economy does not perform better. We have to ensure that our economic performance is as good as it can be. Employment is growing, our economy is growing, our earnings are exceeding inflation but we need to deliver genuine improvements in productivity based on an excellence in education, innovation and good infrastructure. Our educational results improved last year but we still need to do better. As we compare ourselves with similar areas in the U.K. we know we must do better. We need a successful economy that is operating at capacity. This will enable us to pay for public services. We are facing tremendous demands to transform our health services, to improve our standards of living, and to do this while protecting our beautiful environment. The transfer of functions that we are proposing will help ensure that the Ministerial team is aligned to these strategic objectives. A Minister for Education focuses exclusively on education and skills, delivering the improvements that are so necessary to compete internationally and helping our young people achieve their ambitions. The Minister for Education, Sport and Culture and the Director have made a very good start, for example, by outlining in the new Business Plan the emphasis on standards. We want to move the Sport and Culture to the Minister for Economic Development, ensuring that sport and culture complement a renewed focus on tourism and hospitality, including event-based tourism.

[12:00]

These are a vital element of our economy where we will seek to deliver productivity improvements through Visit Jersey and a destination strategy. We want to bring innovation and competition to financial services, digital and broadcasting into the Chief Minister's Department with a dedicated Assistant Chief Minister living and breathing these crucial components of economic performance. A recent innovation review showed that we have much to do in this area. We are proposing a sensible change to ensure that the same Minister deals with infrastructure and States property portfolio enabling the Minister for Treasury and Resources to focus on sustainable public finances and the delivery of the Medium Term Financial Plan. Finally, we want to make some more minor changes to transfer agricultural matters to the Minister for Planning and Environment. These proposals are very clearly set out by the Chief Minister in his Ministerial nomination paper on 4th November last year so that States Members could make informed choices when it came to voting on each Ministerial appointment. The Chief Minister also wrote to each person that he nominated outlining this design prior to the debate, so what I am saying, this is nothing new. This has been in the pipeline for a year. This was also outlined in a report presented to the Assembly on Ministerial and Assistant Minister responsibilities. Having completed the drafting of P.46/2015 it was lodged on 6th May to reflect these changes. A debate was agreed for 6th October with the Corporate Services Panel which was extended at their request to 20th October. It is now 20th October and the 6-month maximum lodging period is about to expire. It is also, as I said before, nearly a year since Ministers were appointed and I think it is right that the Assembly now considers this matter. I make the proposition and look forward to comments that Members might have.

The Bailiff:

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

12.1.1 Deputy M. Tadier:

I am concerned by some of the moves that are being proposed in this document and I want to focus particularly on that of Education, Sport and Culture. I am somebody who I think has been interested in education and culture, perhaps slightly less so in sport, but I still recognise the vital importance that that has. What is being proposed here is to transfer Sport and Culture to the Economic Development Department rather than with the Education, Sport and Culture Department as it currently is. My concern with this is perhaps fundamental in that I believe ultimately in education for the sake of education. I do not believe in education for the market which I think is increasingly something we are seeing in Jersey and in the western world. While I do not at any point think that the 2 need to be mutually exclusive, I think that there is an increasing tendency for the latter and that concerns me. Now I know that we are not transferring Education over to Economic Development but we are proposing to transfer some of the things which I think are intrinsically linked to education and particularly when it comes to culture. It is true that culture in all its guises, and there are many rich guises in Jersey and its various communities, is very important. It is also true that culture can be and is an economic driver. We know that when done properly all the various cultural activities create economic success and growth in our society and that is reflected in the economy as well. But my concern is when it becomes demarcated specifically for economic purposes that we start to miss the point. The point of culture is that it is something much more fundamental than simply economic and I think we are making the wrong decision when we say that its natural home is in the Economic Development Department. It is not. It should remain in the Education Department as far as I am concerned. I have spoken with people in the cultural community and they are not necessarily feeling that they can voice their concerns completely, perhaps for obvious reasons. Some of their funding will come from the Government but I know that those concerns are shared more widely. I have also got some concerns generally about the way that education is going and I am slightly ambivalent to when I look at a very successful school in our own constituency of Les Quennevais about sometimes the messages that are being sent out. For example, I note that in Year 11 there is a tendency now to encourage the students to wear suits if they want to and that on the surface could be seen as a good thing. The idea is to make them aspirational so we think if they are allowed to wear suits, and that is generally what is chosen to because of the peer pressure, then of course that starts preparing you for the market because everybody wears suits, do they not, in the real world? In reality that is not the way it works. You leave school at 16. Many of these students who are wearing suits in their last year may have to change those suits for a pair of jeans and a T-shirt if they are going to Hautlieu, for example. They may need to change their suit for a boiler suit if they are going into vocational education at Highlands or simply some other type of wear, or it could be any kind of costume that they could be wearing. Although it seems like perhaps something and nothing to raise, I am quite concerned about the pressure at a relatively young age which is being put on these students that their worth as individuals is to be monetised in what they can do for the economy rather than necessarily their creative side and what they can achieve. For me, by singling out sport and culture here, and sport is perhaps another one which I am not necessarily particularly well placed to comment on, but it seems to me sport is not simply about economics. We know that if done well, as in Jersey Rugby, it can certainly bring in tourists. It can be a great brand for Jersey and it is also something which is great culturally for the Island but primarily I would have thought that Sport's natural home would either be at Education or with Health. We will no doubt hear about some of the synergies but it seems that the prime driver and motivation for having people partake in sport is that they can be healthier, they can live longer and they can have less dependence on the Health Department or perhaps delayed need to use the Health Department rather than primarily being something which is economically driven. I do not see the need for these demarcations. I think that currently a system whereby it is housed under Education in the umbrella group with the relevant workings between the departments should be working fine, so certainly I am not going to support this. I have similar concerns about the transfer of Property Holdings to a Minister for Infrastructure

but perhaps they are slightly different. But certainly my main concerns about this step, what kind of message does it send out to people when we are saying culture is something about the bottom line when culture is something much more profound than that?

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

I only intend to speak briefly. I would like the Chief Minister to spend time at St. Martin's Public Hall redefining the roles of my team so that I could get on with the things that I wanted to do during my term of office, to make things change in the Parish, as I would hope they could, to revise the responsibilities of my staff, and of course to bring in new responsibilities in order to complete projects to make it better for my parishioners and all of that having no resource implications to the ratepayers of St. Martin. There are no resource implications involved other than departmental budget and staffing transfers. Of course, resources differ slightly to financial and I was looking forward to a debate later today with Deputy Martin which we have gone through earlier. We have had the answer with a response from the Council of Ministers. But of course we are not looking at a new department being formed, the new role of the Ministry of Digital Competition and Innovation. It is not going to be a Ministry. It is not going to be a Ministry yet. I am not implying that the Chief Minister is misleading us in any way at all but I think each and every one of us knows, we believe that these changes will come at some cost. The proposition of course is not a surprise because the Chief Minister gave notice regarding the transfer of certain functions following his reappointment as Chief Minister last year. We all expected this rearrangement to responsibilities at some point and many of them make sense. However, the digital competition and innovation responsibilities to be undertaken by the Assistant Chief Minister seem to stand out in the proposition to those that take priority, I think, as the majority of the proposition focuses on that role. I think half the paragraphs in the proposition just cover that role and they are to be undertaken by the Assistant Chief Minister and I think they overshadow the 3 remaining Ministries that have the extra work. There will be some that will fear that this post has been created for somebody. I think there is no doubt some people will be looking at that, that this is a position - it is not a Ministry - but it will be a post created for a person. The Digital Competition and Innovation Department becoming a Ministry is not ruled out in the proposition either. After following a recommendation of the Assistant Chief Minister, the Chief Minister considers that this is not currently required. I emphasise that, not currently required. It sounds a little bit suspicious to me that there is every possibility that it might come in the future because the responsibilities for financial services, digital and innovation portfolios are under one Ministerial champion as proposed. I am not sure what a "Ministerial champion" is. What is that? We maybe will get an explanation later. The Chief Minister was clear last year that was his intention if agreed by the States of a new Ministerial office for this portfolio to be undertaken by Senator Ozouf. The last Assembly saw the introduction of the important Foreign Affairs Ministry but it was a new and important role and it has proved its worth. There are Members in this Assembly that are calling for other Ministries at the moment. I think Deputy Hilton has called several times for a Ministry for Children and we may have competition in the future for extra Ministries. So I have some concerns and I am sure that the Deputy Chief Minister will cover this in his summing-up but a few questions that he might want to take. What else can the Chief Minister's Department take on? They are very broad and they continually seem to be taking on new responsibilities. We know it is not a department but it will mean more work for somebody and more support staff. As I have just mentioned, we had the same with the Foreign Affairs and then it became a department. Will the same happen now? The amount of work expected for the Minister to the new-named department, Minister for Infrastructure; a considerable workload just for that Ministry. What has been the cost of the proposed transfer already? I note a review has been commissioned on what cost that has been to the budget, and it says there is no resource implication but there is for somebody. Who is undertaking that review? The Deputy Chief Minister may be able to answer that and task the

financial implications for the new role for travel support staff and the like. There is no mention really of the involvement of the Minister for Treasury and Resources and what he thinks of the proposals and how it might dovetail in with some of the work that he is doing. How will the results of the new area of responsibility be looked at and reported back to us? Finally, on the face of it, we supported this, I think at the end of 2014, to transfer certain functions and the creation of a new Ministerial office. But I think some people will be looking at this as a creation of something just to fill a position and I hope that is not seen as the case. I hope the Deputy Chief Minister will be able to reassure us. Also maybe, and I am sure Senator Ozouf will be speaking, that he can undertake this role without it interfering with all the other work that he is doing already. We know he is a very busy Senator. Will we ever see the Senator in the Assembly? I am sure we want to see him more. Thank you.

12.1.3 Senator P.F.C. Ozouf:

I am pleased to follow the Constable of St. Martin. These changes, as he correctly identifies, are the changes that the Chief Minister made and I am sure that he is sorry not to be here today. I regret almost, if I may say, the suggestion that some Members are not here. Those of us who are attempting to serve the Island here and in all the duties that we do sometimes necessitate the need for international travel and I certainly try my best to attend the Assembly at all times. Two weeks ago I was in Lima because there was the world's most important gathering of financial services, governors, regulators. That trip to Lima, undertaken in economy class, if I may say, by me in 4 days, managed to cover more financial services Ministers, governors, people in financial institutions than would have been possible, if I may say, over 4 or 5 months of long-haul travel.

[12:15]

It is important as Jersey seeks to establish a position on the world stage, a position to see our financial services grow, and seek to also make sure that the inaccuracies that are said about Jersey are correct. So I apologise if it is of any offence to the Constable, I know he does not mean it because he is an honourable and absolutely proper individual. I am sorry that that does necessitate the need sometimes that some Members cannot be here to perform their duties in this Assembly. That is the case with of course the Chief Minister and I am sorry that he - because of duties in Paris today - cannot be here to propose the debate that he set out to the Council of Ministers. It is normal in most other parliaments and other governments that there are changes of responsibilities that happen. Indeed, as far as Jersey's own relationship towards the United Kingdom in the last few years, that has changed. We have moved from responsibility to the Home Office, to the Department for Constitutional Affairs, and then to the Justice Department. I say that because shifting around political responsibilities within portfolios is normal. It is required, not because of necessarily personalities, personalities should not drive that, although obviously the Chief Minister wants to put the right people in the right place for this term of office to discharge the functions that he believes and, in fact, this Assembly endorsed as far as they needed to be dealt with. But there are some areas in different terms of office that require absolute focuses of attention. The last few years have seen an absolute need for an enormous amount of time spent on financial services. That was demonstrated with the shift of financial services, which was a shared responsibility between Treasury, Economic Development and Chief Minister, centralised. I would say to those Members who almost doubt the wisdom, who are here to question ... I just had the privilege of giving the eulogy for a former Member, former Senator de Carteret, who was known to be one of those people to shine a light into areas that the establishment did not necessarily want of the day. It is perfectly proper that the Assembly is doing its job in shining a light into areas that need to be shone. Let us look at the shining, let us look into the light of financial services. That was a complex portfolio led by 3 different Ministers, but it needed political focus. I do not think that it is as Deputy Tadier portrays. It is not simply an issue of a shift to a single area of responsibility, all of these issues are,

in a sense, collective responsibilities but there does need to be a champion. There needs to be certainly a champion, as we have heard by Education, and perhaps the Minister for Education, Sport and Culture will speak. There can be nobody in this Assembly who can, I think, doubt the huge progress that this Minister for Education has made with his chief officer and staff, because perhaps he is able to focus on the issue of education. Does that mean that sport is no longer of interest to him? That culture is? Absolutely not. I attended the rugby match in London on Saturday and I spoke to many of the Jersey diaspora and the people who came from Jersey to support sport and spoke about the importance of sport in all the areas that Deputy Tadier spoke in terms of health, in terms of sport, in terms of excellent sporting endeavour, all the things that make sport great. But who is the best department at the moment to lead sport, to get that relationship between education and the undoubted benefit that there is in sports tourism, as so obviously clearly seen by the rugby club that brings I think thousands of people during the shoulder months, bringing welcome passengers on aircraft and sea transportation to Jersey. I think it is absolutely right for the Chief Minister to have proposed the fusing and putting in the Economic Development Department the responsibility not only of tourism but sport. But it is not about simply dictatorship or a single Ministry. As far as I see my role, and the issue which the Constable of St. Martin raises, it is about partnership, it is about working with other departments. It is about certainly a political champion who wins the support and approval and assistance of other Ministries. I do not think there would be a single Member of this Assembly who could - if there is a need to defend a track record - defend that the success in financial services has not been a successful one. It is not simply the Chief Minister or I working alone, we are working with the Minister for Treasury and Resources, with the Minister for External Relations, with the excellent Locate Jersey team that sit within E.D.D. (Economic Development Department). But there is some leadership, there is a strategy that was put together, researched and set out, bringing people together. I would challenge Members, look at how that single point of responsibility, sharing with other Ministries, has looked in terms of our financial results. Our financial results and our business performance is beating that of any comparative jurisdiction and I would say to Members respectfully that I do not think certainly it is States Members who make that business, but I do not think there is an accident that there has been a result which is the dividend of having that shared responsibility. There needs to be a champion. There needs to be a champion for digital. Digital is more than just simply economic development. There is one Member who knows more about digital which I regularly call upon to help me and I need to find a way of getting him on board to bring his expertise. Digital is far more than just about economic development. It is about eGovernment, it is about learning, it is about all the areas about how the digital revolution will change our lives. If that is the most important issue there are certain things that need to be brought sometimes to the centre in order to be able to work in partnership with other places. I know that the Minister for Economic Development supports effectively the move to digital to the centre so that we can work in parallel with not only his department but with the Treasury to produce the eGovernment initiative, to deliver savings in terms of what we do, and also deliver the assistance to the Minister for Health and Social Services in eHealth and in all those other things. That is the reason there is the move to move digital and I hope Members will support that. Not a transfer taking away the responsibilities from digital of others but a shared responsibility, working together. That is what the Chief Minister wanted and to be perfectly frank I think the Chief Minister almost needs - not without an unquestioning Assembly, not without the torch being shone into the crevices - I think this Assembly deserves to back the Chief Minister in terms of the responsibility and to the priorities he gave to individual Ministers. It has been uncomfortable that there has been almost this interregnum between the Ministers who were appointed in these areas being effectively Assistant Ministers. We are one year into this term of office. There have been some doubts and questions put on it; I say that we need to get on so that we can give certainty to our staff. In terms of innovation and competition, again, anybody that thinks of innovation and has read the excellent report by Tera Allas, a member of the F.P.P. (Fiscal

Policy Panel), anybody who doubts that innovation is simply ... and again it is important for economic development but it is important for the whole Island. It is important for innovating in terms of our public sector. Having an environment in which we celebrate success and we understand just how important it is to have the confidence to innovate and to create the ideas. To get a sense that Jersey can punch above its weight and do the great things that we have done previously and be on the map like the Jersey cow, the Jersey Royal, and all the great Jersey things. That is examples of innovation, but we need to drive that from the centre and it is not exclusively running it from the Chief Minister's Department that is proposed, it is encouraging everybody across the Council of Ministers' table to understand innovation. Finally that issue of competition. If ever there is perhaps a conflict of interest between Economic Development and the areas that the Minister for Economic Development - and I know because I had to discharge that function - it is perhaps in the conflict of interest to do with the J.C.R.A. (Jersey Competition Regulatory Authority). I would say that I think there is some considerable merit in moving responsibility for the J.C.R.A. which has got to make some difficult decisions but which needs proper oversight, which actually needs to shine the light into the areas of the economy which could be perhaps being protected, which do have perhaps the legacy of accusations of cartels, *et cetera*. That is an area which perhaps better does sit at the centre in terms of not being in any way conflicted with the department that is and should be effectively the celebrator of business. The Competition Authority certainly does not sit anywhere in for example the United Kingdom in terms of the Business Secretary's responsibility. I hope the Assembly will have confidence in what the Chief Minister originally said. It is 12 months into this term of office. We need to make these decisions and we need to get the certainty for our staff because at the moment there are staff who are somehow sitting in some departments who are working effectively to another Assistant Minister. This is not a grab of power, this is not a concentration of power, it is the sensible allocation of important Ministerial tasks that need championing, that need teamwork, that is designed to deliver on what this Assembly has said, which is our strategic plan priorities. I hope that Assembly supports it. I will say one final word: I know that there is talk that there should have been a separate Ministry for a competition, innovation and financial services and digital, so I said to the Chief Minister: "Well, to be honest, if that has additional cost then perhaps just put it in the Chief Minister's Department and delegate it to an Assistant Chief Minister." That is the more cost effective way of doing it. That is the cheaper way of doing it. If a case can be brought forward - and it is not before Members to say this today - then a Ministry can be created. But I do not think this Assembly wants to create new Ministries, they do not want new nomenclature and bureaucracies done. It was me that suggested to the Chief Minister: "Fine, that is fine, put it into the Chief Ministers Department, but I am not bothered about titles, I do not mind whether I am a Minister or an Assistant Chief Minister, all I want to do is to be able to get on with the job of driving that income line, driving innovation, driving competition and keeping ahead of the game in terms of financial services." That is the job that I have been trying to do, even though I occasionally am not always here in the Assembly, I am doing it every day and every waking hour that I have, and I do it with honour and privilege in order - as we all do - to serve Jersey better. **[Approbation]**

12.1.4 Deputy A.D. Lewis:

I am delighted to follow Senator Ozouf there and I am delighted to know that he was not in favour of creating more Ministries. The last thing we want is more Ministries, more bureaucracy and a bigger public sector as a result potentially when we are trying to reform it, so that is music to my ears, Senator, thank you for that. I applaud what has been put forward here in terms of structure; governments - as the Senator said - do this sort of thing on a regular basis, move things around, reshuffle Cabinets and perhaps put the best people in the best roles. The one sort of caveat I put here is I am slightly concerned about - and I am hoping that rapporteur in the form of the Deputy Chief Minister can explain - is it does appear to some that this has been personality driven. Now, I

have no issue with the personalities, I think we have particular people here that are quite exceptional and ideally suited for the roles that are being put forward here. However, what happens at the next election, do we change it again? Is that acceptable? Is there an extra cost to that? That is my only concern. I take on board a lot of what Senator Ozouf has said, I do not agree with all of it, but the principles are common place and the objectives have been laid out quite clearly by the Chief Minister in his own speeches in recent times, not least when he got elected as Chief Minister. So it is not a surprise but I do have a concern that if this has been personality driven - because these eminent Members of this Assembly are able to take on these roles with vigour and excitement and great ability - that is wonderful but what happens at the next election? Do we change it all again? Is that an issue? Is there cost to that? Is there a complication to that? That is what I would like to understand fully before voting on this so perhaps the Deputy Chief Minister can inform us of that. Thank you.

12.1.5 Deputy J.A. Martin:

I will be brief as well. I am looking at page 15 and the transfer of functions to the Chief Minister, I would have grave concerns. Deputy Tadier has got a concern that he would not know who to phone if the badminton court was not open or a swimming pool. It does not seem much that the Minister for Economic Development will have left so he will have plenty of time for the badminton and the swimming pools but nothing to do with the economy. It is mad. Then Senator Ozouf says we should be holding them to account. Who do we know are doing these jobs once they all go under the umbrella of Chief Minister? Which Assistant Chief Minister has got this hat on today, or that hat on tomorrow? I need to know, the public need to know, and none of this is broken down in this proposition.

[12:30]

It is all more power into the centre. Senator Ozouf says it is not about building more over the road, well, I really cannot see what the Minister for Economic Development will have left. In fact you have changed everything else why just not make it the Minister for Tourism, Sport and Culture? Because everything to do with the economy is going under the Chief Minister and I cannot hold them to account so at the moment I am really not supporting this. There is lots being transferred but I really cannot see the gain and I again feel along the lines of the Constable of St. Martin. This at no cost? Yes, well, we will wait and see.

12.1.6 Deputy R.G. Bryans:

I will try to be brief. I just feel I should outline some of my own particular thoughts in regard to these transfer of functions. The first thing to say is really Ministries do not work in isolation, we work together, this is why we share Assistant Ministers. But sport and culture make an important contribution to Island life and are both highly valued by the community. However, in view of the new Strategic Plan priorities the time is right to transfer and ensure they have the political support and focus they deserve. In sport change was already underway, initiated by the Fit for the Future sport strategy which called for a strong new voice. People may have forgotten but a recurrent theme that emerged from the public consultation was that sport seemed to be regarded as the poor cousin of education. People felt that the requirement to meet legal responsibilities meant education would always take priority and in difficult times sport would be inevitably overshadowed. The NatWest Island Games put sport firmly in the centre of the spotlight and the outcome of the M.T.F.P. showed that this is an Island that values physical activity in all its forms and the various social and economic benefits it brings. Sports offerings within education will not be diminished. The Constable of St. Martin said show him a champion and he sits about one chair away from one. Sport already has a powerful new champion in Constable Pallett, who has been fighting for it since the last election and would clearly continue to do so as the new overarching body takes shape. The

voice for sport in Jersey has never been so loud so I am confident this will be a successful transfer. Those who know me know I have a personal interest in our culture and heritage, and believe the various bodies in Jersey are well placed to capitalise on the change. The Jersey Heritage Trust is a forward looking organisation that is increasingly valued by its local and visiting audience, and one that is constantly innovating. The stories of the coin hoard and Ice Age Island project will no doubt be added to. In culture the introduction of a dedicated political advocate is also welcomed and Deputy Norton will bring his vigour to the role, exploring no doubt potential opportunities. Of course there will continue to be close links between sport and education and culture and education. We are already working on a cultural passport that would give all our children access to the heritage sites that exist all around them. In sport some facilities will continue to be managed by the specialists in the sports team, and service level agreements are being worked out to ensure that schools continue to enjoy high quality facilities. But the beauty of the new arrangement is that another element can be added to culture and heritage that an Education, Sport and Culture Department cannot deliver, and that is the flexibility to take advantage of commercial opportunities and the ability to change and adapt to circumstances quickly. Finally, it is important to single out the people, in particular the Head of Sport and the Cultural Development Officer, who have worked with 2 departments for several months to bring about the transfer. Thanks also to all the staff in these sections for their patience over the past year while the fine details have been worked out. Thank you.

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

I will try not to repeat anything that the Minister for Education, Sport and Culture has just said. But he brought out several important points and I just want to cover one or 2 of them that I think are really important. I am really going to concentrate on the sport side of it rather than the other parts of the transfer because it is something I have been intrinsically involved with over the last year or so. The Minister was quite right that one of the sparks of this was really to push sport up the political agenda. Part of the previous consultation into the future strategy clearly said that they wanted a strong political champion and a voice for sport, which I hope I have been able to deliver over this last few months. It has been clear that the move is really about - in terms of sport and culture - allowing the Minister for Education to concentrate and really put all his efforts into improving standards within education. What I have seen close-up over this period has been an Assistant Minister in both departments, at E.D.D. and Education, I have seen close-up the effort, the time, and the knowledge and expertise that the Minister for Education has brought to that. I think we have made huge strides in Education and that has partly been because I think he has been allowed to put all his efforts into that. The Minister for Education mentioned staff and I think it is something that is really important. There are probably about 130 staff that work in the Sports Division, both in providing facilities and in the Sports Development Department. Something that I have been keen on is to ensure that they have been informed and they really understand what the move meant to them and what any changes could be. In fact, much of what I am going to say is based on some of the discussions that we have had with staff and some of the information that we have given them, because it is the staff that are the core and the heart of that department. It really matters to me that they really understand what this really means to them. What I have tried to say to the staff - and everybody within the Sports Division - is that in essence that it will be business as usual, but with sport taking a higher profile. It is really important that staff understand they are going to be doing the same job, but it really will just be with a different sponsoring department, the E.D.D. I think the major benefit of moving to E.D.D. I think it will offer them greater political and executive support in order to move sport up the political agenda. What we have seen over the last 6 months - as has already been mentioned with the Island Games - is that it has brought it up the political agenda and I think it has given an opportunity for people to really fully recognise the social impact sport has within the Island. Some of that agenda has been mentioned today in regards

to how it the Sports Department helps many of the other departments, exercise referrals are one for example that is a huge benefit to the Health Department and I think it is a huge benefit to the Social Security Department in terms of getting people back to work as soon as they possibly can. I think something that is important to recognise is that Economic Development provide expertise and resources that I think the sports management team will be able to use in terms of building new sports events, something that I think the Minister for Economic Development, one of his clear agenda items is: "Let us have more events, let us have another body in terms of Events Jersey that can drive that forward." It is something that within the E.D.D. has been something that we have really concentrated on and how are we going to develop that in the next few months. We cannot deny that the Sports Department is intrinsically linked to the Education Department and there is in fact a discussion we had only very recently about how important that relationship is, and that it remains to be a strong link. Rather than damage that relationship I want to build on that relationship. One of the things I am very keen to ensure that we build on and we have a really full understanding of how we are going to push it forward is in the area of physical literacy and how we develop that in schools. I have discussed over a period now about how we can have a consistent, measured approach to how we look after the development of young people within primary schools. What I want to do is work more closely with schools, not further away, but work more closely with schools with the sports development team about how we can improve the co-ordination skills of young people so that we do develop young, good, rounded athletes at an early age. It is something that we really want to work hard and closely with the Education Department on. Sports centres as well is something that people have some concern, about where we are going with them. At the current time there is no intention to change anything in terms of what we deliver within the sports centres. The community use will stay the same, I think what we do need to do within the sports centres is ensure that we carry on building on those facilities that we have improved over the last 2 or 3 years for the Island Games, and carry on putting that sort of investment in. That is really important. Just to finish off, sport is close to my heart and I know it has been mentioned that much of this may have been driven or seemed to be driven by individuals and individuals put in certain posts. Do I have a passion for sport? Yes, I do. Do I try to take that passion and knowledge I have in terms of what I provide the department and how I speak to those individuals within that department? Yes, I do. But in putting forward and bringing forward what will be a new independent sports body what I am trying to put in place, and the department is trying to put in place, is a structure that somebody that did not necessarily have that passion would still provide another States Member to go into that department and understand and drive it forward in a way that individual could understand. It is important to me that sport is raised on the political agenda and this move I think will highlight that. The point I was making then around the individual is that I do think there is an opportunity in the future for somebody other than me - it could be the Constable of Trinity, the Constable of St. Clement could well sit into the role that I do comfortably - and I do not think it is necessarily around the individual, although clearly that could be aimed at me at the present time, I probably was best suited to do that. I think the Chief Minister clearly identified people that could push on elements within Government that he could see driven forward and I think that was really important. There will always be changes, there will probably be changes next time around in terms of Government and some of the roles that they do. But I am clear that there is a focus on some of the individuals and some of things that we need to move forward, so I am going to support this. I would ask Members to support it, I think it is the right move. In terms of culture I think with Deputy Norton there is the right person there in the position that will drive culture forward in terms of some of the benefits that we could derive from closer working with commercial enterprises, something that we can also see in sport. Something I can also see in sport as well is a closer working relationship with some of the third sector bodies as well to make sure sport is moved forward and assisted. I think it is getting very close to lunch and I see people shifting in their seats so I am going to sit down.

Senator P.F. Routier:

I propose that we carry on if Members are happy to carry on.

The Bailiff:

Do Members wish to continue? Deputy Noel?

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

I thank Members for carrying on. Members may remember that I first spoke publicly about amalgamating Transport and Technical Services with Jersey Property Holdings back in my speech for the Minister for Transport and Technical Services in November of last year. I have been responsible for J.P.H. (Jersey Property Holdings) in my role as Assistant Minister for Treasury since the end of 2011 so I am well acquainted with the department. In the run up to the 2014 elections, and as I became more familiar with T.T.S., I saw the synergies between the 2 departments. I could see that there was a lot of merit in bringing the 2 departments together. A year on I am more convinced of that than ever before following the departure of Housing to Andium and the recent decision to incorporate the Ports of Jersey, that the 2 remaining parts of the States which deal with our Island's infrastructure under a single departmental banner.

[12:45]

As Members know I am currently both the Minister for Transport and Technical Services and the Assistant Minister for Treasury and Resources with specific responsibilities for Jersey Property Holdings. From a political perspective this is a continuation of business as usual, but in terms of both strategic vision and the operational delivery the merger offers something that is very much not business as usual. So what are the benefits? At a high level it is bringing together 2 organisations which deal with infrastructure assets in public ownership. In managing these assets they undertake many of the same or similar tasks. Both organisations have responsibility for land and physical assets such as structures and buildings. They both undertake asset management, facilities management and maintenance functions. Both organisations manage roads, sewers, rock faces and other structures. Both organisations have staff with common skillsets for managing these assets, particularly in terms of project management, maintenance procurement, design works and surveying. I think that the benefits for amalgamating must already become very clear to Members without me having to spell them out in detail, however, I would like just to give a couple of examples that may illustrate the thinking behind the proposal. At a strategic level the reconfiguration of the sewage treatment works at Bellozanne provides an opportunity both to reconfigure a plant providing that service to delivery, but also and fundamentally to look at how the whole valley can be utilised to provide other key strategic priorities such as some office consolidation or the provision of much needed affordable housing adjacent to the Pomme d'Or Farm estate. To use the words of the Chief Minister, when planning we must start with the end in mind. The best way to achieve is to ensure that the 2 key functions are involved from the very start and approach the opportunities in a fully integrated manner. The delivery of transformational projects, such as the redevelopment of Ann Court and the proposed consolidation of the States offices and others, benefit from the close collaboration between the teams at Property Holdings and at T.T.S. When it came to stabilising the rock face at Grève de Lecq, which was a J.P.H. project, T.T.S. added its technical expertise. However, there was a certain amount of duplication in effort involved in such a client/customer relationship, so why not take the next logical step and bring these functions together in a single department? Change can sometimes be difficult and take a while to bed-in. We are in a fortunate position with these 2 departments, they already have a very good working relationship. J.P.H. is a key customer to T.T.S. in such areas as cleaning services and ground maintenance. Conversely, T.T.S. is a customer of J.P.H. for design work and clerical work services. It is clear that there are opportunities for streamlining and rationalising, and

adopting best practice across the combined entities. Lean plus lean equals leaner, eliminating the paperwork and process that accompanies the client/customer relationship, grouping together similar work streams, better land and asset utilisation. There will also be other benefits bringing together the skillsets so there is not only closer working relationships but also a broader pool of staff to form multidisciplinary project teams. Combining these 2 activities may not seem intuitive in a Jersey context, but let us be clear, they are used elsewhere. The Isle of Man already has an Infrastructure Ministry that develops a range of services and co-ordinates infrastructure and investment, as do many other jurisdictions, be they large or small, delivering their infrastructure in a single department. In my mind the decision for us quite clear, the 2 organisations already work on a large number of common areas and issues. The transfer of functions will simply cement these arrangements in a coherent department structure and drive better outputs and greater efficiencies. With that in mind I would urge Members to support the Chief Minister and the Council of Ministers proposal here in transferring the functions as being described in P.46.

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

I am aware lunch is coming up and I will keep this brief, and I promise to try and live to that word. There have been some excellent speeches, Senator Ozouf and the Constable of St. Brelade particularly I thought picked out some very relevant points which I am not going to go over again. All I will say is that this transfer of functions does in a great deal of ways not take anything away that we already have, but in fact will add a great deal. So if you are not going to take anything away and you are going to add a great deal more then it must be the right way to do it. Let us look at what you do in business, whether you talk about personalities or whether you talk about the right people for the right job. In business you certainly would not put the people who cannot do the job in the job, you put the people who can do the job or would want to do the job, or have the enthusiasm for the job. So why would you not do that in Government? Why would you have to apologise for putting people into jobs when they want to do it, when they will probably more likely do a better job than someone that does not want to do it and is not good at it? We seem to be apologising for it: why should we apologise for it when it is the right thing to do? With regard to Deputy Lewis of St. Helier, Deputy Lewis of St. Helier made some good points but one of the points that I cannot agree with is what happens at the next election, what happens if these people are not here at the next election, so we should not put them in there now, no, we must not do that, we must do completely the opposite. Let us never put anyone into a job that they will be good at because at the next election they might not be here. It seems completely pointless. What if they are not here at the next election, I believe is what was said. We must put the right people into the right jobs, we must add rather than take anything away and detract. I would urge Members to support the Council of Ministers and the Chief Minister's proposition, and I thank you.

The Bailiff:

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

12.1.10 Senator A.K.F. Green:

I thank all Members that have spoken. I am going to keep this short, I am sure Members will be pleased to know about that. **[Approbation]** I am not going to respond to every comment but I do thank the Ministers that came and did respond to some of those, however, I have picked up a couple. I am sorry that Deputy Tadier cannot support this. The fact we are allowing the Director and the Minister for Education concentrate on skills and standards does not mean that we are excluding sport and culture from the curriculum, quite the opposite. The 2 are not mutually exclusive. Culture and sport will be as part of the curriculum as they are now, I think we will probably deliver something better. The passionate speech that we had from the Assistant Minister with responsibility for sport shows how he intends not only for business as usual, as he put it, but to

grow that, which the whole Island will develop. Deputy Tadier also said that we were educating for the market. We need to educate for rounded people who then have the skills that the marketplace requires, I have no apology for that and I know that the Minister will be working on that. The Constable of St. Martin I do want to pick up on there because he made some points about how he reorganised his own office when he became Constable and put people in place that had the skills to do the job and allowed him to concentrate on the things that he was passionate about or that he particularly wanted to achieve in his term of office. This is no different. This is what the Chief Minister is trying to do, he is trying to make best use of skills. I thank Deputy Norton for the comment that he made about why would you not put the best people to do the job in the post, but I will come back to that later. The Constable is worried that change may cost. I am going to take Members back to the time that the Chief Minister nominated us and just read a paragraph there: “Initially the responsibility for financial services, the digital sector, competition and innovation will be combined under the remit of the Chief Minister and Senator Philip Ozouf will be appointed Assistant Chief Minister.” That is where we are. He intended to create a new Ministerial office. The Chief Minister decided that is not the way forward and I know that he was encouraged in those views by the Assistant Chief Minister. The Chief Minister always said we were going to do this, we are doing it slightly differently, so there are no increased costs, in fact I would argue that there are efficiencies. Deputy Lewis and Deputy Norton covered some of this. Deputy Lewis asked what happens at the next election. Well, I hope what will happen at the next election is that whoever is the Chief Minister will look at the job that needs to be done, look at the Ministry he needs and get on and sort it out. We cannot not get on and sort it out now in anticipation that we might need something different at the next election. Deputy Martin seems to think that we cannot hold the Chief Minister to account as his portfolio grows, but it is quite the opposite, he has questions without notice more than any other and you can question him about things that he wants to do. I think I have covered everything, other things were already covered by the other Ministers, and with that I make the proposition.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the principles of the Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations, and I ask the Greffier to open the voting.

POUR: 27		CONTRE: 7		ABSTAIN: 3
Senator P.F. Routier		Connétable of St. John		Connétable of Grouville
Senator P.F.C. Ozouf		Deputy J.A. Martin (H)		Deputy J.A.N. Le Fondré (L)
Senator A.J.H. Maclean		Deputy G.P. Southern (H)		Deputy of St. Mary
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator P.M. Bailhache		Deputy S.Y. Mézec (H)		
Senator A.K.F. Green		Deputy A.D. Lewis (H)		
Connétable of St. Helier		Deputy S.M. Brée (C)		
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Trinity				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				

Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
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)				

The Bailiff:

I am now required whether or not this should be referred to the relevant Scrutiny Panel or panels and there must be at least 4 or 5 who might contemplate that they could scrutinise these. So I call on the Chairman of the Chairmen’s Committee to give me some help.

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman, Chairmen’s Committee):

Yes, it is being called-in. It is being called-in by the Economic Affairs Scrutiny Panel and the Corporate Services Scrutiny Panel.

Deputy L.M.C. Doublet:

Could I just add that there will be a member of the Education and Home Affairs Panel co-opted to keep that overview?

The Bailiff:

Very well, the Regulations are referred to the Chairman of the Economic Affairs Scrutiny Panel, Deputy Brée, and the Chairman of the Corporate Services Scrutiny Panel, Deputy Le Fondré.

Senator A.K.F. Green:

Sir, I am fairly new at this and I understand the right so I am not challenging that, but am I right in assuming, therefore, that the panels have to come back with their report in 4 sittings under Standing Orders?

The Bailiff:

Yes, that is correct. We now come to the arrangement of public business for the next meeting, Chairman?

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

13. Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):

The proposition for the arrangement of public business is as per item M on the Consolidated Order Paper. I would note though that the public business for both 3rd November, the next sitting, and 17th November together might make a full day’s business so while I am proposing that we do meet on 3rd November and 17th November it would not be unreasonable if the States wished to combine those 2 sittings and meet only on 17th November. But I will propose as per the Order Paper now.

The Bailiff:

You are dangling before Members the possibility of not meeting on 3rd November and doing all the business on 17th November, is that correct?

The Connétable of St. Clement:

I am pointing out to Members that the business down for 3rd November and 17th November combined would probably make one day's full business. I just make that observation. But I propose as per the Order Paper.

13.1 Senator P.F.C. Ozouf:

All I would say is that a separate sitting would then infringe on Members rights to ask questions and to grill Members. But even if we do not put questions I would suggest to the Chairman of P.P.C. (Privileges and Procedures Committee) that might be the right thing to do.

The Bailiff:

There is no proposition before the Assembly and, therefore, as the Chairman has laid out the arrangement of public business under paragraph M, that is the way it will be. The States stand adjourned until 9.30 a.m. on 3rd November.

ADJOURNMENT

[12:59]