

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 18th JANUARY 2006

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ADJOURNMENT]

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

PUBLIC BUSINESS - RESUMPTION

1. Draft Sexual Offences (Jersey) Law 200- (P.196/2005)

The Deputy Bailiff:

We return now to the main debate on Projet 196. Deputy of St. Ouen, as you were speaking and then you proposed a reference back, do you wish to add to what you said? I think there has been misunderstanding in the past as to whether members can speak again so I am giving you the opportunity now if you wish to add to what you have said because that will be your speech in the main debate.

Deputy J.G. Reed of St. Ouen:

Yes, Sir. I will be relatively brief. First of all, I would like to make it perfectly clear that the whole element and point of my speech was not to judge individuals and their sexuality. It was to highlight the problems that we, as an Island, are facing when it comes to the implementation of the existing law and the concerns that I had regarding the changes. It was nothing more and nothing less. I would like to highlight the fact that, as many of the Members are here today, I am a parent and I had the concerns about bringing up young children. It is that concern that was driving, and still does, the issues that are related to this amendment to the law. I do passionately believe that, whatever the outcome of today's debate, the issues, including attitudes of individuals as spoken about by Senator Ozouf, need to be addressed and I would certainly ask the Chief Minister and the Council of Ministers to collectively look at the whole range of issues that relate to the sexual practices of our young people on this Island. With that I will finish. Thank you.

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

I was impressed yesterday with the Deputy of St. Ouen's analysis of the situation and slightly disappointed with the Home Affairs Minister by what I thought was not properly addressed in the alternatives, giving the impression - perhaps I am wrong - that they were not viable alternatives, which of course is not true. Interestingly, Sir, out of the many agencies that she listed I noticed 2 of them were ones that I used to donate to and I stopped donating to them because, in my mind, they had started putting political correctness before the interests of children. It has been my view for some time that hiding behind human rights and political correctness is exactly what the EU relies on and, of course, this is what is behind today's proposition. Mothers lost their husbands in the First World War and their sons in the Second World War defending this country from government by a foreign power and yet here today we seem to be allowing ourselves to be told what to do by an unelected foreign power. It is my absolute belief that the vast majority of the people in Jersey do not agree with the proposition before us today. However, we are told that we have no option on account of our human rights obligation. People who know me will appreciate that I am not easily bullied nor am I given to hypocrisy and I shall therefore be voting against this change but I would like to explain why, Sir. First, to be absolutely clear, this projet is not about homosexuality. It is about sodomy or buggery, whichever particular term one cares to use. I wish to make that distinction, Sir, so that people do not misinterpret what I am about to say. I would also like to make my position clear regarding human rights because, like any other person, I want people's human rights to be respected but, unfortunately, the human rights legislation does not, in my view, deliver. We have seen increasingly it is more concerned about the rights of murderers, rapists and paedophiles than that of ordinary citizens. For example, Sir, we have just recently read that a paedophile has been awarded £6,000 for stress over his court case; others have been employed as teachers in schools. Murderers, now, Sir, must be considered for bail or the Government will apparently face huge compensation claims. It is no wonder that the UK Conservative Party has pledged a commission to review or rescind the Human Rights Act. I also happen to believe in corporal and capital punishment, which the legislation outlaws. I support real human rights but not the human rights legislation that is promoted and the sort which sadly, it seems to me, our Minister of Home Affairs clearly embraces. Today, Sir, we are being asked - or told is probably the more correct phrase - to reduce the age at which consenting adults may sodomise each other from 18 to 16, allegedly for reasons of equality. It is alleged to be discriminatory for heterosexuals to legally have intercourse from age 16 upwards but not homosexuals where the age is currently 18. Interestingly, Sir, while governments have condoned homosexual sodomy, it remains an offence for heterosexuals. So now we are being asked to permit that too. It does occur to me, Sir, that the way we are going it will soon be compulsory. What next? A minimum age for bestiality, I suppose. Coming to its conclusion, the European Court has made a fundamental mistake, Sir. They are not treating like for like.

Senator W. Kinnard:

I do not wish to interrupt but I think there is a degree of unnecessary offensiveness in the Deputy's speech and I would rather he toned it down.

Deputy G.C.L. Baudains:

Sodomy is not comparable with vaginal intercourse, Sir. The act of intercourse between a male and a female is a natural process across the animal kingdom and, of course, its purpose is procreation - to ensure survival of the species. Sodomy, Sir, does not achieve that. Anal intercourse is therefore unnatural. The human body was never designed for that purpose. It is also unhealthy, Sir. AIDS is continuing to incubate and be spread via the practice of sodomy; not my words but those of a retired surgeon general of the USA. The Bible Sir - Leviticus 22 - tells that homosexual intercourse is an abomination and I think for very good reason because, if the entire population were to engage in anal instead of vaginal intercourse, mankind would cease to exist within about 100 years. We are being asked to approve several things, Sir: to legalise sodomy between heterosexuals; to lower the age at which consenting homosexuals may sodomise each other; and to allow more than 2 people to be present during these acts. I believe the last line is a clue to what this is all about. In all the time I have been a States Member, Sir, not one 16 or 17 year-old male has asked me to get the law changed so that he can engage in what I believe is commonly called "backdoor activity." Whose human rights are we talking about? Our children, or perhaps middle aged men who are looking for something a little younger. It is not, Sir, for the loving relationship we are so often sold as a sop to these changes but so, as the more-than-2-people amendment suggests, there can be sexual orgies. We already know they take place, Sir. The law would enable men to have even younger boys for dessert at their dinner parties than they currently do. Like most members of the public, I find that disgusting. I ask, Sir, who is protecting our children these days? With respect to the Dean, I believe there is little leadership from the churches. Some priests lately have not exactly been behaving themselves but, generally, in an attempt to appease everyone, I believe the church pleases no one. Now, today, even Government is turning its back. I am totally amazed; just yesterday members went to church to pray for guidance and now just 24 hours later here we are considering the proposition that condones behaviour contrary to God's teaching. Our children deserve our protection and I am not prepared to abandon them just because some, presumably, atheist in Europe says that we should. My position is very simple: sodomy, whether between homosexuals or heterosexuals, is simply unacceptable and Government should not be condoning it. Thank you.

Deputy G.P. Southern of St. Helier:

As a European atheist, I will wholeheartedly support this piece of legislation. Members will be aware of my concern with human rights. This is yet another aspect where we do need to have equal rights for all members. We need inclusivity for all members of our society whether that be in terms of race, whether that be in terms of gender and, in this case, in terms of sexuality. So, wholeheartedly supporting this piece of legislation, I urge Members to get into the 21st century and support it too.

Connétable D.J. Murphy of Grouville:

In the course of the last week or so since this proposition came to the fore, I have had several calls from parishioners and I have spoken to many parishioners and parents. I must say that the consensus has been 100 per cent against lowering the age of consent. I have, I may say, received one email, which was generally sent to every Member, supporting it. However, I feel that I should represent my parishioners on this and support their cares and worries about this situation. I have to say that I am also worried about us caving-in to EU bullying. The Assistant Minister spoke earlier in this debate about an international profile but I do not want to see our international profile as being people who bow our heads to every dictate coming out of Europe. I want us to have our own international profile as an Island that will stand against what it thinks is unfair and will stand for what our people in Jersey want. There is no doubt in my mind whatsoever that the people of Jersey

do not want this legislation and I, Sir, will most definitely be voting against it. However, there is one point I would like to bring back before I finish. Why were we not given the alternative of raising the age to 18 all round? This is an alternative I think that perhaps most of us would have been able to support and I leave it with the Minister for Home Affairs to perhaps think on that.

The Very Reverend R.F. Key, BA, The Dean of Jersey:

I have asked a question before in this house, Sir. I have not spoken before and, if I am absolutely honest admitting perhaps some degree of cowardice, I wish it had been on another subject but the church's lead has been asked for and I am happy to give it. Let me declare that I did spend 3 years on the Bishop of Oxford's panel on human sexuality which drew people of faith from across the divisions on this subject, both those who take the traditional Christian view, shared by traditional Judaism and Hinduism and Islam, that God's gift of sexuality is for within heterosexual marriage; indeed that marriage is by definition heterosexual, and those who took what Deputy Southern has called a more 21st century approach. One thing we did learn was that we could exchange our views and, at times, use our emotions as well as our intellect but in an atmosphere of dedicated listening and mutual respect. It seems to me that is crucial to our debate today. We do none of those who look to us for leadership any favours if we simply descend to a lower level. I know very well that there will be those Members who will not agree with what I am saying. Nevertheless, I would hope to retain their respect and their friendship, as they will certainly retain mine, when their views do not coincide with my own. As well as God's biblical prescription for sexuality, there is also God's welcoming love for all people, irrespective of sexual orientation. I want to say straight away that there is no place for homophobia. Now, I know that there are those who will use that word the minute somebody says something with which they disagree. It is not, I would contend, Sir, homophobic to say that the scriptures and Christian tradition do not allow for homosexual genital acts as part of God's best plan and purposes. That is not homophobic. It would be homophobic if one denigrated people of a homosexual orientation or those engaged in homosexual practice as somehow less human or less the objects of God's redeeming love. I confess that I was very disappointed with the report. We seem to be being offered, Sir, 3 different reasons - those who have votes - for supporting this proposal. Reason one is social justice. There should be the same age. Reports are given in generalised form. Yesterday the Minister helpfully backed them up with some of the initials of the organisations but there is nothing about the minority report. Now, I was certainly taught if you were putting forward an academic case it was not enough simply to say the generality of research shows that, especially if that is the view you want to take. You had also to marshal the arguments that disagreed with your conclusions and show why they are in error. I have looked but I can find nothing of that in this report. If I were a maths teacher I suppose I would say: "I want to see more working". We are also offered in that no great allowance for the fact - it may be unfair but it is a fact - that men and women, boys and girls, simply mature at different ages. The quotes from the European Court admit that that is the case but simply say that they cannot address it in that part of their legislation. It is unfair that my wife will live longer than I will. Nevertheless, it is a fact and I had better get used to it. Secondly, we are offered the reason of marketing that somehow Jersey will be more difficult to market if we do not make this change. I think I am right in saying that India is one of the countries that has a discriminatory so-called age limit. I do not notice that the tourism or other economy of that thriving tiger South Asian state is noticeably affected. Thirdly, we are given the reason that sounds to me as if it comes from a little further south in Europe than the European Court of Human Rights of an offer you cannot refuse. If it is the case, Sir, that what you are being asked to do - what Members are being asked to do - is in effect acquiesce to what, in legal terms, would be a directed verdict that the judge in terms of the Court of Human Rights is saying to us: "You don't have any choice. You must bring in this particular verdict" then I would have wanted to see the best Jersey legal opinion telling Members that as part of the report. It may be that it is there or it may be it was there in documents before I took on this office but I have searched for it and cannot find it. So, Sir, if I did have a vote, and I am quite glad today that I do not, I would be saying: "Where is the research that helps me make my mind up?" I

do not know whether I would be being asked to do this as a matter of social justice, in which case I am unpersuaded. As a matter of marketing, in which case India would say: "That's wrong", or as an offer I cannot refuse, in which case where is the legal opinion that is incontrovertible? Certainly there can be no place, in my view, for the criminalisation of teenagers. I think that is absolutely without question. I would certainly not want to take it as any kind of Christian position that somebody coming to terms with their sexuality, whether strugglingly so or enthusiastically so, should be put in that position. That is not the issue. As we heard yesterday, whether police interest is determined operationally or politically, I cannot see that being very high up anybody's agenda. However, it is surely one of the first duties of any legislature to protect those who are unable to protect themselves. The report does say, and speeches yesterday said, that the most of people's sexuality is fixed by 16. We had that quote about earlier sexual experiences of 15 years 3 months for heterosexuals and 15 years 7 months for homosexuals. Forgive me if I have got the numbers slightly wrong. What about the minority? What about those whose sexuality is still in development. According to the majority research quoted in the report - according to the Court of Human Rights - where is the protection for the minority? I do not see it. We have been told, Sir, that this was not the place - this particular piece of legislation - for that protection. I understand that this has been on the table since September. Where is the package deal that says if the States reduces the age to 16 then, whether the predator is homosexual or heterosexual -, for I entirely endorse what Senator Ozouf said about that yesterday - then it is the predator that will fall foul of the law? It seems to me that it is not beyond the wit of those in the ministerial team to draft such legislation so that we can assure parents that, even if our hands are tied by a higher court, this Assembly has done everything in its power and jurisdiction and mandate to protect the children and young people that they may grow up in safety and security as they explore who they are becoming as they move to adulthood. Just a word, as I close, about alternatives: I think I am right in saying we were told that other alternatives were unworkable. As I drive down what I think is called Five Mile Road, Sir - but you must forgive me if I am not yet local enough, but that lovely road that sweeps down St. Ouens Bay - I am told by the signs that there is a 40 m.p.h. speed limit in place. I, of course, believe I am the only driver who respects that limit. I do not see us having legislation brought to this house that because many people transgress the limit should we not raise it to 60 m.p.h. instead because 40 m.p.h. is plainly unworkable? That simply philosophically will not hold as a way in which you do legislation. I do not think the argument has been made that the alternatives are unworkable. Since the end of the Second World War we have had legislation after legislation across Western Europe in what is called a modernising direction. I need to say, Sir, that the Christian tradition will have nothing to do with being a killjoy. The Song of Songs in the Old Testament has that wonderful line as the bride lies in bed dreaming of her shepherd boy lover: "Oh, that his left hand embraced me; oh, that his right hand fondled me" is the best translation of the Hebrew that I know. God is on the side of sexual expression. He invented it; it is part of his good creation. When will legislatures across Western Europe realise that the result of the last 60 years has been a steady increase in sexually transmitted diseases, unwanted pregnancies - unwanted pregnancies aborted with all the psychological trauma that involves, and the greater breakdown of family life? Is it not time, Sir, that legislatures across Western Europe realise that we are sacrificing our children on the altar of imagined political correctness? I want to assure Members who would agree with some of what I have said and those Members who would profoundly disagree that they have my respect, my interest and the prayers of all the Christian people of this Island, irrespective of the decision that they make. The church's position was asked for and I have endeavoured to give it. Thank you for your patience.

Senator F.H. Walker:

I think the House has clearly demonstrated that it shares my view that we have just heard the voice of the church and very welcome it is that we should do so. It is time the voice of the church was heard more frequently and more clearly and I have to say I warmly congratulate and thank the Dean for a very thoughtful and timely contribution. I am rising not to talk in any great detail about the

actual issues behind the proposition; that I am happy to leave to the Home Affairs Minister. I will touch on a little bit of that later but I want to focus the House's attention on the constitutional position in which Jersey currently sits. I share many of the concerns that particularly the Dean, and others, have expressed in this debate. I too am very worried indeed about the move to political correctness throughout Europe. We can all see strengths in it; we can all see good in it but I think many of us can see real danger and damage as well so I share many of the Dean's concerns. The issue is that Jersey has signed up to the European Convention on Human Rights. We have done that; that is a decision of a previous Assembly and we have signed up to it in its entirety. We cannot pick or choose. Now, yes, we have not implemented it yet but we have given our word that we will implement it and taken a decision to that effect. Whether we like it or not, and clearly quite a number of Members do not, we simply cannot pick or choose which parts of the Convention suits us and we want to follow and which part does not suit us and we want to reject. We do not have that ability. We have signed up to the Convention. It is not a question of hiding behind the Convention as Deputy Baudains suggested. It is not a question of being bullied by the EU. That was a decision of this House voluntarily taken. We said we were going to sign up and indeed we did agree to sign up to the Convention. We could go back on that but my strong point is we cannot pick or choose. We either do sign up or we do not and the implications of not signing up are so serious for this Island that I do not believe they could be given any great consideration. Again I agree with the Dean; it would have been so much better in the report of Home Affairs had there been a very clear legal opinion which said: "This is the position that Jersey is in". Nevertheless, the report of Home Affairs gives examples of what almost certainly would happen to Jersey if we did not adopt this proposition. It makes it clear. The Home Affairs Minister said yesterday that if we do not then, as night follows day, it will end up as an issue either in our courts or in the European Court. I would strongly argue that the States of Jersey do not want to be - and should not put themselves - in that position because it will not be a good day for this Assembly. The Solicitor General yesterday was asked whether the UK Government might legislate for us if we did not adopt this proposition and she was absolutely right when she said that the issue about the UK Government and the Crown dependencies is uncertain legally. It is and it always has been and that has worked very much in Jersey's favour now over a very considerable period of time. By convention, the UK Government do not legislate for Jersey and that has been said many times by Ministers both in the House of Commons and the House of Lords and that is the last thing they would want to think about; the very last thing they would want to think about. We have clear evidence which has emerged in recent weeks and months, not least on Monday, that the wish of the UK Government is to support us in developing our own international personality; the last thing they would want to do is go back on that. Whatever our personal views about the rights and wrongs of the issue here, let us be under no illusion whatsoever. If we reject this proposition there will be a very, very serious issue between us and the UK Government and I have no doubt at all that all the progress that we have made in recent months and years would be reversed. I do not say that in any threatening position at all. If we do not adopt this proposition, the UK themselves, who have signed up to it on our behalf in this instance, would be in serious difficulty with their EU partners. Embarrassed goes nothing like describing the difficulties they would be in and, ultimately, because of us they could be kicked out of the whole structure. Now, clearly, they are not going to want to go there and, clearly, it works against our best interest to put them in that position. Now, I do not believe they would try and legislate for us but I do know that the very considerable wins - progress and benefits we as an island have achieved and will continue to achieve, I hope, in the future, which affects every single person in Jersey whatever their age or position - would be reversed and it is a very, very serious issue in that respect. We have, as I have said, signed up to the European Convention and apart from anything else we would be totally inconsistent. We would, in effect, be breaking our word if we did not embrace the Convention in every way, not, as I have suggested, picking and choosing, which is not an issue. If we really want to avoid serious international damage to Jersey, and I mean serious international damage, which would affect everyone in the Island, and if we really want to continue to add to and to strengthen our international personality

and our ability to stand up for ourselves internationally and to defend our position in a whole host of ways and if we really want the respect that we believe we are entitled to internationally then, in my view, we have no choice other than to comply with the European Convention on Human Rights. As I have said, I understand and indeed sympathise with many of the arguments; the counter-arguments. I thought the Dean's speech, as I have said, was quite superb but I believe we have no choice. It would have helped had we had a very clear statement of the legal constitutional position accompanying this proposition but that is my understanding very much of the position and the advice given to the Home Affairs Minister by the Attorney General. In my view, we have no choice, no realistic choice anyway, other than to comply and compliance means supporting the report and proposition and I strongly urge Members to do so. Before closing, there are major social issues that are being raised in this debate by the Deputy of St. Ouen, by the Dean and by others; there are major social issues which I fully agree we have to address. It is one of the reasons why the criminal justice law did not come or will not be coming to the States on 14th February as planned because the Council of Ministers said they wanted to add to it and look further into it. It is one of the reasons why the Sexual Offenders Law will be coming to the States shortly and that is very important and I hope will meet some of the Dean's concerns and perhaps legitimate criticisms in that respect. We need to look at all the issues raised in this debate very much more thoroughly. The Council of Ministers, of course, is still in its infancy but we do need to look at the issues raised and I assure the House we will look at the issues raised by the Dean. In fact, I will be inviting the Dean and his colleagues - the heads of the other major churches in Jersey - to a major meeting in the very near future where my intention is to look at the social issues of Jersey with somewhat broader than the context we are talking about but very much would include the issues that Members have raised legitimate concerns about today. Nothing is being swept under the carpet; nothing is being ignored. For the sake of Jersey's positioning now, our reputation and to avoid serious - and I do mean serious - damage, given the assurances that I have given and I know will be endorsed by the Home Affairs Minister, I urge the House to accept this proposition. It is not something that I enjoy saying but we really do have little legitimate or alternative options open to us.

Senator T.J. Le Main:

I would like to ask clarification from the Chief Minister who quotes that we will not comply with the EU on this. Now, I see other countries such as Ireland and Spain have: Ireland, for instance, have for 17 years; Spain for 13 years. Will the Chief Minister please advise me: is it because we are in party with the UK on complying with what they have to do and not what other countries in the EU seem to be able to do?

Senator F.H. Walker:

I agree and understand the position the Housing Minister is coming from. There are inconsistencies and these are clearly outlined in the report. There are inconsistencies in the EU but, yes, we agreed to join the European Convention effectively in this context on the back of the UK and in conjunction with...

Senator T.J. Le Main:

Is that legal?

Senator F.H. Walker:

Well, my understanding is it is very legal.

The Deputy Bailiff:

Can I just interpose from the chair for a moment, Chief Minister. Reference was made to the EU but my understanding is this is nothing to do with the EU. This is the European Convention of Human Rights, which is completely different to the EU, and the membership of European

Convention of Human Rights is a completely different membership to the EU. For example, Russia and Ukraine and other countries are members so perhaps that can be clarified.

Senator F.H. Walker:

Thank you for that clarification. I hope that answers the Minister's question. I am grateful.

Deputy J.J. Huet of St. Helier:

[Aside] All right. Human rights, Sir. We keep hearing about it. I am beginning to think I do not think I want to sign up to this because I understood that human rights was to stop people being tortured, being raped, being starved, abused children, making women second class citizens. This is what I thought we were signing up to on human rights. I never thought that human rights meant that I am not allowed to call an Irishman a 'mick' or me a 'crapaud.' That is not human rights; that is stupidity and this is what we have got to at this stage is stupidity. If you open your mouth you will have the hate police sitting on your doorstep. Is this what human rights is for because if it is I do not want to know it? You and I know there is a big difference between males and females. I do not have to go into that. What I am trying to say, as a parent of having both a male and a female - a son and a daughter - I know there is a big difference and it is not just physically; it is mentally. I love the way that people try and tell me that I do not know this: I have had the children, I have brought the children up and I would say the girl is way ahead until about the age of 18. A girl of 16 is mature - a lot more mature - but a boy of 16 there might be one in 1,000 that is but the majority are not. They are not mature at 16. They still need my - or your - protection; their parents' protection. They are not mature at 16 and I defy anybody to tell me that they are. There is an old saying, Sir, and I am going to repeat it. I will not have it dead right, but it is something like: "The worst thing that good people can do is to stand by and do nothing" and that is what we are being asked to do is to stand by and do nothing, to not protect our children. I think it is so hypocritical that you have a group of people that say: "You must allow boys to have sex at 16" and I would say that if you asked the average person: "Do you want your 16 year-old to have an active sex life?" the honest answer from most of you would be: "No" because you do not think they are mature enough. So why are we getting bullied into this? I would suggest that some of you might like to read Sir Ronald Waterhouse's magisterial report. It was about the terrible abuse of a 16 year-old boy and do you know what? At that time, this abuse would have been perfectly legal if the age of consent had been 16, but it was not. At that stage, it was 18 so that made it illegal but that child - and I am calling him a child - would not have been protected. I am not going to change my mind, and I should imagine I will get the anonymous letters I got last time, but I think I have a right to defend our children and I will not sign up to any human rights that tells me I cannot defend my children. Sir, there is not really much more. I think you will know which way I will be voting so I do not think there are any problems. Thank you very much.

Senator S. Syvret:

Briefly I would just like to touch upon the speech made by the Constable of Grouville. He said a couple of things that were in error, as I think has been clarified. This is not an issue to do with the EU (the European Union) and directives from Brussels. Member states of the Council of Europe, which is an entirely different organisation, are obliged to adhere to the European Convention on Human Rights and this Assembly voluntarily agreed to be bound by the European Convention on Human Rights so it is something that we voluntarily signed up to. It is not something that has been imposed upon us from outside.

The Connétable of Grouville:

I think I said Europe, Sir, not European Union.

Senator S. Syvret:

Well, the point is that it has not been imposed upon us. Adherence to the European Convention on Human Rights is an issue that we voluntarily signed up to. It is a pity the Dean has left the Assembly after using his position in here, a privileged position because he is unelected and unaccountable to anyone in the public...

Members: Oh!

Senator S. Syvret: ...to, in fact, make a speech to attempt to influence this debate when he has no democratic mandate whatsoever to do so and has, in fact, had the insolence to have made that speech and then to have left, not to listen to those of us who may wish to put to him different views, and I think it has probably accelerated the day, I suspect, when the Dean will be removed from the Assembly. I think it is a dangerous situation to start to get into when we begin to mix religion and politics and I think the Dean... **[Interruption]** The Dean has returned much to the appreciation of the benches from the Connétables and I am glad that he has returned. I think the United States of America has the right constitution - that there should be a complete separation of the state from all religious considerations and that makes society more equal and more tolerant. The Dean made an extremely clever speech. He went on at some considerable length suggesting that this flaw and perhaps that flaw and perhaps that problem might exist with the proposition itself. I think really his cover was blown when he made reference to having to obey God's word, God's scripture. So I think no matter, frankly, what the proposal actually said, this Dean is going to be against it and oppose it. I think that much was plain but there have been some interesting TV programmes recently about religion and it was pointed out that some of God's word as revealed in the Bible - biblical scripture - advocates tribal slaughter. The stoning of people, killing, all kinds of dreadful things are in the Bible. So which part of the Bible should we choose to adhere to and which part to discount? I would have thought in this day and age most people, at least in our society, who are Christians would have, in essence, followed the tolerant and forgiving word of Christ rather than some of the more dubious parts that are in the Bible. Let us remember that part of society's failure and refusal to accept the true nature of people's sexuality has led to sexual practices - often wholly wrong and wicked sexual practices - being driven underground because we are not supposed to speak about these things. Indeed, let us be frank: the reputation of the Christian church in the matter of child abuse is in shreds after the last few decades. How many senior clerics, even up to the level of a pope, have, in effect, engaged in the cover-up of multiple examples of child abuse by priests? So I really think before we start taking lessons from the church on this matter we really need to consider the facts. As science has proven, people are made the way they are made by genetics. Some people are gay. That is simply a fact and we have to show respect and tolerance to people whatever their sexual orientation, creed, colour, whatever their differences may be - but that is the way people are made. We have to think rationally about these issues otherwise where does it end if we start being guided by religious thinking? If we start bringing religion into politics, what next? Do we start teaching intelligent design in school science classes? Something that has fortunately just been thrown out by the courts in the United States. Where does it all end? I think one of the things that was most unfortunate about the Dean's speech is that, ultimately, he cites God's word and really there was no disguising his disapproval of homosexuality in what he said and that is unfortunate because the Dean's speech will have encouraged many people in our society to continue with the prejudice that they have. I would like to finish by remembering the school I went to - St. Helier Boys. It was an utterly failed school that would not have been out of place in an inner city - a slum. It was used by the Island's authorities as a dumping ground for derelict, incompetent teachers; half of whom were drunk, the other half were mad. The school was in a state of chaos. Violence... **[Laughter]** Violence and chaos were endemic in the school and it ran that way for many, many years. Many pupils who went to that school would agree with me, and it was regarded as a dumping-ground school because it only served the town housing estates and we did not really matter. We were just going to be digging holes in the road and that kind of thing so our education did not matter. Because the violence was so endemic in that school, anyone

who was remotely different in any way whatsoever - of a different race, different nationality, different accent even - were attacked, routinely beaten up, week in and week out; spat on; had their equipment, school bags, stolen and all of that kind of thing. There were some boys in that school who were clearly gay at the age of 12 or 13 years-old and the rest of the school - those of us who were not gay and afraid - quite shamefully singled them out for particular violent and savage abuse; beatings, kickings, all kinds of things were done. Deputy Le Hérisier says: "Oh, that's just like an English public school". That might be the case... **[Laughter]** That might be the case but that does not make it right and I think if we are going to encourage the acceptance and understanding of the natures of some children we really have to move away from the kind of prejudiced thinking or the kind of thinking that will even encourage those who are prejudice outside this Assembly to attack and criticise and denigrate people who are gay, and gay children. Even if Members are not concerned, recognising the rights of younger people who are gay and indeed affording them, through the decision of this Assembly, the recognition and respect, that might at last begin to remove some of the hostility and difficulty they face in society. There is, as Senator Walker said, a very substantial constitutional problem for the Island if we do not agree to this legislation ourselves. The fact is the law is going to change one way or another. We can do it ourselves; we can face the issue or external forces can bring it about in a much more painful way and in a much more damaging way for the Island. I really think in this year - in the 21st century - we have finally got to lay aside our prejudices and finally recognise the fact that people deserve equal treatment and equal respect.

Senator T.J. Le Main:

Can I ask the question of the SG, please, for some clarification again? I just sent a note over to the Solicitor General asking if countries like Poland, Denmark, Belgium, Spain, Ireland were party to this Human Rights legislation which we are supposed to be adhering to and the SG has said that she believes they are, yet they have very varying ages of consent in their legislation and we are being asked to comply with the UK and not with the Human Rights legislation at the age of 16 and I find that very difficult to understand. My question is, if other countries such as I have quoted are in fact Human Rights compliant or signed up to the Human Rights legislation, why have we or why are we obligated today to not have any alternatives but to feel that we have to reduce it to such an age as 16 and not do 18, or 17 like Ireland?

Miss S.C. Nicolle, Q.C., H.M. Solicitor General:

Firstly, the fact that a country has signed up to the EU does not mean it is EU compliant. The European Court of Human Rights deals habitually with complaints by the citizens of all countries which are signed up to the European Convention on Human Rights and, on a fairly regular basis, does find that governments are in breach of their obligations. Simply the fact that the countries which are shown on the table are signed up to the European Convention on Human Rights does not mean that what they are doing is Human Rights compliant. It may not be. That does not mean it is not. I am just saying that you cannot take it as an assumption that they are Human Rights compliant. Secondly, just to explain the implications of the way in which the European Convention affects this, there are two rights in question: the first is the right to respect for one's private life which can be interfered with only on specified grounds. Now obviously there has to be some interference in a matter like this because I do not think any state would say that there can be sexual intercourse with children from birth onwards. That would open up too much abuse so it is open to a state to fix a starting age, as it were. The other provision which is relevant is the provision which says that there should be no discrimination in the entitlement of a citizen to the enjoyment of a human right; therefore, what you do in making the particular human right available must be done for all the citizens and that is where the parity of age comes in. As to the necessity, or otherwise, for parity with the United Kingdom, that is not one which I can answer off the cuff, I am afraid. The Chief Minister referred to the terms of joining and that is something I would have to have a look at and I do not have it to hand in this Chamber.

Deputy P.F.V. Le Claire of St. Helier:

May I ask the Solicitor General also to explain to the Assembly the actual qualifying of that requirement of equality because, as I understand it, it is right that there should be an equality to ensure that there is equality. There should be an equal age. But also there are some conditions which apply to these which could exempt those and those are borne in mind when making these decisions. I wonder if the Solicitor General might give us the conditions that can be considered when taking these things into account.

The Solicitor General:

The article, on right to respect for private and family life and the provision which refers to interference by a public authority says: "There should be no interference by public authority with the exercise of this right, except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others." That is the provision and it is subject to the established principles that the interference must be proportionate i.e. no more than is necessary for the desired objective. The anti-discrimination provision reads: "The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national social origin, association with a national minority, property birth or other status." So, obviously the relevant one here would be, it would be discrimination on a ground such as sex.

Deputy A.D. Lewis of St. John:

Could I ask the Solicitor General for just further clarification? Can I just make sure that I have understood this absolutely correctly? The Island is not entitled - am I right, Madam Solicitor General, through you, Sir - to have an unequal age of consent? That is there is case law and if she could just confirm my understanding that there is no alternative. There has to be a universal age of consent.

The Solicitor General:

Yes, because that would be discrimination on the grounds of sex and the Article I have just read out - which is Article 14 - says: "The enjoyments of the rights and freedoms" and the particular right which is in instance here is the article 8 right to respect for one's private life. It says: "The enjoyments of the rights and freedoms shall be secured without discrimination on any grounds such as sex." So, if there was a discrimination on the age at which the rights can be enjoyed which was founded on sex, as clearly it would be, then that would be a breach of the prohibition on discrimination.

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

Can I ask her a further point of clarification? I do apologise. I think it was trying to get our minds in tune, as it were. If, hypothetically, we were to reject this proposition but to come back later this year and for example be able to vote on increasing the overall age of consent to 17 so that there was no discrimination if it was set at a different age, would that meet the criteria of the legislation, and would that also allow us to avoid damaging our international reputation?

The Solicitor General:

As to whether it would meet the criteria, that would depend upon whether the raising of the age was proportionate. As I said when reading out the provision in Article 8 about interference, the wording is: "There shall be no interference save for..." and then it sets out the objectives which will justify interference and I added to that that it is an established principle that the interference must be proportionate. Therefore, the legislation, whatever it was, would have to be proportionate. So,

firstly, to give an answer you would have to have your legislation in draft and look at the objective which underlies this interference and then secondly, is the raising of the age to 17 proportionate? This obviously would have to be considered against the background that there has been an age of 16 for a considerable period for heterosexual intercourse. Therefore it is arguably possible that some aggrieved person who wished to practice heterosexual sex at the age of 16 might object that it is not proportionate to using the words that the “statute interfere with my right up to the age of 17.” It cannot be proportionate because for decades - and indeed longer than decades - it has been 16. Now, I do not see how that would be decided but it is an argument which, as a matter of law, could be advanced.

Deputy Bailiff:

Are you going to ask another question of the Solicitor General?

Deputy P.N. Troy of St. Brelade:

I am, Sir, yes. Can I ask the Solicitor General what evidence the Law Officers Department has that we have to sign up to this immediately, at this moment in time, ahead of Guernsey, Isle of Man and other jurisdictions who have not signed up?

The Solicitor General:

It is not really a question of evidence and it is not a question of signing up. As for signing up, the convention does apply and has done so for a very long time. It cannot be enforced directly in the domestic courts but complaints can be made to the European Court on human rights. So, it is not a question of do we need to sign up. As to the question of evidence, again, it is not a matter of evidence, it is a matter of law; and the legal position is that the European Convention on Human Rights does apply, albeit, as I have said, it cannot be enforced in the domestic courts. It does apply and it has the provisions that I have referred to. Firstly, the right to respect for private life which would include sexual activity. The fact that that can be interfered with on specified grounds, that interference must be proportional and that there must be no discrimination in the enjoyment of a right. So that the position is that if any of those are not complied with the Island is in breach now, as I stand here.

Deputy P.N. Troy:

We are in breach but no sanctions are taken against us for being in breach.

The Solicitor General:

It does not operate by way of sanctions, it operates by way of a complaint to the European Court, so that there is a potential for complaint to be made and if a complaint is made it is dealt with by the court.

The Deputy Bailiff:

Are there any more questions? I have a number of speakers who have caught my eye ahead of those, but if it is a question, Deputy Le Fondré?

Deputy J.A.N. Le Fondré:

It is a further question and I do apologise, Sir. Just again for clarification from parents' point of view if one was to - for the sake of argument - trying to increase the age of consent to 17 we might be considered to be interfering with the right of someone, currently at 16 to engage in heterosexual sex. How does that differ - bearing in mind I certainly was not in the House at the time - from the fact that I believe have increased for example the age of the ability to smoke or at least to buy cigarettes from 16 to 17 which is obviously on health grounds, I believe. It is a different degree but is it not the same principle?

The Solicitor General:

So far as interfering with the right to smoke I think one would probably have difficulty in invoking a human right to smoke. This is a health measure. Supposing one were to say that you have a human right to smoke, the answer, I think, would be there is greater information about the ill effects of smoking, a greater awareness of the damage which smoking does, and simply change to health standards and perceptions.

Deputy G.P. Southern:

Could the Solicitor General also confirm that while at present we would have to be taken to the European Court to challenge anything that we did, but shortly - and whether that is this year or next year, but highly likely - it will be subject to challenge in our own courts?

The Solicitor General:

It will be subject to challenge in the Royal Court when the Human Rights (Jersey) Law is brought into force by the States.

Senator P.F.C. Ozouf:

Can I respectfully ask the Solicitor General her view on the reality of raising the overall level of consent to 17? Would she be able to confirm that you can marry currently at 16, and certainly if the universal age of consent was 17 then certainly marriage would not be, in the heterosexual sense, in the eyes of God as I understand it, able to be consummated. Is this even realistic to have a universal age of consent as 17?

The Solicitor General:

Certainly it is the case that as the legislation stands you can marry at the age of 16 so if there were any changes the changes would have to be comprehensive to take care of that. I mean, as for being realistic I do not want to trespass into the political arena and say what the States can and cannot realistically enact but it would certainly take a lot of changes and far-reaching ones.

The Deputy Bailiff:

A return to speeches then. Deputy Le Herissier and a number of other people before you. Did you want to ask another question of the Solicitor General?

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

If I may, Sir. I wonder if the Solicitor General could address the issue; does the concept of the margin of discretion apply here, or is equality an absolute concept and one has to stay fixed to a certain age?

The Solicitor General:

Equality: the margin of appreciation does not apply on a point like equality. I have read out the wording and it simply says: "The enjoyment shall be secured without discrimination on grounds such as sex". Now, if you have some other ground which was not an outlawed ground for discrimination then that would be different. To use an illustration, if you discriminated on the grounds of mental capacity of individuals to appreciate and to consent, as is in fact the case, mental health patients are subject to protection against exploitation sexually. That is a ground upon which there can be a discrimination because it is not one of the ones that is outlawed.

The Deputy of St. John:

As I stated yesterday I remain concerned as to the reputational damage that could be done if we do not accept this proposal and I support what Senator Walker was saying - and Senator Syvret - however I do respect the comments and views of the Dean. Yesterday the Deputy of St. Ouen spoke passionately about his concerns and questioned as to why we had to change when Guernsey and the

Isle of Man and other jurisdictions had similar legislation in place. Well, Sir, I would suggest that in this instance it would clearly be Jersey that was taking the lead in modernising its legislation in pursuit of compliance with human rights legislation. Let us take that lead and let others follow, rather than waiting for a higher court to publicly force our hand. The Deputy also spoke of other jurisdictions that had even higher ages of consent and indeed it has been spoken about again today and similar laws that discriminate between homosexuals and heterosexuals. I think the Assembly should be reminded that our concerns are with the European courts, not those of Madagascar or Australia, who have not signed up to upholding human rights in accordance to European Convention. The Deputy of St. Ouen also suggested that not enough medical evidence had been tabled in support of this case. On this accusation I would like to draw the attention of the House to a BMA report which states that there is no convincing medical reason against reducing the age of consent for male homosexuals to 16. In fact, to do so may yield some positive health benefits. The report goes on to say that if young men are not protected by the law they fear seeking professional advice on sexually transmitted diseases from doctors, teachers, youth workers and social workers, because in doing so they would be admitting to having committed a crime. Criminalising such consenting individuals in this manner would simply be absurd. I would also like to bring Members' attention to an extract from a briefing from local government authority association in support of the change in the law in the UK. It states that a wealth of anecdotal and survey evidence suggests that the lives of gay teenagers are difficult and often plagued by fear, harassment and bullying. For young gay men to live outside the protection of the law and not to enjoy the same rights as their heterosexual peers strikes at the equality of dignity and respect which the LGA believes should be the right of all citizens of the UK. There is no comprehensive data on the number of gay people in the UK, as no census has ever asked people to define their sexuality. However, the UK government, using anecdotal and other lifestyle research suggests that the gay population of the UK is between 5 and 7 per cent of the population. As Jersey has a similar cultural and demographic makeup to much of the UK, there is every reason to suggest that similar ratios of gay people exist in Jersey. Therefore, as an elected Assembly, we have a duty to represent all groupings in our society fairly and equitably. The Chief Minister has recently spoken about his desire to work with this Assembly to ensure that we help create a fully inclusive society in our Bailiwick. Let us not fall at the first fence when faced with our first test of creating such a society. I would therefore strongly urge members to grasp this opportunity by voting for the proposal and move Jersey forward to where it belongs, not backwards. Thank you, Sir.

Deputy C.F. Labey of Grouville:

May I firstly start by saying how very, very welcome the Dean's remarks were. They were like a breath of fresh air in this Assembly. When we ourselves get wrapped up in all our political correctness conventions and human rights and I would like to say, long may his presence stay in this Assembly. The problem is - in my understanding - is the inequality of this law. The fact that we have 2 ages and not one - and quite rightly it should be one age - I would fully go along with consistency and to get rid of this inequality. I come to this debate most certainly not from a prejudiced stance. Some of the speeches I have heard have been quite shocking, I have to say, from a prejudice point of view and I would like to disassociate myself from them because I am going to vote against this because I do not agree that 16 is an appropriate age for either sex. My teenage daughter is absolutely appalled at me. I am a mother that is totally embarrassing for taking this stance, however on my way out this morning I was called by a parishioner who said to me that his son was abused at the age of 16 by a predatory woman. He has gone on in life to never, ever be able to have a proper relationship and it goes on - it perpetuates itself. Those who have been abused then go on... Those people then go on later in life to abuse themselves. This is such a difficult one because what about the human rights of that boy? Who is protecting him? In my opinion we are faced with a situation of either criminalising teenagers, and we know it goes on; but in reality when is the last time we saw two 15 year-old teenagers getting prosecuted for having sex? We need some common sense and we need to protect the vulnerable in our society and it is this

predatory element that I am most concerned about. What we will be doing today... the law is not right now, but two wrongs do not make a right. What we will be doing today is saying: "Yes, it is fine for a 16 year-old and a 45 year-old, whatever sex, whatever sexuality, is okay. That is fine". I cannot go along with that.

Deputy I.J. Gorst of St. Clement:

We are being asked to support this proposition to amend the law of sodomy, based on recent rulings of the European Court of Human Rights. We also have a ruling from the European Commission within the reports, attached to the propositions, the rulings and decisions of which are a matter of public record. They revolve around the requirement for a state to be non-discriminatory in its treatment of the age of consent, whether for homosexuals or heterosexuals. The Committee therefore considered 3 options, which have been well-rehearsed in this debate. We are then told that the Committee concluded that the first of these was the only feasible option. Unfortunately, Sir, despite the additional information that the Minister provided yesterday, I find the Committee's conclusions to simply be a plump for the easy option without due consideration for the others. Primarily, I believe that we, in this Chamber, have a duty and a responsibility to ensure that our young people are adequately protected by any law that we approve. My fear is that if we were to approve this change today we would leave some of our young people without the current protection that the law provides. The Minister referred briefly yesterday to the 'abuse of trust' offence. It is worth remembering, Sir, that when the UK government introduced its legislation to lower the age of consent for homosexual activity in England and Wales only from 18 to 16 years, it recognised the need to offer protection and introduce at the same time an 'abuse of trust' offence within its law. This 'abuse of trust' offence operates by making it a criminal offence for a person aged 18 or over to engage in any sexual activity with, or directed towards a person under 18, if he/she is in a position of trust in relation to that person. The Minister stated that she felt such protection should not be attached to this proposition. I disagree. We have also been reminded this morning of the Waterhouse Inquiry into the abuse of children in care in North Wales undertaken by Sir Ronald Waterhouse. That report has some interesting things to say about 16 to 18 year-olds and the abuse that they suffered at the hands of predatory homosexual males. It still appears to me that the Committee did not seriously consider the other options which would make the current law human rights compliant and I did not hear anything yesterday which changes my opinion on this. One of the reasons the Minister gave yesterday - and we have heard more about this this morning - for not raising the age of consent to 17 years for heterosexual activity was the problem of enforcement and yet she went on to say that 50 per cent of homosexual men have their first sexual experience before the age of 16 - surely with the same problem of enforcement. The concept of change to the law if people break it does not seem to me to be a sound one for the basis of legislation. I therefore have no choice with the rejection of the reference back but to recommend that Members reject this proposition. After all, at what age does the law consider a young person to be an adult? For example, one can buy alcohol at 18 years, one can only drive a car at 17 years, one can only vote at the age of 18 years. The UN Convention on the Right of the Child defines childhood as the time before a person reaches the age of 18. Despite again what we have said yesterday there is conflicting research evidence on whether indeed 16 year-olds are settled in their sexual orientation. Interestingly, I note that the Committee in its proposition only quote those bodies which believe that they are settled with no mention of contradictory research, an example of which is *Wellings K and others report*, entitled, *Sexual Behaviour in Britain* which was a national survey of sexual attitudes and lifestyles. Any health implications the proposition dismisses by saying that these can be addressed by health education in the usual way. What we are discussing is not so much an age of consent but I believe an age of protection. It is an age during which we protect our young people. After that we say it is up to them to protect themselves, that education must be their protection and the law should not intervene. Our laws should and must be human right compliant but this is not the only option which would make this law human right compliant. This coupled

with the absence of any 'abuse of trust' clause leave me with no option but to respectfully urge Members to reject this proposition.

Senator M.E. Vibert:

I wholly respect the Dean's right to speak while he is a Member of this Chamber and I think that while he is a Member of this chamber it would be wholly wrong if he did not speak on issues that he feels he should. I think that some Members have missed part of the theme running through his speech which was respect and it is not something that has been demonstrated and shown since his speech in speeches, Sir, in over-enthusiastic foot-stamping and in audible asides. I do not think we are doing ourselves any service, Sir, by behaving in such a manner. If you will allow me a moment, Sir, I will say that no respect was shown by Senator Syvret in his denigration of staff at a local school. I regret very much that Senator Syvret obviously did not enjoy his time at that school. I was a special needs teacher at that school for 7 years. I think Senator Le Main has yet again just demonstrated how to bring the House into disrepute by an aside that is totally out of place when we are discussing a serious issue. **[Interruption]** May I continue, Sir? I was a special needs teacher at that school for 7 years.

The Deputy Bailiff: Senator Le Main, please be quiet.

Senator M.E. Vibert: If I may continue uninterrupted, Sir. I was a special needs teacher at that school for 7 years. I am pleased to say that many students I knew there, both who I taught special needs and I taught other subjects as well, still come up and talk to me in the street and have thanked me for what happened there. I also know that there were a lot of other dedicated teachers at the school at the time. I agree: and I know from my own school days that school children can be very cruel and there was a lot of taunting when I was at school as well, and I am ashamed of some of the things I took part in, but I think it is wrong to blanketly condemn a group of people who have no right to defend themselves in this Chamber and I wish to act on their behalf in that defence. Having said that, Sir, I would like to return to the matter at issue; a very serious matter, a very emotional matter. It is one I wrestled with, with some difficulty on this issue. I think we all have our own emotional inclinations. By genetic accident - for want of a better word - I happen to be heterosexual, I am married, I am a parent, I have 2 grown-up children. My emotional inclination is against homosexual activities but I hope I recognise that for what it is - which is a prejudice and a wrong prejudice - and I strive against it. I think it is very important we do not let our own emotional inclinations influence the way we represent all the people of this Island and a number of people of this Island will, through their genetic make-up be gay, and they have every right - just as much right as heterosexuals - to our representation in this Chamber. So, I urge members to put their own prejudices aside to recognise their prejudices when considering this issue. I think that it may be valuable to members to know, because we are talking about young people, what we teach in our schools in personal, social and health education to pupils at key stage 4; that is children aged 14 to 16. Among other things pupils of this age are taught to have a sense of their own identity and present themselves confidently in a range of situations, to recognise and manage influences, pressure and sources of health and support. They are also taught the legal and human rights and responsibilities underpinning society and how they relate to citizens including the role and operation of the criminal and civil justice system. They are taught to consider alternatives and long and short term consequences when making decisions about personal health and to use assertiveness skills to counter unhelpful pressures. They are taught the health risks associated with alcohol and drug use, early sexual activity and pregnancy. They are taught how to seek professional advice confidently and find information related to health, to challenge offending behaviour, prejudice, bullying, racism and discrimination assertively and taking the initiative and giving and receiving support, to be able to talk about relationships and feelings, to manage changing relationships using strategies to resolve disagreements peacefully and about statutory and voluntary organisations that support relationships in crisis. In fact, the main objective of sex and relationship education in our

schools is to help and support young people through their physical, emotional and moral development. Pupils are taught to understand human sexuality, to appreciate the value of stable relationships, to learn the reasons for delaying sexual activity, and to recognise the benefits to be gained from such delay. Secondary age pupils - the age we are talking about - are given advice on matters related to sexual health and factual information about safer sex with the aim of encouraging responsible behaviour. I think we teach the right things in our schools. We are teaching children to think for themselves, to be aware, to make their own decisions. When people talk about the age we are talking about here - and some people are saying whether it should be 17 and it is currently 16, some people are saying raise it to 18 - I think Members should be aware that it is nature that dictates when an individual child passes through puberty and becomes sexually aware and wishes to explore that sexuality. It is not dictated by legislation. Legislation simply criminalises the issue. I think the suggestion which some Members appear to be grasping at - because it is a very difficult issue, and it is one I am sure all, in many ways, rather not address - saying, let us turn this down, let us go for 17. Somehow that sounds better. Deputy Labey made the point in her speech that the concern she had - and I am sure it is reflected by all of us - was not about young people. She mentioned herself: when was the last time you heard of two 15 year-olds being up in court for indulging in sexual activity? It was about predatory activity of older people on very young teenagers. I agree that is totally to be abhorred but the place to address that in our criminal justice system is not in this legislation which is about the age of consent, for want of a better word. I believe there is a Sexual Offenders Law coming to this House in the not too distant future and I hope it will address such issues which are serious issues and should be taken seriously. It should not be confused with the issue we are discussing today. Because it is no more satisfactory, in my view, for someone of a mature age to act in a predatory sexual nature to an immature 17 year-old as it is to a 16 year-old. It is the offence practiced that should be banned. The age is not a relevant issue in this case. I think we need to think long and hard about what we are discussing here and I think we need to realise that changing the age of consent does not make sexual activity of any description compulsory. Young people decide for themselves, whatever their sexual persuasion, when they are going to start indulging in sexual activity. Hopefully, the education we give in our schools and the support they get from their parents will make them take a responsible decision, the right decision for themselves. I think it is too easy, Sir, in some occasions to say that some people have contacted us; some people as the Constable of Grouville said, he has had calls from parishioners. He should represent parishioners. I believe our oath says we should act with our conscience. We are representatives not delegates. Many people, and possibly even today; and certainly one of our own Deputies admitted to himself - Deputy Baudains - believes in capital punishment. Never mind the fact that innocent people could be killed by the state in a wrongful conviction, he believes in it. Some time ago this House made a very courageous decision and it was a decision that had the same implications as we are facing today but we were being pressured by the UK to do away with capital punishment in Jersey. It was not a popular decision: it was a right decision. This House on many occasions has made the right decision in the face of popular opinion - popular uninformed opinion - not just on capital punishment: but when it was decided to adopt a social security scheme. Then there were hoards of people in the Square saying it would be the death of the Jerseyman if we started having pensions and paid for and cared for other people. The States on that occasion made the right decision, not the popular decision. The decision I will make today, will hopefully be the right decision for the right reasons. I understand and respect the pressure we are under to comply with the European Convention. I understand that it could affect our constitutional relationship but the decision I will make will be decision based because I believe discrimination is wrong and despite my own prejudices - which I recognise as such and try to put them aside - it is wrong to discriminate on sexual grounds, on sexual inclination in the age of consent and it is unrealistic and wrong to think that the answer is to put up the age of consent from its current age just to feed those prejudices because that would be simply what it was doing. If we want to stop predatory activity we stop it in another way; we need to be realistic, we need to regard

young people as maturing adults who make their own decisions and please examine your consciences everyone, put aside your prejudices and make the right decision. Thank you.

Deputy C.J. Scott Warren of St. Saviour:

Could I ask the Minister for Home Affairs to give this Assembly any further reasons than the many ones already given this morning by the Solicitor General, why Jersey cannot consider raising the age of consent, for example to 17. I am a Christian and I personally welcome the Dean's opinion on this important matter and any other issues he wishes to speak on. While human rights are important the social issues raised by the Dean also concern me. As Assistant Minister for Health, however, I feel there may be a case to decriminalise homosexual acts between 16 and 18 year-old men. This would enable these sexually active young men to obtain relevant health advice without fear. I know we had assurance from the Chief Minister but I would like full assurance from the Minister that any potential additional social concerns will be fully addressed if this proposition is adopted. This is essential, in my opinion, if we are required to sign up to lowering...

Senator L. Norman:

I do not want to interrupt the Deputy. I am having great difficulty hearing her because of a meeting which is going on behind me.

The Deputy Bailiff:

Can I remind Members, Standing Orders do say that Members should listen and not make a noise while speeches are carrying on. It is important, I think, that we do not need to copy the House of Commons, in that respect.

Deputy C.J. Scott Warren:

Thank you. Can I seek full assurance from the Minister that, as I know the Chief Minister has already spoken about involving members of the church... can I seek full assurance that any potential additional social concern will be fully addressed if this proposition is adopted? This is important, in my opinion, if we are required to sign up to lowering the age of consent for homosexuals to 16 and I must add that I also do not support discrimination and I very much support human rights.

Senator L. Norman:

I will not be persuaded and I will not be swayed by these scaremongering comments of the Chief Minister earlier this morning who told us that we have to accept this change in the law. Clearly he does not want to fall out with his new chums at the Department of Constitutional Affairs. This is not the time to allow ourselves to be bullied or coerced by London or Europe to change a law which I happen to believe is mainly right, simply to gain brownie points in London. I do not believe there is any chance whatsoever that the UK would attempt to legislate for us over this issue, certainly not at this time. Not while the UK themselves have different ages for different types of sexual activity in different parts of the Union. Not while the Isle of Man have differentials between conventional and homosexual sex, while the Bailiwick of Guernsey has two separate differentials for the homosexual and conventional sex and we of course are similar to the Isle of Man and at least one European country - a member of the European Union - has differentials. All of those signed up to the convention of human rights. A number of Members, Sir, have mentioned, and we have made much of it - certainly the Chief Minister has made much of it - about developing our own international identity and personality. Something which I support. But part of that to me means that we make our own decisions affecting our own citizens and not be coerced into falling into line with things which are done necessarily in other places which do not suit us. So, we have different ages at which certain activities become permissible or allowable. Ages that we, in this Island, believe to be appropriate, not faceless people in other parts of Europe. We have heard from various members that a 16 year-old cannot buy alcohol in a pub, a 16 year-old can no longer buy tobacco

products (although they could a few months ago), a 16 year-old cannot get married without parents' or guardians' permission. In some countries it is 12 or 13. When are we going to be asked to do that? A 16 year-old cannot vote, a 16 year-old cannot get a full driving licence. All of these things - and probably many others - are forbidden or restricted but now the Home Affairs Minister, on behalf of our masters at the European Court, tells us that buggery for 16 year-olds is not only okay but must be allowed because Europe tells us so, no matter what we in the Chamber - the legislators for this Island - think is right. There is no way that I am homophobic in any way whatsoever but I will not support reducing the age of consent at this time. I could do it basing it on religious reasons. I could do that but I will not make that claim. I am content with a difference in age limits for conventional sex between male and female and buggery between 2 males, simply because I know and it is a proven fact, that there are big differences between men and women and boys and girls. I look across the Chamber and I see Deputy Southern and Deputy Pitman and I thank God for those differences. **[Laughter]**

Senator L. Norman:

Men will never, in my view, become equal to women. There are physical, physiological and psychological differences but there is one major and significant difference which I think was mentioned by Deputy Huet this morning - that girls mature much faster than boys - and on that basis alone a greater level of protection should be offered to boys from predatory and inappropriate behaviour. That sort of protection, in my view, is not only perfectly legitimate; it is more than legitimate, it is right and proper. Bring forward to me legislation which is human rights compliant but at the same time bring me legislation or some mechanisms which protect the 16 year-old boys. There is no way, Sir, that I can support this proposition.

Deputy R.C. Duhamel of St. Saviour:

I have listened with great interest to the arguments on both sides and I have been wondering, Sir, that a number of Members have referred to the inadequacy of the report and the fact that as long as we are taking seems to be a direct result of deficiencies within the paper that has been brought by the ministerial department. So, I wonder if I could suggest, Sir, that the issue be scrutinised or put to the Scrutiny Committee in order to bring forward the unanswered questions that are obviously perplexing a lot of Members in order to assist them in making a fuller decision at the correct time.

The Deputy Bailiff:

Well, Standing Order 79.1 provides that any member of the States may propose without notice that the States request the relevant Scrutiny Panel to consider having the proposition referred to it. Is that what you are proposing?

Deputy R.C. Duhamel:

It is, Sir, and it would appear that...

The Deputy Bailiff: Who is the Chairman of the relevant Scrutiny Panel?

Deputy R.C. Duhamel:

There are issues, Sir, that could usefully be looked at both by the Corporate Affairs Panel and indeed, Sir, by the Social Affairs Panel so I think it will be between the 2.

The Deputy Bailiff:

The result of such a vote would be that the debate is suspended until the next meeting. At the next meeting the Chairman of the relevant Scrutiny Panel would have to inform the Assembly of whether he or she wished to have the matter referred to him. This appears to be a right of any member to raise. Is the proposition seconded? Very well. Do we have a debate on it? I accept the proposition. It is not out of order. It is something which a member is entitled to do and the

Standing Orders do not say it is without debate therefore presumably there is a debate upon whether to refer it to a Scrutiny Panel.

Deputy P.J.D. Ryan of St. Helier:

As Chairman of the Corporate Services Scrutiny Panel there is just one observation that I would make - whereas I very much recognise and appreciate what Deputy Duhamel has said - and that is that I believe that this is a proposition (a projet) that has come from the old Home Affairs Committee rather than the Council of Ministers as such. It strikes me that I do not believe - or correct me if I am wrong, I am sure that the Chief Minister will correct me if I am wrong - but I do not believe this has come before the Council of Ministers as such and I am wondering whether the right process would be for it to go first to the Council of Ministers before it goes to Scrutiny as such. I am just wondering whether that would be a better course of action and I stand to be corrected, or for that to be...

Deputy R.G. Le Herissier:

To put the mind of the Chairman of the Corporate Services Scrutiny Panel at rest there is an important constitutional issue that has arisen and that is the reason why in part it is suggested it be referred to his Panel. On the broader issue, Sir, I think we are getting nowhere as a House. We are mired down in the whole thing, members are very worried about it. It would be very unfortunate if the thing were lost because of the absence of work, although I know there are deep, deep emotional undercurrents to the debate and I think that work needs to be done. I do not blame the Minister of Home Affairs, Sir: I know she has, in part, inherited this and she is under all sorts of cross pressures to deal with the matter but quite clearly members want reassurance. I think there have been some very good issues raised on both sides for example by people like Deputy Gorst and I think they deserve a proper hearing. I think that is the whole purpose of scrutiny, to de-emotionalise an issue, look at the facts, and try and bring a considered set of questions and of issues back to the House.

The Deputy Bailiff:

Minister, I think I turn to you because you are the Minister responsible.

Senator W. Kinnard:

Well, Sir, I was just going to say that clearly the debate has I think taken frankly a turn for the worse in terms of the quality and in terms of the respect or disrespect that has been shown on both sides of the argument today and I find that extremely disappointing. I had intended that we would have a very sensible, clear-headed debate and if in coming forward with the report sufficient information has not been provided before members it is true that I did inherit this proposition and there was some urgency for it to be debated, but I do indeed apologise to those members about not having sufficient information. On the basis of that, Sir, and the suggestions from others which I think are helpful that it might be referred to both Scrutiny and the Council of Ministers, I would be prepared, I think, Sir, to agree to a short delay on the conclusion of the issue if the matter was referred to the Council of Ministers for further consideration and indeed obviously if Scrutiny has an interest I have no objection to that either, Sir.

The Deputy Bailiff:

Let us now be clear. What has been proposed under the relevant Standing Order is that in fact the matter be referred to the Scrutiny Chairmen for their views at which they would report back next week and that is at the next sitting. Obviously, you too could consider the position in the meantime but I take it from what you are saying that you do not disagree with the proposal put forward by Deputy Duhamel.

Senator W. Kinnard:

I think, Sir, because of the way that the debate has progressed I do not really think I have an awful lot of option. It is not a position I am in favour of. In fact I am extremely disappointed - if not in some ways appalled - at the way in which the debate has developed but on the basis of that I am prepared to accept that Members do have concerns which I think will be addressed and can be addressed, and I would hope that this matter would come back before the House as soon as we possibly can bring it because there is a serious sense of urgency about this matter, Sir.

The Deputy Bailiff:

Well, on that basis, does any other member wish to speak at this stage?

Senator P.F.C. Ozouf:

Yes, Sir. I will speak, Sir, and I will be supporting the view to send this to Scrutiny because clearly I have sat here this morning and I have listened. I have been shocked and disturbed from a lot of the contributions I have heard. It would clearly be wrong for this piece of legislation to pass through because it must pass through - and it will pass through - in a sense that Members are feeling this morning. There is clearly a great deal of understanding - of education - that needs to be put into Members' minds on this issue, and it will be sending out and - if Jersey does reject this, if we were to have gone on to reject this - there would have been a very serious, in my view, reputational issue for the Island that would have emerged. I have to say I really am quite shocked at some of the things that I have heard this morning and there are going to be many people on this Island who will share that shock of just how much understanding there is on these very sensitive issues but I think it is the right thing to do to send it to Scrutiny because I hope that evidence, fact and science will win the arguments.

Deputy F.J. Hill of St. Martin:

Yes, Sir, I am the Chairman of the Social Affairs Committee and can I say to the House that we did consider this at our very first meeting and we really felt again it was so far down the road that it would have been wrong not to have had this debate. Whereas the other social policy issues - criminal justice policy - we were going to look at - and certainly the Housing Ministers are further down the road - but we really felt this. But I share Senator Ozouf's frustration because I feel that all we are doing is fighting. I would hope that if it has to go back to Scrutiny that it has to take us time. Do not think that, because you can just pass it back to Scrutiny, we are going to come up tomorrow and say this is why we should have this or this is why we should not. So, what we will be doing? No doubt we will report back in 2 weeks time but what we probably will be saying is that if we are going to do the job properly it will not be done within a matter of weeks.

Deputy G.W.J. de Faye of St. Helier:

I would just like to talk briefly, primarily to exonerate the Minister of Home Affairs for responsibility. The issue primarily came up in front of the previous Legislation Committee and at one point would have been handled by Deputy Jennifer Bridge as rapporteur; or in the case of not - doing that it might have been either Constable Gray - the Constable St. Clement I should say - as President or myself as Vice-President of the Committee bringing this forward as rapporteurs. I think I have to make the comment that perhaps the Legislation Committee is more immersed in legislation than other Members. That is probably one of the reasons why we so quickly adopted the solution that is apparently being offered because it was much clearer to us that this is largely a legalistic projet rather than a debate on moral philosophical and religious issues and that is why there were not other options being offered in terms of different ages of consents. I think that the Legislation Committee was very well aware, as was hinted at earlier by the Solicitor General, that by raising ages of consent - because I think members have fundamentally grasped one key issue here - that whatever the age is it has to apply to everybody. I think we were well aware that by raising the age of consent we caused all sorts of knock-on problems in terms of massive re-drafting

and scrutiny of legislation that we already have that would have been affected, whether you raised the age to 17 or 18.

The Deputy Bailiff:

Deputy, I am sorry but we are at the moment on a debate as to whether to suspend the debate in order that Scrutiny can look at it. Can you confine yourself to that? I appreciate your gesture in helping out the Minister. You have made the position clear but otherwise if you now confine yourself...

Deputy G.W.J. de Faye:

I think it is important that I draw members' attention to these matters because it will impinge on what progress we will make.

The Deputy Bailiff:

No, Deputy, they will be relevant obviously when the time comes for the debate. At the moment it is simply whether to suspend it in order that Scrutiny look at it.

Deputy G.W.J. de Faye:

In which case I bow to testing our new system of government.

Senator F.H. Walker:

I have already spoken in debate so this is absolutely about what happens next and I really would welcome your advice. Like many others I did not anticipate the way this debate has gone and it has turned into an extremely serious issue indeed. I am in favour of it being referred to Scrutiny in this way but I also think - as Deputy Ryan suggested - it should come to the Council of Ministers which it has not yet done. Now, the Council of Ministers will not be able to give it the consideration it needs and must have within for example the next 2 weeks. It is going to take longer than that to address all the concerns that have been expressed in the debate and come forward with whatever proposition the Council of Ministers decides upon. So, I would hope that the House would agree - seeking your advice, Sir, on how we might go about this but hope that it would be possible, and the House would agree - for the issue to be referred, not only to Scrutiny but to the Council of Ministers and that that would inevitably result in somewhat more of a delay before a further debate can be held.

The Deputy Bailiff:

If I can assist on that, what the Standing Order provides is that the debate, if it is agreed by the Assembly, is now suspended for 2 weeks. At the next sitting the Scrutiny Chairman will come back and say whether he wishes to have the matter referred to the Scrutiny Panel. If he says he does then the States at that stage will have to decide when debate will resume. In other words, a timetable is set for the Scrutiny Panel. If, on the other hand, he says that he does not want to have it referred to Scrutiny then, again, the States may either resume the debate immediately or decide at which meeting the debate shall be listed to resume. At that stage, if the Council of Ministers wanted more time presumably it would request the Assembly not to resume the debate immediately, but it would be a matter for the Assembly as whether it did. If I may just say from the Chair, it just occurs to me the alternative if the Council wish to - if you like - be in charge of the timetable is to withdraw the proposition at this stage and bring it back once the Council has looked at it. Now that is a matter for the Minister. Now at the moment we are debating Deputy Duhamel's proposition. I think it is a matter for the Members to consider, at the moment, what do you want to do?

The Connétable of St. Helier:

I do not want to depart from the mood of backslapping that appears to be creeping in, in exoneration. I think the States are hardly covered in glory as we sit here at the moment. Essentially reprising the debate we had yesterday on the reference back, but things have changed since the reference back debate. We have heard some speeches which have swayed Members and clearly the Council of Ministers or the former Home Affairs Committee or the former Legislation Committee are all feeling embarrassed because it has come out that there has not perhaps been enough attention by those Committees to the proposition. I think this is appalling, absolutely appalling. It should never have been brought in the first place if it was not ready. I happen to believe it is ready to be debated and I think we should be making a decision today. We have had some very passionate arguments. We can probably have some very more passionate debates, and I do not think personally that the issues will change by being referred to Scrutiny, by being referred to the Council of Ministers. The issue is about fairness: it is a fundamental issue about fairness. The message we send out today, if we fail to finish the debate, is that we have not got the bottle to say to a 16 year-old, who is mature, living in Jersey, that he can have the same rights of sexual expression as his friend who is a girl. I think that shows a fundamental cowardice, and I urge the States to conclude the debate and have the arguments and reach a decision.

Deputy P.N. Troy:

A moment ago it was suggested even that this could be withdrawn and taken to the Council of Ministers. I do not necessarily agree with that. I think that this should go out to Scrutiny and that this should even go out to even greater public consultation. I am chairman of the St. Brelade Youth Club and 3 or 4 years ago we had one of the officers come to the Youth Club and talk to the Management Committee about sexually transmitted diseases and the incidences of pregnancy and so on in the Island. This subject that we are debating today has not been mentioned to me, as Chairman of the Youth Club, in the last 3 years. There has not been consultation. There has not been discussions with youth clubs, perhaps even with schools. I do not know. But I do think that this is a serious error on the part of the Minister's office. We have no report from even the Medical Officer of Health, our Medical Office of Health. We have no reports from Jersey organisations, no consultation. No significant consultation is evidenced in this document as having taken place. It is so easy to present to us all of the information that has been gathered in the UK, very simple to do that. But it is not so easy to go out to a full consultation exercise here on the Island. And I think that the Ministry or the previous Committee has failed in that regard: totally failed. I do wish this to go to Scrutiny and I hope that the Scrutiny Committee will seriously consider wider consultation and wider opinion on the views of the people of Jersey.

Senator J.L. Perchard:

I could not agree more than with the Constable of St. Helier. I think he is absolutely right. This House has a reputation for passing and ignoring real issues when their backs are to the wall. I have been on the outside of this Chamber for all my life and it is a criticism I have of politicians. We do have the facts. We do know that discrimination of any sort, Sir, should be stamped out at all times. This is nothing to do with the EU Legislative Council as far as I am concerned. This is about discrimination, and discrimination is unacceptable in any modern democracy. I think it is as simple as that, Sir, and I really do feel that we should have the courage to make a decision and stand up and be counted.

Deputy J.B. Fox of St. Helier:

I agree that we should stand up and be counted but I think there is a process that we should do. I am in favour that this is such an important decision that this House has got to make; it has been spelt out to us by the Chief Minister. I think that because it has not even been discussed under our new ministerial system (it being so close to the change) I think it should be. I would concur that it be withdrawn purely as a temporary nature until both Scrutiny and the Council of Ministers have had an opportunity. I have been involved in my previous life on other aspects on the predatory

sides, et cetera, et cetera, and I do not think that we have the in-built safeguards in our legislation at the moment for any potential consequences from a very small minority, I agree. I think that these things should also be taken into consideration that have not been brought to the attention of the House. We have already heard that the criminal justice law has been delayed because of other things, and I think that some of these other sexual laws, et cetera, et cetera, should have been brought in to provide safeguards. I think that there is room for a delay. Not an abandonment, because clearly a decision has to come from this House. It is too important for it not to, but I think that we have to consider other things. I have a newspaper document from France which clearly shows that, in similar homosexual circumstances, the French are not intending to necessarily stick with the equal Convention, et cetera, and I think that that would be helpful if I was to be able to have the opportunity to go to Scrutiny or to give a note to the Council of Ministers to put my views forward. Probably a lot of other people would like it as well. Yes, it was brought on a legislation point of view. At that time it was considered to be right, but in view of today's revelations, and that, I think that people like the Youth Council - I have responsibility for youth - should have an opportunity to say what they think. We are supposed to be open and democratic, so I do not think it would do any harm to just have a short period of review so that we can put some of the pieces together and hopefully come back with a proper ingredients to make a proper decision,. Whether it is liked or not by the international world we will wait to see. Thank you, Sir.

Deputy C.J. Scott Warren:

I support this issue going to Scrutiny within a fairly short time span. That is scrutiny by the 2 relevant Panels, and also a detailed report brought by the Council of Ministers. Then, present valid concerns can be addressed before we debate this again in the near future. Thank you.

Deputy G.P. Southern:

Just to focus, what we are talking about is referring this particular amendment to Scrutiny to see if there is anything they wish to do with this legislation. I have reservations but that step in itself I think is the right step to do. We have this mechanism. We have set it up. I am amazed that we are using it this early but nonetheless the 2 reservations I would have is that; one, my experience of Scrutiny says nothing gets done quickly. You cannot do quick and dirty. It is an extended process and therefore a quick return to the House is highly unlikely if we are to do anything worthwhile with it. Secondly, I am concerned that we are not seen to be doing the Executive's job for them because that should not be happening until the scrutiny. If this were to happen on a regular basis, as we go through the coming years, Scrutiny would never be able to set its own agenda; it would be just receiving bits of half-cock material to sort out, and that is not our job. So I have reservations about it, but the first step of referring to see if there is anything we can do and in what timescale I think is a valid one as an appropriate way forward.

Connétable T.J. Du Feu of St. Peter:

I think, picking up the last speaker's comment about time being taken to do a right and correct job on a matter of this importance, I think is absolute critical and paramount. A lot of comment has been expressed by Members regarding our international standing. Make no mistake, if we go into a decision today and support this, and it really backfires big time on us in all sorts of areas, our international standing will not be up with any Ministers in Whitehall or in Brussels or anywhere else. We will be down on the floor with it. Let us, for goodness sake, now we are in a new era of Government, get it right and not shilly-shally around and waste any more time, quite frankly. We have had Scrutiny opinion. We have had the Home Affairs Minister's view of accepting a withdrawal to take it back for this process. The Chief Minister has supported that view. Please, Sir, I plea, put it to the vote.

The Deputy Bailiff:

Can I just be clear? The Chief Minister nor the Minister have not expressed any view on taking it back at the moment. What is before the Assembly at present is the proposition of Deputy Duhamel. The debate is suspended for 2 weeks while the Scrutiny Chairman considers the position. What the Council of Ministers does during that 2 weeks is up to them.

Senator M.E. Vibert:

Sorry, Sir, I have no wish to prolong it but I do believe there may be some merit in referring it to scrutiny and taking it back because I think what has emerged in the debate is that a lack of understanding of the position of some to do with a number of issues - and I include myself in that - will enable an opportunity for the issue to be gone into in greater detail and for research to be done, et cetera, if Scrutiny decide to take it on. What I will say is that my own opinion - and it is the opinion I will be expressing at the Council of Ministers -, is that because this is likely to happen, or will happen, it should not in any way delay the introduction of the Human Rights Law in Jersey. I believe that should be brought in and then if anybody wants to challenge it under discrimination they can do so in a Jersey court where we should settle things, and I think that we need to move on from this trying to get everything in place before we introduce our own law. We need to be more mature and grown up, to introduce our own law and sort out our own problems, and I hope that is taken on, Sir.

Connétable D.J. Murphy:

May I just suggest through the Chair to the Scrutiny Panel, when they are looking into this, that they take account of the views of one minority group who have been not very well represented here today, and that is the parents of teenagers. Let us talk to the Parent Teacher Associations and the parents and get their views and please do not forget that particular segment of our population.

The Deputy Bailiff:

Now the Members speak. Do you wish to reply Deputy Duhamel?

Deputy R.C. Duhamel:

Just briefly, Sir. In this brave new world of ministerial government I think we have all got a new opportunity to move forward on quality decision-making rather than *gung-ho* decision-making. And with that, Sir, I think this is the best course of action that we could take, and as far as I am concerned I think myself and the other members who are on Scrutiny will do their very best in order to expedite a sensible solution which is able to be accepted by the majority of Members of this House in as short a timeframe as possible.

The Deputy Bailiff:

Very well. And it is to be referred to the Chairman of the 2 Panels you mentioned.

Deputy R.C. Duhamel:

Yes, Sir.

The Deputy Bailiff:

Corporate Services and Social.

Deputy R.C. Duhamel:

Can I ask for the Appel?

The Deputy Bailiff:

Yes, indeed. So the Appel is asked for on the proposition of Deputy Duhamel that under Standing Order 79 the debate be suspended in order that the Chairman of the relevant Scrutiny Panels can give us their views in 2 weeks time. The Greffier will open the voting.

POUR: 41	CONTRE: 10	ABSTAIN: 0
Senator S. Syvret	Senator L. Norman	
Senator F.H. Walker	Senator P.F.C. Ozouf	
Senator W. Kinnard	Senator B.E. Shenton	
Senator T.A. Le Sueur	Senator F.E. Cohen	
Senator M.E. Vibert	Senator J.L. Perchard	
Senator T.J. Le Main	Connétable of St. Helier	
Connétable of St. Martin	Deputy A. Breckon (S)	
Connétable of St. Ouen	Deputy J.J. Huet (H)	
Connétable of St. Saviour	Deputy S. Pitman (H)	
Connétable of St. Mary	Deputy of St. John	
Connétable of St. Peter		
Connétable of St. Clement		
Connétable of Trinity		
Connétable of St. Lawrence		
Connétable of Grouville		
Connétable of St. John		
Connétable of St. Brellade		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy G.C.L. Baudains (C)		
Deputy P.N. Troy (B)		
Deputy C.J. Scott Warren (S)		
Deputy R.G. Le Hérissier (S)		
Deputy J.B. Fox (H)		
Deputy G.P. Southern (H)		
Deputy S.C. Ferguson (B)		
Deputy of St. Ouen		
Deputy P.J.D. Ryan (H)		
Deputy of Grouville		
Deputy of St. Peter		
Deputy J.A. Hilton (H)		
Deputy G.W.J. de Faye (H)		
Deputy P.V.F. Le Claire (H)		
Deputy J.A. Le Fondré (L)		
Deputy D.W. Mezbourian (L)		
Deputy of Trinity		
Deputy S. Power (B)		
Deputy A.J.H. Maclean (H)		
Deputy K.C. Lewis (S)		
Deputy I.J. Gorst (C)		
Deputy of St. Mary		

Accordingly, debate on the Minister's proposition is suspended.

2. Draft Law Revision (Amendment) (Jersey) Law 200- (P.245/2005)

The Deputy Bailiff:

The next item of business is the draft Law Revision (Amendment) (Jersey) Law 200- (P.254/2005), in the name of the Minister for Treasury and Resources. I will ask the Greffier to read the citation.

The Greffier of the States (in the Chair): Draft Law Revision (Amendment) (Jersey) Law 200-, a law to amend the Law Revision (Jersey) Law 2000. The States, subject to the sanction of Her Excellent Majesty in Council, have adopted the following law.

Senator T.A. Le Sueur, The Minister for Treasury and Resources:

Hopefully a shorter item. At the present time the Law requires that 4 complete bound sets of the Law have to be produced and signed off. As part of the Law Revision process we have been reviewing and consolidating existing laws and this amendment really brings us into the 21st century as far as technology is concerned. There is no longer the need that there might have been in the past to have more than one copy in case of fire or flood or other such needs. It is now far simpler - far better - to have one authentic copy of the Law. This amendment to the Law enables that to happen and in future we will not need to have 4 bound signed copies kept in 4 different places but one securely bound and securely kept copy which can be, of course, duplicated in unofficial ways through various forms of media. I make the proposition.

The Deputy Bailiff:

Is the proposition seconded? Does any Member wish to speak on the principle of the law? All those in favour of adopting the principle of the Law kindly show. Those against. The principle of Law is adopted. Now under the new Standing Orders I must ask the Chairman of the relevant Scrutiny Panel, Deputy Ryan, whether he wishes to have the matter referred to his Panel?

Deputy P.J.D. Ryan

No, thank you, Sir. I am quite happy with it.

The Deputy Bailiff:

Very well. On that basis do you propose the individual articles?

Senator T.A. Le Sueur:

I am grateful to the Chairman of the Scrutiny Panel, Sir, and I propose Articles 1 and 2.

The Deputy Bailiff:

Seconded? Does any Member wish to speak on either of the Articles? All those in favour of adopting Articles 1 and 2 kindly show. Those against. The Articles are adopted. Do you propose the Bill in Third Reading? Seconded? Any Member wish to speak on Third Reading? All those in favour of adopting the Bill in Third Reading kindly show. Those against. The Bill is adopted in Third Reading.

3. Censuses and the development of official statistics for Jersey (P.275/2005)

The Deputy Bailiff:

We come next to Censuses and the development of official statistics for Jersey (P.275/2005) in the name of the Chief Minister, and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to the Act dated 6th July 2005 in which they agreed that a Census should be held in 2006, to rescind that decision and to agree the next Census should be held in 2011.

Senator F.H. Walker:

I am not normally in favour of rescindment motions and have previously spoken out against a number. But there are exceptional circumstances behind this particular report and proposition and

very good reasons why we are bringing it to the States. Well, we have to bring it to the States. On the advice of the Statistics Unit and the independent Statistics User Group, the Policy and Resources Committee last year decided that there should be no census in 2006 and proposed that the next census should be held in 2011 - a 10-year gap from the last one, which of course was held in 2001. I made a statement on behalf of the Policy and Resources Committee to that effect to the House on 1st February 2005. Initially, there was little response and little reaction until the Constable of St. Helier lodged a report and proposition in July - well, he did not lodge it in July, it was debated in July (on the 6th July) which sought to reintroduce the idea of a census in 2006, and the House supported him and agreed that that should indeed be the case. The problem then facing the Policy and Resources Committee was that the delay between my statement in February - when a census in 2006 would have been possible - and July, when the matter was debated by the States. The delay was crucial because after July, having worked on the basis since February that there would be no census in 2006, there was simply not enough time to organise a census this year. Censuses are not simple things to organise. They take a considerable amount of administrative work and a considerable amount of preparation. It is just not possible to deliver a proper census - we could have done a rough and ready one, but that is not, in our view, the right way forward. It was just not possible to deliver a proper census in that remaining timescale in 2006. So, therefore, the Policy Resources Committee were in the position where they could not carry out the wishes of the States. It was not a position of not wanting to carry out the wishes of the States, it was a situation where they could not carry out the wishes and, indeed, the instructions of the States. So, therefore, we had to come forward - the Policy and Resources Committee, who I am still talking about - with a report and proposition where it said we either hold the census... the choice was we hold the Census in 2007 or we go back to the original Policy and Resources proposal to hold the Census in 2011. After a considerable amount of discussion - because the Policy and Resources Committee were never one that wished to go against the wishes or instructions of the States - and further consultation with the Statistics Unit and the Statistics User Group, the Committee came out very strongly in favour of their original proposal which was to hold a Census in 2011. That decision was taken to the Council of Ministers last week and endorsed by the Council of Ministers. I have to say not only endorsed by the Council of Ministers but re-endorsed by the Statistics Unit - who are our professionals in this matter - and re-endorsed unanimously by the independent Statistics User Group; and they are a totally independent group. Indeed, we had a representative at the Council of Ministers meeting, which was Mr Peter Surcouf - who is a Member of Concern - and we are all, I think, well aware of the very strongly held views that Concern have on population issues. He confirmed that a census in 2011 had the Statistic User Group's full and unanimous support. So why? There are many Members in the House today who were not here when we had the original debate last July. Why was the Policy and Resources Committee, and why now is the Council of Ministers, recommending a 10-year census cycle rather than one of 5 years, which we have had now for quite some time. There is no doubt whatsoever that we could run a census in 2007 if the States wish it. If the States take a decision today that they do not agree with the census in 2011 then a census would be held in 2007, as the earliest possible date upon which one could be satisfactorily run. There is no doubt about that at all, and I was astonished to hear in a phone call from Radio Jersey yesterday that the Constable of St. Helier, having identified on the new States website - an excellent website if anyone has not seen it yet and a good commercial - that the next census would be held in 2011, then went straight to the media, did not speak to me in any shape or form - phone me, email me or anything - and said this only goes to show that the Council of Ministers will have no regard for the decision of the States and a decision to hold the census in 2011 has been taken anyway. I categorically refute that. That is not the case and I am astonished that he should take such a position, whereas had he spoken to me I could have told him that it was a simple error. The Council of Ministers were not aware of it; it was an administrative error for which I apologise now and would have apologised to him yesterday had he taken the trouble to contact me. But the Council of Ministers is firmly of the view that to hold a census in 2007 - next year - is not by any means the best use of the finite resources available to the Statistics Unit and, of

course, there have been requests for additional funding and resources for the Statistics Unit which have not found their way through the prioritisation process. A census costs circa £500,000 - approximately £500,000 - and Jersey, through the Statistics Unit, under the direction of Duncan Millard, the relatively new Director, working closely with the Statistics User Group, has made giant strides forward in recent years in terms of the statistical information available to this House and available, indeed, to the Island. We have made giant strides and not before time because we were a statistical desert, and I referred to that in a debate in the States a number of years ago. This progress is reflected in, for example, the Jersey Annual Social Survey: the first one was done last year. It will be, as its name implies, annual. A huge success - over a 50 per cent response rate, which is almost unheard of in those sort of surveys. Also, the Household Expenditure Survey involving over 1,000 households - quite voluntarily obviously. This is now providing unprecedented information of a very high quality on social issues, on the economic issues, and population issues which, of course, enables us to take better decisions in the Council of Ministers and also in this Assembly. We now have, for example, an annual estimate of the population of Jersey. We never had that before. We had no hard and fast statistical input on the population of Jersey other than every 5 years when we had the census. Now we have moved forward, as I said, colossally in that respect so we now have an annual estimate of the population. And Members will have seen that. All of that valuable work - the social work, the surveys, the economic work, the population work and so on - will have to stop because it is being resourced both in terms of money and man-time by the £500,000 allocated to the census. If we go ahead with the census in 2007 we will lose the value of that work. It will stop. We will lose it and therefore our decisions will not be anywhere near as well informed as they could otherwise be. And we are losing nothing, effectively, in terms of the information on population by not holding a census, because we are now - as I have said - so much more sophisticated and have so much more access to information than we did in the past. It is literally a new era for Jersey. Not before time because we are catching up fast with other governments, but it is a new era in Jersey for statistical information on the population and in other respects. We no longer need - the simple fact is we no longer need - a census on a 5-year cycle. We just no longer need it. We will lose so much more if we revert - well, of course it will be a 6-year term now, but if we revert - to an earlier Census. We will lose if we go to a census in 2007 much, much more than we will gain in terms of information available and our ability to take decisions. We consulted, or tried to consult, with States Members in the previous House on the fact that the Policy and Resources Committee could not meet the States' original decision to hold the census in 2006. And we held a meeting of States Members to which all Members were invited, and 8 Members turned up. I was very pleased to see the 8, but a little bit sorry about the other 40-something. But no one at that meeting, having had a presentation by the head of the Statistics Unit, no one criticised or spoke against - including the Constable of St. Helier who was there - the proposal to hold the next census in 2011. All the department heads throughout the States have been consulted and they are unanimously in favour of this position. As I have already said, the totally independent Statistics User Group, which represents a wide cross-section of Jersey society, is also unanimously in favour of the proposal to delay. It has been suggested that this is just a way of saving money. That is absolutely not the case. As I think I have already made clear, the £500,000 that would be spent or had been allocated for a census will be spent if the proposition is approved on all the other statistical information that I have referred to. It is not a question of saving money, it is a question of reinvesting the money in a better way for the States and for the Island. It has been suggested that it is politically motivated, for whatever reason. I am not quite sure what the reasoning behind that was but nevertheless there has been a suggestion, and again that is absolutely not true. The proposal originally came for good sound statistical reasons from the Head of the Statistics Unit. It is endorsed, again I repeat, unanimously by the Statistics User Group, and it is very much the view of both the previous Policy and Resources Committee and the Council of Ministers that this is the best way forward for Jersey. We would gain, in our view, if the proposition is accepted, far more than we would lose. Essentially, what the States have, of course, is a choice. And the States, despite what the Constable of St. Helier suggested, very

clearly is the only body that can take this decision. It is a decision for the States. It is a choice for the States. And the choice is that we hold a census in 2007 - adding very little, if any, value to the information we have - and we lose critically important additional data as a result. That is the choice. We cannot have both: well, we could if additional resources were given to the Statistics Unit but that would mean they would have to come from elsewhere, and that certainly was not the will of the House last time it was tested. What we have to do is ensure that our decisions are taken on the best available data, and the way to ensure that is to approve this proposition. Just to recap, the report and proposition had the support of the Policy and Resources Committee, it has the support of the Council of Ministers, it has the support of the Statistics Unit, it has the support of the Statistics User Group, and it has the support of all the chief officers around the States' departments; and that is after all those bodies have given it very serious consideration indeed. It may be relevant - it may be of interest certainly to Members - that Guernsey and the UK... Guernsey quite recently, have decided to move to a 10-year cycle for very much the same reasons as this proposition was put previously and is being put again today. So, Sir, I would urge Members to very seriously think this through. So very clearly I am aware that there is almost an emotional attachment to a census and concerns about population growth and what have you. But I would ask Members to give serious consideration and weigh the benefits against the disbenefits. The population is not growing to the extent... growing only because of natural causes at the moment. It is not growing because of mass immigration as it was when we originally introduced 5-year census cycles. In fact, the last figures show clearly there has been outward emigration rather than the reverse. So the pressure to hold the census is not there and the need to hold the census is very clearly not there. The need not to hold one in 2007 and give us the information that we all require is most definitely there. A vote against this proposition will be a vote against the independent advice of all the experts, and it is a vote against the development of high quality statistics and timely statistical information. It is a vote against more informed debate, and it is a vote against better decision taking by both the Council of Ministers and this House. So, Sir, I would strongly urge the House to accept the proposition.

The Deputy Bailiff:

Is the proposition seconded?

Deputy G.C.L. Baudains:

Point of order, Sir. I wonder if you could clarify a matter for me, Sir? It was my understanding that a motion to rescind something required 3 signatures. I do not see that on here. Have I missed something? Perhaps you could advise me.

The Deputy Bailiff:

Yes. The Greffier advises me that under the Committee system where there was a Committee proposition it was taken to be supported by the 7 members of the Committee.

Deputy G.C.L. Baudains:

I appreciate that, Sir, but of course now we are in Ministerial Government where there is just...

The Deputy Bailiff: Therefore it has now been taken to be supported by the Members of the Council of Ministers. That was the decision taken.

Deputy G.C.L. Baudains:

Should it not therefore have the names of those Members of the Council now?

The Deputy Bailiff:

Well, perhaps that might be looked at in future, but I think the Greffier has accepted that on this occasion it did have the support of the relevant number of people.

Deputy J.J. Huet:

I hope you do not mind me asking this question. I am not really up-to-date on websites as obviously quite a few people know. So I know very little about a website. To me a website is the "Waterfront Enterprise Board" (WEB). But, no problem, we will go into a website. I have already asked somebody, if one went into a website and one wanted to add something to it, could I do this? And the answer is no. From an outsider I cannot go and add something to somebody else's website. So that then tells me, fine, okay. So we are now back to the banking. Somebody has to input into this website; so the person that inputs it - presumably the same as banking - is the clerk that puts it in because they have been told to put it in. I am curious, because I do not think for a moment it is the clerk that has input it that has made this decision to put it in. That clerk must have got the authority to do or been told to do it from somebody further up the ladder. We are told that - I am not arguing about the census - but we are told that no decision had been made. Well, where and who gave permission for it to be put into the website, because it has to come from somewhere? It cannot be the dear little soul that is putting it in. And I, cynical again, Sir, I get the impression that we have come in here to discuss this on something that we would never know a decision has been made if it had not somehow slipped through because the date was not maybe told to the clerk, and the clerk put it in a bit too early.

Senator F.H. Walker:

On a point of correction, can I say this proposition was lodged and discussed by Policy and Resources and the Council Ministers before the new website even existed.

Deputy J.J. Huet:

Well, that makes me even more suspicious then, Sir, if the website did not even exist then. How did it get there? And that is really my question I am asking. [Aside] I am asking, as somebody that does not understand about websites, how did it get there and who gave the authority for it to get there because somebody has to do it, so do not try and please baffle me with science. Somebody gave the authority for it to get there and I want to know who. Thank you very much, Sir.

Deputy C.H. Egré of St. Peter:

The Chief Minister did make note of the fact there was an emotional attitude within the Island towards the old census system. The problem that we appear to have had, both in the original debate and hopefully not this one because it should not have to go too far - I hope - is communication. People do not like to feel that they may possibly - I use those words carefully - be having the wool pulled over their eyes. Before I say anything else, I will say I will be fully supporting the Chief Minister and I will be supporting the census for 2011. It is with regret that somebody has made a mistake on a website. I do not feel it is necessary to go into a long debate about the fact that somebody made a mistake. The Chief Minister has already apologised for that mistake. Can we switch off that switch, get on with the debate, and go for the census in 2011.

Deputy A. Breckon of St. Saviour:

I remember the debate and I think what was felt at the time is that P and R had had some contempt really. They had been backing-off a 2006 census - for good reason probably - but not informing anybody. I think that was damaging in the debate, and I did hear what Senator Walker said in reference to that, and I do support the work of the Statistics Unit. I must say that. He also said generally he was not in favour of re-debating things, and I remember a few months ago when Senator Syvret was bringing amendments yet again to the machinery of government, he criticised him for bringing things to the House that had been agreed. So it is a case of kettle and pot here. I do have some concerns about this, and I think in general terms we should abide by the decisions of the House and move on. But I can well see the reason for coming back but I feel that P and R - the

former P and R - had this on their agenda for a long time and that was because of the quality of the statistics. I will say they are valued and they are a breath of fresh air. But what they must be, of course, is free from political influence or bias. I think we need to address that and they need to be independent; and they will move on because you then have the occasion for politicians to bury the bad news and go big on the good news and do things at Bank Holiday weekends. We have been victims of this, I think, in the past so that the statistics must be truly independent and not be under the Council of Ministers. One thing about the census, it is seen - there were perhaps suggestions with the last one - that it is free of political bias and influence. It does produce some numbers- the population is a thing, but it is an official record and it does look at the profile in general of population. So it does have some uses and it also asks some questions. So I would not dismiss it as just not being worthwhile, and it is proven in other parts of the world that is the official source - not the Statistics Unit - it is the official source in that particular snapshot in any particular time. When you do it is another argument but in general terms 10 years is accepted. But having said that, Sir, there was some suspicion - and I use the word suspicion, and that is what it was - that if we move on and we had population and migration and we had an office with that concentration then they could do things and people would not know what they were doing because the results were not known. So then somebody had to guess at what it was and then the rumours that people are leaving by the boatload - assuming we still have boats - or they are coming in, in great hoards. Now providing some of this - and I know this is on the agenda and it is being done - we are not thinking in silos; we are working across, so social security and housing numbers and things like that - the information we already have - should be co-ordinated, and there is evidence to say that has happened. But there is still a suspicion that if the government have control over this then they control the quality of the information. That was one of the reasons why I supported an independent census because it is independent. It is done by somebody else in a controlled way and the government, if you like, have no influence over what that is. They just receive it and report on it, and to do that, I think, and to have quality information is good; but then the statistics must be independent and they must not come through Ministers of this, that and the other. They must be independent. Because the population and migration is a very sensitive issue then I think the Chief Minister must convince this House that that independence will come because you can have the good news and the bad news, and they are a very professional department. They produce quality information in a timely way and they must be allowed to do that. I can well understand why this is an obstacle in a way because it does take time and effort to do the census, but I am concerned, Sir, that I think P and R took this off this agenda a long time ago before we received that statement. There was even a rumour - and I will say a rumour - that they spent the money for the census on something else. The Chief Minister might deny that but that was the rumour at the time: that it was allocated to something else. We were informed - we being this House - at a later date and the Constable of St. Helier came back, and he did come back after some thought and consideration. I do not think he can be criticised for bringing that proposition to this House and I supported that at the time. And I still have my doubts. I do not doubt the way that the Chief Minister and the Department are going to work, and I admire the statistics, but I would still prefer a census. But I am really worried now that it is too late in the day and if we go to 2007 it is then out of sync with anything we have done in the past. It is then 6 instead of 5 and then we are on top of it again. So I have some difficulty with this at this stage, one, for it coming back; and 2, what to do about it; but I will wait to see what others say on this.

Deputy C.J. Scott Warren:

I have supported in this House the need for a 5-year census. The benefit obviously of a census is knowing the exact number of people living in Jersey on a particular day. With the proposed 2 per cent economic growth I was also concerned about the original reason to defer the census from a 5-year census to a 10-year census taking place in 2011. I understand that the Population Office can now supply information on the number of people living in Jersey. I also appreciate that statistics

has moved on, including the ability to have the necessary provision of vital social data. So I will therefore be supporting this proposition. Thank you.

Connétable A.S. Crowcroft of St. Helier:

I think Deputy Baudains was right when he said it should have been described as a rescindment motion. Why? Because, well; (a) it would be easier for me to catch your eye, Sir, because it would have been clear that the Council of Ministers were trying to rescind my original proposition. But also, I think, because it would draw attention to the fact that this is not a new proposition being brought to the States. In fact it is an attempt to overturn a decision of the States last year. I just want to clarify my position in relation to the States Members' meeting that was called in October, which only 8 Members turned up to. It is true that I was asked then, after an excellent display by the team I refer to as the 2 Duncans, of the way in which their statistical work is moving ahead. I think hats off to the way they have transformed the gathering of statistics in Jersey. I was asked if I was happy with their explanations and, indeed, I said I was. I was then asked if I would bring a rescindment myself by a rather cheeky member of P and R who is no longer in the States, and I declined to do that. And since then I have done further research and I have taken soundings as well of both States Members and members of the public about whether it was a bad decision made by the States and therefore it should be overturned, hopefully before lunch today. I have come back with a view that that is not the case because while the gap between our positions is closed it is not closed completely, and I think there are still important reasons why we need the kind of data gathering exercise that only a census can provide and we cannot wait another 5 or 6 years for the information that it would produce. I must also deal with the perhaps justifiable criticism from the Chief Minister that I should have 'phoned him when I found this date on the website. Perhaps I should. But it did seem to me to be ironic that on the eve of an important debate that the message seemed to be sent out that, well, Constable, you have lost this one so you might as well go quickly and quietly. I do have a feeling - and I think it is shared by other Members - that Policy and Resources then last year did not really want to do a census anyway. It was not brought to the States as a debate. They had been granted the money. We simply had an agreement at a meeting. We had a statement in January 2005, and there was... I suppose they were waiting for the balloon to go up. They were waiting for protests from the public. Well, we know that in Jersey, for whatever reason, you do not always get protests when something outrageous or contentious is announced by government. You do not always get them and I am not sure what the reason for that is. It was left up to me to bring the proposition back to the States, and I have the feeling that they did not like the decision of the States. It was close. Nine Members of the States were out of the room, not in their seats, when the vote was taken. It was only won by 3 votes. So clearly I am going to struggle today given the close margin. But what would I have done if I had been in Senator Walker's shoes last July? I would have gone back to Cyril Le Marquand on House. I would have got the officers into the room and I would have said: "Right, the States have made a decision. They want a census next year. Now you told us in January it was going to be difficult so you are really going to have work hard to get it done next year. What more resources do you need?" And, in addition, I would remind them of the landmark changes that were made in the 2001 Census under the then, I think, humble Deputy Philip Ozouf, of the Etat Civil Committee and the extremely gifted John Christiansen, our Assistant Economic Adviser. Sorry, it was not. Sorry, he had gone, okay. But I do not want to detract from the praise I was about heap on now Senator Ozouf. 2001 was a landmark census. It asked questions which were no longer obsessing about the number of people in the Island, and that really is not the issue. But it was about the flow of people in and out of the Island that that census was seeking to get information on for the first time. I would have, as I say, if I had been Senator Walker - I am not - I would have gone back and said to my staff: "I want this carried out next year. I want it to be even better than the 2001 Census." Now he did not do that. What happened was a couple of months later - and time is running out - we come on to October when there is a meeting for States Members. I suspect a lot of States Members felt, well, look, if they have not done it now there is not much point in going to the meeting. So

that is what I would have done and I did not. I was not Senator Walker and I did not do it. I am not anti-immigration, I want to make that very clear. I am an immigrant myself and I welcome the skills that are brought into the community by people from outside. Jersey relies on the inflow of gifted, talented, committed people. It relies on that now just as it did in the Victorian period when the population of St. Helier alone doubled in size. But I feel that without the work, that without the data that a census can provide uniquely, there is a danger that we are flying blind in our policy making. I give as an example - almost a throwaway reference I found in the Jersey Evening Post a couple of weeks ago - when it said that 5,000 members of the Polish community now live in Jersey. And happy days, I think they are marvellous. I am working with the Polish community on a - or they are working with me rather for my support - on a festival this summer to celebrate Polish culture. Fantastic. They do a great job in Jersey. But, hang on a minute, what is happening to the population of Jersey? How is it changing? And how can it be changing so fast that we have an announcement just buried in the newspaper that we have this major new influx of a new European culture into Jersey. As I say, I welcome it. I welcome the influx but we must understand it. We must understand what their needs are as much as what the Island's needs are in respect of their being here. Equally, the influx of people from Madeiran and Portuguese ancestry. I welcome it. We are working on a twinning with Funchal and St. Helier, but we do need to know how that population is being changed, and possibly shifted, and adversely affected by this new influx from a different part of the European community. So, I think in terms of the potential impact of inflows of population, schooling, nursery provision, healthcare, housing and so on, we do need a census. The big issue, of course, as I have already alluded to, is not numbers. There are some Members who are still signed up to a notional maximum for the Island. I think it is 87,100, but I am not entirely sure, and I think it is simply naïve in the face of demographic change to say that the Island has to have this lid put on it. I do not think that is realistic, but it is about the structure of the population, who is here at any one time. As I say, it was Senator Ozouf who realised this, or was one of the Members who did, and made sure that the 2001 Census started to look at the way in which people are flowing in and out of Jersey. We are, after all, not the UK. As Senator Walker said in his speech that the UK are going to a 10-year census. Well, good on them. But we are not the size of the UK. We are a small Island. We are a microstate. We are extremely vulnerable to the kind of flows in and out of the Island, and I mean out as well as in, because clearly we are vulnerable if large numbers of people start to move out of Jersey. There is anecdotal evidence from people as diverse as hairdressers and garage owners that they have lost, in some cases, 100 customers in the last year. Now is it true that people are leaving Jersey in large numbers? When are we going to know this? So, as I say, we are a small Island and we need to know a lot more about this flow of people in and out. We have a benchmark based in 2001 and I believe it is important that we renew that benchmark and we see where it has got to before 2011 or 2012. I want to go back now to the original Policy and Resources paper that was produced in January 2005. The technical annex to that document said that the planned enhancements to statistical data gathering - I will give you a couple of examples as opposed to the census - it admits that these enhancements cannot track the place of birth with a lot of accuracy for a competitive census. They can only partially track the number of households, can only partially capture housing data, the size of dwellings and so on, and cannot capture the economic activity of the whole population. Now, these things are crucial if we are to make sensible policies in all the departments I have mentioned, in terms of our housing policy, for example, and indeed in planning for St. Helier. The census in 2001, as I have said, showed this enormous flow in and out of the Island. The figure is - and I am quoting here from some details from that census - between 1996 and 2001 18,000 residents arrived or were born in Jersey and 16,000 left or died. So the overall figure, of course, was pretty much unchanged, but a lot of coming and going was happening. Extrapolating this over a 10-year period is being proposed by the Council of Ministers. That looks like creating a 40 per cent turnaround of the population of Jersey. Some people believe, as I have said, that the pace of this flow, particularly out of the Island, has quickened. That makes a dynamic activity and a dynamic society and I welcome it, but we must be able to track it. We must have questions of age and skill structure answered. Sample

surveys: I have recently completed mine. I do not know whether Senator Walker has done his. We confessed to each other, I think at the meeting, that we had not done it yet and I had to be sent a reminder. I hope everyone else here who has had that survey has sent there's in by now. In fact, my wife gave me a hard time for not having done it. She said: "If you had given it to me" (as I am sure a lot of partners would have said) "I would have done it straightaway and you would not have had to have a reminder." But I have got a few questions about this social survey which was referred to in the report on paragraph 3.4. First of all, it is a voluntarily postal survey and certainly the way it sat on our fridge for several months may be an indication of what happens to voluntary surveys. A 50 per cent response rate may sound good but how many actual replies have they had to that survey? I would like to know that question when the Chief Minister replies. How reliable was that survey? Do people respond to that survey in the same way that they do to the census? Now I know that people do not like the census particularly. I remember that in 2001. But there is something about a census. Deputy Breckon has alluded to the independence of it. The fact that enumerators have come round our homes and helped us with it if we have trouble finding it on the fridge, or if we have trouble with the questions. A census has a certain degree of authority and seriousness about it and I would like to know from the Chief Minister whether this social survey - which so much reliance appears to be pinned on as an alternative - has that same degree of reliability. I would like to know whether it has been peer reviewed, for example, by other organisations. I want to come on to the funding issue, because it was interesting in Senator Walker's remarks that he very much came back to the money. I have said that that money appears to have been provided at the start and then something seems to have happened with it, but we were told very clearly by the Senator that we cannot have other information. We can either have the census next year or we can have this range of other surveys, but we cannot have both. I do not like having a gun put to my head and I distinctly feel that we are having a gun put to our head. I remember last July I accused the Senator of over-egging the pudding, and I think he is in danger of doing it now. He is saying to the States: "Well, we are not going to do both. You can either have a census or we can allow the 2 Duncans to continue their excellent work, but they do not want to do a census." Well, how is that meant to make States Members feel? If we require a census today then Senator Walker will have to go back to the Statistics Unit and he will have to clearly say that the States want a census and they do not want the other work to stop because the States Members unanimously, probably, have said they value the other work. I know I am not going to give examples, but I know that the Council of Ministers can find money for projects when they want those projects to go ahead. I know that and I believe that if the States require this census to take place then I believe it will take place. And if the States send out a message to the Council of Ministers that they do not want the other valuable work to stop then it will not stop and it will be up to the Council of Ministers to make sure that that is the case. Now, what about this 5-year gap? Several potential supporters have indicated to me in the last day or so that while they would have supported the proposition to get the 5-year gap they feel completely stymied because the States has now lost the ability to have that, and Deputy Breckon was referring to that. I think it is important that States Members recognise it is not the 5-year pattern or the 5-year cycle that is important; it is the provision of timely information. The alternative is waiting until 2011 for the kind of comprehensive view of the Island's population and the way it has changed since 2001. As I have said, I think we are all aware anecdotally that the Island's population is changing fast. Can we wait until 2011 to compare that benchmark with 2001? The question I would I ask, particularly as a census appears to almost be being rubbished to some extent... I mean, Senator Walker said: "Very little if any value" - very little if any value in the census being held in 2007. I suppose as a rider to that he means of course we will stop doing all the other work. Assuming that they cannot, because we will not let them stop doing the other work, I challenge the assumption that a census cannot provide extra value to this crucial exercise of understanding the structure, the demographics, the changing flows of our census. Senator Walker said it was not a political matter. Well, I think there is a public perception about this debate. Some people think there is a hidden agenda. They connect the somewhat secretive decision to stop having a census with the building of flats everywhere.

They see a Back-Bencher's proposition being carried or maintain regular censuses which, because it seems to be ignored, it becomes too late to fulfil it. Now, of course it is on the States' website. Now, I do not share the view of these conspiracy theorists, but I do think that waiting until 2012 until we get this information is too long to wait. As I say, I do not think we should be swayed by Senator Walker's assertion that if we have a census we cannot have the other information. I believe that it is important that the unique snapshot of society that the census provides is held as soon as possible. I am sorry that the Committee charged by the States to deliver that did not deliver it last year, because it would have been easier for me to make this case now. I still believe the case is worth making and I urge members to oppose the proposition.

Senator P.F.C. Ozouf:

I have always believed, since my first day in the States, that good decisions can only be made by having good information. When I joined this assembly in 1999 I did not think we did have good information. We certainly did not have good economic advice - in fact there was virtually no economic advice at the time. We had a whole series of censuses which failed. They were feel-good censuses; they were counting overall numbers but they did not ask about housing qualifications and they did not give us a real picture of the ins and the outflows of what had been happening. We had years, frankly, of misdirected decisions concerning population, which caused this Island a great deal of difficulties right the way through the 1980s and 1990s. I am delighted to hear that Constable Crowcroft, the Constable of St. Helier, believed that 2001 Census changed all that, because I think it did. We asked for the first time some really detailed searching questions about housing qualifications, about dates of arrival and all the rest of it. It is not only about getting and gathering the information, it is what you do to interpret it. The data that was gathered from the 2001 Census went on to explore a whole series of new options in the way we deal and understand with economics and housing; regulations of undertaking. All of that culminated in the proposition about migration, which set up at the heart of it a Population Office. I love statistics. I would spend days pouring over statistics that most other people would find completely boring, [Laughter] in order to make good decisions. It is pretty sad. I certainly understand the strength of feeling among Members when they worry that not having a census in 2006 will deprive us of having information in which to make informed decisions. I certainly understand the view that Members have taken. I would say that Constable Crowcroft said that it was not important when you had the census. That is partly true. When you have a census and when you gather information, you are looking at the period in between the 2 periods you have changed. You must have this, as an Island - and this Island absolutely must have a census in 2011. That is absolutely vital because that is the same period which we have had the 10-year cycle over the last 100 years or so we have been counting. Also, it mirrors censuses on the jurisdictions of Guernsey and the UK. So, I am afraid we have missed the boat for having a census in 2006. If we were going to have to have a census it would have to happen at the same time of the year that we have had the previous ones, and that is just after the Easter period. It would make no sense at all to have a census in the autumn because you would be comparing apples and pears. You would be catching a different picture of Jersey in the autumn, because of the ways of the flows of workforces et cetera. So then, you would have to have it in 2007 - there is no realistic alternative. Then you would move on to then having to have your next census 4 years later. This is a complete nonsense. It would make complete statistical/analytical nonsense, to have this situation where there would be a census in 2007 and another one in 2011. I am afraid we have missed the boat for the interim 5-year census. I was not consulted, and I did run the census, together with my previous Etat Civil Committee, and I do understand quite a lot about the statistics, as members would expect me to do. If I had been asked, at the time - which I was not - whether or not the additional benefit of gathering the additional statistics, which the Stats Units was proposing, was better value for money than running a census... and I am a bit surprised by the Constable of St. Helier because he has a track record of this in this Assembly of striving for value for money. Censuses are expensive; it is jolly expensive to go about doing a comprehensive detailed analysis of the whole of the population. You cannot scrimp and save on it; if you do you

will undermine the accuracy of the information. Now, we had a clear opportunity, on the one hand, to improve woefully inadequate statistics in various different other areas, or the offset of having a feel-good factor census in 2006. It is an issue of value for money and I would come strongly down on the side of the Statistics Unit, who basically recommended that that money would have been better invested in improving those other statistics. I would want to give members significant comfort on the fact that I agree a census would be the only way in which we would gather certain information. He is right about the Polish numbers. He is right. If we are going to get a very accurate, complete count of, for example, the different nationalities the census is the only way to do that. There would be some incremental benefit in having a census that would not otherwise be achieved. If you do not have an overall count you have to look at what are the other things that we have at our disposal in order to get at least an estimate of statistics in order to base our decisions. We can do that. I am certainly satisfied that with all of the realm of new information - the way that we gather information now, we can make some reasonably excellent estimates of the things that he is looking for. Certainly we can estimate, with a degree of - I think - significant accuracy. For example, some of the numbers for the Polish community et cetera, which I agree we need. I am therefore, probably, a little sad we are not going to have our 2006 census, because as a stats geek I quite like to gather all the information possible; but I am looking forward to the additional information that will be gathered as a result of the reinvestment of the proceeds from the census. I am even more determined now to ensure that the Population Office - for which I have dual responsibility with the Housing Minister and the Chief Minister's Department, that we get the real dream - is going to give us real-time information about our population. Not just every 5 years but all of the time constantly because we will be, for the first time, gathering information from the Housing Committee, in its allocation of (j)s, and linking it with Social Security and all the rest of it. That is the real prize. If I was given the opportunity of investing the savings that we would have by not having the 5-year interim census, I would say that we put the money in the Population Office, because that is where we are going to be really getting the information. As Economic Development Minister I want to know - I need to know - what the overall flows of population are which the Constable is talking about. I need to make Regulation of Undertakings decisions in the context of knowing overall figures. Gone are the days when the Housing Committee dishes out (j) categories with not a clue of the number people in (j) category residence of the Island, which is exactly what was the situation when I arrived in this place in 1999: dishing out (j) category licences with no understanding of how many there were. What a ridiculous state of affairs. We have changed all that and the Population Office will get us to the next state in terms of accurate and good information. I have no doubt whatsoever that this proposition should be supported. I say that genuinely; I say that completely honestly to members. With my experience - and I hope that members will take something from what I am saying - I am the one that did the census the last time around. I have probably spent more time than anybody in this Assembly on the issue of statistics. I have no doubt at all that we can do without the inter-census; that the money is better invested in these alternative statistics. Frankly, the message is full steam ahead, Population Office; that overall monitoring is the way we want to go. I will use my position on the Council of Ministers in order to achieve that. That is not to undermine the views of some Members who will say the census is important. It is not that important enough to deserve £500,000, or whatever it is, compared these alternatives. We can deal without it. I would just say one final thing: the issue of independent statistics has been mentioned. The fact that Deputy Breckon made some pretty strong remarks about the importance of having an independent statistic function: I would remind him and Members that it is in fact the independent statistics office that we have set up that are making this recommendation. It is politicians, perhaps with our slightly emotional side that are saying: "No, no, we just feel better in having the feel-good factor of having a census." Our independent experts are saying: "No, we do not want that, we want this" and I think we should listen to that. It is a vote in favour of independent statistics that means that we have another reason why we should support this proposition. I urge members to support the Chief Minister's proposition.

Senator M.E. Vibert:

Sir, could I propose the adjournment to test the mood of the house for returning at 2.30 p.m.?

Members: Oh.

The Deputy Bailiff:

It sounds as if you have tested it, Senator Vibert.

Senator J.L Perchard:

I will not be long. I just have a couple of questions - before making my mind up - for the Chief Minister. Can he confirm that the UK Government have relatively recently approved such a similar 10-year cycle for their census?

The Chief Minister:

They have always had one.

Senator J.L Perchard:

They have always had one. Thank you. Is there any advantage in working in tandem, Sir, with the UK Government on a similar cycle, or are we simply just following their UK legislation. Another simple question: I would like an explanation on the comments from the Treasury - the 3½ lines - and I quote just the first 2: "By moving from a 5 to 10-year census cycle scarce resources can be redirected to provide more regular and timely statistics and thereby inform better decision making." Perhaps an explanation of the first line-and-a-half. Thank you.

Deputy G.W.J. de Faye:

I think it is quite important to draw a distinction between 2 clear issues facing us, and I will deal with the first one. That is the extent to which members feel they ought to beat the Chief Minister or the Council of Ministers around the head for this apparent disrespect to a former States decision. I really would urge members to realise that that is not really the essence of this debate. Members are free to hold their grudges as they see fit, but I have every confidence in our Chief Minister to show the appropriate level of humility, when he sums up, **[Laughter]** for any mistake or error that may have transpired within his previous department or under his existing ministry. I am sure we will hear on that in due course. I have already tried to investigate the issue to see, as it were, if there were any culprits involved in this. I do not believe that that is the issue. So, I would seriously urge members to put all this idea of any recrimination and revenge on one side. What we are really here for today is to debate the value of censuses. I think it is useful if I draw on my many years of experience in the global information industry to show and demonstrate the value of what we wish to do. A census is a comprehensive exercise but, in essence, it shows a snapshot - in this case of Jersey - of a number of key statistical features as they stand on one day. What the Statistics Unit is putting to us, in essence, is that in a trade-off - in financial terms - the Statistics Unit, using newer and better methods, can provide rolling and much more comprehensive and diverse levels and amounts of statistics. What does this really mean? If I can give what I hope is a helpful analogy: if you were C in C Global Forces with a problem in Iraq and you are having to decide what you are going to do about a very difficult international issue, would you be happy to base your decisions on one satellite photograph of the entire country, taken on one day? Hopefully a cloudless day so you could see everything. Or would you prefer to base your information on perhaps 6 months of video crews ploughing through the entire country, interviewing people about this, that and the other, allowing you to have a comprehensive 10-hour long documentary on every feature of Iraq, from its secret service to the price of butter in the market? Now, on which of those 2 options would you feel more confident of basing your policy decision? I think it is clear. If we can now relate that analogy back to what we are being presented with, it is largely being said: "Look, do you want 2 snapshots 5 years apart, or shall we dispense with one of the snapshots and use that money to give

that diverse and more comprehensive approach to information and statistical gathering?" I have to say I think the conclusion is reasonably clear. Another element about censuses that I think may appeal to Members and perhaps may bias their judgments in favour of censuses - and I suspect probably wrongly - is this. A census is appealing because it has this vast sweep. It affects everybody; everybody is drawn into the net. You very often hear people criticise opinion polls on the basis of how many people took part in that. In fact, I was featured only recently in an article in the local paper relating to a *JEP* phone-in poll. The sample amounted, I think from memory, to roughly 180 people. Of course I will attach the same weight to the results of that poll as I would attach to anything I read in the *Jersey Evening Post*. The Deputy of St. John may correct me if I have got this wrong, because he is an expert in the public relations and marketing field. I think it is fairly well known now, within opinion polling that, yes, the greater the number of people you have taking part is a valid element of a pole. But what pollsters have established over a period of time relates to something called trends - trends within a poll. There is, in fact, a surprisingly low number of participants required in the poll. There is a sort of magic number - I believe it's around 480-550 people - whereby once you have gone past that level of participation a trend is established among your polling group. It then does not really matter whether you go on to interview another 1,000 people or another 10,000 people, the established trend will continue to remain the established trend. That is really why our experts at the Statistics Group can turn around to the States and say: "Look, we can use this money in a different way. We can use the latest polling techniques and the latest sampling and analysis techniques to give you rolling and better information. You will have more and better information that you would have derived from a census, this one snapshot taken." We also now have missed the date. I explored with our Statistics Department what is the feature of this. Of course, if you basically miss the date you are then obliged to set up another rolling cycle, because it has to operate in cycles. We still have the 10-year cycle and that is no problem. If we start again in 2007 what are we going to have: a rolling 4-year cycle or a 5-year cycle, in which case it will always be out of step. I investigated further and said: "What do other countries do? Is there such a thing as an 8-year cycle?" Well, no, the trend in most other countries is a 10-year cycle. So, I think there are strong and compelling arguments to say a census every 10 years is enough and we will be better served by more comprehensive and more regularly available information. I conclude by announcing my grief at yet another divergence between myself and the Constable of St. Helier. It was only around 3 years ago that the Constable and I were both in the crow's nest of the Titanic urging all other States Members, who were merrily enjoying their gin and tonics on the bridge, that it was time to cut back on public spending. On a previous occasion the Constable appeared to have ejected me from the crow's nest. I would dare say he would now comment that I am sitting firmly in a nice comfy chair on the bridge. I do detect that the Constable himself has climbed down from the crow's nest on this one because he is urging us to spend more money when we really do not need to. Senator Ozouf was quite right to pick the Constable up on this point. We are going to get better value for money if we support this proposition. I am afraid the Connétable is mistaken to feel that we will be getting better value for money by having a census and all the rest. Certainly we would not get better value for money by just having two censuses. So, I am shocked and shaken to see the Connétable of St. Helier clamber down from the crow's nest where I thought he did have a firm proselytising position on cutting-back on public expenditure. Clearly he is a little shaken in his views at the moment. I say best value for money is to support the proposition.

Deputy P.N. Troy:

The last speaker said: "We do not need to spend this money at the moment." Well, we do need to spend this money; it is important that we spend this money. It has been in our budgets to spend this money and it has been in our business plan to spend this money. It is hardly a surprise that we are due to carry out a census. Now, nothing has changed in the last 6 months because 6 months ago I said that as we begin implementing the migration strategy, we have to get up-to-date information before we implement the migration strategy. The data that we have is already out of date: 2001

data as a base for detailed information, as we move into the migration strategy, that is clearly incorrect. We should not be implementing the migration strategy based on 2001 data. I am sorry, but the point is that even the 2001 census is now out of date. I remain convinced that a census should be taken at this basis point. It is important. I acknowledge sampling techniques may provide information but it is not the detailed information. Senator Ozouf even himself acknowledged that a census would give more detailed information. I would much prefer to have a census in 2007 than to have one in 2011. I feel that it is more important to have a census at this point and I hope that members will take on board that point. I think it is important and it is necessary to continue with the census as scheduled. It surprises me that the previous Policy and Resources and the Chief Minister's Department have decided to do away with something that was scheduled to occur. I feel that we should proceed. I do not agree with the last speaker at all that this should be put aside. It is an important moment in time. Maybe 2011 may not be quite so important.

The Deputy of St. John:

In reference to Deputy de Faye's comments, yes, I am a member of the Market Research Society and I fully endorse Deputy de Faye's comments about sampling. It is a much cheaper and sometimes much more effective way of getting information. Censuses I found quite intrusive when I got asked to fill one in, as we all had to, for the last few censuses. It asked lots of questions which I felt were already known about us because we had filled in so many other forms for other reasons; tax, social security, and now the Population Office as well. So much of this information is already available, so I question the need for a census in some respects anyway, albeit I can understand some people's passion for them. I do have a question for the Chief Minister on the value for money issue, if you do not mind me asking it. That is: in the Projet (275) under the instruction at paragraph 1.5, it does say there that by reinvesting some of the money set aside for the census into more efficient ways of collecting and compiling data we will have more information and more timely updates to census variables, yet still be achieving a saving to the States of £300,000. In the Senator's opening remarks he said that there would be no saving. Could you just clarify that point because in terms of value for money I think this is a significant question? Thank you, Sir.

Deputy S.C. Ferguson of St. Brelade:

Yes, just a quick one, Sir. I am reminded of that saying "damned lies and statistics". Some of the other speakers have, so it is the quality of information we need - not volume but the quality. From a value for money approach, yes, I agree on looking for quality information. The Statistics Users Group has supported this move and they are rather more informed on these matters than, with respect, most of us in this House. The census figures: well, they are useful but there is a degree of cynicism in the population as to the results - I know a number of queries have come up. Then we have got to remember that the census, as it stands, was originally devised in the years before computers and information technology. As the Deputy for St. John has said we have got a lot more information now. The essential thing is to avoid getting swamped by the quantity and emphasise the quality. I support the Chief Minister's proposal from the point of view that we will get better quality information and obviously we get better value for money. Thank you, Sir.

LUNCHEON ADJOURNMENT PROPOSED

Deputy R.C. Duhamel:

I would like to speak, and I gather a number of other members might. Could we test the mood of the House and propose the adjournment?

The Deputy Bailiff:

Adjournment is proposed then. Does the Assembly agree? We will return at 2.15 p.m. unless members agree 2.30 p.m.

Senator S. Syvret:

Can I propose 2.30 p.m., Sir, because I understand some members have meeting set over the lunch break?

The Deputy Bailiff:

Is that agreed; 2.30 p.m.? Very well, the Assembly stands adjourned until 2.30 p.m.

LUNCHEON ADJOURNMENT

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

Before we resume debates, members may have received an email from the Solicitor General over lunch informing them that the Attorney General, unfortunately, has had a heart attack. I do not know any more other than he is going to London but I am sure members will join with me in wishing him a speedy recovery.

Members: Oh.

PUBLIC BUSINESS

The Deputy Bailiff:

Do any other members wish to speak on the debate? Deputy Duhamel.

Deputy R.C. Duhamel:

Despite having been warned off slightly by my Member who sits behind me, as to what I should or should not speak about, I would like to refer to the process under which we find ourselves in this somewhat sorry state of affairs. Presumably, the Statistical Services Department were well aware that this House wanted them to embark on a census in this year. They also knew early on enough - because they carried out the work on previous occasions - that the lead-in time was going to be of the order of some 18 months. They also presumably knew that if the States wanted the work done in an accelerated timeframe that other staff could be drafted into the process and if moneys could be found then indeed a shorter intro-time phase in order to get the preparatory work undertaken could have been achieved. That is why, Sir, I find myself in some difficulties. Notwithstanding that early last year, when these things were being discussed and, indeed, positions hardened in around about April, having decided in July that we did in fact want to be masters of our own destiny and establish a census for this year, we found ourselves in the curious position that this House was still being told by the department - and indeed their independent advisors - that in fact this work was not able to be undertaken. Not only 'could not' be undertaken but 'would not' be undertaken. That was, in general the tone of the emails and the correspondence that a number of Members had. The point, Sir, I would like to raise is one of precedent. It has been said before, and it needs to continue to be said by the Chief Minister and his Council, that this House is the master of its own destiny. Any decisions that are going to be made in this House must be biding. I cannot help feeling, Sir - and it is an impression that I have and it may not be shared by other Members, but I have the distinct impression - that political philosophy is being challenged by having the Council of Ministers and the Chief Minister come back today and ask for a rescindment. This is not brought about necessarily from themselves but mainly as a consequence of the emails and the negotiations that have taken place by the civil servants. I think it strikes at the heart of Government. I cannot feel and do not feel, Sir, that it is right that we should be dictated to by any department as to whether or not something can be achieved in a particular timeframe or not. In fact, the Civil Service is entitled to give us the benefits of its professional opinion. With that said, Sir, once a

decision is taken in this House, whereby we have decided that something must take place, then it must be right that all stops must be pulled and ways must be found to work with both the department and the political masters to find ways to achieve what this House has decided. As I say, in bringing it back to the House today, I am left with the idea that if we do indeed go ahead, for the other reasons, as to whether or not a census is undertaken next year, or whenever, it is better than having taken place out of sequence. That really is not the issue. The issue is one of precedent. If we do indeed go along with the recommendations that have been given by the professional officers this time around, I think it is going to set a precedent of the tail having wagged the dog and that would be unfortunate. I do not think it is right, and it has been referred to in this House before that if individual politicians do not agree to a particular decision that this House has made - and I think the Chief Ministers have said it on a number of occasions as well - that it is right for those members who feel disaffected to come back to this House and to keep on coming back to the House in a 'try and try again' situation until they get their own way. I do feel quite strongly, Sir, that we do have embodied in this proposition a case of that. Where we go from here I do not really know. I think the best outcome perhaps might be to vote against the particular proposal put forward but then find another set of words which sends back a message to the Parliament that this was a one-off situation and will not recur again. If indeed departments or their advisors come forward with messages, which are not accepted by this House, Sir, then the very strong message must be sent to them that in future this House will not accept that we will be dictated to by the Civil Service. As I say, I may have got the gist of the situation entirely wrong, but certainly from my perspective that is what it appears like. At the back of my mind, Sir, I am interested in the process and the organisation of the States. I do not want us to be in a position whereby an unfortunate precedent has been set and indeed it is used at a later stage in other debates in order to push this House into not being able to be master of its own destiny. Thank you, Sir.

Deputy G.C.L. Baudains:

I have been detecting a growing disrespect in this Assembly, originally by Policy and Resources and now, I believe, by the Ministers that I do not believe bodes well, Sir. As you know, I raised the matter this morning; I do not believe this proposition is valid because it was not signed by 3 other people, which Standing Orders required - I do not see any exclusions. In fact, I remember a few years ago when Senator Horsfall brought a similar proposition and he had to get those 3 signatures before he could continue. Be that as it may, Sir, I then move on to the fact that this website almost seems to be a conclusion that is made without regard to the Assembly, as if it was a foregone conclusion and the Assembly did not really matter. I have not heard yet, Sir, a satisfactory reason as to how that came about. I was impressed this morning, Sir - although I was not here, I was in my car; I had to move it because of where it was parked - I was listening to the Constable of St. Helier on the radio, and I was impressed with what he said on the subject, Sir. I will not repeat a lot of what he did say but suffice to say that I do believe a census is necessary and I will not be supporting the rescindment.

Senator B.E. Shenton:

Unlike some of my colleagues on the Senatorial Benches I actually faced the electorate last year. Speaking to the electorate, the number one concern of the electorate was immigration - without a doubt immigration. And now we have a situation where a census that should have taken place has not been taken place. Ministerial Government I do not think has got off to a good start today and yesterday. Rather than make a decision this morning we decided to defer it - back to the old procrastination. Accountability was something that we were promised. Someone has made a massive mistake here. The Chief Minister's Office was told to do a census in 2006; they have failed to do it. Excuses and hands up, I am very sorry, is not good enough. We are bringing in a migration policy which is the cornerstone of almost all policy over the next 3 years. It is vitally important that we know the correct population levels and other levels before we start. It was interesting to note that Senator Walker put together a Migration Panel that consisted of ex-property

developer Senator Cohen, ex-property developer Senator Ozouf and Senator Le Main whose campaign was sponsored but he has failed to declare who by in his declaration of interest, so we can only guess. The public of this Island are not stupid; they see the buildings going up, they see the flats being built; they see the plans for the Waterfront. They are concerned about immigration. The danger for this House is if they turn around and say: "No, we are not taking a census, they will think it is a fudge." By all means pass this proposition today: do not have a census, but be prepared for the political backlash that is bound to come.

Senator P.F.C. Ozouf:

Senator Shenton is entitled to use his position in make statements. However, he has suggested that there is some improper motive in the setting-up of the Panel for the Population Office. Could I just ask Senator Shenton if he understands that the reason why the make up is such is that the Minister of Housing has responsibility for the housing law; the Minister for Economic Development has responsibility for the Regulation of Undertakings and had he read the migration policy he would have understood that, in fact, the Population Panel is *ex officio* for those reasons, rather than suggest innuendo and other suggestions, which are entirely inappropriate and incorrect in my case.

Deputy G.P. Southern:

How appropriate I should follow on the last speaker. This debate is undoubtedly about 2 things. It is about statistics and the need for accurate, up-to-date statistical knowledge. It is not just about statistics, it is also about politics. Deputy de Faye warned us earlier -he said: "Don't get involved in the politics." "Revenge politics" he called it. "Don't look for a scapegoat, it is not about revenge." He is absolutely correct, it is not about revenge but it is about accountability and it is about whether this House retains mastery of its own destiny. As Senator Shenton has just said Senator Walker was instructed by this House to go and organise a census. It matters not that by the time he gets around to it, it cannot be done in 2006. Then if you cannot do it for 2006 you do it in 2007, and that does not invalidate a census in any way whatsoever. The census will be there to look at what has happened over the past 6 years instead of 5 years. It is not a case, as Senator Ozouf was suggesting, that a census in 2007 would be absolute nonsense, and I quote him: "Nonsense" he says. Not true. It looks at how population and how various factors have changed in the space of 6 years instead of 5. A perfectly logical, sensible and rational thing to do. Now, the Constable of St. Helier, in his remarkably excellent speech, I thought, made one error. [Laughter] He said: "This is not about population." He was wrong. Of course this debate is about population. He was also criticised by Senator Walker for not having done something more quickly - more promptly. He came forward and said: "We're thinking of not doing the census this year" way back in February and it was met with very little reaction. And it was not until June - when it was lodged - and then July - when it was debated - that objections were made. But let us have a look at why that may be. Let us have a look at what we did last year and the workload that this House went through. We had a Strategic Plan, we had a Fiscal Strategy, we had an Economic Growth Policy, we had a Migration Policy, we had Business Plan and a Resource Plan. All that went through last year. Massive pieces of legislation - we were quite busy. If it took the Constable of St. Helier a few months to get around to saying: "Hang on, we should have a census" then so be it. That was absolutely correct. I repeat, whether that census is in 2006 or 2007 matters not one jot. Deputy Troy suggested in his speech that it could well be that a 2007 census might be more important even than a 2011 census. Well, let us explore that and see perhaps why. Senator Walker says: "Let us look at what has been happening over the past few years." We have had very little population growth - in fact, we have had emigration rather than immigration - and that is true. Why is that true? Let us look at the pair: population growth and economic growth. When the economy grows the population grows, inevitable as night follows day. Those pairs are matched - the one follows the other. When we grow the economy we grow the population. That is historically true; it has been for the last 50 years certainly, and probably centuries. What are we told that we are going to do? We are going to grow the economy by 2 per cent over inflation. That is the target of the

current Economic Affairs Minister. I tried it on the States indeed. We have agreed to grow the economy. What is that likely to mean? It is likely to mean growth in population. Why is it likely to mean that? Because we know what the figures say. It is suggested to grow the economy by 2 per cent over inflation would entail a 1 per cent job growth. That 1 per cent job growth amounts to up to 500 new jobs created. Those new jobs and the growth will be monitored by our Population Office and a migration policy, which suggests that we will not be sucking in low-skilled immigrants to go into some of those jobs, we will be sucking in high-skilled, high-paid immigrants, because we are going to change around what we do in terms of immigration. Talk to the financial services industry - the people who require these high-skilled, high-paid immigrants to come here - and they say immediately: "Well, to grow the economy, grow our sector of the economy by 2 per cent. We can quite easily, and will probably require some 200 immigrants in the Island with the right skills, high-paid, high-skilled immigrants into our industry." That is 200 plus their dependants. Now the stats already say that the average immigrant comes in with 1.8 dependants. Do the sums; we are talking about over 400 per year - each and every year of that economic growth. That is what we are talking about. So, this debate is about population, and it is about knowing accurately exactly where we are now, 2006 or 2007; that is it, we need to know. We are operating on the figures from the census that are 5 years out of date. I do not believe that we can go into a policy that says we are going to grow the economy and hence, I believe, inevitably grow the population unless we know exactly what our starting point is. As the Irish say: "If I were going there I wouldn't start from here." Not without knowing where you are. What are we going to have to monitor and regulate - not control - to monitor and regulate that population and that growth? We are going to have a Population Office. Members may recognise... the first question yesterday, in the first question of a new Ministerial Government I asked the Minister: "When are we going to see migration policy in place, Population Office in place; operating? When are businessmen going to be able to control, regulate and monitor properly their workforce?" The answer did not come. The answer did not come. We have an officer, he will tell us in his own good time when we are going to see it. So, where is the monitoring regulation, where is the control mechanism? It is some years down the line. We are going to be growing the economy as of now, I am sure, but whether we will have migration policy in place and monitoring and controls in place I do not see it. I do not see it at all. We were not given a date for this year, or next year, whenever, about when the population will be up and running. So, we are about to embark on a period of growth. We do not know exactly... we have not got the benefit of a census to tell us exactly where we are; we need that census. But I return again to the first early stages of Ministerial Government: who has supremacy? We have been told time and time and time again by the Chief Minister and other ministers: "Of course, this House has supremacy. Decisions that we make will have to be brought before this house to be ratified". And here we are: the first session of a new regime and what have we got? A rescindment. "I know you have told me to do this", says the Chief Minister: "I have not done it and I am not going to do it." Who has supremacy? This House, as did the previous House was very proud of the fact that it is a debating chamber and that individual Members can hold government to account. The Executive must be held to account, the Executive must start being held to account, I believe, as of now. Please reject this rescindment - which it effectively is - and support Constable Crowcroft's motion from way back in July. We must have this census; we must know where we are so that we can control our way forward. Please reject this rescindment notion.

Deputy I.J. Gorst:

In my short time in this House it appears to me that Members are keen to talk about their previous life. If you would permit me one moment to talk wearing an accountancy hat. Numbers without comparators are meaningless. The intervals between the numbers are just as important as the numbers themselves. Therefore, a census taken in 2007 would produce meaningless figures because we were to have no comparator period. This proposition will enable the provision of annual debt, which in turn will enable informed decision making. I urge members to support this proposition.

Deputy J.A.N. Le Fondré:

This could be a repetition of the last statement almost. Yes, also a new Member, this is really the first time this has come in front of me as well. To be honest, the key concern of my district - or my parish - one of them has been expenditure; and the States effectively being perceived to be wasting money. On the statistical front we are told that we will get better information as a result of this proposition. There have been many valid points raised and there is a key concern, obviously, over population. But I think it is a valid concern that a census is a point in time. If the money that we are going to save can partially be used for providing more continuous and up-to-date information for decision making processes then it should be supported. I rather like Deputy de Faye's Titanic analogy, from the point of view of expenditure. Even if an expense has been budgeted, if we can find a way of not spending it and even doing things better - and in fact I think that comes to the better, simpler, cheaper analogy - I think we should follow it. Therefore, the logic seems reasonable to me that the information can be obtained from a different process and we can save £300,000 by so doing. I think we should support the proposition.

Deputy P.V.F. Le Claire:

I cannot support the rescindment today because the arguments made within the rescindment proposition were the same arguments that came before us when we debated the Constable of St. Helier's proposition that if we were to not commit to the census we would be able to employ our staff and our money in better ways, to have more meaningful data. As quite rightly pointed out, numbers without comparators are meaningless. It has been my experience in this Assembly, since I have been in this Assembly, since 1999, asking question after question, debate after debate; every time I have asked for the numbers on population. Every time I have sought to identify what was going on, the manpower figures, or the manpower numbers or whatever it was, were always changed; the method in which they calculated the numbers were changed; the people in the numbers were changed; the categories were changed. Here we are again, suggesting another change. The only difference being is that we are going to put it off for quite a while, by which time, perhaps, most of the information that we have been collecting, is rather useless. It will be a slow metamorphosis towards that time. With all of these new policies in place, there will be new categories of people to consider in new questions, with new dependents, in new areas. One thing that is certain - and Constable Crowcroft touched upon that - is that the Island is changing demographically. With the extension of the European Union by 10 member states, and with our decision to not restrict membership of this community to people within Europe, as other member states have done, we have followed the UK route. We have opened up our gateway to rather a large portion of people that might wish to do better here. Having been the founding member of the Jersey Polish Association, which is now being run by them, I have spent a lot of time with the Polish people and they are contributing in magnificent ways, and they have contributed in a magnificent way. There is definitely a need to continue - in my view - to develop and extend the associations between Jersey and the Polish people; and this should be taken up, in my view, also at senior government level with their government, to answer and to address the situations that they find themselves regularly seeking answers for. Last Sunday, I took Senator Shenton to the Jersey Polish Association to discuss with them their needs, and he witnessed - as I witness every time I go - the young children running around the room with their parents that have come from Poland to join them in Jersey. I was told by the new Chairman of the Association that there are now over 200 children in the schools that cannot speak English. That is not such a bad thing because to learn a new language will mean that the language they do speak now will make them multilingual. But there certainly is a question of resource implication in relation to value for money. If we do not know what is going on, and if we do not know how many people are coming to the dinner, then we will not know how many seats to set and how many plates to put at the table. I have argued this for years. Having spoken to John Christensen, the former economic adviser, some months ago on the issue of census, he told me that Jersey is a small nation state. A small nation state, in his words:

“Are susceptible to rapid demographic change.” It is therefore most important that a regular, frequent census is taken to monitor the overall situation as it changes and as that occurs. The fact that it is not being done, and the fact that it seems - to my mind, anyway - that the Statistics Department has a mind of its own - perhaps an agenda of its own - does not engender me...

Senator F.H. Walker:

I think that remark should be instantly withdrawn.

The Deputy Bailiff:

I think, Deputy, Members must be very restrained in casting aspersions on civil servants or on other Members of the administration who are not in a position to reply. You can always say that you do not agree with their conclusions but you cannot cast aspersions on their...

Deputy P.V.F Le Claire:

I do not agree with their conclusion. I withdraw the remark, if it caused offence. I certainly am not happy though. I am for ever apologising for standing up and saying what I think, but at what stage am I allowed to say what I think? I believe that it is important to have a regular census. I believe it is important to have those numbers regularly compared to numbers in categories that do not for ever keep changing. Because if we do not know what is happening in our Island, and if we do not know if we are growing or diminishing in numbers, then we will never be able to plan properly for the things that we need. We will be for ever chasing the ambulance and building schools and building communities and throwing money at health issues, which we have not planned for. While I welcome the overall plans and policies that have been put in place to develop a fairer society in Jersey, I think in order to monitor these things, we need to do away with this rescindment motion today. I am not allowed to say that the Statistics Department or the people that work in the Statistics Department have done something wrong or have got their own agenda, but then why has this happened? Why are we in the position we are in? Where are the heads that we were promised would roll?

Senator M.E. Vibert:

Can I say, I regret the criticism of the Statistics Department and even the User Group in this debate. If States Members wish to be critical, the people to be critical of are the previous Policy and Resources Committee, of which I was a member. I am quite prepared to take that criticism. I am quite prepared to come up and be counted. The Statistics Unit and the User Group made no decision. It is not within their remit to make any decision about whether there should be a census or not a census or when. What they both did was give advice to the Policy and Resources Committee, who then made a decision. I was one member of the Committee who took quite a lot of convincing - in fact, a great deal of convincing - that we should not have a census in 2005, because we could have better data by using different information and we would be better serving the Island by investing the money in that and not having a census. What I very, very much regret now, is that instead of bringing a proposition to the States, at the time, in March, which we should have done - and I, for one, on behalf of the Committee, admit it was a mistake, we should have brought a proposition to the States seeking not to have a census - instead, we did it in the form of a report to the States and waited for reaction. We were all busy and I regret that we did not have any indication that it was going to be challenged until much later on - June, I believe. That is the sequence of events. Then we have the debate in July. This is not a debate about challenging the supremacy of the States - that is absolute nonsense. There is no question the States are supreme. There is no suggestion, either, that the States is infallible. What the Policy and Resources Committee has done - and that has been taken on by the Council of Ministers - is bring new information, new advice, to States Members. It has come in and we got it after the States decision. It is up for States Members to decide, in the light of that new information and advice - and Members appointed the Statistics Users Group, an independent group - and look at their advice

(which is in the Annex of P.275) and the advice of the department - the experts we employ - that because of the timetable, it was no longer possible to hold a census in 2005. This has been well explained by other Members far better than I could about how having a census out of the correct turn diminishes by a great deal, the value of any census, because it is in comparison with previous 5-yearly censuses that one really gets the information one needs. So, it is the previous P and R Committee, most of who are now on the Council of Ministers, if you want to criticise and accuse and be held accountable. I will hold up my hand: I am accountable. We made a mistake. We should have brought it to the House in the form of a proposition. We did not. We brought it as a report. Unfortunately, nobody thought anything about it until some 4 or 5 months later. By that time, things had changed - time had marched on - and we did lose a debate in the States in the beginning of July. Then when we went back and said: "The States have said that we have got to have a census in 2006." We were advised - and that advice we are passing on, and again, we questioned it very strongly - that it was not possible within the timescale. We are coming back to the States and I am apologising - we should have asked you as a body in the first place, in the previous March - but we are coming back now and saying: "We know you decided there should be census. It is not possible to do it in the timescale that you wish us to do it. All the advice we are still receiving is this makes it even less valuable than it would have been before." It really is a question of whether the States want to be mature enough to accept that mistakes were made in the way it was brought before the States and that the correct way to go forward, in the interests of the Island, is to accept the advice; to tell P and R they were wrong not to bring it as a proposition in the first place; but accept the way ahead now is, as suggested, to get the good information at good value for money and move to a 10-yearly census and not proceed with a census that would have very little value in 2007. I hope Members accept that mistakes have been made but accept that the best thing to do is to act in the best interests of the Island and to move forward as proposed.

Senator S. Syvret:

I am going to break ranks but it is okay, I have already told Senator Walker that I would not be supporting this proposal before the Assembly today. Although, of course, as we are ministerial colleagues, I have to be kind to him from now on. **[Interruption]** To his credit, as Senator Walker himself freely accepted at the recent meeting of the Council of Ministers, it was, with hindsight, an error on the part of the Policy and Resources Committee and that there is no escaping that fact. If any executive body is going to take such a major decision concerning consistent policies of the States that you want to suddenly change them - start doing something new or stop doing something you have done in the past - then really, you should bring that decision to this Assembly for a decision for agreement. The Policy and Resources Committee was in error, I think, in not having brought it to that situation. I think that is accepted by everybody concerned. Mistakes get made and I do not think there is any great merit to be had in pursuing that particular mistake. But the issue we have to address today is what do the people of Jersey expect us to be doing in terms of keeping an accurate handle on the whole make-up of our whole sample population? I think the views expressed, certainly during the recent elections, were pretty clear, I would say. I agree very much with the views expressed by Senator Shenton in this matter. Population remains a key issue - perhaps *the* key issue - for the great majority of people out there. I listened with interest to the brief speech made by Deputy Gorst and, of course, it was true, to a certain extent. Comparators are indeed important and to be able to compare one batch of figures - one batch of data - with other similar batches of data, certainly make the information of greater benefit and of greater use. I am afraid he completely overplayed his hand and overstated his case when he said that the information gathered from a census in 2007 would be "meaningless." It would not be meaningless. True, it would, in an ideal world, be better if it were within a comparative period. It would not be meaningless. Why would it not be meaningless? Because it would provide us with a great range of highly detailed information, not based upon small snapshots, but taken from a whole population sample size with a variety of detailed information raised from the questions. Why do we need to be doing a census around about this period rather than, say, 2011? Because, as has been explained by

other Members of the Assembly, we are in a period of major and fundamental flux and change in the Island circumstances and in the policies we are pursuing. We are introducing an entirely new strategic plan. We are introducing an entirely new fiscal policy, with all of the impacts and effects that could have. We are having a new population policy. We are having a new population control mechanism introduced. All of these things are coming into play now. Therefore, a whole population sample of data of the kind generated by a census now, during this great period of change, is important. It is necessary. The Statistical Adviser said to the Council of Ministers that it made sense for the Island to move towards matching the international period for census - once every 10 years. I did put the question to him - and I did not receive a particularly convincing answer - that, in fact, when you look at the population of a large nation state, such as the United Kingdom or France, you are dealing with a population that is, by and large, stable with, in percentage terms, very minimal movement within that population. That is not what we are dealing with in Jersey. Jersey has a micro-population of immense population volatility. There are massive degrees of population volatility within the Jersey population. It is not, in fact, readily comparable to a large nation state. Because we are a small Island with particular restrictive circumstances, we have to have greater regard to population issues - demographics, whatever they may be - than perhaps a large nation state would do. We need to know this information. We need this kind of information at this period of great change in the Island circumstances in our policies. We need whole population sample sizes of data. Not so that we can merely know whether the population has gone up or down by x or y amount. For example, how many Jersey people have left the Island? How many newcomers are coming into the Island? How many people with long-standing family and historical associations with the Island are simply giving up on the place because they cannot afford to live here any more? We need this kind of information. It is true that we need the other kind of statistical information too. Absolutely. It has been said by the previous P and R Committee and the Council of Ministers that you can have one thing or the other. You can either do the census or you can have all of these targeted, detailed, statistical studies. Well, I really think if we are going to move away from the realms of assertion government and move towards more evidence-based government, I say: "What price facts? What price hard data?" Given the size of the overall budget of the States, frankly, if we needed to find extra money to do these additional studies as well as the census, then we could. We could. What price hard data? What price facts? What price the evidence we need to be able to make accurate, rational decisions about the future of our community? That is why I believe the proposal should be rejected today. We should proceed, as the Constable of St. Helier has suggested, with a census in 2007. We should try and find ways of, in fact, doing the other statistical work as well. Because Jersey is a small Island community with a highly volatile micro-population, we do need more frequent censuses than a nation state would have.

Senator T.A. Le Sueur:

In the ideal scenario, we would have statistics on all aspects of Island information. We would have figures coming out of our ears. That would also have significant implications in terms of cost and resources and staff. We have to decide what is the best use of the financial and the staff resources that we have available in order to get the most useful, most up-to-date information on which we can make informed decisions. Given the choice between census information once every 5 years, as against ongoing regular, annual information, which can be varied and improved upon year by year, then to me, it is a far better use of resources to do the second option and go with this proposition, which would have a 10-year census cycle, but the additional information, which would be of far more use to us.

Deputy K.C Lewis of St. Saviour:

Thank you, Sir. You will be delighted to know, Sir, that I do not believe in using 50,000 words where 50 will do. The building programme in Jersey continues unabated. When the Waterfront comes online, Jersey will see a building programme, the likes of which it has never seen before. As

has already been alluded to, you have only got to ask a boy scout with a compass and he will tell you before you know where you are going, you have to know where you are. Thank you, Sir.

Senator F.H. Walker:

I will be as brief as possible but there is quite a lot to respond to. Can I, first of all make - I think - a very important and serious point? The Statistics Unit is a thoroughly professional unit serving the States and the Island very professionally and to a high degree of skill. I think it is not, in any way, acceptable that messages go out from this House, albeit from perhaps one or a very small number of individuals, which suggest anything else. I also say that the Statistics User Group is a totally independent and also a professional unit, which frankly, has information too - and a great deal of knowledge about information - which some Members this afternoon have sought to suggest they are experts upon themselves. I think the criticism of the Statistics Unit is by definition, criticism also of the Statistics User Group, who have unanimously supported this proposition. I think that is unfortunate, ill informed, and inappropriate. I said in my introduction I did not like being in a position - and the Council of Ministers certainly does not like being in a position - to bring this proposition seeking, effectively, a rescindment. I do not like it, and I repeat that. It is the first time I have been in this position and I am not happy about it but we had no choice. The fact is - although, some Members have sought to suggest otherwise - that when the States took their decision in July, it had become too late to run a census in 2006. Had there been a proposition to the States - and I will absolutely put my hand up here as well and say there should have been, in February - I accept what Senator Vibert and others have said and I apologise on behalf of myself and the Policy and Resources Committee for that oversight and that mistake. I do apologise for that, but that is now historical. I am sure Members who have been in the States for a long time will forgive me - or maybe they will not - when I say: "We are where we are". That is a fact. The fact is it could not be done. Therefore, we are in a unique situation of seeking a rescindment, not because we want to, but because we have no choice. The States decision could not be implemented. It has been suggested in the course of the debate that the fact that we brought this proposition shows a lack of disrespect for the House and sets a precedent. Neither of those statements is in any way true. There is no lack of disrespect. We had to do it. We had no choice. It certainly does not set a precedent because it is, in my experience, unique. How many times have we been in a situation where a decision of the States has proven to be impossible to undertake? Nothing to do with political whims or wishes, just impossible from a practical point to undertake? Those Members who say: "Well, we could and should have done it anyway" frankly, I can only assume, have not spoken to the Statistics Unit or, if they have, have not fully understood the quality and the depth of the advice that the unit is given. Turning now to more individual issues, Deputy Huet kicked off a debate in fine robust style by adding to the Constable of St. Helier's paranoia about the website. There was a mistake. I have no idea, at this point. It only came to my attention at about 6.30 p.m. last night that it was on the website at all. I have no idea who made that mistake. What I can assure the House is it was under no political guidance or direction whatsoever. I do not believe any Member of the Council of Ministers was aware it was there - certainly, I was not - until it was pointed out to me last night. So, the conspiracy theory simply, I am afraid, just does not flow at all. Deputy Breckon - and I am not going to refer to every speaker, and some will forgive me, for the purposes of time - said that we should abide by a decision of the States. Of course, as I have already made clear, I hope, I could not agree more. But it was impossible, hence the reason we are here. Had it been possible, I do assure the House, it would have happened. No question about that whatsoever. Deputy Breckon raised, I think, though some good points about political potential for political interference with the Statistics Unit. I understand exactly what he is saying. But I think he would agree with me - because he has attended quite a few - that when the Statistics Unit have new information, as they do now very regularly, it is they who present it and they present it totally free of political interference. Having said that, I agree there is an issue about the perceived, certainly, independence of the Statistics Unit and where it resides. I think that is something for the Council of Ministers to look at. I know Senator Syvret holds that view quite strongly. We do have to avoid

any real perception of government control over the issue and the quality and the content of our statistics. That, I do not argue with in any shape or form. I think the Constable of St. Helier has missed the point. I am puzzled to know how he could attend the presentation, agree that it was a very high quality presentation, and then totally ignore it and contradict everything that the Statistics Unit told those few States Members who turned up to that presentation? I can only assume he did not understand what was being put to him. It was suggested by Deputy de Faye that the Constable had descended from the crow's nest in terms of controlling States expenditure, and I agree. In fact, I think he has now descended as far, if I may say so, as the poop deck. But we cannot go back in time. We have arrived at a situation where if the Constable is smarting a bit because we have again questioned his proposition, that I regret. But we cannot go back in time. We are, as I have said, where we are. Had that proposition been brought in February, or indeed in March, by P and R, the Constable or anyone else, then we would not be in this issue today. There have been statements made by the Constable and others about flying blind and not having information - I will come to that right at the end - because again, speakers have illustrated they do not fully understand the new position that we are in, in terms of the amount of information, the timeliness, and the quality that we have got. The Constable said: "It is all very well to say that a survey has had over 50 per cent response", which, as I have said, is an amazing rate. But how many households did that cover? The answer is 2,000: just over 2,000, which again, from a statistical point of view, is way, way above what you require for statistical accuracy and to define trends. Way above. It is a tremendous response, which professional statistician would endorse. There is no doubt at all that the statistics and the trends it reveals are reliable. The Constable also said that States is having a gun held to its head on expenditure. It is not true. The States have been asked, effectively, to make a choice, as the States is asked to make a choice every single year when we debate the business plan on a whole host of issues. Should we do this or should we do that? Because we cannot do everything. This is just another example of where we cannot - despite the suggestions of some - do everything. I agree with those speakers who have said: "There is very little value." I am not saying there is no value, but there is very little value, despite what the Constable suggested, to a census in 2007. But I do fully say that censuses do have value and I did not say they do not. They do, but in the right time, conducted in the right way. What we need to do is ensure that we get it right for Jersey and ensure that we have all the data we need to make better decisions and more informed decisions in the meantime, and we do. I will come up to that right at the end. Senator Ozouf, who knows more about running censuses than any Member of the States by a streak, gave his full endorsement, as he has done elsewhere. You have seen that he does not have to do that as a Member of the Council of Ministers. Senator Syvret is a good example of free thinking and independent thinking on the Council. Senator Ozouf was under no pressure to give his support. **[Laughter]** Well, not much anyway. No, he was not even there. As one who knows most about censuses, or more about censuses than anyone else in the States, he gives the Council of Ministers proposition his full support. He says what we should do now - and I think this is a very good response to Deputy Southern, although, in effect, he spoke before - is press fully ahead with the Population Office, so that we have the additional data and controls that the States have agreed to, and I agree. That is what I did say in a written answer to the Deputy. He said I did not give him the information he required - I most certainly did. Senator Perchard: basically, I think the big thing he queried is the Treasury comment. But what the Treasury comment said was that the money we will save from the census will be re-invested back into the Statistics Unit to provide the additional data that I referred to in my speech. Deputy de Faye talked about previous mistakes and so on, and I think I have acknowledged that. Deputy Troy was talking about spending money, but it is not really - mainly, at least - a question of financing or saving money. It is a question of how we spend our money best and how we get best value for it. That is exactly what lies behind this proposition. Exactly as Deputy Ferguson said, it is the quality of information we get, not the volume, and the fact that we are looking for best value out of this. Deputy Duhamel said, quite rightly, as we have acknowledged, that the House wanted to hold a census in 2006. But I think I have already made it clear; this is a unique situation, we could not do it. We were told by all the professionals: "It

cannot be done.” Are we just going to ignore that advice and come up with a meaningless, half-baked census, because a full and proper one could not be prepared in the time? I do not think so. Senator Shenton said that the number one concern of the public is immigration. I do not disagree in any way. That is why the States agreed last year a new migration policy. That is why we have agreed to set up a Population Office, which, for the first time ever, will monitor all arrivals into the Island. We have never had the ability or information before. That is where we have agreed to go. He said: “Ministerial government has got off to a poor start.” Well, I disagree. This is a position that ministerial government has inherited. Now, whatever one may say about what P and R should or should not have done last year, the Council of Ministers has had absolutely no choice because we have inherited the situation, other than bring it to the House today. That is absolutely as it should be. Deputy Southern followed the same arguments that we have heard and frankly, introduced the same scare tactics that we have heard from him before in the old House, at least, in migration debates and others. This is not about population. This is about monitoring and the data we have. It is not about population growth. It is simply not. He raised the old spectre that the migration policy and the economic growth policy will suck in hundreds of immigrants from outside the Island. It is just not true. The vast majority of the States accepted that when they voted in favour of the economic growth policy and the migration police. No, Deputy, in this instance, I will not yield. Deputy Gorst said that a census in 2007 would be effectively meaningless, and whether it be fully meaningless or not, it would certainly be of a much less quality and much less relevant than a census in 2011. Deputy Le Fondré made the same point and said: “We need value.” Deputy Le Claire said he cannot get hold of information. I do not know who he has asked recently or where he has been? Has he been to the Statistics Unit? As Senator Vibert said, I have reiterated that P and R certainly made a mistake last year but the 4-5 month delay between my statement to the States and debating the proposition was the key factor, the deciding factor, in whether or not a census could be held in 2006. Senator Syvret said that he was breaking ranks, and I put that forward as being a very good example of the way the Council of Ministers operates. There were real fears by some Members of the old House, that the Council of Ministers - ministerial government - would end up putting much too much power in too few hands and people would not have the ability to speak out - or Ministers would not - and they would be sacked or whatever it may be. Here, you have at the very first opportunity, a real example that we do have meaningful, at times heated, already... - well, not heated necessarily but certainly vigorous debate - and Ministers are free to express their own opinions and vote in whichever way they see fit. I think that is as the House would want it. I have no argument with Senator Syvret about the need for information - of course we must have it. I have made that point many times. The question is, how, when, and are we getting the best value for money? I will not refer to other speakers who have basically agreed the point. I think it was the Constable of St. Helier - it may have been another speaker - who said: “We must understand the population issue. We must understand what we are looking at before we embark on a Population Office and a migration policy” and what have you. I could not agree more. But the fact is we do. As I said in my introduction, we are in a new era of statistical information, in terms of frequency, quality and depth. We have much more information on social issues, which are of key concern, I know, to every Member of this House, which we did not have before. We have much more information on economic issues, which we did not have before, which we must have if we are going to understand our economy and grow it according to the instructions of this House. Crucially, we have much more information on population issues. If I could just read, Sir, if you will forgive me for 10 seconds or so? The information that we have available as a result of the work being done by the Statistics Unit, today, here, now: “Can we monitor, and will we know, the size of the total population? Yes. Will we know population density? Yes. Will we know gender and age breakdown? Not entirely, but very nearly. Will we know the place of birth? Yes. Will we know marital status? Yes. Will we know residential qualifications of the population? Yes.” All that information is available to us now, and if we accept this proposition, will continue to be available to us annually. Reject this proposition and you will lose the annual information that that gives you. You will lose it. Yes, you will get it in 2 years’ time after a census, but then you will

not get it again for another 4 years, until the next census. You will lose the value of that, which, to me at least, simply does not make any sort of sense whatsoever. I hope Members will bear in mind some of the speeches being made suggesting that we would not have the information. Clearly, those speakers are not in full possession of the facts. We do. We can have it annually if we support this proposition and if we want to. I think, Sir, I will end there and just repeat that a vote against this proposition is a vote against all the professional advice. All of it. Not just some of it but all of it. From wherever it may come, it is a vote against all the professional advice. It is a vote against better decision making. It is a vote against value for money. If Members want to take what I think would be a somewhat emotional decision in favour of a census - to me, rather ignoring the information, the facts before them - well, so be it. That, of course, is Members' choice. But it will be a vote against all of those things. Can I emphasise it is for Members to choose. Nobody else is choosing here, that is why we are here. That is why we are having this debate. It is for Members to choose and Members will be the masters of their own destiny and Members will decide the outcome; when the next census is held or not held, as the case may be. There should be no credence given to any suggestion to the contrary. So, Sir, I maintain the proposition.

Deputy G.P. Southern:

Could I ask for, what I believe, are 2 points of clarification? The Minister said that he gave me a clear answer yesterday to the question: "When was he going to bring a proposition to the House to set up the system of entitled, licensed and registered workers?" Can he tell me what answer: what month, what year he gave me? Secondly, he says it is simply not true that we are going to suck in immigrants. Not true. He says: "It is completely false." Does he not accept the evidence that was given to us by the Managing Director of Jersey Finance that if we wanted to grow the economy by that figure, that that would result in around 200...

The Deputy Bailiff:

I am sorry, Deputy, that is a second speech, that second point.

Senator F.H. Walker:

It does not sound much like a clarification to me, Sir, either. But the first question is, no, I did not specify months or years. All I can do, and repeat, is that we are moving ahead as quickly as possible to set up the Population Office. We believe in it. The old Policy and Resources Committee - and I cannot imagine the Council of Ministers, in any way, would take a different view. We believe in it. We want it. We want it as quickly as possible. It will enable us to do, as I said earlier, far more than we have ever done before in giving Deputy Southern, and other Members of the House, and the public, the information they need. On the second point, irrespective of what the Managing Director of Jersey Finance may say, we are controlling the population and the whole strategic plan is all about providing maximum job opportunities for locals and minimising the number of people that are allowed into the Island, while recognising there will always be some, as there always have been. That is right at the heart of the strategic plan and the migration policy; maximising job opportunities for locals, minimising inward migration. The Deputy, as I said, has failed in his arguments against those basic points in the past and, I submit, he has failed again today.

The Deputy of St. John:

Could I have another point of clarification? It is just a simple point. I did ask the question earlier: item 1.5 in the report, it does state there, there is a £300,000 saving. Can you clarify that that is the case?

Senator F.H. Walker:

I can, indeed, clarify, Sir, that that is the case.

The Deputy Bailiff:

The Appel has been called for, I think, so the matter before the Assembly is for or against the proposition of the Council, and the Greffier will open the voting.

POUR: 37	CONTRE: 13	ABSTAIN: 0
Senator L. Norman	Senator S. Syvret	
Senator F.H. Walker	Senator B.E. Shenton	
Senator W. Kinnard	Connétable of St. Helier	
Senator T.A. Le Sueur	Deputy R.C. Duhamel (S)	
Senator M.E. Vibert	Deputy A. Breckon (S)	
Deputy P.F.C. Ozouf	Deputy J.J. Huet (H)	
Senator T.J. Le Main	Deputy G.C.L. Baudains (C)	
Senator F.E. Cohen	Deputy C.J. Scott Warren (S)	
Senator J.L. Perchard	Deputy G.P. Southern (H)	
Connétable of St. Martin	Deputy of Grouville	
Connétable of St. Ouen	Deputy P.V.F. Le Claire (H)	
Connétable of St. Saviour	Deputy S. Pitman (H)	
Connétable of St. Mary	Deputy K.C. Lewis (S)	
Connétable of St. Peter		
Connétable of St. Clement		
Connétable of Trinity		
Connétable of St. Lawrence		
Connétable of Grouville		
Connétable of St. John		
Deputy of St. Martin		
Deputy P.N. Troy (B)		
Deputy R.G. Le Hérissier (S)		
Deputy J.B. Fox (H)		
Deputy S.C. Ferguson (B)		
Deputy of St. Ouen		
Deputy P.J.D. Ryan (H)		
Deputy of St. Peter		
Deputy J.A. Hilton (H)		
Deputy G.W.J. de Faye (H)		
Deputy J.A. Le Fondré (L)		
Deputy D.W. Mezbourian (L)		
Deputy of Trinity		
Deputy S. Power (B)		
Deputy A.J.H. Maclean (H)		
Deputy of St. John		
Deputy I.J. Gorst (C)		
Deputy of St. Mary		

The Deputy Bailiff:

I think that then concludes the public business. What remains is the arrangement of public business for future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**The Deputy Bailiff:**

Members should have had distributed to them an updated proposed arrangement - it is headed, "Updated 18 January". The President of the Privilege Procedures Committee, do you wish to say anything in proposing this list?

Connétable D.F. Gray of St. Clement:

No, Sir. Just asking the Members to approve the list for the next 6 months. Also, I am obliged to say - and I have consulted the Greffier on this matter - that the next meeting should take no longer than one day.

Members: Oh!

Senator P.F.C. Ozouf:

It is with therefore some trepidation that I rise to respectfully ask for a slight amendment to this list, please, Sir? I have already given Members advance notice that for P.4/2006 I would be requesting a date of 31st January, rather than the slated date of 28th February. New Standing Orders, as Members will know, Sir, require a 6-weeks' lodging for Regulations instead of the previous 2 weeks. However, new Standing Orders - also Standing Order 26(7) - also gives the Assembly the ability... if the States are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate. I need to briefly explain. This Assembly has previously passed 2 bits of legislation: Company Law Amendment No. 8 and, in addition, a new Bankruptcy Law. One has been passed by the Privy Council, the other one is awaiting Privy Council approval. One of the most important fundamentals of Amendment No. 8 is to bring into force, in Jersey, something called Protected Cell Companies. This was a long-standing commitment. It is absolutely vital. Guernsey did it in 1997. It is a long-awaited piece of legislation, which has been passed by this Assembly. The industry, because of political commitments given by my predecessor, have been given to understand that this legislation - subject to this Assembly's approval, of course - would be brought into force on 1st January. Unfortunately, because of the delay of ministerial government, that has moved to 1st February. A further problem has arisen while we are waiting for the bankruptcy provisions awaiting Privy Council approval. In a nutshell, we cannot bring in the Protected Cell Companies without the parallel bankruptcy provisions. What we have done, therefore, is to draft a Regulation to be brought under the Company Law amendment, which is identical to something already passed by this Assembly. It is absolutely identical. Effectively, we are bringing into force a piece of legislation already passed in Regulations for an interregnum period. It gives me no pleasure to ask the Assembly on its second sitting to break with the lodging period. However, I ask Members for their indulgence in doing that, with the comfort to knowing that this is not a new piece of legislation. This is legislation already passed by the States, but it is coming in the form of a Regulation in terms of law, in order to uphold the commitment of bringing in Protected Cell Companies on 1st February. There are deals waiting to be passed through, which the law has needed, and it will send the wrong message out. If we have a further technical delay, it is going to do Jersey's interest no good at all. I understand I may well be getting the wrath of the President of PPC - I apologise for that - but there is good reason to do so and for lifting of Standing Orders under 26(7) and the placing of this item on 31st January, Sir.

The Deputy Bailiff:

I think, technically, you do not have to lift any Orders, you just move that the minimum lodging period be reduced under Standing Order 26.

Senator P.F.C. Ozouf:

Yes, Sir.

The Deputy Bailiff:

Is that seconded? Yes, President, you wish to comment?

Connétable D.F. Gray:

Yes. I would just like to say that I am very concerned about this request. I would like to remind the Assembly that the purpose of this Standing Order is to enable Members to give proper consideration to the issues involved. More importantly, to give scrutiny time to think about the proposition and to decide whether or not they wish to consider it. I should point out that the States may reduce the minimum lodging period if that proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay the debate. I cannot believe that our reputation will suffer if that proposition is not debated until the end of February. It is only 4 weeks more that we are asking. I should add that even if the Assembly does agree to debate it on 31st January, Article 72(1) of the Standing Orders allows the Chairman of the Scrutiny Panel to lodge it for consideration by the Panel, once the principles of a draft Law or Regulations have been agreed. Finally, the Assembly should review this request with considerable caution, as it could result in other Ministers deciding that their propositions are equally as urgent and do not wish to wait 6 weeks. So, I ask the Assembly to reject this.

Deputy G.C.L. Baudains:

Yes, I agree entirely with my friend, Sir. I have no doubt that this projet is very important but I do not believe that it meets the almost crisis criteria that enables a 12-week lodging period to be reduced to 2. It smacks to me as an abuse of procedure and I simply do not agree with it.

Deputy P.J.D. Ryan:

Yes. I have sympathy on both sides of this argument but Amendment No. 8, to the Companies Law, was very, very long in coming. That was the first of the 2 laws, which I brought to the States, I cannot remember the exact date, but something like June or July of last year. But Amendment No. 8 to the Companies Law took about 2 years in the making. All during that time, our principal industry was very much telling us that this was long, long overdue. Guernsey had done it previously and it was essential for the development of the finance industry. It eventually came after much delay in June of last year. The difficulty then was that with Protected Cell Companies - which was one of the main reasons that Amendment No. 8 came in, if Members would recall - there are 2 ways that creditors are protected in bankruptcy: one is through the Companies Law, one is through the Désastre Law. The Désastre Law came in right at the end of last year's session, I think, in November. Members will recall that it was very necessary to bring that in, so that the differences for applying for insolvency in a Cell Company could be equalised. You could either use the Companies Law to apply for insolvency or the Désastre Law to apply. What we have got now is a halfway house, unfortunately, because of the delays in the 2 laws with the Privy Council. Until we get this small amendment through that the Senator is suggesting is very, very urgent, quite simply, the finance industry cannot use Protected Cell Companies. They simply cannot. Because it is too dangerous for a creditor or someone who is wanting to invest in a protected cell: they would not be able to apply for désastre using the Désastre Law because it is not approved by the Privy Council. Although it is not critically urgent, as the Constable has said, this is crucial to the finance industry. What would we be doing? We would be having the kind of attitude that is shooting ourselves in the foot, very much. Simply a case of process getting in the way of common sense. This is not a big amendment, it is very, very minor. I am sure that it will go through very quickly. The States have already approved, in principle, the amendments it required. Simply, we would be standing around and be accused - particularly the finance industry - of just fiddling while Rome burned. I mean, it is so small, really. I really urge and make a plea to everybody to let this go through as quickly as possible. I entirely support Senator Ozouf in wanting this to be moved forward by 2 months - 2 months can be a long time in the finance sector. I really urge Members, to allow this to go forward. Thank you.

Senator S. Syvret:

Could I ask through you whether there is any Member or Members of the Assembly that has any particular difficulty with the amendment? Is it contentious? Is anyone disputing it? I mean, it would seem to me that if it is uncontentious, then I think, under the circumstances, it would not be any great crime against the procedures of the Assembly if we were to agree to take this early. Obviously, a different view would be taken if it were contentious. But if it is not contentious, I really do not see what the problem is.

Senator M.E. Vibert:

I just wanted to reiterate the point. I am a Member of PPC and I am sorry to disagree with 2 of my colleagues. I think the Standing Order is there for a very good reason and generally, we should abide by them. I see that nothing at all to be gained from putting this unnecessary delay in. The States are supreme. They can decide whether there is any point in this delay, whether it is necessary or unnecessary. My own view is that it has been passed in principle. It is a minor issue and it is something inherited and hopefully, it will not happen in the future and things will be arranged in a timely matter. But I see no point in simply sticking to the rule for no good reason, just so as we can say: "We have stuck to that rule." I believe we would be better serving the Island by letting this go ahead. I believe it would be a saving of several months for the finance industry.

Deputy G.P. Southern:

As the Chair of the Economic Affairs Scrutiny Panel, I have no objection to this piece of legislation going through.

The Deputy of St. Martin:

I was going to endorse that as well. I am nothing to do with the Scrutiny Panel, but the whole thing is we are looking at an Appointed Day Act. It is going to take 2 minutes to go through the House. We have spent hours debating it, 2 minutes to go through the House, and I certainly give my support for it.

The Deputy Bailiff:

Deputy, I am sorry, it is not an Appointed Day Act, it is in Regulations. Very well. One more. We really cannot have everyone speaking on what business we should consider. It is a simple matter. You have had arguments put, I suggest. Deputy of St. Peter?

The Deputy of St. Peter:

As the Vice-Chairman, if I could just add my point? I appreciate the point that my Chairman has made, but I also appreciate the point that Senator Vibert has made. I think it is sad in timing that we should have had 2 particular challenges of Standing Orders over this sitting and I hope this is not a precedent that has been set. I will make sure, in my part, that it is not. But I support the fact we should hear that in the next sitting.

Senator P.F.C. Ozouf:

Just very briefly, Sir. I just want to make sure that Members are absolutely aware. This is an identical set of Articles that have already been passed by this Assembly. Those Articles: we cannot bring them into force because they have not had Privy Council approval and they have to be the Appointed Day Act. They are identical Regulations that just come in earlier. They fall away immediately that a proper statute of bankruptcy comes in. That is the reason. I apologise for not saying I did consult with Deputy Southern yesterday: I ran it by him, he indicated his contentment. I take no pleasure in doing that through you, Sir, to the Privilege and Procedures President. If this were a completely new bit of legislation it would be unacceptable; but there is an exceptional issue here. I will just say one final thing: the real issue is the time it takes this Assembly to get its

legislation approved by the Privy Council and perhaps we could attend to that as far as these responsibilities, because that is the real problem here. I move the proposition.

The Deputy Bailiff:

I will ask for the Appel. The Appel is called for. The proposition therefore is the proposition of Senator Ozouf, that in accordance with Standing Order 26(7), that Projet 4 can be taken at the next sitting on 31st January, despite the fact that it will only be lodged 2 weeks. Greffier, open the voting.

Members present voted as follows –

POUR: 45	CONTRE: 3	ABSTAIN: 0
Senator S. Syvret	Connétable of St. Clement	
Senator L. Norman	Deputy J.J. Huet (H)	
Senator F.H. Walker	Deputy G.C.L. Baudains (C)	
Senator W. Kinnard		
Senator T.A. Le Sueur		
Senator M.E. Vibert		
Senator P.F.C. Ozouf		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator F.E. Cohen		
Senator J.L. Perchard		
Connétable of St. Martin		
Connétable of St. Ouen		
Connétable of St. Saviour		
Connétable of St. Mary		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of St. Lawrence		
Connétable of Grouville		
Connétable of St. John		
Deputy R.C. Duhamel (S)		
Deputy A. Breckon (S)		
Deputy of St. Martin		
Deputy P.N. Troy (B)		
Deputy C.J. Scott Warren (S)		
Deputy R.G. Le Hérissier (H)		
Deputy J.B. Fox (H)		
Deputy G.P. Southern (H)		
Deputy S.C. Ferguson (B)		
Deputy of St. Ouen		
Deputy P.J.D. Ryan (H)		
Deputy of Grouville		
Deputy of St. Peter		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		
Deputy J.A. Le Fondré (L)		
Deputy D.W. Mezbourian (L)		
Deputy of Trinity		
Deputy S. Power (B)		

Deputy S. Pitman (H)			
Deputy A.J.H. Maclean (H)			
Deputy K.C. Lewis (S)			
Deputy of St. John			
Deputy I.J. Gorst (C)			
Deputy of St. Mary			

The Deputy Bailiff:

That is added to the list. Apart from that, does the Assembly agree the list of business for future meetings as put forward by the President?

The Deputy of Grouville:

Could I raise an issue? It is jumping ahead a bit to April, but I will raise it now, just to give Members a chance to have a think about it. We are meant to have a sitting on 11th April, which I believe is Holy Week. Also, I think it is children's holidays and what have you. The draft Water Resources Law is very important, I believe. Would Members have any objection to sitting the week before, 4th April, instead of that particular week?

The Deputy Bailiff:

President, would you wish PPC to look at that? Take the point on board and give it some thought?

Connétable D.F. Gray:

Exactly what I was going to ask for, Sir. Just one other point: I have to also state that this additional proposition will make no difference to my forecast of one day. **[Laughter]**

Deputy P.V.F. Le Claire:

Just a heads up, if I might, Sir, for the 14th. With the pending Private Hospital Development Scrutiny Review, in the interim, I hope to meet with the Chairman of the Scrutiny Panel, who I have yet to contact about this. But I have spoken to the Health Minister, who has indicated that his report be available in the beginning of February. I hope the other reports that are due will also be as timely, so that Members can reflect upon them before we enter into the debate. In the past, we have, unfortunately, entered too many debates with reports hitting the desk the day of the date.

Senator S. Syvret:

Just in response to that, I just emphasise that I suggested to Deputy Le Claire that the target for completion of the department's comments was early February - that is a target date. There is a great deal of detailed financial information and analysis that has to go into the report, so I cannot guarantee that it will be necessarily be ready then but the target date is early February.

The Deputy Bailiff:

Any other matters any other Member wishes to raise?

Deputy P.N. Troy:

On the census debate, somehow or the other, my papers did maybe press the wrong button after I had pressed one way.

Members: Oh!

Deputy P.N. Troy:

But I did speak again. I just wanted to clarify because that this will go on Hansard and I was voting contre but it is going to be recorded as pour, but I just wanted to record that.

The Deputy Bailiff:

Very well. That concludes the business of the Assembly. We stand adjourned until 31st January.

ADJOURNMENT