

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 17th JULY 2008

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

### **PUBLIC BUSINESS – resumption**

#### **1. Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200-(P.82/2008)**

##### **The Deputy Bailiff:**

The next matter of public business is the Draft Public Elections (Expenditure and Donations) (Jersey) Regulations - Projet 82 - lodged by the Privileges and Procedures Committee. I will ask the Greffier to read the citation.

##### **The Greffier of the States:**

Draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200-. The States, in pursuance of the Order in Council of 28th March 1771, have made the following Regulations.

##### **1.1 Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):**

There has never been any legislation in Jersey to regulate election expenses and this, if agreed, therefore will be the very first. This legislation is being brought forward as triennial Regulations for 2 main reasons. Firstly and most importantly it will allow the measures to be in place for this autumn's elections. Secondly, it will allow the next P.P.C. (Privileges and Procedures Committee) to learn from the lessons of the operation of the Regulations this year and refine the permanent legislation as necessary. Triennial Regulations have some drawbacks; the most notable of which is that they cannot amend primary legislation. As a result it has not been possible, for example, to provide that a person who is found to have committed a serious breach of this legislation should be disqualified from office. These matters could be covered in future legislation. I should state that they will only apply to elections for Members of this Assembly and will not apply to elections for Procureurs or Centeniers. P.P.C. feel that these Regulations will provide a level playing field. Although there is no firm evidence that spending money can enable a person to be elected to the States, it is apparent to P.P.C. that the current absence of any control leads to the lack of a level playing field. For example, a wealthy Senatorial candidate who can afford to print an expensive, glossy leaflet and mail it to every elector at a cost of over £17,000 for postage alone is likely to become much better known than the candidate of more modest means who cannot afford to do this. Placing a monetary limit on how much a candidate can spend is a feature of many democratic systems. The aim of these Regulations is to limit candidates' expenditure and to know the source of funding. Concerns have been raised in the past about lack of transparency in election funding. There have been allegations - many of which are probably unfounded - that some candidates have received large sums of money for their campaign from individuals or corporate donors. Up to now there has been no way for the public to know what sums have been given to a candidate. The candidates will have to reveal from whom they have received donations. They will not be able to receive anonymous gifts. Third party campaigning is another issue that has never been regulated. Although third party campaigning is not common in Jersey, there are currently no restrictions in place if an individual organisation wants to spend significant amounts of money to favour one or more candidates or prejudice others. As I will explain when the individual Regulations are discussed, this was one of the most difficult areas to address in the legislation. It is part of the reason why the preparation of the legislation took longer than the Committee had hoped. In limiting the amount that can be spent by candidates, P.P.C. investigated the possibility of providing a free posting to all candidates. Jersey Post proposed 2 options; one was a package addressed to the occupier containing a manifesto of each candidate. Unfortunately weight restrictions meant if there were 15 or more candidates for the position of Senator then there would have to be 2 or 3 packages. We are also advised that these packages would be delivered over the course of the week and from our experience some electors for whatever reason would say they have not received some or all of

the packages. The cost would be in the region of 83 pence per elector. With an electoral roll of 54,000 this would amount to over £44,000 and this is just for the Senatorial elections. This amount would not include cost of packing the items nor the cost of the leaflet the candidate would have to produce. However, the Committee is not convinced that this would be fair to candidates as the position of the leaflet or the sequence in which it was delivered would not provide a level playing field for them. The other option was for each candidate to post his or her election address to each elector. Jersey Post said that because of J.C.R.A. (Jersey Competition Regulatory Authority) Regulations they would not be able to offer a discount greater than that offered to other customers, which is about 10 per cent. With local postage at 35 pence this would be reduced to 3.15 pence after the discount. With a possibility of 15 candidates and 55,000 electors the cost would be prohibitive. Nevertheless we have approached the J.C.R.A. In their reply they said special rules would apply. P.P.C. have written to Jersey Post. In their reply they have indicated that they are unable to provide a cheaper service. I should point out that in the U.K.'s (United Kingdom) electoral legislation there is an obligation on the postal authority to provide each candidate with a free mailing to each elector. There is of course a restriction on the weight of the package. Unfortunately triennial Regulations do not allow us to impose this requirement on Jersey Post but it needs to be considered by the next Committee. We felt that the fairest and most cost-effective way was to offer candidates a space in an electoral supplement contained within the *Jersey Evening Post*. Each candidate would be offered a standard space. Copies of the supplement would be made available at Morier House, Cyril Le Marquand House and at Parish Halls. They would also be able to use the Election Jersey website to publish their material. This will also be a standard size. There are 2 amendments that will be addressed as the Assembly goes through the Regulations. No other amendments have been lodged and Members, therefore, have a simple choice today to approve the Regulations with or without amendments, or to reject them meaning that no control would be in place in this autumn's elections. P.P.C. believes that this would be an unacceptable way forward and even if the legislation might be refined and built on future elections, P.P.C. considers that these Regulations will be a significant step forward and a major contribution to a fairer system. I move the principles, Sir.

### **The Deputy Bailiff:**

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

#### **1.1.1 Deputy P.V.F. Le Claire of St. Helier:**

I think it is important that we do have legislation in this area so I congratulate the P.P.C. for coming forward with something. I appreciate in triennial Regulations this will probably need to be refined, as pointed out by the Chairman this morning. Two areas I think that need to be considered in the future have already been spoken about - well, one of them anyway - in relation to the delivering service and that which is available in the United Kingdom. I believe that there is now a competitor in the marketplace for deliveries in the postal sector and I believe a new company has just entered into the market. So it may be that in the future there will be another service that might be able to offer a cheaper delivery service than Jersey Post. I have heard some interesting stories as to why the rates of the Jersey Post increased over the year. I think that some of those stories - maybe we will leave them as stories - are quite interesting. It is very expensive to post out through Jersey Post. One of the problems I think with these current Regulations coming before us has been that many Members have found themselves extremely busy of late. I think that Members would have liked to have had an opportunity to perhaps bring more amendments if they had had a little bit more time but that is no fault of the P.P.C. One of the areas I would like to maybe disagree with is the area of not allowing there to be an opportunity to take an advert out in the *Jersey Evening Post* on the night before the election. In the last Senatorial elections I booked space with an advertising company and I reserved one page for the night before the election because I was running in a political party and there was a certain amount of competition, shall we say, from those that would not want to see political parties succeed. We saw a banner advertisement taken out with the names

of those people who had supported States Members parking, encouraging the electorate not to vote for those Members who had supported it. Although I did support parking for States Members because I believe it is a necessity for those that come from outside of town, I do not use it because I have my own parking space in town.

**Senator M.E. Vibert:**

I hate to interrupt the Deputy but this comes under part 4 of the provisions which I thought we would be debating individually later on about advertising the day before and so on.

**The Deputy Bailiff:**

I think he is addressing the principles at the moment which cover matters like that.

**Deputy P.V.F. Le Claire:**

Rather than getting into a long-winded breakdown of each article, I thought it would have been best for me to take up this opportunity. There were not any Members flashing their lights to speak and the Deputy Bailiff was searching for a speaker so I have stood up to talk. **[Laughter]** Senator Ozouf was just about to rise when I pipped him to the post. The point I am trying to make here - and it is disappointing that I am being deflected because I think it is an important issue - is it is in the Regulations. What I would like when we get to that part of it is to not support that part of it. I am trying to explain why I believe it is not a good idea to support that kind of a restriction. On the night before the election, as I said, the advert was taken out identifying those States Members that had supported the parking but it did not clearly identify all of those that had supported the States parking. It encouraged the electorate to kick certain Members of this Assembly out. I found that to be pretty poor - another example of dirty tricks during that election - and I found it disappointing because in previous efforts of mine to identify how Members had voted, it was insisted upon by the people that I was trying to place the advert through to the *Jersey Evening Post* that it could not be an anonymous advert and it had to have the name of the person that was putting the advert in. I was written to and told that what did I expect as I was trying to influence the outcome of an election I should be identified. So I scratched my head when this advert appeared not identifying the person that had placed it in. The *Jersey Evening Post* said that it would review its practice of this because of the complaints that it received from those of us that had unfairly been identified in that way. I wrote a letter which was kindly put into the newspaper by the editor of the *Jersey Evening Post* identifying the other people that had supported the parking which had not been identified in this advert. I pointed out the reasons why I had supported States Members parking. But surprise, surprise, surprise having edited my letter, the names were removed so I used my advert on that last day to include those names and to state my case again. Had I not had the opportunity or had I been disallowed that opportunity then that dirty trick could have perhaps done me some serious damage and other candidates as well unfairly. Some Members who were identified by my advert were jolly cross at me and I think they still probably are. But I think that if we focus on the issue itself which is debarring Members from taking out adverts on the last day then those Members have no opportunity whatsoever to correct last minute dirty tricks that occur in elections in this Island. I know it is pathetic but I was not the one playing the dirty tricks. If we do not have the opportunity to defend ourselves then we are just encouraging more of this nonsense. So I congratulate the P.P.C. for bringing forward this work but I would hope that we would be able to not approve that section in particular because I think this allows Members the opportunity of taking out an advert at an important time. Maybe they can tell us why they believe it should be removed but then are we restricting any political content or any particular printing in the *Jersey Evening Post* a week before the elections? Are we restricting any comments? Are we restricting any contributions and letters? Are we restricting any inserts that anybody would wish to put in there? We are. I am sure the Chairman will inform us as to why my concerns are reasonable or why they are not.

**1.1.2 Senator P.F.C. Ozouf:**

I will leap to the defence of Deputy Le Claire in some respects. He was absolutely quite right I think to address the Assembly in the preamble on the fact of we are debating the principles of these Regulations. I am happy for the avoidance of any doubt to be transparent. I will be one of those Members of the Assembly that will be standing obviously in the elections. For the avoidance of any doubt I am happy to disclose the amount of money that I have in my election campaign and of course the source of funds which, of course, are my own funds as most other Members of the Assembly. There is a view I think somewhere in the Assembly that somehow people are getting third party funds or third party assistance inappropriately. I am not sure where some of these suggestions come from. Nevertheless I confirm for the avoidance of any doubt that I am perfectly happy to disclose and it is all my money if I spend on elections. We are effectively being asked to pass a piece of legislation brought forward by P.P.C. in the form of triennial Regulations. P.P.C. are supposed to be the benchmark. They are supposed to be the guardians of good practice, good procedure and effectively setting the standards for this Assembly. Other Ministers and other Back-Benchers if they were to bring forward triennial Regulations would be given a very hard time. I do not think that P.P.C. have covered themselves in glory in relation to this. We are dealing with rushed legislation at the last minute in the last sitting of the States Assembly through the backdoor method [**Approbation**] of triennial Regulations which do not have the safeguards that other pieces of legislation brought. This is the P.P.C. that is supposed to be holding the standards. I can hear probably some comments from the Back-Benchers of the Ministerial Senatorial benches here. We are a coalition of independents in relation to the Council of Ministers but certainly the members of the Council of Ministers on this issue certainly have not represented my interests on this issue. I think that there should be a debate about whether or not we should be rushing triennial Regulations in the way in which we have. Who has audited, who has scrutinised this legislation? Any other Minister has the requirement of the calling at the principle stage of a Scrutiny Panel that has the ability to block the forward transition of that. Sometimes I do not like Deputy Southern's or indeed Deputy Duhamel's ability to do that but it is an important safeguard and a control. Who has done this on this occasion? Who has scrutinised this legislation to ensure that all the best practice is there? This time we are really dealing with a fast-tracked piece of legislation I think in an uncomfortable position. I am sorry but I do not have the confidence of some other Members of this Assembly in the way in which P.P.C. has been conducting its vital responsibilities. I would cite one example that I wrote to P.P.C. in relation to a matter. I think it was on 14th June. I received a letter yesterday, not even addressing me properly with my proper initials, 3 days after... it is standards is it not, Sir? It is standards. You should behave in a manner I think that sets the standard and P.P.C. writing to me - a written letter not even an e-mail - a month after I have said effectively they seem to operate in a slow motion fashion. I think that that is not the P.P.C. that we need to ensure that this Assembly functions. They have important responsibilities. Sir, at the end of the day we are wanting to create an environment which has fair and transparent elections. We also want an election which has a policy rich environment. Not personality politics but policy issues. I am somewhat concerned that some of these arrangements could effectively mean that we mute the public debate on important issues on policies. Of course we should not have the issue of American elections where you are buying yourself into office. We, of course, want to put in place controls to stop all that. I support all of that which is why I will be supporting the principles of this. But I do not want also an environment which mutes that policy-rich election situation. The question we have to ask ourselves is are the arrangements that are being put forward in these triennial Regulations - as rushed as they are - going to mean that we could mute a policy rich election? I will give Members, Sir, one example. As a Minister I am expected to speak to my brief in the discharging of my Ministerial duties. I have not in the last 3 to 6 years spoken on other policy issues relating to other areas of the States. In an election year it is right that I do so. It is right that we all do. It is right that we inform the electorate, we inform the people of Jersey what we think on individual issues and what we would do as an individual to try and change things. I am one of the Members that are going to stand in this election which will be commenting... which will be putting ideas of how I think that we should be improving the Island, how we can improve the



lives of everybody. We all will be doing that. Will the media report it in an election year? I am told by the media this morning that they will not report a speech that I gave last week in relation to Assembly reform. They will not do so because it is election year. Quite right, I should not be given any single advantage over somebody else but where does that leave me? Where does that leave me to communicate with the Island community about the things that I believe in? I want all people who stand for election to have the opportunity of communicating with their electors what they think. Is an insert in the *J.E.P.* - we have not been told how many words that is - going to be sufficient in order to communicate what our policies are? I want a policy-rich election process. The question that Members need to ask themselves is are these Regulations while well intentioned and while certainly needing to deal with some of the potential dark side of politics in terms of money, are they going to mute to such an extent that we do not have a policy-rich election? That I mean from whatever political perspective you have.

### **1.1.3 Senator M.E. Vibert:**

Methinks the Senator doth protest too much. We look at the business, 32 items listed for the last day of business; one by P.P.C., 4 laws from Economic Development. **[Aside]** Exactly, laws with very little time to scrutinise them and to talk about them. In fact just the very minimum time to do that before, and all lodged after P.P.C.'s triennial Regulations. The advantage of the triennial Regulations of course is they are much easier to change if we need to readdress them. I would have preferred that we would have more time to deal with it as a member of P.P.C. but we are also dealing with another considerable item of business which was the review of Ministerial government which we produced a massive report on. I am afraid P.P.C. has nothing to do with the fact whether the media considers Senator Ozouf's speech worthy of reporting or not. P.P.C. I am afraid does not influence that. The media decide their own rules about reporting. P.P.C. is not trying to limit in any way the policies that any Member standing for election wishes to promulgate. We are trying to help that by creating a level playing field by giving everybody, regardless of means - how much money, whether it is their own or third party can spend - by arranging an election supplement, something extra in the *Jersey Evening Post*. I would hope Members would appreciate that. We are trying to make it fair. We hope it is a very rich election, full of policies, and I hope we will be giving Members the opportunity but making sure that it is also a level playing field and fair, and then just because you may have deep pockets you cannot spend tens of thousands of pounds getting your message across where other people just do not have that money. That was certainly the message that came out from States Members when we discussed it in principle. If States Members have changed their minds they can say so when we discuss the individual Regulations but P.P.C. were doing the States' bidding. We have come forward with a suggestion that States Members have made and now we are going to discuss it but please do not shoot the messenger.

### **1.1.4 Deputy A. Breckon of St. Saviour:**

First of all I tried to get in before Senator Vibert but Senator Ozouf mentioned about funds and transparency. I wonder before I start, Sir, if he could tell the House how much he spent in the last election?

#### **Senator M.E. Vibert:**

It was listed in P.P.C. document if you want to look at it. Sorry, I think both were listed.

#### **Deputy A. Breckon:**

The reason I say that, Sir, is because the word "rich" has been used by Senator Vibert about a rich election and Senator Ozouf mentioned being policy-rich but I am not going to address either of those areas of richness, Sir. But I am concerned about people who are better off and there are some issues I think that have emerged over the years where perhaps it has gone too far. In general principle, we are talking about expenditure on public elections. That has come in a number of ways, Sir. It is about advertising and spending and P.P.C. have looked at a distribution system;

probably have not been able to get the best deal and perhaps it could have been done another way, but I personally think there should have been an envelope where anybody who was thinking of standing should have had free access to one piece of A4 double-sided and within reason put what they like on it. There have also been rumours about donations which are unsubstantiated. I think this will put down some markers about that, Sir, because what it should be about is if anybody out there is listening - anybody in the street thinking of standing - then money should not be an obstacle to them doing that. It might be somebody who is working in a shop or something like that. If they have a family where are they going to come up with thousands of pounds to compete with somebody who has thousands of pounds? That is what we must create, Sir, and I think we are heading that way about a level playing field because the question is then if somebody is allowed to do it, how does anybody else compete with that? I know, for example, in St. Helier 3 and 4 it is a big district. If somebody does a mail shot then it puts the other candidates who may or may not be able to afford to do it at a disadvantage. Some of these things, Sir, not that long ago, used to be done by a group of supporters who used to do the leg work and put them through doors and put posters up wherever. It was not done by advertising agencies or anything else. The other thing is, Sir, producing glossy catalogues and things like that is not what it should be about. It should be about - as Senator Ozouf said rightly - the policies and the principles of the candidate. There is also something that I think, Sir, will emerge is how would you do this physically if you wanted to communicate with the people? I think P.P.C.'s example is not the best one because if you go per household - you do not need to go per person - presumably you will catch everybody with the same thing. So although there might be 54,000 electors, they do not live in 54,000 different places, they live in 37,500 different places, so by doing that you would have the spread and you would get people that were not on the electoral roll. But I would say to the House, Sir, there is not another way because when nominations take place there is a period of time when candidates have to get their act together, find out who is on the list and distribute it. I would say in a Senatorial, Sir, unless you employ an agency to do that you would not be able to get an electoral roll, break it down, address it and send it. It would cost a terrific amount of money. I believe Senator Ozouf did that in the last election campaign or somebody did on his behalf. Now not everybody would be in the position to do that and I think that is an unfair advantage, and I think this is partly what this is about addressing. The other thing, Sir, that is the simple bit, but you have to print something, fold it, put it in an envelope and send it. It is not just about someone content doing that. It then becomes expensive so your distribution system for an individual you are talking a minimum of £20,000 and probably more than that if you add an agency; probably £30,000. That to me is getting to a ridiculous extent. When you think some people do not earn that in a year. That is the reality of it. That is what you might be asking candidates who are competing against each other to do. For me, Sir, that is an unfair advantage for somebody who can afford it. I think this attempt should I say by P.P.C. is something that will go as a temporary measure. Now it is triennial Regulations. For me that is not really an issue because the makeup of P.P.C. is such it is from across the House if there is such a thing and Ministers are represented as well, so I would not necessarily say that their proposal should come under Scrutiny apart from all of us. We all have that opportunity to do that and amendments are before us, Sir, so there has been the opportunity. This was lodged on 30th May so there has been some time, Sir. The other thing, Sir, just generally I am not sure about deadlines before advertising. I mean something that is most effective would be fairly late but again if it is a case of buying this then perhaps there should be an interim period, bearing in mind that in some elections there will be hustings which are reported and they will be reported obviously close to the election depending when they are held. But in general terms I support this as it is unamended and I do that because I think it is the fairest way. It is not ideal. Something I believe needs to be in place for this election. If we do not approve this then nothing will be there and that does worry me, Sir, because I think we are back to the good old bad old days where I do not know where the spending will stop. That really does worry me. I do not think it is fair and I do not think we are sending the right message out to anybody who may wish to stand. I think we should be seen to be

fair and even-handed and I think what P.P.C. are proposing does exactly that, Sir, and I will support it.

### **1.1.5 Deputy C.J. Scott Warren of St. Saviour:**

I support the regulation of election expenses and I suggest that this must be for a reasonable amount. I also support the limit of expenses by third parties of behalf of candidates. I do, Sir, believe that each candidate should be able to send one leaflet to their respective constituents. Like Senator Ozouf, Sir, I have also been cut-off in my prime by the *J.E.P.* several months ago when I wanted to put what was effectively a bad news story follow-up by the *J.E.P.* and I was told 3 months ago that it was an election year. I think it is important for people to have a chance to get their whole range of policies across in one fairly simple leaflet. Sir, therefore, it is important that there is a way that each candidate can have the funds to send a leaflet. It is all very well saying each person can go by hand-to-hand deliver but that is not always practical or even possible. I am concerned, as has been said, about the fact we are debating this late in the day in July but I do believe that if we get good Regulations, and obviously we need them in place this side of the election, but I am worried, Sir - this is a bit rushed.

### **1.1.6 Deputy G.P. Southern of St. Helier:**

Here we are on the third day of a very tiring session debating a piece of triennial regulation that has come forward from the P.P.C. Surprisingly I found myself unable to have almost anything good to say about this document. It has been described as a last minute, slightly rushed proposition. That is being extremely generous. If I were to call this a Mickey Mouse proposition, that would be to insult unnecessarily the name of Walt Disney. This if brought by a Back-Bencher or by any other Minister or body to this House I believe would be rejected within about 10 minutes. The key things to ask are; can it be made to work, how is it going to be made to work, who is going to make it work? Let us have a look at it. Can it be made to work? Who is going to make it work? What are the deterrents to breaking all the rules? We are told explicitly: "No, if you break these rules on election expenses, you will not be barred from taking office" and that is the ultimate deterrent. That is the thing that will work. You might be fined. You might be slapped on the wrist but you will not be barred from taking office. The deterrent built into this is absolutely negligible because that is the thing that really counts. If you can remove me from office if I break these rules then I am going to obey the rules. Who is going to police this? Who is going to catch me should I decide to break the rules? As if I can spend that sort of money on my election campaign. As if. Dream on. If I were to, who is going to catch me? It is completely self-reporting. I report my expenses. Third parties without my knowledge can join together - separately or together - and arrange to try and get me elected or somebody else unelected quite freely and they are not to spend more than half the amount that I can spend. Ha, ha, ha. How are we going to chase them? The Greffier is going to run around the Island chasing-up all the ads that have appeared or whatever, all the leaflets that appeared, trying to work out who spent what, who is responsible for them. The St. Helier Brass Band Appreciation Society which apparently called for my election - me being a great appreciator of brass bands - do we chase them up and find out how much they spent? Get real. Of course that will not happen. For example - I will obviously come back to it later - third party election expenses and donations. Without my knowledge Fred Bloggs says: "I am going to spend some money getting Geoff unelected." I say: "Nothing to do with me, Gov." How do you chase that up? You cannot. This is nominal only. We are apparently bringing in some Regulations that basically will not work. It is a joke. For example: "A third party shall not keep an anonymous donation." It is a funny thing that anonymous donations going to a third party unknown to the Greffier, and the third party receives an anonymous donation shall within 10 days of receiving it send it to the Treasurer of the States. The Treasurer of the States is going to be inundated with anonymous donations flooding in from people saying: "That is an anonymous donation for election expenses. I had better send it to the Treasurer so he can send it to a charity." Can you see it? I cannot. I cannot see it happening. Yet this is what we are being asked to put our faith in to legislate around election

expenses. Come off it. Come off it. This cannot be made to work. It is a last minute, cobbled together, nonsense piece of legislation that does not even deserve to see the light of day. I shall be voting against this if it does not get seriously amended. I urge other Members to do as well because it simply is impractical. It cannot be made to work. It is half-cocked, half thought out and really should be rejected.

### **1.1.7 Deputy G.W.J. de Faye of St. Helier:**

Free market economy, Sir. That sounds like a good idea; the sort of thing that would wash pretty well in this Assembly. Free elections. That sounds like the right sort of thing to have; not just in Jersey but around the world. Free elections but not elections for free which appears to be the way that we are heading. How to reduce the price down so, as indeed Deputy Breckon indicated, somebody just in King Street can have a go; no problems. I am happy to debate the principles, Sir, if I could really find many. I do think there should be transparency in elections but I have to say I think I rather prefer going the direction of the razzamatazz of the types of elections you see in the United States rather than the dull worthiness that is being presented in this particular document. Level playing field. Deep pockets. We are hearing all sorts of riddles being trotted-out by, frankly so far, Members who have not really paid much attention it seems to me to the grim detail of what is in here, let alone what it appears to be taking us towards. I suspect in reality it is already far too easy to get involved in local elections. I would have been much more interested to see the P.P.C.'s view on deposits of perhaps £1,000 or £2,000 and if you failed to get so many votes, you lost your deposit because that just might make some candidates, who I believe have been completely frivolous in their approach in the past, think twice before bothering our electorate with their attentions. But any suggestion of that? No. So let us go back 30 years. I would like to take the Assembly to a reasonably-sized rural township in China; about 100,000 people. I would be reasonably certain that come election time - that is assuming if they were lucky enough to have any elections - there would probably be a large billboard put up in the township - probably around the main square - and everyone who fancied joining-up with the local Polit Bureau could have their one little sheet of A3 or A4 and they would all be dutifully put up on the notice board and everyone would be able to read about all the various candidates. Sir, I have to describe what is being put to the House today as worthy and encouraging. It is worthy of a small rural township in China of about 30 years ago under the communist regime of Mao Tse-Tung and it is encouraging. The reason it is encouraging, Members, is because candidates will not all be obliged to wear the same clothing because I am afraid this is all taking the concept of level playing field rather too far. What a dull bunch we have become. What a dull, dull bunch of people we have all become. I do occasionally like to wallow in that nostalgia that I hear from some of our more venerable elder statesmen particular on the Connétables bench, Sir, who say that they used to get the horse and carriage out and go round the Parish. You used to have a band playing. You used to see lots of placards. Elections used to be - I hesitate to use this word now - fun. **[Approbation]** It used to be fun. I see nothing other than a recipe for grim, grim, boring dullness in this entire proposal. Would it stand Scrutiny? I think not. Let us just remind ourselves of one of the new and refreshing elements of our Government; Scrutiny. It is a process that relies on fact-finding. Yet what do I find here in paragraph 2 of the introduction to this report and what is clearly one of the big issues driving this vast monument of work? It says: "There is undoubtedly anecdotal evidence of candidates who have spent significant amounts without being elected." That is a fascinating piece of anecdotal evidence. Totally unsupported by any fact whatsoever but not enough to put P.P.C. off from writing 20 entire pages around a piece of anecdotal evidence and, let me remind Members, that says: "There are undoubtedly candidates who have spent significant amounts without being elected." What is the problem? What is the problem? We have established, have we, in this brilliant piece of investigation that you can spend large amounts of money and not be elected? So why are we worried about people who spend large amounts of money and are elected? **[Laughter]** This is extraordinary logic being delivered to us by this extraordinary arm of our Government. I will just back-up what Deputy Southern says when we go down and look at some other areas of

these Regulations. What are candidates' election expenses? "Any expenditure incurred by a candidate at any time before a poll for the purpose of procuring the candidate's election or prejudicing the chances of other candidates." Does this mean I owe money already? How far back is "any"? What is "any"? Exactly how is this going to be policed? Who is going to go round to determine the difference between a normal market value of the provision of a website, for example, and the discounted price which is apparently treated as a donation, therefore, a notional expense that must be counted as part of the overall total? All right, I will tell you what. I will just get someone in the family to do it because that appears to get round those problems. So I can have a free website if I have someone in my family or apparently volunteers are exempted in some cases. But if I get a professional to do it, it counts. This is muddled thinking I suggest. I also wonder how some members of P.P.C. got elected because the amounts of money that are being put on offer here simply will not offer sensible election expenses. There are about 8,000 potential electors in the district that I represent, St. Helier No. 3. I am going to be allowed to spend - and it is extraordinary how precise this is but doubtless based on a latest headcount - £2,258.60. **[Laughter]** Let us not forget I get the extra 10 pence I get, do I not, on the headcount? **[Aside]** Oh, it is included. Sorry, I misread it. May I just remind Members who do everything by going round knocking on doors that 8,000 doors is an awful lot of doors to knock on. I did once do the calculation that if I started knocking on doors from the day I was elected in the hope that I might have the chance of running in an election in 3 years' time, I was going to have to knock on 8 doors a day to get round all my potential voters. I would suggest to Members that is really not a very helpful way forward and it is probably rather squandering time that my electors would rather see me spending carrying out States business - 8,000 doors to knock on. Surprisingly in both elections that I ran in St. Helier No. 3 I decided it might be useful if I just posted my manifesto to the electorate. I mean is there something wrong with this? This apparently is not a level playing field so that is just ruled-out now. Instead we are being told that is far more exciting and innovating to strive towards having pull-out supplements in the local printed media where you all get given what is it going to be; 500 words or 1,000 words? What are 8 or 9 candidates going to do with 500 or 1,000 words on a supplement with a nice photograph? They are going to say: "Of course I absolutely support health. Health is absolutely vital for our community and I want to see more money put into health. But let us not forget education. Education is critical for our young people who we all cherish and we want education to be the finest possible. But while we are looking at health and young people, let us not forget those people who work in our society and of course the elderly." I think Members are getting the drift. They should do because they write stuff like this every time the elections come round. **[Laughter]** I would like to say if you see 8 of these screeds in your pullout colour supplement, how exactly are you going to tell between the candidates other than like: "Well, he is not really pretty. He has a beard. She is blonde. There is a redhead." What is the value in this? **[Approbation]** How is it taking us forward? How is this helping the electorate understand policies? But this is the sort of thing that we are going to get. Can I just tell P.P.C. about how to post a letter with a manifesto in it? The 10 pence that are bouncing around here barely cover the cost of the stamp which at last count I think was up to 35 pence a hit. Then you pay for the envelope. Then you have to pay for the paper. Then you have to pay to have the paper printed. Then if you have a very large and extended family, they can put all the bits of paper into the envelopes and stick the stamps on top. By the time you have gone through all this - assuming the free labour - we are talking about £1 a hit. So to just service electors in the constituency that I currently represent I think on the most mediocre and basic level I am straight into £8,000, but the worthies on P.P.C. say I am sorry I can only spend £2,258.60. So regrettably getting in the order of 6,000 of my voters are not going to know anything about me at all because they will not receive a manifesto thing. **[Aside]** Well, thanks for your confidence, Deputy of St. Martin **[Laughter]**, but I would look to your own Parish if I were you. The further we plough into this extraordinary set of rules and regulations, and I do not know how often P.P.C. meet to come up with this sort of thing, but there must be something wrong with the tea or the biscuits. **[Laughter]** "Candidates should declare in full details of any donations received with a value over £100." Ha, ha, ha. All my

supporters are sending me cheques for £99 this year. **[Laughter]** There are 1,000 of them. **[Laughter]** I do feel desperately sorry, Sir, for the Judicial Greffier. How on earth he is going to cover all this. Apart from requiring candidates to produce invoices, receipts or other: "I am sorry, Greffier, I seem to have lost them. I should have had them. Perhaps I can get some copies made." But as if that is not enough, Deputy Southern has already gone through this extraordinary charade of anonymous people giving anonymously in the third party way and thereby breaching electoral regulations. Who on earth is going to police that? How is it going to be done? Leaflets are scattered around the Parish by who? It is just an absolutely hopeless start as a candidate. They all appear. Just scattered down at the local pub, at the Parish Hall, the stuff just arrives overnight. Just bits of paper printed out: "Do not vote so-and-so." How on earth is that going to be regulated? By the time it is policed and regulated the damage is done anyway. Sir, I am sorry, I will not keep Members much longer because the more you go through this the grimmer it gets. With great regret I have to say to P.P.C. please just pull this thing now. **[Approbation]** When you have a ship with holes below the water line in about 50 places it is pointless sending the sailors down to try and patch it up. So I do not see the amendments that we will all be delightedly trawling through for the rest of the morning having fascinating discussions are going to make any serious difference to what I am afraid is something that has got off to such a bad start, and I do not believe has any hope of recovery. I appeal to P.P.C. if you can see the billboard, read the writing on the wall and please take this thing away as soon as possible.

#### **1.1.8 Deputy G.C.L. Baudains of St. Clement:**

We have had some interesting speeches so far this morning. I have to admit I have been lost by most of them. The speeches of Deputy Le Claire and Senator Ozouf were among them, Sir. It appears to me so far only Deputy Breckon has hit the nail on the head. We have just had the entertaining lecture from Chairman de Faye quoting from his little red book, Sir. If he really does want more fun instead of policies I dare say he could employ a band or dancers for the sum allowed. Of course he would not need to employ a comedian. **[Laughter]** He criticised the amount of money allowed by the proposition, Sir, and in so doing ignored the fact that it was based on Members' previous expenses as declared to P.P.C. and I am wondering if he is suggesting that Members deliberately misled P.P.C. so they only have themselves to blame. It is more fun no policies. If he does have so many good ideas on the subject, Sir, I cannot imagine why he had not given those to P.P.C. previously so that they could be incorporated in the proposition. As I said, I had difficulty following 2 Members to start with, Sir. Deputy Scott Warren, if I understood her correctly, appears to misunderstand the issue. She said she wanted each candidate to be able to send a leaflet to constituents. Well, for a Senator, that would cost £20,000 to £30,000 by post so I am not sure whether she is supporting spending that amount of money or whether she is supporting P.P.C.'s plan for leaflets to be published free. I did not quite follow that, Sir. To address Senator Ozouf's comments, well, as Deputy Breckon said, this is all about creating a level playing field. Do we really want people who have £20,000, £30,000, £40,000, £50,000 to spend to be able to gain an advantage over people of more modest means? Senator Ozouf and others may be able to afford those large sums. Not everyone is and yet later on in his speech, he said that he wanted to put in place a level playing field, and so I was somewhat confused because the latter part of his speech appeared to contradict the earlier part. Does he want a level playing field by limiting expenditure or not because this proposal will not only create an equitable situation but it also will allay public concerns expressed on many occasions that some people in this Assembly have bought their way into office. This would be one way of obviating that. I did mention Deputy Le Claire, Sir. I hope I do not do him an injustice. I think he was somewhat confused about the advertisement which appeared in a previous election which was placed by a member of the public which was misleading because it suggested that only a handful of States Members had approved parking for States Members when, in fact, of course, the majority had approved it and therefore it was designed to be misleading. The point is that the advertisement was placed the night before the election. Now, in the United Kingdom, there is a 48-hour period during which you cannot place such electoral

advertisements and the whole point of what we are proposing today is that that would not be possible. What happened on that particular occasion was because the advertisement was placed immediately before the election, no States Member or person mentioned in there was able to correct the misinformation. This would allow a correction to take place. P.P.C. have discussed this and while advertisements would not be allowed, asking the *J.E.P.* to publish a correction does not fall into a definition of advertisement or election campaign. Some people, Sir, have said that this has been rushed. Well, not more than the many other pieces of legislation that have come across our desks in the last few weeks but, of course, there is a reason why we need to act quickly because if we do not, it will not be in place in time for the next elections. Do we want this or do we not? That is why it has been brought in the form that it is. I would conclude, Sir, by saying that, in my view, it will be interesting to see whether those opposing this proposition are those who plan on spending loads of money on their election campaigns or otherwise.

### **1.1.9 Deputy J.B. Fox of St. Helier:**

The saga of elections and expenses and how one can best do it and get the message across and allow other people to do the same in a positive but transparent way; I doubt we will ever find a solution. We have left it too late. We have argued about methods, *et cetera*, but I am pleased to see this proposition today. I am pleased because at least it is allowing us to discuss and to move forward with some semblance of order. Being one of 4 Deputies in No. 3 and No. 4 District of St. Helier, I have a very large district. It is a large area with a large population and it has a huge amount of residents in it who are in multi-occupancy houses, and if you do not have the opportunity of getting a leaflet into the hands of the person that is the elector then it makes it very difficult. You cannot just put a leaflet in a doorway of a house. It could have 20 people in it and if one person puts it in the rubbish bin, the rest of the house does not get to see it. So there are a lot of good reasons and, yes, we have, in our particular districts, different characters that are well-known to the electors and that produces some entertainment, though I must admit I used to enjoy all the bands and all the horses and carriages and so on. Unfortunately that, at the moment, has gone by the wayside. We have a comedian. We have already heard from him today and on his first election he stood with an oar and a notice on it. Now, everybody saw it and it stood out so you do not have to spend huge amounts of money to draw attention to yourself. I still do it the old-fashioned way. I had to post 48 at the last election because I could not find the houses or the premises concerned. In the election before, it was 78, so I have improved. I hope this time that I will not have to post any, but I do it the old-fashioned way and I have my wife and a very good friend who gives me support, especially when we are trying to do the very long roads. You cannot carry everything and you cannot walk everywhere so you need to have some transport support and you have to avoid getting run over in the soaking wet freezing cold which is part of election. But, no, you cannot physically go and knock on every door and talk to people nowadays as (a) they are not in in many cases and (b) they are watching their favourite soap and the last thing they want to do is talk to you. Then, if you are as well known as I have been from my previous life, they want you to come in and have coffee and talk to you and so you manage about 4 in an afternoon. It makes a very interesting time and I enjoy it very much. It drains me, but it is the one time I can lose weight and that is an advantage, of course, but I think that realistically, things have to change. In the last set of elections, we had billboards that were about 4 feet wide by 8 feet long straddling every roundabout there was. They are very effective. They work but they also fly and they can become very dangerous if they are not secured properly. Then, of course, you have the other entertainment we have now. We have the totem poles where you see the poor candidate, who is the last of 9, trying to get to the top of this advantaged lamppost or other sign to be able to do it. Then you have somebody else who does not like it up there and wants to take it down and get his or hers up there. Then you have people taking pictures and making all sorts of accusations, so it can be quite entertaining. Then, of course, you get the signs that you are saving money but you are going to mass the area so you have a lot of hardboard with a lot of photocopied black and white leaflets that have been pasted on and they go off on every side lamppost or whatever and you just mass the area. The problem is if you

are a tall person like our Greffier, you spend most of your time, I would suspect, on the road because you are too tall to go underneath the signs. They are supposed to be 6 feet 6 inches but often they fall down. Then, of course, you get the other thing. Because of the weather, these lovely posters drop on to the ground so then you have what every kid dreams of, pavement painting. It does not last for long but it does provide some entertainment and the kids going to school with their crayons put all sorts of little entertaining things and mottos on it. Depending on how active their parents are in their political awareness, you might also get some scripted comments as well as what they think about the candidate. This also can go on to any posters that they can reach standing on nearby walls, *et cetera*. Then you have the souvenir hunters. Now, the souvenir hunters remove posters and if you happen to be glamorous enough or you have a message on your poster that provides a worthy collection, then you start seeing them appear within the homes, and I was interested to hear one woman describing her son's bedroom of the collection of posters that he had collected and he was quite knowledgeable. The leaflet is another thing. You must have a leaflet that is sustainable so when it is said that it cannot be robust or anything and it costs more, *et cetera*, believe you me, the object of the exercise is to get it into the hands of the person that you want to read it. Now, do not forget it is raining and you are not going to post it because you are not able to afford it or you choose not to do so but you want it to go to the right place, so you put the sticker on it with the name that you have paid all the legal fees for and you have managed to have a very supporting wife, like I have, who understands a computer sufficiently enough to be able to give you all these lovely labels that you stick on to the leaflet. So everybody knows that when it goes to that door, that is to go to the named person and it also has the little bonus that it has their election number which is also very useful and you go round and you knock on the door. Now, you get some people that say: "Thank you very much, that is very useful. I have got a number and I at least now have a very simple record of what you have been doing for the last 3 years, although you have done this and this that I have heard on the media" or whatever and you get some other people that say: "I do not want anything going through my letterbox other than what is posted" and so that is their democratic right, and they are not going to vote for you because you put a leaflet without having it in an envelope and put through the postal system which, under this rule, we will not be able to do for them, so we lose one or 2, but that is the way it goes. Hopefully they change their minds and they at least go and vote and that is very important. So to me, the answer at the end of the day is that I gain a lot of entertainment, support and knowledge by doing it the old-fashioned way. No, you might not get to see everybody but you can rest assured that if you are out and about in a large area like I am, people always know that you have been. You always know which other candidates have been there as well because...

### **The Deputy Bailiff:**

Deputy, this insight into electioneering is most interesting but is it relevant to the principles?

### **Deputy J.B. Fox:**

I was just coming to the point, Sir, but you are quite right. The whole point of the issue is that you cannot do everything for every person, and I was just describing how these principles here allow me to do everything that I can do and still be able to get my message across. More to the point, it allows the other candidates, who may not be in the States but are seeking re-election, the opportunity to be able to fight an election with the nearest thing that one can get to a level playing field. It is difficult, it is not perfect, but at least there are still opportunities and I think I had best leave it at that.

#### **1.1.10 The Connétable of St. Brelade:**

A couple of points of clarification from the proposer, if I may ask. Have P.P.C. considered the advantages and benefits which may accrue to a candidate who fails in a Senatorial election and subsequently stands for Deputy? The added media exposure is not tangible but is certainly significant. Are we not, Sir, underestimating the public? They are not stupid and are quite capable



of seeing through the spin which seems these days to be the norm. I am inclined to suggest that the best person ought to be left to win by their own devices. I would suggest that excessive expenditure has doubtful benefit and it is more likely to be the policies and attributes of a candidate that will ensure success in an election. I really think that the proposals, while being well intended, are totally unworkable and I am yet unconvinced that I should give them support.

#### **1.1.11 Deputy J.A. Martin of St. Helier:**

Well, what a surprise we have here today. I was in the coffee room earlier this morning with a younger candidate and also a candidate who has not been in the States as long as me and he said: "How do you think this will go, Jude, it will go through, will it not? I mean you are having a laugh." I said: "You will see people stand up today and you will find they will find an allegiance with each other after not having agreed in this House over the last 6 years" and here we have it. **[Laughter]** We have Deputy Southern and Senator Ozouf sitting there and telling us why they cannot possibly support P.P.C. Well, I will agree, I think Deputy Southern raised a few points that were possibly not going to be right. Now, let me deal with Senator Ozouf's objection. He wants people to know his policies. He has been in this House 6 years. I think people have a very good idea of what his policies are and not only on Economic Affairs. **[Approbation]** Then we have Senator Vibert saying we want a rich election. We have Deputy de Faye. I think he said this will take the fun out of the election. Well, no ... we have heard from Deputy Fox. When he did not spend a lot of money on his first Deputy election, he did have fun. As he said, he was stood on a roundabout with something that rows a boat **[Laughter]** and he got noticed. He did not spend a lot of money. What I am saying, Sir, we have policy-rich, election rich and now it is just bloody rich. I am telling you now ...and it is parliamentary, Sir, I checked that with Deputy Fox. It is. **[Laughter]** I am telling you now you have been calling, I have been calling, I have never spent more than £1,000 in ... I will admit in the year 2000 in November elections, we were sat in here up till 7.00 p.m. 4 nights. I went out lunch times and I had to go out after and I did have to post some election material out that year. Last year, I spent about £200. As Deputy Fox says, in No. 1 District like we have in St. Helier, we have loads of bed-sit lounges and then the addresses change. Whether they get to the right people, I do not know. We would not suffer by trying to knock in different areas. Not only to add to that, when are we sitting this year? We have about 4 days in September, 4 in October and we are not sitting at all in November so no one has any time to go and do their elections the old-fashioned way? We have Senatorials, all right, we know you cannot knock the doors but you get 12 coverages in the *J.E.P.*, most of you are known. Even with this third party you can spend about £12,000 on your campaign. Well, I am very sorry, you have all been calling for it but I really love ... I mean, I cannot believe it, I just cannot believe - well, I can - as I say, I can believe it. I know the Deputy that I was speaking to this morning will hopefully ... and, I mean, it was Deputy Gorst so I mean maybe a little ... a very, very good politician obviously he today he has learned that he is politically naïve when it comes to this, very good in principle but this is not the right one. So we are not going to do this and, of course, we cannot do it, what are we, July, last sitting of the session. We will be back in September just before the nominations for Senatorials. Oh, my God, no, we cannot do that. Now, I would say my electorate ... I am not stupid. I do knock doors and so I think do ... and we had a very close election last year for sitting States Members and one had to go. By the law of mathematics there was only about 20 votes from top to bottom and a few ... all right I will get back to the subject. We are talking about elections. **[Laughter]** Yes, no, I am very sorry, Sir. It is not perfect. I do understand, it might not be policed perfectly well but it is a start and, as you say, Deputy de Faye wants ... what about people wasting people's time. Who is to say he is not wasting people's time. If he wants to put up a deposit or some money to charity so he can stand on the roundabout, let him do it but he has brought nothing better and nor has anybody in the last 3 years. This has been ... since before Ministerial government this is going to all be sorted out and here we are 2 months away from the Senatorial nominations and nobody likes it. It will get about 6 or 7 votes. It will go through in principle and then you know what everybody will do? Everybody will vote for Senator Norman's amendment

and we are back exactly where we are. I am going to vote for this, I am going to vote against the amendments and let the public choose. The public are not silly. They know who spends a lot of money on their elections. Some were fooled, as I say, 6 years ago when it was done the first time by Senator Ozouf. They thought they had all been written to individually. They did not realise that he had put thousands and thousands of pounds and employed a company to do it. It was personalised. They all had their voting number on it and people were coming into No. 1: "Oh, this lovely little man sent me this" and I said: "Yes, I see, okay, fine", whatever. **[Laughter]** "Yes, very good", I said, and that was fine because I was not standing on the polls for him, I was standing on the polls for Senator Kinnard at the time but I did not interfere for just pointing to him we had the vote for the nice little man, and he topped the polls. It was done once and it ... but the people are not silly. I do not think it should be allowed to be done again and I think this will start it. If Deputy Southern is worrying about policing, well, come on, we can all do basic maths. If everybody who can have a vote gets a postal vote, we know someone has spent too much and although they cannot be policed, well, I am sure enough they would be embarrassed. So, as I say, Sir, here we go again and let us see who else can agree with Senator Ozouf and Deputy Southern today. Normally not on the same side but funnily enough they can dig holes in this one. I would say support this and go back to the old-fashioned way of electioneering when you really have to deal with your public and, like Deputy Fox says, walk your district and do not go back every 3 years and they say: "Oh, it is you again." Then this time they might want a new face because they do know it is you again. **[Laughter]** I really am going to support this but I really do not think P.P.C. have much chance because we have already heard the thunders from very, very funny quarters and allegiances.

#### **1.1.12 Deputy S. Power of St. Brelade:**

I will start by saying that I will try and cheer up P.P.C. and say I am minded to support them **[Approbation]** but I do have some specific questions that I would like the Chairman of P.P.C. to answer. I can go back to where I was at the end of 2005. I spent, I think, £2,200 on my campaign and looking at the rules that are available now, this morning, this proposition, P.82, for St. Brelade, I would be allowed as a Deputy £1,500 plus, I think, £470, given the number of candidates in St. Brelade No. 2 which allows me £1,980. So my first question to the Chairman is what would be the penalty to me for spending over and above my allocated amount and how would that be dealt with? Likewise, if a candidate spent £2,500 as a Deputy or £3,000 as a Deputy in the same district, how would they propose to deal with that; so it is a specific question. In my campaign in that district, I had volunteers who helped me distribute my election material. I did not use the post. I spent all of that money on posters and brochures so it was delivered by volunteers and by myself, and so how do I factor that in, as it was a non-financial cost. I would also like to outline the following situation. If a candidate were to run as a Senator and had a very slick campaign and that campaign involved mail shots, colour brochures, a website, posters, signage, perhaps balloons, t-shirts, music, a van, rosettes and whatever, and that candidate was successful and post-election declared that that candidate had spent say £10,000 and it was very, very clear that the campaign had cost more than that perhaps £25,000 or £30,000, how does the mechanism deal with that? That was my next question. My third question is if a slick campaign is run by a successful candidate for Senator on an Island-wide basis and gets in on a high budgeted campaign that ignores the rules and defeats a candidate who spends less than that and obeys the rules, how do the mechanics of the situation deal with that? In other words, if a candidate who obeys the rules is defeated by a candidate who does not obey the rules, how is that dealt with? My final question is on page 22 under section 15, offences in general: "Section 1. A person who aids, abets, counsels or procures the commission of an offence under these Regulations shall be guilty of the offence and liable in the same manner as the principal offender to be tried for the offence." The question is where and where do I find the penalties?

#### **Senator J.L. Perchard:**

Can I give my intention to propose closure on this debate on the principles? With the greatest respect, Sir, I think you have allowed the debate to extend into the detail and I intend to propose in half an hour the closure on the principles.

**1.1.13 Deputy A.D. Lewis of St. John:**

I do not wish to be rude in the slightest about P.P.C. here because they have only done really what the Assembly agreed that they should do and that is bring forward a proposal to do something about this issue. I fully support the issue of transparency, for example, but I did take it upon myself to write to P.P.C. on 22nd April last year giving my own thoughts, and I am going to mention some of them to the Assembly today. I never had a reply to that letter and there is no acknowledgement in anything that I have seen from P.P.C. about other communications they may have received on the subject if, indeed, they did. If they did not receive such communications, they should have perhaps sought them, particularly from maybe communications experts, the media and so on, on their views. I would be interested to know what the Chairman and his Committee did about canvassing professional opinion on this from the media and other areas. I do not see it in the report but I do agree that there should be some controls in place so there are not accusations of people buying their way into office. I do firmly believe, however, that the Jersey electorate should not be underestimated and it would frankly be insulting to their intelligence to suggest that they can simply be won over by a clever high profile advertising campaign. The public are cleverer than that, they can see through it.

**Senator S. Syvret:**

Just as a point of order, is it not the case that the Deputy should declare an interest in this as he is the proprietor of a P.R. (Public Relations) firm whose income would be restricted by this legislation if elected by new election campaigns?

**The Deputy of St. John:**

I am happy to declare that. I think it is a well-known fact that I work in communications so I am happy to declare that, Sir.

**The Deputy Bailiff:**

The position is that you have a firm whose income would be affected if ...

**The Deputy of St. John:**

Not necessarily, Sir. We do no work currently for any election.

**The Deputy Bailiff:**

I see.

**The Deputy of St. John:**

Apart from my own. I obviously do my own work for my own election, Sir, but thank you for pointing that out, Senator. I do feel I am in a position, perhaps unlike some other Members, to give a professional view on it as, indeed, other Members here have professional interests about things that we debate and bring some knowledge to the debate. I think spending a little more on engaging with the public should not be frowned upon. Quite the contrary. We hear consistently that the public feel disengaged with the physical process yet at the very time that it is most important to engage with them, these efforts could be compromised by legislation put through by sitting Members - not candidates that have not sat here before, Sir - and I think that is a key element that we should consider when we debate this further. I would like to cite St. John's election in 2005 as perhaps an example to illustrate the effectiveness of a well-considered communications campaign. The election had 3 candidates, Sir, all of whom produced well thought out campaigns. They had used all elements of what I would call the marketing mix and this resulted in a 63 per cent turnout at the polls. I know there were some other reasons for that. There had not been an election in St.

John for some 12 years but all the candidates put a huge amount of effort into engaging with the public. A lot of that was footwork, as Deputy Martin suggested in St. Helier, the candidates did there too. The candidates in St. John... we knocked on every door, Sir, but they also published material that was good. It was easy to read, it was well produced but it cost money, Sir, and more than P.P.C. are suggesting should be spent. There was a great deal of excitement and interest generated in the Parish because all the candidates made a huge effort to engage the electorate. They could not do that quite so easily with the budget that has been suggested here, Sir. There are those who claim that if more than, in my case £1,600 probably in St. John, would be allocated to the election, it would be a barrier to potential candidates. If they had to spend more, it would be a barrier. I strongly dispute this, Sir, because if a candidate is worthy of election, then he or she should be able to engage the support of individuals early in their campaign to help fund it, but I do agree that that must be transparent and I do not disagree with that principle at all. If you want the public to be engaged in the electioneering process you need to have an acceptable budget, and at the moment I do not see something here. Using my professional eye - and I did point this out to P.P.C. and they did not speak to anybody else by the sounds of it, the media or any other communications company to find out really what you needed to spend to engage the public in a professional way which is what we should be doing - I do not see any evidence of that at all and I firmly believe that the figures suggested are grossly inadequate to engage with the public effectively, and that is what we should be doing. Now, we, in this Assembly, have a distinct advantage if we choose to stand again, because we are known to many of the electorate already, particularly in small constituencies. New entrants to the system simply do not have that and that is unfair but that is life, that is how politics works. Unless you enable them to put together an effective campaign with an acceptable budget, they will be disadvantaged and we are not talking here thousands and thousands of pounds but we are talking a reasonable budget just to produce some of the basics. I did outline those in my letter to P.P.C. and it is the basics. It is not going over the top at all. You still need to do the legwork, you still need to knock on those doors and even if you are a Senatorial candidate, I do not see why they too cannot knock on doors as well during that process because it is often said the Senators do not engage as much with the public as the Deputies because that process is not available to them. If they were to do more of that, perhaps they would be more engaged. I know it is time-consuming but you can pick samples of the community and engage them on the doorstep. We do that as Deputies but that does not substitute good collateral, good publicity material, not expensive material, but material adequate to engage with the public. That is all I am saying, Sir, and I do not believe that in my case, £1,600 is adequate enough to do that. As Senator Syvret pointed out, I work in the communications industry and, yes, I will be able to use this document here and have advantage from that and not be in too much hot water with P.P.C. because of the way it is currently written. I do not think that is right either but that is the way it is, Sir. Those who do not have that advantage are at even more disadvantage and I just think if you want to have a meaningful engagement with the public and get that voter turnout that P.P.C. waxes lyrically about all the time - the lack of voter turnout - you need to get the whole thing bubbling away with a good campaign with good material engaging with the public. We live in a world today, Sir, where people are influenced heavily by the media and we should not abuse that, but they expect certain standards. They expect to look at a piece of paper that is clearly laid out, that is well printed, well produced, a website that is easy to work that does not fall over, calling cards that do not look like they have been knocked-up at home or knocked-up by the local school. They expect certain standards because that is what is around them all the time and that does not have to be expensive but, I am sorry, the budgets that are proposed in this document are woefully inadequate.

**Deputy I.J. Gorst of St. Clement:**

I wonder if the speaker would consider giving way.

**The Deputy of St. John:**

I will not, Sir, because I have nearly finished and if the Deputy wishes to add his words to this debate then I will happily let him do so. On that note, I am afraid I cannot support this. I do think there are some interesting things in it and I would urge P.P.C. to go away, come back with a more sensible document that really hits the mark because this just does not and I am disappointed, considering that this debate, if you like, has been going on since April last year. Yet we have a document here that has not really been consulted on. It does not have the depth that it needs to make it work.

**Deputy I.J. Gorst:**

I would ask the last speaker if he would withdraw ... he made an inference regarding school I.T. (information technology) provision. It is quite obvious from his statement that he has not been into Jersey secondary schools. The I.T. provision there is first class and it would not be out of place in some of the glossiest magazines in the United Kingdom. I would ask him to withdraw that, Sir.

**The Deputy of St. John:**

I never made any reference to the schools at all, Sir. I know what the I.T. provision is in the schools, absolutely, and it is superb. All I was suggesting was that if you want something that is very professional, then use the equipment that is available, the printers and so on, to get it done properly. Yes, if you want to engage with the I.T. of a school, great, I think that is a fantastic idea if they are up to the job. You have the equipment, Sir, but you also have to have the expertise and some of that will not be existing in a primary school, neither would I expect it to, but I hope in the future they certainly will have those skills because the systems are there.

**1.1.14 Connétable P.F.M. Hanning of St. Saviour:**

Being a newcomer to this, I find this all fascinating but looking through this proposition, I am afraid I do find some problems. It has one big advantage. Being a normal Jerseyman, I love the idea of being restricted in spending money [**Laughter**] so that has to be good. The problem is, I think, it has one very major flaw and that is that I do not think it is workable unless you are stopping candidates from standing in 2 elections. While you can have somebody standing as a Senator or a Connétable and getting the publicity for that and being allowed to spend the money for that and then immediately afterwards standing as a Deputy, you have driven a coach and horses through the whole restriction and I think unless we stop people doing that, then this is unworkable. A couple of other details. I do not know - and perhaps it is my reading of it - but I do not see where the clock starts. When can you stop or when can you start spending money for your campaign. Now, a year ago, when I stood, I had posters made because I thought I was going to be fighting an election. Can I use those posters? I will not have spent any money this time but they will certainly be just as effective because they were not used then. Is that unfair to other people who are standing who may not have had posters done a year ago? If somebody thinks they are going to be standing this time in one of the elections, what is to stop them getting everything printed now, posters made, all the publicity material they need, buy their envelopes, buy their stamps, and then come the time: "I have not spent any money. I can just stick them in the letterbox and off they go." Unless we know what the time-scale is, the thing is a nonsense. Perhaps you say right from the time of the nomination. Well, obviously, you will do all your purchasing immediately before the nomination date. You know you are going to be standing so there is a problem with times. There are various other small items that again we look at time that causes trouble. I have a website running. I use it to produce information so the people know what is going on in the Parish. When do I have to shut that down? Should I have shut it down already? I do not know. Again, we are talking about posting items. I have a problem physically walking any distance. I know I have probably tripped-up most of the Members with my stick but there is no way I am going to be able to walk all the way around the Parish and meet all of the members of the electorate. However, to say, yes, that is fine, there will be an insert in the *Jersey Evening Post*... most inserts in the *Jersey Evening Post* people take them out and they go straight in the bin, so if they are all on one or on a set number of pages,

they are not going to be read by people. It is fine in theory but not everybody reads the *Jersey Evening Post*. Not everybody has a computer and therefore just having something on a States website again will not reach all the electorate, and because I physically will not be able to get around all of the Parish, I could well be at a disadvantage. So could anyone else who has a physical disability. Is that fair if we are looking at a level playing field? I think we have to be very careful. I think at least we ought to be able to write to the members of the electorate and see that they at least can then make a judgment on the individual candidates. I am just concerned about some of these details and I think I mentioned people being able to stand in 2 elections. It is massive publicity and I think that drives a coach and horses through these restrictions.

**1.1.15 Senator L. Norman:**

I really think we will be making a very bad mistake if we do not approve these Regulations today. We have consistently approved the principles for all the right reasons and I feel uncomfortable that so many Members are squirming around trying to find an excuse not to support the detail, not to support this particular proposition. I would remind Members, Sir, that principles are absolutely useless without the detail, without the Regulations, and that is what we are being asked to do today. We promised the public a control of election expenses and now I suggest, Sir, is the time to deliver. The objections that I have heard this morning I have to say are not terribly convincing. One objection, the fact that these are triennial Regulations. So what? They are just as effective as any other type of legislation. We have heard, particularly, I think, from the Deputy of St. John and others, that the sums are insufficient. That is a matter of personal judgment but if any Member felt there was an inadequacy in the Regulations they could easily have brought an amendment. A couple of Members have. Why not? One or 2 Members have suggested that the sums are insufficient to be able to post election material to the particular voters in their constituency. Why? Simple to get over that one. Support the amendment that I have brought to allow that to happen if that is what the States believe is right. One or 2 Members have suggested it is unreasonable not to be able to advertise in the local paper effectively up to 4 days before the election. Easy to get over that one. We just vote against Article 14 and approve the rest. We can do all this now today. All these objections can be dealt with and should be dealt with today. I have a certain sympathy with the comments made by the Constable of St. Saviour. I do think the *Jersey Evening Post* insert proposed is very, very questionable, not only because it is just a matter of haphazard luck as to who will see it but I am also very, very uncomfortable about taxpayers' money being used to promote the political career of either existing Members or potential Members. I do not think that is appropriate. I have the same problem as the Constable about using previous posters. I intend to use posters I used 6 years ago and I can tell you the picture looks a lot better than any one I would have taken today. Sir, I submit that in the main, these proposals are reasonable and appropriate and with at least one of the amendments lodged, would work extremely well and they should be supported.

**1.1.16 Deputy S.C. Ferguson of St. Brelade:**

Yes, I was going to say the same thing as Senator Norman. These Regulations have been lodged since May. Where are the amendments? We have agonised over the levels of expenditure but this is something that there has been a demand for and we were charged with. Everybody will have an opportunity to communicate with the Island and Parish communities through the inserts in the press and through the Parish meetings, whether in the Senatorials or the Deputorial elections. Frankly, it just means that Members standing need to do proper marketing rather than a blitzkrieg of advertising and spin. Sadly, I think all this goes to show is that we do need a total reform of the House to get a genuine level playing field and back for a general election. I am sorry that Scrutiny did not feel that this was worth scrutinising. It has been lodged for some time. Deputy de Faye mentions deposits. I think that is an excellent idea but he also mentioned ...

**Deputy D.W. Mezbourian of St. Lawrence:**

I wonder if the Deputy will give way and I would like to ask her what Scrutiny Panel she thinks would have scrutinised this piece of legislation. [Laughter]

**Deputy S.C. Ferguson:**

Yes, we should have discussed it at the Chairmen's Panel. I will agree with that. [Aside] Absolutely, yes. [Laughter] *Mea culpa*. Deputy de Faye also mentioned 8,000 or so voters but what is that in households? I think it would be significantly less and I agree with Deputy Martin that it is quite possible to make a rough estimate of what people have spent on this. Deputy Baudains said did Members not give us a true estimate of their previous expenses. What we are trying to do also is to restore public trust. The thinking population is suspicious of anyone they consider to have bought their election. What are the reasons? Is it power, is it to gain a business advantage, is it ... well - dare I say it - I do not think so really ... I was going to say because of the salary, but I do not think so. Unfortunately and sadly, it is possible to sell an inferior product at least once through skilful marketing. It might even be an excellent opportunity for would-be Ministerial candidates to demonstrate their ability to stay within a budget. Heaven knows that we are not totally certain they can at the moment. The Deputy of St. John also says we have an advantage because we are known. I also feel that might be a considerable disadvantage. These Regulations may not be an ideal answer but they are a start. They can be improved but we must start somewhere and I call upon Members to support them.

**1.1.17 Deputy J.J. Huet of St. Helier:**

I really did like the Connétable of St. Saviour's comments about old posters because, being a good Jersey girl, I have been using them for years. I now have Deputy Breckon ringing up asking to be introduced to my younger sister [Laughter] which I think is lovely. We have been talking about a level playing field. Now, what is a level playing field? We have been told that it was worked out on what our election expenses were to come out with a mid figure. Well, that all depends on who is standing because as different Members in this House have said, the first election, you might spend very, very little. Then the second election could be completely different and I have to say, Sir - you might not know this but I am going to tell you - that in my first election, my colours were pink and purple and the reason that they were pink and purple was because the bank I worked for were throwing out 8,000 flimsy sheets of pink paper and told me I could have them. If you took an A4 piece of paper and you folded it up 4 ways and you got a friend that would know how to set it out and you asked the bank if you could borrow their photocopier, you could do your leaflet for nothing virtually, except I had to pay for the photocopier to be repaired because there were 8,000 of them. [Laughter] Then, Sir, you could have sticking parties, which we did have, and you could have very good friends do all your deliveries although there was still moaning about Queens Road 3 years later. There is where your difference in expenses is because that election could cost you under £100 but your next election, by the time that you sat on a couple of committees and you did a lot more work in the States, there is no way that you would have the time to go out on a house to house basis and the postal was extremely useful. You could do some but you also needed some of the postal, so when you say that you draw an average of those election expenses, it all depends. New people's will be low. Present Members' will be much higher and I have to ask; are we doing this all for the sake of one or 2 seen presumably spending too much on their elections? Is that what this is all about, that people think that one or 2 people have spent too much money, because I cannot believe surely that we are tying all this up for the sake of a couple of candidates.

**1.1.18 Senator S. Syvret:**

There is one good point about this debate as it has taken place this morning and that is that it gives me the opportunity to dust-off one of my favourite examples of self-parodying pseudo-intellectualism. What we have seen today is an inchoate proschemata. Anybody know what it means? Yes, "inchoate" means partial, incomplete, fractured, and "proschemata" is the ancient Greek equivalent of *casus belli*, which is the argument or justification for going to war. In using

the phrase, we see such unlikely allies as Deputy Southern, Senator Ozouf and Deputy de Faye. I mean, Deputy de Faye and Deputy Southern on the same side? Well, well, well, what is going on here? That is, I am afraid, the only good thing about this debate. There was a time when I would have said that the standard of the debate and most of the speeches that have been made are simply beyond belief but unfortunately, these days, nothing surprises me any more. Have Members forgotten that the public are capable of thinking? Most of the public know that certainly a clear majority of the Members of this Assembly are either cash or property millionaires and, in many cases, both. The public are not fools. They know that the speeches that have been made this morning which have nit-picked this or that supposed deficiency in the Regulations are just fundamental speeches in opposition to the principle of this just disguised as technical arguments. It is obvious to everyone listening to this broadcast that the arguments we have heard today are just about keeping the *status quo*, enabling those who are better off - the middle classes and the wealthy - to carry on buying their way into power and to carry on disadvantaging the great majority of the ordinary people of the Island. This is basically the way Jersey elections have worked in the past and work today; literally the purchasing of influence, the buying of power and unfortunately that is what clearly a significant number of States Members want to continue. Were that not the case, as Senator Norman remarked, were the arguments about technical deficiencies in the Regulations justified, we would have seen some amendments brought forward to tweak it here and there, but we know perfectly well that Members did not want to do that because had it been tweaked, it would have taken away a large part of their argument for voting against it because they just want to carry on with politics in Jersey generally being an environment in which the better off and the more wealthy dominate. Those Members who do oppose this basic principle, as clearly a number do - a number have essentially openly admitted that, a number of others have said as much, although it is disguised as a technical argument - I really would refer those Members to what takes place in the real world. The vast majority of respectable established Western democracies have had limits and controls and regulations on election expenditure and election campaign funding for decades, absolutely for decades, and it is manifestly nonsense for Members to stand up here and trot out the kind of cobble as we have heard this morning trying to suggest that somehow regulating election expenditure is so arcane as to be impossible to do properly. We do not have to reinvent the wheel. Other jurisdictions have developed this kind of legislation over the years. It is also well known and well documented scientifically - in fact, contrary to some of the assertions made by certain Members of the Assembly - that big glossy high profile professional-looking campaigns do influence voters. It is proven fact, so it is nonsense to suggest that a big expensive fancy campaign will not influence the outcome of elections. Let us face it. If that were not the case and there was no benefit to be gained from spending vast sums on election campaigns, why would political parties and politicians and others do it in other jurisdictions? It really is ... words almost fail me. Here we are in the 21st century in the year 2008 and we have the Assembly making frankly an utter spectacle of itself rejecting something as basic, rudimentary and fundamental as a level playing field in campaign funding and campaign expenditure. It is extraordinary, literally incredible, not though, sadly, frankly, surprising to me. Certainly most of the people I know outside of this Assembly know perfectly well that electoral politics in Jersey have been a cesspit, a festering midden of the purchasing of influence and power for decades upon decades. Now, most Members may think they can carry on pretending that that is not the case, even the Attorney General over there smirking and sneering away.

**The Deputy Bailiff:**

Senator, please conduct yourself appropriately.

**Senator P.F. Routier:**

I am afraid the Attorney General was responding to my smirk so I do not think you can blame him. I was amused by the Senator's comments. They were just comical really.

**Senator S. Syvret:**



Well, thank you for confirming that the Attorney General was smirking. **[Laughter]** **[Aside]** Jersey electoral politics are a cesspit. Now, it may have escaped Members' attention but in recent times, the last couple of years, a new light has begun to shine on the murk and previously hidden parts of the political environment in Jersey, and the public are beginning to see and recognise a lot of things that previously they did not perceive and they did not grasp. Mark my words, the rejection of these Regulations today will be another black mark against this Assembly that will be well noted and recognised by the public.

**Senator J.L. Perchard:**

I think the half-hour that I gave notice for closure has passed. Could I ask that the House be closed to vote on this motion?

**The Deputy Bailiff:**

You propose to close the motion?

**Senator J.L. Perchard:**

Yes.

**The Deputy of St. John:**

I propose against it, Sir.

**The Deputy Bailiff:**

The proposal is made to close. Now, is that seconded? **[Seconded]**

**The Deputy of St. John:**

Am I permitted to speak on my proposal?

**The Deputy Bailiff:**

No, no, it simply has to be put.

**Deputy C.J. Scott Warren:**

Is it possible to have some clarification from the Attorney General regarding the preamble? I would like to ask whether ...

**The Deputy Bailiff:**

I am sorry.

**Deputy C.J. Scott Warren:**

It is not possible to ask?

**The Deputy Bailiff:**

Not at this stage. We have a motion for us to close and then for the appel.

**Deputy S.C. Ferguson:**

How many people are left to speak, Sir?

**The Deputy Bailiff:**

At the moment, I have 2 people who have indicated that they wish to speak. The matter before the Assembly is a closure motion which has been seconded. The appel has been asked for, therefore I invite Members to return to their seats for the closure motion.

**Senator J.L. Perchard:**

There may be some confusion among Members. This is simply to propose a closure to the debate on the Regulations, the preamble. We will then go on and debate the details, Sir.

**The Deputy Bailiff:**

Yes, just so that it is clear, this is a proposition to close debate on the principles. If it is carried, then the proposer, the Chairman, will wind-up on the principles and then the Assembly will vote on the principles.

**The Deputy Bailiff:**

Now, the Greffier will open the voting on the closure motion in respect to the principles.

<b>POUR: 17</b>	<b>CONTRE: 28</b>	<b>ABSTAIN: 0</b>
Senator F.H. Walker	Senator S. Syvret	
Senator P.F.C. Ozouf	Senator W. Kinnard	
Senator J.L. Perchard	Senator T.A. Le Sueur	
Connétable of St. Ouen	Senator P.F. Routier	
Connétable of St. Mary	Connétable of St. Peter	
Connétable of Trinity	Connétable of St. Clement	
Connétable of Grouville	Connétable of St. Helier	
Connétable of St. Brelade	Deputy R.C. Duhamel (S)	
Connétable of St. Martin	Deputy A. Breckon (S)	
Connétable of St. John	Deputy J.J. Huet (H)	
Connétable of St. Saviour	Deputy G.C.L. Baudains (C)	
Deputy of St. Martin	Deputy C.J. Scott Warren (S)	
Deputy P.N. Troy (B)	Deputy R.G. Le Hérissier (S)	
Deputy of St. Peter	Deputy J.A. Martin (H)	
Deputy of Trinity	Deputy S.C. Ferguson (B)	
Deputy S. Pitman (H)	Deputy of St. Ouen	
Deputy of St. John	Deputy P.J.D. Ryan (H)	
	Deputy of Grouville	
	Deputy J.A. Hilton (H)	
	Deputy G.W.J. de Faye (H)	
	Deputy P.V.F. Le Claire (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy D.W. Mezbourian (L)	
	Deputy S.S.P.A. Power (B)	
	Deputy A.J.D. Maclean (H)	
	Deputy K.C. Lewis (S)	
	Deputy I.J. Gorst (C)	
	Deputy of St. Mary	

**[Approbation]****Deputy C.J. Scott Warren:**

I would just like, Sir, clarification, please, from the Attorney General about when these Regulations are passed or when they become a law whether it would be then possible to bar a successful overspending candidate from taking office.

**Mr. W.J. Bailhache Q.C., H.M. Attorney General:**

The answer is no, Sir. These are triennial Regulations rather than a law. It may well be that if there is a proposal to make it into a law, such a provision could be introduced.

**Deputy C.J. Scott Warren:**

I asked when it was a law. I realise it is not now but if it were a law, would it be possible?

**The Attorney General:**

Yes, in my view, it would be possible to introduce something of that kind.

**1.1.19 Deputy K.C. Lewis of St. Saviour:**

I will be very brief, Sir. Like previous speakers, Sir, I did have the intention of utilising my old posters. I discarded a few that were doodled on and made me look like a member of the Pirates of Penzance but most of them were okay and I do not believe the States has aged me too much in the last 3 years so hopefully I will be using them again. **[Laughter]** Another 3? Well, that is up to the people of St. Saviour No. 2. I did, in fact, deliver all of my ...

**The Deputy Bailiff:**

I am sorry, Senator Perchard, please confine your observations to your own matters. We do not want a running commentary on the Deputy's speech, thank you. **[Approbation]**

**Deputy K.C. Lewis:**

I did deliver all of my posters by hand, Sir. I believe that meeting the electorate was invaluable. I did get caught up a lamppost at 1.30 a.m. by 2 police officers and I had to convince them that the poster I was tampering with was my own. I will support this proposition, Sir. I believe it does need more teeth but it is heading in the right direction and it will have my support. **[Approbation]** Talking of teeth, I did nearly lose 2 fingers in Grands Vaux to an Alsatian when I was delivering one of my leaflets but I will not hold that against it. Finally, Sir, I believe that canvassing door to door does not only enable the electorate to meet the candidate but equally for the candidate to meet the electorate **[Approbation]** and hear first-hand their worries, their fears and their aspirations for their family and for Jersey.

**1.1.20 Deputy J. Gallichan of St. Mary:**

I will just confine my comments briefly hopefully to the preamble because I hope to have enough time and opportunity to address more specific questions if we move on to Regulations. The first thing I would like to say, Sir, is that while I do not necessarily share Senator Syvret's view that the electoral process is a cesspit, I do concede that there is always a rumble of dissatisfaction about how funds are gathered and how they are spent and whether or not that is grounded in reality, unless we have transparency, it will rumble on and on. I would say, Sir, that a vote against these principles will only fuel the fire of that particular rumbling. I would like to say, Sir, that, contrary to what some Members have said, these Regulations are not rushed. We have been working on them for some considerable time. I would like to say that what we were charged to do is a very simple thing, to make the electoral process financially more accessible to everyone, to ensure that the source and origin of funds is clearly shown. Also, of course, in that, we have some responsibility to ensure that there is a mechanism of circulating manifestos, information, whatever, but the responsibility also goes with that to ensure that any public money that we spend doing that is sensibly and acceptably spent. There is a balance and we found the balance of knowing how much public money should be put into something when members of the public might rightly say: "But I do not want my money spent publicising certain kinds of candidates' leaflets" and I make no distinction on it, you can say that about anybody. It was a very simple task but really when you looked at it, a very difficult thing to achieve. These Regulations have been launched since the end of May but the work on this has not ceased, even at that time. We have continued to try and find ways of making things more evenly available in the hope that we could come to you and say: "We were not able to do it in time but this is what is possible." We were astounded as a Committee, I think, to find the difficulties that lay before us in analysing lots of areas of this and the sheer expense that was envisaged, things that I had never considered, Sir. For example, the difference in costing between addressing something to a household and addressing it to a person, not in the numbers of people involved but in the sheer weight that these are classed as different kinds of services with different kinds of costs by the provider. There were a great many things to be looked into. It certainly was not simple. The fact that these are Regulations will ensure that something has to be done again in the next term of office. It will either mean that the Regulations, if they prove successful, can be carried on or legislation drawn on the experience gained at the next election can be drawn up in a cohesive way and put before the House. Please do not throw these out because

they are triennial Regulations only. They are not the only triennial Regulations you have before you today. The next item of business will be another set of Regulations. A couple of things I would like just to point out. I found it quite astonishing that the Deputy of St. John said that the public were not taken in by high profile glossy campaigns. I wonder exactly how he makes his living or he made it before coming here **[Laughter]** if that is not true and his further assertion that we should have gone to ... I think he was almost saying we should have gone to the P.R. companies and said: "Look, how much would you like us to allow them to spend so that you can maximise it." The fact is we have to set a realistic level. The realistic level is not based on what the P.R. companies tell us is necessary but as we have done. Based on the experiences of past candidates we circularised Members for details of what they had spent. That gives us the realistic figure and that is what we have drawn on. There are amendments which can be considered if your only objection to this is the lack of being able to post. Now, accepting that amendment, when it comes to voting, will open up other considerations regarding the level playing field so we will debate that at that time but if that is your only reason for not accepting these Regulations, then move with the principles and accept the amendments. Sir, P.P.C. has worked extremely hard to try and achieve some sort of equity and, more importantly, from my point of view at least, some sort of clarity of origin of funds. This may not be perfect, Sir, but it is a jolly sight better than nothing at all. **[Approbation]**

#### **1.1.21 Deputy D.W. Mezbourian:**

Just very briefly, it has been mentioned that this legislation, as indeed it says in the report, would give effect to the in principle decision of the States taken in 2007 to enact legislation to regulate the amount candidates spend on their election campaigns. I believe that those Members who vote against the principles must surely subscribe to the view that all men are equal but some are more equal than others.

#### **1.1.22 Deputy P.N. Troy of St. Brelade:**

I would just like to comment on one thing that was said there, that P.P.C. did ask Members how much they had spent and, yes, that is true, but they did ask us how much we had spent, not how much we had spent taking account of value of sums that someone had done work for us. I do not think they asked us for that but I do know that a friend of mine did a website for me, and I certainly do not have the skills to do that. Very kindly he did not charge me a great deal for it but I imagine that under the future system I would have to probably go out and pay for that or, alternatively, attribute a value to it, so the figure that I think I sent back to P.P.C. would be incorrect in any event. So perhaps P.P.C.'s figures are based on assumptions which are relatively low. I do think that the formula that they have come up with is rather low and I think that perhaps instead of the 10p per voter, it should have been maybe 20p, 25p, 30p or something similar which would have made a difference in that area. I do take on board the comments of the Constable of St. Saviour that it does disadvantage someone who, like himself, does have difficulties in getting around the Parish on a door to door basis and I was very influenced by what he said. I think Senator Norman has then made the point that we would then need to bring into play his amendment to steady that up, and I think that I will be supporting this and then I will also be supporting Senator Norman's amendment which would balance the whole issue.

#### **1.1.23 Senator P.F. Routier:**

I would like to thank P.P.C. for bringing forward these Regulations today. I think they have done a good job in bringing forward the views which they have managed to gather doing their piece of work. I have to say I am not surprised but I am disappointed in some of the comments which Senator Syvret continues to make in painting all Members with the same brush **[Approbation]** to talk about us being in a cesspit or whatever, but I really find those sorts of comments very offensive. I just wish he would focus on the real issues and stop using big words so we can all understand what he says. Some people have been commenting that there is a worry that some

people with big pockets can go and spend lots and lots of money to get elected and there is some concern in the public about that, and I think that what is coming forward is useful in trying to control that. Of course, there is also the other side of that. There are groups - political parties - who can be funded by unions and be funded by various organisations where they can apply to get funds and so, for everybody, we need to get some sort of focus and control on those issues. I think what has been brought forward is a good starting point. If it does need to be tweaked in future years, well, that may be the case. I do thank P.P.C. for bringing it forward and I will be supporting them.

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

Well, there are lots of things have come out in the debate this morning, lots of things that I have become aware of. I think, in general, Members are in favour in principle of some kind of controls on election expenses. I think that is generally accepted. However, it does appear that there are many, many holes in what is being proposed, not least of which the Constable of St. Saviour has explained that a potential candidate in the Deputies' elections could, in theory, stand in the Senatorial election, spend his £10,000-odd in one particular Parish or District of St. Helier and then carry on, stand for the Deputies' elections and spend another £1,500 on exactly the same Parish or District of St. Helier and I do not think that is intentional. I do not believe that P.P.C. have thought about that one, and that is just one example but there are several others. For that reason, Sir, if the States are minded to approve these particular sets of Regulations in principle, then Corporate Services, as the responsible Scrutiny Panel, will call in this legislation for Scrutiny and we will get it back to the Assembly with a report for 9th September.

**1.1.25 Deputy I.J. Gorst:**

Some of my parishioners believe that I am an establishment figure through and through. P.P.C., in the past, has been accused of being establishment. Today, Sir, I have also been accused of being a Maoist, as has the P.P.C. Committee. Surprising as it may seem, Sir, perhaps all that indicates is that P.P.C. is about right with this particular piece of legislation or Regulations that it is bringing forward today. It is not perfect. Show me, Sir, the piece of legislation which is perfect. It does not exist. This is about creating a level playing field, allowing those who maybe do not have the earning capacity in the private sector to be able to wage a campaign on the same basis as those who maybe do have greater earning capacity. Why is that important? It is important for the very reasons that Senator Ozouf outlined as being his concern regarding these Regulations, and that is that elections ought to be about principle and ought to be about policy and not about whether one can afford the latest glossy marketing campaign or the latest glossy leaflet. Do we have the level right? Well, I think I should inform the Assembly that P.P.C. initially was considering a baseline of £1,000 for the Deputorial election. In the end, we decided that £1,500 would be more reasonable. Why did we move to the £1,500 line? We did that because I, for one, was concerned that while it must be a level playing field, while we must ensure that those of lesser means are able to afford to stand, for new candidates, it is my belief that, in actual fact, they do need to be able to spend a reasonable amount of money on marketing because, for them, it is more difficult to get their face known.

**The Deputy of St. John:**

Would the Deputy give way a moment?

**Deputy I.J. Gorst:**

I do not recall that the Deputy gave way to me, Sir **[Laughter]** **[Approbation]** and, Sir, I am not bringing into disrepute our education system either, Sir, but there we are. **[Laughter]** In fact, the very opposite, Sir. Is it about right? Well, Sir, if I look back at my own experience, for around £1,000 I was able to produce ... granting the fact that I have friends who were able to do the art work for me and another friend who was able to set up a website for me and apart from the fact that

they unfortunately have my face on the front, Sir ...I think what Members will agree were 3 rather glossy brochures and they were distributed on 3 occasions to every household in my Parish. We had a questionnaire. We had a brief manifesto summary and we had, dare I call it, a calling card for those people who were not in when I was knocking on the door. All that, Sir, was done for around £1,000 so I believe that this level for the Deputorial election is about right. What about the issue that the Connétable of St. Saviour raised, this idea of driving a coach and horses through these Regulations by the fact that someone can stand firstly for Senatorial election and not be successful and then on the back of that publicity, stand for the Deputorial election.. What surprises me about this comment is that, while I recognise that there is some validity to it, it seems to be being raised by those very same Members, Sir, who, when there were propositions before this House to eliminate that possibility and have a single election day, those very same Members voted against that **[Approbation]** so I am afraid it is somewhat of a circular argument. Yes, it is a possibility but if Members really wish to do something about that, then perhaps they should revisit their own conscience and their own voting record when they were able to vote for a single election day. Another issue that some Members have raised with regard to these Regulations is the policing of the Regulations. Well, Sir, again, that is always a difficulty with any legislation before this Assembly. Do we do nothing or do we trust to the basic honour of the general public and within society to a certain extent and recognise that we cannot police everything? We do rely on people's general honesty and general decency to be law-abiding and that applies to these Regulations as much as it does to any legislation that comes before this Assembly. I am supporting P.P.C. with these particular regulations and I do ask that Members support it too, Sir.

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

Just a few additional words. I will not be engaging too much in electoral nostalgia **[Laughter]** which has been obviously the theme of this debate. The one thing I would say, Sir, is that, like Senator Syvret and others, I do believe it is of paramount importance. I think some of the utterly spurious arguments that were put forward by Senator Ozouf, how on earth he managed to link it all to elections based on policy, I do not know. How Deputy de Faye managed to link it all to the fact that if you have restrictions therefore you have no fun. Again, it is a well-known theme but his logic escapes me. You can have fun and you can have some level of restriction but I am worried, Sir, about areas like the Senators' election. I am worried about the fact ... oddly enough, I have heard the view expressed that it is not the minimum sum that is at issue. It is the fact that you need a reasonable sum so that a newcomer going against people who have years and years of publicity through their Ministerial offices or modest efforts like the Scrutiny newsletter might get an advantage but I think, Sir, this is long overdue. I think policing has been totally overdone. A lot of this will be self-policing and it will be self-evident, quite honestly, and people like Senator - or, at the moment, Deputy Power, who wonder about what kind of ... at the moment, as he waits in the wings for perhaps greater things, what I think is the issue, Sir.

**Deputy S. Power:**

I do not need another rumour, thank you. **[Laughter]**

**Deputy R.G. Le Hérisier:**

No, it is a rumour, Sir, that can be made into truth fairly quickly. **[Laughter]** What I maintain, Sir, is that it will, by its very nature, be evident but I am worried about some of the lack of research. I am worried about how newcomers break into this and I think Deputy Gorst made a very good point about the fact that we have ended up in this position because we are still stuck with the 2-election system.

**The Deputy Bailiff:**

Does any other Member wish to speak? Very well, I call upon the Chairman of P.P.C.

**1.1.27 The Connétable of St. Clement:**

I would like to thank all the Members that have taken part in this debate. I will not try and mention everybody but there are one or 2 people that did ask questions and I will try and answer those but I would like just to point out - and I think it has been pointed out a number of times - we are debating the principles. That is what we are debating. We are not debating the Regulations as such, we are debating the principles and we were asked by this Assembly to bring forward Regulations to regulate election expense and this is what we are doing. I would just like to remind Members that this Assembly approved the request for P.P.C. to come forward with the election expense regulations by 46 votes to 5. Again, if you do not believe that there should be regulation of election expenses, then you will vote against the principles. If you believe that there should be regulation, then you will vote for it. There was delay unfortunately caused by outside factors not solely the fault of this Committee. We did try and I just have to address a question. He is not in the Assembly at the time but Senator Ozouf did accuse the P.P.C. of being lax in replying to a letter or an e-mail that he sent us and it took a month. I would just like to point out to the Assembly that he got a reply by e-mail the day after we received his letter, but I think that ought to be pointed out because we do respond as quickly as we are able to. Deputy Power did ask a number of questions but I think he asked that if a candidate spends too much, does he commit an offence and the answer is yes, he does commit an offence, can be prosecuted and obviously could be fined. If a Senator is elected and found to overspend, the same procedures can happen but nevertheless I think probably an elected Senator who has flouted the rules will find it very difficult to stay in the Assembly, but that is up to the Senator. Of course, I think that some laws would exclude him as well but I am not a lawyer and as we want to get the vote underway, I will not go into that.

**Deputy S. Power:**

Could I seek clarification from the rapporteur? I did ask a question as to whether 2 candidates stood for election as Senator and one flagrantly overspent and the other did not and the one that did flagrantly overspend did get in, what were the rights of the defeated candidate?

**The Connétable of St. Clement:**

I do not know whether the Attorney General can answer that.

**The Attorney General:**

The candidate who has overspent and has been elected will get prosecuted. The other candidate would, no doubt, take advice from the private sector if there was anything he could do. I am not sure I wish to comment on that.

**The Connétable of St. Clement:**

That answers your question, I hope. I am trying to avoid talking about the amendments but people have mentioned in the debate that there has not been enough money allocated to the particular candidates. I think it has already been stated that these Regulations have been lodged since 30th May and people have had ample opportunity to amend them to a sum that they thought was sufficient to allow. Senator Ozouf also mentioned about every other Regulation, every other Law being subject to Scrutiny but as Deputy Ryan has pointed out, they can be called in. I am rather disappointed that the Deputy has indicated that he wishes to call them in because this will delay the procedure. Another question was when does this start, when does the clock start? Well, the clock starts as soon as these Regulations come into force. They cannot be retrospective so they will come into force 7 days after the Assembly has agreed to them. So that is when the clock starts and I think other questions have been amply addressed by Members of my Committee and certainly by my Vice-Chairman.

**Deputy C.J. Scott Warren:**

Can I ask for a point of clarification on that? Is the Chairman of Privileges and Procedures saying that if someone was quick now and went and got all their stuff printed quickly they could do what they like without being subject at all to this? If that is the case that is quite serious.

**The Connétable of St. Clement:**

We cannot make these Regulations retrospective and I think that is the problem, so if you delay them with Scrutiny going forward then you leave the door open until some time in September. I think I have answered all the questions and we need to get to the vote. I think most of the people have decided how they are going to vote so I ask for the appel.

**Deputy I.J. Gorst:**

Sorry, could I ask for a point of clarification from yourself? It is my understanding that in all probability should the Corporate Affairs Scrutiny Panel call this in, as they have indicated that they would like to, that these Regulations then would not be in place for this year’s senatorial ... the elections for Connétales. Can you confirm that in all likelihood would be the case?

**The Deputy Bailiff:**

I think it is a matter for the chairman of P.P.C.

**The Connétable of St. Clement:**

Yes, Sir, because assuming they debated on the 8th then it will come into force 7 days after that which is the 15th and nominations close on that day.

**The Deputy Bailiff:**

So they would be in place after nominations, but would not cover anything beforehand, is that right?

**The Attorney General:**

I would like to say something about this. The question was raised by the Constable of St. Saviour. Under the Regulations, Article 3 defines candidate election expenses as being expenses incurred at any time before the poll - at any time before the poll. Then there is the restriction on candidate’s expenses in Regulation 4. If the Regulations are not brought into force until September because the matter is called in, and then assuming the Assembly then passes them, the question would arise in relation to expenses incurred between now and then as to whether the candidate who had spent those expenses could claim that this was retrospective legislation and, therefore, had a defence. I would like to announce as Attorney General that I have not reached a view on that, but I would certainly not exclude the possibility of prosecuting if candidates [Approbation] do spend that money in the intervening period.

**The Deputy Bailiff:**

Very well, so the appel has been called for in relation to the principles of the regulations. I invite Members to return to their seats and the matter for the Assembly is pour or contre the principles. The Greffier will open the voting.

<b>POUR: 41</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator S. Syvret		Connétable of Grouville		
Senator L. Norman		Connétable of St. Brelade		
Senator W. Kinnard		Deputy J.J. Huet (H)		
Senator T.A. Le Sueur		Deputy G.P. Southern (H)		
Senator P.F. Routier		Deputy G.W.J. de Faye (H)		
Senator M.E. Vibert				
Senator P.F.C. Ozouf				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Clement				
Connétable of St. Helier				
Connétable of Trinity				



Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (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 Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (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.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**The Deputy Bailiff:**

Deputy Ryan?

**Deputy P.J.D Ryan (Chairman, Corporate Services Scrutiny Panel):**

It will probably come as no surprise, having already announced it, but yes, we will call this in for legislative scrutiny. It should not make any difference to the coming elections. The Attorney General has already explained that he would not discount prosecuting beforehand. We will bring it back for 9th September, or that sitting anyway, and there should be no reason, therefore, that it should not be voted in then as the Assembly wishes. But it appears to us that there are certainly huge holes in the legislation that do need attending to.

**Deputy I.J. Gorst:**

Perhaps I could ask the Deputy exactly what it is that he thinks he is going to be scrutinising. This is a piece of legislation which is common across Western democracies. I wonder exactly what it is that his panel is going to be doing.

**The Deputy Bailiff:**

I am afraid not, Deputy. It is a matter for the Chairman of the relevant Scrutiny Panel and we cannot have a debate on his decision.

**Deputy A. Breckon:**

I ask where the authority comes from for this to be referred to that Scrutiny Panel.

**The Deputy Bailiff:**

I am advised by the Greffier that all matters brought by P.P.C. fall within the remit of the Corporate Services Scrutiny Panel.

**Senator P.F. Routier:**

Is the Deputy aware that the nomination meeting for the Senators is 6 days after you are calling it in although you were saying it is going to come back to the States? It is just impossible for any candidates to prepare without knowing what they...

**The Deputy Bailiff:**

Senator, I am sorry, Standing Orders do not provide for a debate on the decision. I simply have to ask the Chairman of the relevant Scrutiny Panel for his decision. He has given it and I fear that is that.

**Deputy J.A. Martin:**

Under which Standing Order? I thought the States had to approve a request if it was called in on the day of the debate; we have always done this before.

**The Deputy Bailiff:**

No, this is a matter that the Chairman has the right to call it in.

**Senator S. Syvret:**

I accept that the Chairman does have this power, but in this case I think it is clearly an abuse of procedure. **[Approbation]** These Regulations have been tabled for a long time and there has also been time for prior scrutiny of the development of them by the Scrutiny Panel. This is absolute nonsense. The Deputy is just making a spectacle of himself.

**The Deputy Bailiff:**

Well, I am sorry, we cannot have a debate on it. The matter has been called in and there it must rest.

**Senator M.E. Vibert:**

May I give notice? I will be asking for this to be the first item when we debate in September and I regret the action taken and it is unfortunate that after it has been lodged for all this time that we only learn about a call in now.

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

As a matter of clarification, if I may. The Chairman of the panel, does he have the authority on his own to make that decision or does he have to have the support of the entire panel?

**The Deputy Bailiff:**

Under Standing Orders it is a matter for the Chairman.

**Deputy P.J.D Ryan:**

I would like to answer that if you would allow me to, and also that comment from Senator Syvret. The Corporate Services Scrutiny Panel had a meeting in the coffee room about half an hour ago. It was unanimous - even those that were totally in support of this legislation, one of which is myself, I might add - that there are issues with the detail of this legislation. Although there are certain Members, and they have been vocal in their criticism over the last 5 minutes of me and my panel, I think it would be fair to say that our assessment is that there is a majority of people in this Assembly who would like us to look at this legislation in detail and bring it back to the States Assembly **[Interruption]** ...

**The Deputy Bailiff:**

Sorry, if the Chairman maintains his view that is that. Now, are you maintaining your view, Chairman? Are you maintaining the decision?

**Deputy P.J.D. Ryan:**

Yes, I am, Sir, although I did make one correction which the Constable of Grouville would be right in saying. At that particular point he was not present in the Assembly so it was 4 Members of the panel, not the Constable of Grouville, but we had to make a decision in the absence of the Constable of Grouville because he was not in the Assembly, because I think he obviously has matters to attend to outside which we understand. So, we made that decision.

**Connétable D.J. Murphy of Grouville:**

That is not correct, Sir. I was down in the computer room sending some emails.

**The Deputy of St. Mary:**

I am not going to ask for any challenge on that decision, but I would like just for clarity, and with absolute no agenda whatsoever, just to make sure there is no possibility of conflict should any member of the panel be a candidate in the elections which lead up to it. [Approbation] I just want to end there, Sir.

**Deputy P.J.D. Ryan:**

Every Member in this Assembly has a conflict.

**The Deputy Bailiff:**

Deputy, I was about to say no more, no less than any other Member, it seems to me.

**Deputy I.J. Gorst:**

Can I ask for a further point of clarification? I thank the Attorney General for the interpretation that he is going to put upon electoral expenses for Senatorial and Connétables, but I think what we have created now by taking this legislation is that members of the public who may be wishing to stand for these elections have no idea now. They may not be aware of the decision of this Assembly and the fact that the legislation has been called in and could indeed spend well over the limit without any knowledge of what has taken place and find themselves at the end of a prosecution. I think we have made a ...

**The Deputy Bailiff:**

I am sorry, Deputy, but that is opening a debate on it.

**2. Draft Food Costs (Offset of Average G.S.T.) Bonus (Jersey) Regulations 200-(P.90/2008)**

**The Deputy Bailiff:**

Now, we are going to move on now to the next matter which is P.90 Draft Food Costs (Offset of Average G.S.T.) Bonus (Jersey) Regulations 200- lodged by the Minister for Treasury and Resources. I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Food Costs (Offset of Average G.S.T.) Bonus (Jersey) Regulations 200-. The States, in pursuance of the Order in Council dated 28th March 1771, have made the following Regulations.

**2.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

Members may recall that these Regulations arise following a debate we had last autumn when we were discussing the zero-rating of food for G.S.T. (Goods and Services Tax) and it was agreed at that time that a better solution to deal with the difficulties which we have encountered by people who are not particularly well off, but were not receiving income support, could best be achieved by an additional sum of money being paid to them. I am well aware that debate is by no means over and that there are further propositions to that effect which we will be debating in September. In the meantime, we need to implement these Regulations today if we want to be in a position to make any payment this year on 1st October. If, of course, Members decide in September to change their minds and amend the Law so as to zero-rate foods then these Regulations could become redundant. I am not going pre-empt a debate today on G.S.T. on food and I suggest that Members should do likewise. The proposition today is simply to implement the decision adopted by the States last year and if we were to reject the proposition today then the effect is to deny those people above income support, but not paying tax, to deny those households what we promised them last year. I am also aware that some Members have concerns about the level of payment, particularly in the light of rising food costs, and I would urge them to support the principles of this legislation and then permit subsequent amendment in due course to the sums quoted in Article 5. In conclusion, these Regulations enable us to deliver what we promised and I believe we should deliver what we promised and I propose the principles.

**The Deputy Bailiff:**

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

**2.1.1 Deputy G.P. Southern:**

As the Minister correctly pointed out something is better than nothing and £75, or £50 this year, is better than a poke in the eye with a blunt stick. However, it must be pointed out that this is complete tokenism on the part of the Minister for Treasury and Resources. He has now produced his calculations in response to prompting from me which reveal how much the average household will pay in G.S.T. and it is quite significant - it is of the order of £600. To then say that part of that, for those people who are below the tax threshold so relatively poor, in perhaps the second quintile of earnings, £600 at least - because that is the average figure - is to be compensated by a mere £75 in a year is an insult. The figures reveal that this tokenism, this sop, in order that he should get his G.S.T. without exemptions through in the first place is an insult to these families, but nonetheless, as he says, something is better than nothing. I shall be voting for it - rather something than nothing - but to be effective and meaningful it would need substantial alteration to prevent the harm that is being done by this nasty, regressive tax to these people.

**2.1.2 Deputy C.J. Scott Warren:**

I support this proposition although I have always preferred that food should be zero-rated. This is just causing more administration, more administrative costs, to give the people falling between income support and taxation the money. I do not think this is really the way it should have happened with G.S.T. introduction, but it is still right that this gap is being provided for.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? Very well, I call upon the Minister to reply.

**2.1.3 Senator T.A. Le Sueur:**

I cannot say I am surprised by the response from Deputy Southern about the amount, but I would point out to him and to Members that this proposition is titled, as was the debate in September, the G.S.T. Draft Food Costs and it is the food cost element of G.S.T. that we are talking about here. That quantum of the benefit is something that will come back; it is something on which I am prepared to have a certain degree of flexibility. Deputy Scott Warren is afraid that these proposals will cause greater administration costs. The financial and manpower implications of this project are

clearly set out in my report, but I can point out that the administration costs of zero-rating food would incur greater administration costs both to my department and to retailers. Meanwhile, I am grateful to Members for their support and I maintain the principles of these Regulations.

**The Deputy Bailiff:**

All those in favour of adopting the principles kindly show. Those against? The principles are adopted. This is a matter which also falls within Corporate Services. Is there any member of Corporate Services here who can speak?

**Connétable J.L.S. Gallichan of Trinity (Corporate Services Scrutiny Panel):**

Yes, Sir, we do not require to speak, thank you.

**The Deputy Bailiff:**

Do you propose the Regulations *en bloc*?

**2.2 Senator T.A. Le Sueur:**

I think I am happy to propose the Regulations *en bloc*. The item which clearly is of interest to Members is Regulation 5 about the rate of bonus. I must say that when these figures were first calculated I had not appreciated the amount by which food costs were going to rise in the past 12 months and it may well be that we will have to squeeze a rather larger figure than this to make it meaningful. Meanwhile, this is the figure that is in the current Regulations and should that be amended in the future that is a relatively simple matter. I think on that basis I will simply propose these Regulations and invite any questions which I will endeavour to answer.

**The Deputy Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the Regulations or the schedule?

**2.2.1 Deputy G.P. Southern:**

I just wondered if the Minister could give a figure which reflects the actual cost of G.S.T. to this particular tranche of families. Is there a figure that he has in his calculations on which this sum has been based for the total G.S.T. paid by these families?

**2.2.2 Connétable S.A. Yates of St. Martin:**

I would like to just question the Minister because if £75 represents 3 per cent then 100 per cent, mental arithmetic, £2,500 which represents £48 per week food bill. Does this £48 a week food bill represent per person or per family, Minister? I would like to know the answer. It seems incredibly mean and restrictive and tight.

**The Deputy Bailiff:**

Does any other Member wish to speak on any of the Regulations? Very well, I call upon the Minister to reply.

**2.2.3 Senator T.A. Le Sueur:**

Deputy Southern asks a question about the total cost of G.S.T. for these particular households. The calculation is based on people in the second quintile on the basis that those in the first quintile are primarily those on income support and those in the higher quintiles are likely paying taxes and are relatively better off. We are not talking here about the total cost of G.S.T. as I have tried to emphasise in my earlier comments. We are talking about the food element of G.S.T., not the total component. In response to both him and the Constable of St. Martin, that value set out in page 4 is based on the calculations as evidenced by the Household Expenditure Survey. I can understand and appreciate the comments of the Constable of St. Martin - it does sound on the low side and it may well be that the Household Expenditure Survey needs updating. As I have already indicated, I would not be averse to reviewing that figure of £75, but it is based on mathematical calculations.

**Deputy G.P. Southern:**

A point of clarification. You say it is based on the 2004/2005 Household Expenditure Survey. The Minister seems to be saying that he has not inflated that figure or is he talking about a different spending pattern now than then?

**Senator T.A. Le Sueur:**

I am simply saying we have not updated that figure since the 2004 survey and it may well be that this figure is inadequate and if the Deputy wants to bring an amendment to the Business Plan to increase the figure to be paid then that is something that I would look forward to in due course. In the meantime, that is the figure that has been calculated and I maintain the Regulations.

**The Deputy Bailiff:**

Very well, all those in favour of adopting the Regulations, kindly show. Those against? The regulations and the schedule are adopted. Do you propose the Regulations in Third Reading, Minister?

**2.3 Senator T.A. Le Sueur:**

Yes, Sir.

**The Deputy Bailiff:**

Seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading?

**2.3.1 Deputy G.P. Southern:**

Yes, Sir, if I may, in response to that last clarification. I think it is shameful that the Minister has not bothered to upgrade the figures from 2004/2005. It is an absolute oversight which beggars belief.

**2.3.2 Deputy C.F. Labey of Grouville:**

Would this legislation be better to wait until the first sitting of the next session because I am bringing forward an exemption debate again on foodstuffs? I just flag that up now.

**2.3.3 Deputy P.J.D. Ryan:**

In fact, it is very fortuitous the Deputy of Grouville has done that because my own view is that this piece of legislation is rather a dog's dinner. That is probably the mildest and politest thing I could say about it because as we all know there are huge problems with it that have been identified. I do not know if the 2 Ministers concerned are prepared to talk about the huge problems that there are in administering this particular piece of legislation - I will leave it to them. I believe it is a piece of legislation that they agreed on the hoof in order to achieve a particular result several months ago. They know it to be true. They were probably waiting for me to say the kinds of things that I am currently saying. They know what I am saying is true as well. They, I believe, would dearly like not to have it and I know that their officers would dearly love not to have it because of the huge problems that there are in its administration, not least of which because it needs 2 completely competing sets of circumstances to work: one is income tax which is based on last year's taxation and the other is income support which is based on last week's need. So there is a huge time gap which causes enormous problems administratively. I do not know if the Ministers would be prepared to admit that the administrative costs of this are going to be many, many times more than they originally thought and could in fact be probably the single piece of G.S.T. associated legislation requiring, probably in proportion, the largest lump of administration. I would think that it could well take in excess of 2 or 3 full-time members of staff to administrate it, for shortish periods admittedly during the year, but nevertheless the whole thing is a complete mess. I doubt that they will admit to that, but certainly that would be my assessment. I will be voting against this

at this stage in the Third Reading on the basis that we should certainly delay it until after the coming debate on zero-rating of food.

**2.3.4 Deputy C.J. Scott Warren:**

I would also like to say that I would support a delay in this and I would like to think that the Minister for Treasury and Resources would be able to, if it is still needed to offset this gap, bring forward the figures he really does believe are appropriate. Obviously, he has admitted these are lower than they should be. I support the last speaker.

**The Deputy Bailiff:**

I have just consulted the Greffier, just to be clear to Members, that if in fact there is a vote against a Third Reading then the Regulations as a whole will be lost. So that Members are clear about that, that obviously is a matter entirely for them, but it is not just a question of putting it off. New Regulations in due course would have to be brought forward.

**2.3.5 Senator P.V.F. Routier:**

The observation you have just made I think is vitally important because if we are to protect these people at this level it is vitally important my department are geared up to be able to achieve that for the commitment we have given for this year. So I would urge Members to support this proposition and, as the proposer said in his opening remarks, if in September the States were in their wisdom to decide to have food exemptions that may be the case and this would fall away. But I think for belt and braces it is far better that we have this in place to ensure that those people are protected in one way or the other.

**Deputy P.J.D. Ryan:**

May I ask a point of order? What would be the effect of moving on to the next item of the agenda at this point, please?

**The Deputy Bailiff:**

I think that if we moved on to the next item of business I would have thought that probably would simply defer consideration.

**Deputy P.J.D. Ryan:**

May I, therefore, so propose, Sir?

**The Deputy Bailiff:**

You propose to move on to the next item on the agenda? Is that seconded? **[Seconded]** I was going to say a debate cannot be had on such a proposition. The appel is called for. Just so Members are clear, the effect of a vote in favour of moving on to the next item of business is that the Regulations will remain as they are having been passed in Second Reading and what can be brought back on a future occasion is the Third Reading, but of course, you cannot bring any amendments in a Third Reading. So you will simply have to decide whether to confirm the Regulations next time or not. It is a matter for Members, but all you will do is defer consideration of these Regulations as passed. Now, an appel has been called for. I invite Members to return to their seats and the Greffier will open the voting on the proposition to move to the next item of business. Have all Members had the opportunity of voting?

<b>POUR: 6</b>		<b>CONTRE: 37</b>		<b>ABSTAIN: 0</b>
Connétable of St. Martin		Senator F.H. Walker		
Deputy J.J. Huet (H)		Senator W. Kinnard		
Deputy G.C.L. Baudains (C)		Senator T.A. Le Sueur		
Deputy P.J.D. Ryan (H)		Senator P.F. Routier		
Deputy of Grouville		Senator M.E. Vibert		
Deputy of St. John		Senator P.F.C. Ozouf		

	Senator F.E. Cohen		
	Senator J.L. Perchard		
	Connétable of St. Clement		
	Connétable of Trinity		
	Connétable of Grouville		
	Connétable of St. Brelade		
	Connétable of St. John		
	Connétable of St. Saviour		
	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 Hérisssier (S)		
	Deputy J.B. Fox (H)		
	Deputy J.A. Martin (H)		
	Deputy G.P. Southern (H)		
	Deputy S.C. Ferguson (B)		
	Deputy of St. Ouen		
	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.N. Le Fondré (L)		
	Deputy D.W. Mezbourian (L)		
	Deputy of Trinity		
	Deputy S.S.P.A. Power (B)		
	Deputy S. Pitman (H)		
	Deputy A.J.D. Maclean (H)		
	Deputy K.C. Lewis (S)		
	Deputy I.J. Gorst (C)		

**The Deputy Bailiff:**

So now we return to the debate on Third Reading. Does any other Member wish to speak on Third Reading? Very well, I call upon the Minister to reply.

**2.3.6 Senator T.A. Le Sueur:**

I do understand Member's concerns, but I did say in the opening remarks that this proposition may well be superseded should the Deputy of Grouville succeed in her proposition in September. We have to be prepared in case her proposition was unsuccessful that we still need to go ahead with these Regulations and it is important that they are in place now, as the Minister for Social Security says, in order that the benefit can be implemented at the due date. Deputy Ryan seems to have, I think, slightly got the wrong end of the stick in that he believes these Regulations will cause enormous administration problems. In fact, they are drafted in such a way as to make the administration relatively simple. It may cause problems of equity in that we are working on a different basis for income tax than that of social security and that there is no easy way of doing that because if one was to try and get equality of basis you would be working on income support for claimants which were a year or 2 out of date which would be absolutely meaningless. So it is, I quite accept, an imperfect system, but it is not a system which is difficult to administer and, as the report makes clear, it will require up to 2 F.T.s (full-time) for 4 months of the year at an additional total cost of £20,000, a cost which I suggest is relatively straight forward. My third comment is that certainly, yes, in September I would be prepared to come back to the House in the course of the debate on the proposition of the Deputy of Grouville and give an amended updated figure of the



G.S.T. cost of food for those people in the second quintile of the Housing Expenditure Survey at the current time. It may well be, Sir, that that will be information which Members will find helpful at the time of that debate. Meanwhile I maintain the Bill in Third Reading.

**Deputy A.J.H. Maclean:**

Can we have the appel please?

**The Deputy Bailiff:**

The appel is called for then in relation to the Third Reading on Projet 90, and I invite Members to return to their seat and the Greffier will open the voting.

<b>POUR: 36</b>		<b>CONTRE: 7</b>		<b>ABSTAIN: 0</b>
Senator F.H. Walker		Deputy J.J. Huet (H)		
Senator W. Kinnard		Deputy of St. Martin		
Senator T.A. Le Sueur		Deputy G.C.L. Baudains (C)		
Senator P.F. Routier		Deputy P.J.D. Ryan (H)		
Senator M.E. Vibert		Deputy of Grouville		
Senator P.F.C. Ozouf		Deputy S. Pitman (H)		
Senator F.E. Cohen		Deputy of St. John		
Senator J.L. Perchard				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

**3. Brompton Villa, Belize House and Belize Cottage/Store, Great Union Road, St. Helier: proposed Deed of Arrangement (P92/2008)**

**The Deputy Bailiff:**

The next matter is Brompton Villa, Belize House and Belize Cottage/Store, Great Union Road - Projet 92 - a proposed Deed of Arrangement, lodged by the Minister for Treasury and Resources. The Greffier will read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion (a) to agree that a Deed of Arrangement should be passed between the public, as the owner of Brompton Villa, Mr. Christopher Clifford, as the owner of Belize House, and Hebden Limited as the owner of "Belize Cottage and store", Great Union Road, St. Helier (as shown on Drawing No. 951/1-4 D1), to agree the boundary between the public property and the 2 adjoining private properties, with Hebden Limited and/or its predecessor in title to bear the public's costs in connection with passing the contract before the Royal Court; and (b) to authorise the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public.

**Senator T.A. Le Sueur (The Minister for Treasury and Resources)**

Could I ask Deputy Le Fondré as Assistant Minister to act as rapporteur for this projet and for the following 2 projets?

**3.1 Deputy J.A.N. Le Fondré (Assistant Minister, Treasury and Resources Department - rapporteur):**

As Members will be aware, Deeds of Arrangement are not covered under Standing Orders so they have to be approved by this Assembly. All this does is regularise the boundaries between a property owned by the public and the third parties listed in the proposition. I move the proposition, Sir.

**The Deputy Bailiff:**

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

**3.1.1 Senator M.E. Vibert:**

Could I just ask the rapporteur to ask the Minister in future that we do not have to debate these in the States and they can be dealt with outside?

**3.1.2 Senator T.A. Le Sueur:**

The problem is not with the Minister, the problem lies with P.P.C. and an amendment that is required to Standing Orders. [**Approbation**] That is under way, Sir, and P.P.C. are well aware of this.

**The Deputy Bailiff:**

Do you wish to reply?

**3.1.3 Deputy J.A.N. Le Fondré:**

I thank the Ministers for their comments, Sir, and I move the proposition.

**The Deputy Bailiff:**

All those in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

**4. Tevielka, La Rue de la Haye du Puits, Grouville: proposed Deed of Arrangement for southwest boundary (P.93/2008)**

**The Deputy Bailiff:**

The next matter is the Tevielka, La Rue de la Haye du Puits, Grouville: proposed Deed of Arrangement for southwest boundary - Projet 93 - lodged by the same Minister. The Greffier will read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion (a) to agree the Deed of Arrangement to be passed between the public as owner of Tevielka, La Rue de la Haye du Puits, Grouville, and the prospective owner or owners of number one “Le Parterre” and Mr. Wayne Bradley Meiring as owner of number 2 “Le Parterre” in order to agree the southwest boundary of “Tevielka”, La Rue de la Haye du Puits, Grouville, and the properties as shown on Drawing No. 1413/08/105 with each party responsible for their own legal costs in respect of passing the contract before the Royal Court; and (b) to authorise the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the public.

**4.1 Deputy J.A.N. Le Fondré (Assistant Minister, Treasury and Resources Department-rapporteur):**

Same principles, different property. I move the proposition.

**The Deputy Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the proposition? All those in favour of adopting the proposition kindly show. Those against. The proposition is adopted. The next matter is the Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law, projet 95, lodged by the Minister for Treasury and Resources. I will ask the Greffier to read the citation.

**Senator J.L. Perchard:**

Before the Greffier does that, bearing in mind the time, I wondered if it would be worth adjusting the agenda to do the 2 small Acts, the Appointed Day Act and the Act on Central European Time before lunch and then I would at that time declare an interest in the Howard Davis Farm Covenant, Sir. [**Members: Oh!**]

**The Deputy Bailiff:**

I sense that does not have great support, Senator.

**Deputy J.A.N. Le Fondré:**

Ambivalent, Sir, I am happy to go with that.

**The Deputy Bailiff:**

All right, does the Assembly agree then to take those 2 small items before lunch? Very well.

**5. Draft Companies (Amendment No. 9) (Jersey) Law 2008 (Appointed Day) Act 200-(P.109/2008)**

**The Deputy Bailiff:**

We will take the Draft Companies (Amendment No. 9) (Jersey) Law 2008 (Appointed Day) Act - Projet 109 - lodged by the Minister for Economic Development. The Greffier will read the Act.

**The Greffier of the States:**

Draft Companies (Amendment No. 9) (Jersey) Law 2008 (Appointed Day Act) 200-. The States, in pursuance of Article 32(3) of the Companies (Amendment No. 9) (Jersey) Law 2008, have made the following Act.

**5.1 Senator P.F.C. Ozouf (The Minister for Economic Development):**

An important change to the Companies Law already approved by the States, the Appointed Day Act coming back to the States. I move the proposition.

**The Deputy Bailiff:**

Is it seconded? **[Seconded]** Does any Member wish to speak on the Act? Very well, all those in favour of adopting the Act kindly show. Those against. The Act is adopted.

## **6. Draft Referendum (Adoption of Central European Time) (Jersey) Act 200- (P.110/2008)**

**The Deputy Bailiff:**

We come to the Draft Referendum (Adoption of Central European Time) (Jersey) Act - Projet 110 - lodged by the Chief Minister. I ask the Greffier to read that Act.

**The Greffier of the States:**

Draft Referendum (Adoption of Central European Time) (Jersey) Act 200-. The States, in pursuance of Article 1(1) of the Referendum (Jersey) Law 2002, have made the following Act.

### **6.1 Senator F.H. Walker (The Chief Minister):**

The States, as Members will recall, decided very recently on 19th June to hold a referendum on the question of whether or not Jersey should adopt Central European Time and requested me, as Chief Minister, to implement the necessary steps. The Referendum (Jersey) Law 2002 requires that the States may by Act resolve to hold a referendum and this Law therefore sets out the matters that the Act shall or may provide. There are some key objectives outlined in the report and proposition; above all is that the referendum is seen to be conducted in a fair and impartial manner and that appropriate arrangements are in place for postal voting and pre-election voting, the conduct of the referendum at the same polling stations and at the same time as, if this works out, as the Senatorial poll, the counting in of votes in a similar way as, but separately from, the election votes, and reporting the referendum returns to the States Greffier who will inform the Chief Minister of the outcome. So there are some resource requirements of this proposition which I think are ... they are not significant. They are clearly laid out in the report and proposition. There is no current vote to cover those costs but they will be borne from within my department's overall budget. Sir, I make the proposition.

**The Deputy Bailiff:**

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

## **LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

The adjournment is proposed.

**Senator J.L. Perchard:**

Members may know what I am about to say; I have a financial interest in a dairy farm and, as such, I do not feel I am able to participate in the 2 next debates. So I wonder if you and Members would excuse me from that.

**Senator P.F.C. Ozouf:**

May I also make a similar declaration?

**The Deputy Bailiff:**

In relation to both of them?

**Senator P.F.C. Ozouf:**

In relation to both of them, Sir.

**The Deputy Bailiff:**

Very well, interests are declared. The Assembly is adjourned until 2.15 p.m.

## **LUNCHEON ADJOURNMENT**

### **PUBLIC BUSINESS (continued)**

#### **7. Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200-.**

**The Bailiff:**

We come now to Howard Davis Farm (Abrogation of Covenant) (Jersey) Law, and I ask the Greffier to read the citation of the draft.

**The Greffier of the States:**

Draft Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 200-; a law to abrogate in relation to the land known as Howard Davis Farm, a condition subject to which the property was gifted to the public of the Island so that the land may be leased or its occupation permitted subject to conditions approved by the States and to provide for part of the proceeds of any lease or occupation to be remitted to a trust incorporated with objects that reflect and augment the objects of the original gift and for connected purposes. The States subject to the sanction of Her Excellent Majesty in Council have adopted the following law.

#### **7.1 Deputy J.A.N. Le Fondré (Assistant Minister, Treasury and Resources Department - rapporteur):**

Given the week we have had and the fact we have got a rather long debate ahead of us as well, I am going to keep this as short as possible, which I hope will meet the [**Approbation**] pleasures of the Members. With Members' indulgence if there are any particular questions that get raised by a number of people I will try and give points of clarification as we go along, otherwise I shall try to wrap everything up in the summing up. The area we are discussing, Sir, is the area marked in yellow on the map across on the board which is split by La Rue Asplet. This piece of legislation represents phase 2 of matters concerning Howard Davis Farm. We had the debate last year which was essentially the first measure which allowed the diary to continue to proceed with plans, start negotiating heads of terms, *et cetera*. The second step regularises all of the existing uses of Howard Davis Farm, i.e. effectively makes them legal, and rolls up the earlier law into this one. I have tried to look at this fairly cynically, in other words to try and ensure that the States retain control over any significant deviation away from existing uses and I have also tried to retain flexibility if certain uses need to expand slightly. Therefore activities, for example, are generally restricted by area, by square footage. There have been fairly extensive discussions with the representatives of the T.B. Davis family and they have confirmed that they are happy with the proposals. In fact, we received a letter late last week which I read as follows: "The family of T.B. Davis hereby confirms its support for the adoption of the proposed law, further draft lodged au Greffe on 5th June 2008 by the Minister for Treasury and Resources." That is signed by the individuals I first made contact with in South Africa, I think, last year, and the granddaughter of T.B. Davis and the great granddaughter of T.B. Davis are among the signatures of that letter, and they are the direct descendants of T.B. Davis himself. As an example, Sir, one of the benefits that result if this is approved today is that it will regularise the various uses of the Jersey Employment

Trust on its site, which is the yellow area at the top of the map, and this will enable me to grant them a proper lease in order to give them certainty in their operations. The principles are that various proportions of the monies arising from the farm will be paid either into the proposed trust or will be spent on maintenance of the row of buildings at Howard Davis Farm. I said I would keep this short, I trust this is acceptable, to Members given what we have got ahead of us and I look forward to their comments and I hope for their support. I move the proposition, Sir.

**The Bailiff:**

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

**7.1.1 Deputy J.A. Hilton of St. Helier:**

Just to briefly say, Sir, as a committee member of Jersey Mencap, that I welcome this proposition and that the position of the Jersey Employment Trust and Jersey Mencap and the operations carried out here are going to be put on a more formal footing. Thank you.

**7.1.2 Deputy G.C.L. Baudains:**

Yes, it does seem to be a good way out of problems that we have had in the past. I was particularly irritated some years ago when I could see that there were activities going on at the farm that were not in keeping with the original deed and nobody seemed to be answering my questions in a straightforward manner, and then of course we had the issue not terribly long ago when we were told that the Davis descendants could not be traced, and of course that was not the case. I am glad that we have now got all this on a proper footing.

**7.1.3 Deputy J.B. Fox:**

As one of the nominated directors of the Jersey Employment Trust for the Education Ministry I am certainly very pleased because Acorn Industries is being restricted as to its uses and now it will be able to provide a much more positive way forward for our young people that have learning difficulties, and this will be able to increase their opportunities to get the skills, and at the same time I think that it modernises, shall we say, the original intentions that the trust were trying to achieve, but in a different way at that time. Thank you, Sir.

**The Bailiff:**

I call upon the Assistant Minister to reply.

**7.1.4 Deputy J.A.N. Le Fondré:**

I thank the Members who have spoken for their comments. I will just say, Sir, this continues the path we commenced last year. I will say, hopefully Members may recall the tributes made to T.B. Davis by myself and others, particularly in respect of his remarkable life, his success, his tenacity and his very generous gifts to the Island, and I think we need to continue to respect and honour those gifts in the spirit in which they were made. As I have said we have extensively discussed these proposals with the family descendants of T.B. Davis and, as demonstrated in my opening speech, they are fully supportive of these proposals. If there are any changes in the future, both the Property Holdings Department and myself, as Assistant Minister, for the time being, have committed that we would hold further discussions with the family to obtain their views before making any changes, and those would then obviously have to come to the States Assembly afterwards. I trust Members will support this proposal.

**The Bailiff:**

I put the principles. Those Members in favour of adopting them kindly show. Those against. The principles are adopted. Do you move Article 1?

**Deputy J.A.N. Le Fondré**

Yes, Sir.

**The Bailiff:**

Scrutiny, I am sorry. Deputy Ryan, do you wish to scrutinise the Bill.

**Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel)**

I think we will have plenty to do, Sir, without it, thank you.

**The Bailiff:**

I take that as a no. Assistant Minister, will you propose Article 1 please?

**7.2 Deputy J.A.N. Le Fondré:**

Can I propose Article 1? It is up to Members, from a time point of view if we can go up to the point of the amendment, which I think is on the schedule, Sir.

**The Bailiff:**

I think the schedule is really to be debated with Article 2, which is why...

**Deputy J.A.N. Le Fondré:**

In that case then, I move Article 1, Sir.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on Article 1? I put Article 1, those Members in favour of adopting it kindly show. Those against. Article 1 is adopted. You move Article 2 and the schedule?

**Deputy J.A.N. Le Fondré:**

Yes, Sir.

**The Bailiff:**

Seconded? [**Seconded**] There is an amendment to the schedule in the name of Deputy Gorst. I ask the Greffier to read the amendment.

**The Greffier of the States:**

Page 18, schedule, paragraph 5, in clauses (a) and (b) of subparagraph (3) of paragraph 5 for the words "3 years" substitute the words "2 years".

**7.3 Deputy I.J. Gorst:**

This is what I hope is a rather straightforward and simple amendment which seeks to reduce the time that the Transport and Technical Services Department can operate an animal incinerator on that site which is directly adjacent to the site currently occupied by Jersey Employment Trust and the Mencap shop. The reason I bring this proposition, Sir, is merely to revert to the original agreement that the department had with Jersey Employment Trust, and that was to operate an animal incinerator on this site for a period of 2 years. This was a particularly difficult siting, in my opinion, and in the opinion of J.E.T. (Jersey Employment Trust). It is not suitable, in my view, to be operating such a facility directly adjacent to J.E.T. however after many negotiations and meetings the board of J.E.T. decided that on balance they would play corporately and they would not cause too much of a problem for the department and they would allow the incinerator to be sited here provided they could be given comfort that it would only be for a short period of time. At that point that short period of time was expressed as 2 years. I think it is fair to say, Sir, that J.E.T. could have made more of an issue of it and could have gone to the press for further publicity but they felt that they did not want to do that and they would be quite prepared for it providing they knew that there would be an exit date of a reasonably short period of time. Unfortunately, that 2

years in this particular legislation has crept to 3 years and I would just like, by this amendment, to revert it back to the original 2. One of the reasons for that, Sir, is that when J.E.T. were even doing their negotiation they were under the impression that it would be 2 years, that is over a year and a half ago that those negotiations started so we are already a year and a half down the line and we will be, if we accept this unamended, adding another 3 years to the year and a half and, to my mind, Sir, that is unacceptable. I will make a few short comments on the department's comment to my amendment. It is, to say the least, extremely disappointing. They recognise that the original negotiation was for an agreed period of 2 years but they felt it necessary to amend that to 3 years for operational purposes. To my mind, Sir, unfortunately, this comment is not a comment requesting or substantiating the requirement for 3 years, but in actual fact, if one reads between the lines, it is a comment that would substantiate the building on this site indefinitely, and therefore I believe that the department are being a little bit disingenuous with their negotiation and what they are prepared to do in relation to this site. I recognise that the department will need to bring forward funding to move the incinerator if Members agree this today. I would however bring one date to Members attention and that is in the department's financial and manpower implications they indicate that they have got a provisional request in for the monies in 2010, however if Members still happen to have their Business Plan on their desk, I am not sure if they might have taken it home for a little bit of light bedtime reading - I know I have - they will find, Sir, looking in there that in actual fact the department is not requesting the money until 2011, and although I hate to make such an inference I believe that that substantiates my belief that the department are dragging their feet and even if Members do approve this amendment back to the 2 years I fully recognise that it will take the department time to relocate, they will need to find the money, it is contingent upon the incinerator being up and running, as I understand it, at Bellozanne, and - sorry, Freudian slip there, Sir - at La Collette and this animal incinerator would then move to Bellozanne. But, Sir, I believe that unless we give the department a very firm indication that we want it to be moved at the very earliest opportunity, which 2 years does, then even if we stick with the 3 years, in actual fact it will become 3, 4, possibly 5. If we approve the 2 then in reality that 2 will probably be 3, maybe even 4, but it is really us giving a strong indication that we agree that it is not appropriate to site this incinerator in the first instance next to a facility for those with learning disabilities; that we would like the department to move it as soon as they possibly can, Sir. I ask that Members do support this amendment. Thank you.

**The Bailiff:**

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

**7.3.1 Deputy J.A.N. Le Fondré:**

It was just to say that I was originally prepared to accept the amendment, however we do have the comments from T.T.S. and accordingly I do want to listen to the views of the Assembly. In order to maintain neutrality I will be abstaining on this vote. Thank you, Sir.

**7.3.2 Deputy C.J. Scott Warren:**

I will certainly be supporting this amendment. Sir, if we can conjure up over £100 million for the replacement incinerator, as we did last week, without awaiting an audit for Juniper, then we can also bring forward to the 2009 Business Plan capital allocation to move the animal carcass incinerator. Certainly, Sir, it is not right for this to be situated where it is and it must be moved away from those working at the farm and also from the proposed dairy, this animal carcass incinerator should, Sir, be moved sooner rather than later.

**7.3.3 Deputy G.W.J. de Faye:**

I am very sympathetic to Members whose allegiances clearly lie with Acorn Enterprises, but I do think that Members must take a small dose of common sense here, and I think that was demonstrated indeed by the speech of Deputy Gorst who said he thought he was bringing a simple



amendment but by the time he got to the end of his speech even the Deputy was saying it might be 2 years, it might be 3, it might be 4, and I have to say to Members, indeed it might. Because, as I think will be very clear from the comments, location of anything, let alone something like an animal carcass incinerator is not an easy matter. We entirely acknowledge that these are not suitable neighbours. But the question then becomes how does one sensibly resolve this problem? Now, for those Members who may not have read the comments paper, I do need to say that the Transport and Technical Services Department, and myself, were very sympathetic to the situation and did, indeed, express our desires that we would try and sort this matter out as soon as possible. But, I have to point out that on investigation it became apparent that the 2 alternative sites that were being considered, Bellozanne and La Collette, both had a number of construction projects under way at present or planned for the near future, and in all likelihood to be able to complete a relocation of the animal carcass incinerator within 2 years was unlikely. Not impossible but unlikely. As a consequence, in negotiating with the Howard Davis family a period of 3 years was requested and subsequently agreed. Now, if Members I think just read a little further down they can see that in respect of relocating at Bellozanne it is considered that a 3 year period is, indeed, the minimum. There may be some possibilities at La Collette but again if Members have read this through they will see that anything that may be achieved in the short term at La Collette comes at additional cost. I am not entirely clear what that cost would be but it may involve an extra £50,000. Now, Sir, I am entirely in the hands of Members on this question. If Members wish to put a deadline of 2 years so be it. But I think Members must realise that if they want to do that then they must support it with reallocation of capital funds to carry that sort of work out, and that will have to be done either in the 2009/2010/2011 Business Plan, whichever one is felt appropriate. However, I think it is fair to say, Sir, that as is ever, things are not even, at this stage, as simple as they may look. I accept that the current position is not a happy one, and I know that Acorn Enterprises would not only like to be rid of their neighbour but they also would be very happy if they could take on board the property that would be released, that would allow for more room. I have no dispute with that whatsoever. But what I would say, Sir, is that as we are starting to look at the amounts of money being involved, clearly an allocation here in the order of £1 million, one has to start asking the questions of whether it might be a better but more sensible solution to find Acorn Enterprises a better location than the one they have now, and would that cost as much as £1 million. I do not know, Sir, because I have not conducted a feasibility study on that. But, in terms of who is good and bad neighbours, it may well be that rather than move the A.C.I. (Animal Carcass Incinerator), and I do not agree with the subtext that the Deputy appears to have come up with, the department does not have any current plans for long term location, nevertheless it is something that one might wish to consider in the light of perhaps Acorn Enterprises moving to a more purpose built environment more suited to what they do. Again, if we are looking at perhaps the A.C.I. relocating to La Collette the question then arises about the proximity to what is going on down there now, the location of the existing abattoir and is in fact the right place for the abattoir, which is primarily servicing the agriculture and dairy industries, is the right place for an abattoir and animal carcass incinerator down at La Collette, and should we give consideration to perhaps moving the abattoir away from La Collette and putting the 2 somewhere else? So, Sir, I am afraid this is, yet another one of those stories of a game of chess on shifting sands. I do not believe that there are obvious solutions staring at us, but I am in the hands of the Assembly. Personally I would rather not to put any future Minister for Transport and Technical Services in the clear position of embarrassment, which a 2 year time limit might well do. I think 3 years time is required to look at this sensibly and find out a suitable solution that is appropriate for Acorn Industries and a solution that is appropriate to both the animal carcass incinerator and the abattoir. So, respectfully, I would ask Members to give the entire project at least that extra year of breathing space, bearing in mind that the Deputy himself does recognise that this may take 2, 3 or 4 years to sort out.

#### **7.3.4 Deputy J.B. Fox:**

Being a member of the Jersey Employment Trust we had a site meeting there with all the relevant parties concerned and, yes, all the discussion as to the technicalities and the opportunities and the difficulties were lined out, and this is where the 2 years came from. It would seem that subsequently there is a question that this cannot be done in 2 years. The trustees and, indeed, the management of the Jersey Employment Trust are reasonable people and they do understand this, but I think it is quite right from Deputy Gorst saying that this permeation can go on for longer and would become totally unreasonable without having a positive deadline to work for, and that includes the financing of the move of this particular incinerator. It is a particular nasty smell that emulates and bearing in mind that some of the people that work there, because of their various disabilities, it affects their health and sometimes they have to be moved for that reason. Now, the Minister for T.T.S. is talking about another site as a possibility but where, for moving, shall we say, Acorn. I just was again thinking on my feet, if you like, there was a question at one stage that Warwick Farm would be surplus to requirements with a link up with the Parish of St. Helier with parks and gardens, and I am just wondering if it was possible to postpone the decision on this, unless there is a ready answer with looking at that as a possibility of being suitable for moving Acorn Enterprises, and following the suggestion that the Minister was just hinting at of the moving of the abattoirs for the reasons of its suitability and situation. As I say, it is something that has not been brought up before but now it has been brought up I was just wondering if it was a practical thing for consideration. But then that would mean just setting aside this one, or having this one as put in now, that could be superseded later if the other prove to be more productive. Thank you, Sir.

#### **7.3.5 Deputy G.C.L. Baudains:**

We have heard that under Deputy Gorst's amendment this may be up to 3 and a half years in total, when it should really have been 2 years in the first instance. It occurs to me that left to Transport and Technical Services it will be 4 and half years, maybe more. Surely, it is simply a matter of timing, unless of course Transport and Technical Services have no intention of moving it at all, which during the Minister's speech, I have to say, I was clearly getting that impression when he suggested that maybe Acorn should be moved instead because if that was moved then presumably an incinerator is going to stay there for ever. I have to ask what more clear indication do we need that Transport and Technical Services need a bit of encouragement to get a move on. I mean, frankly, in referring to the original debate before the amendment, Sir, it should never have been installed there in the first place. I have to ask why not replace it with a portable one, there are portable animal incinerators, perhaps we need to put some wheels on the one we have got. But, I have to say, from the Minister's comments alone, it is clear that this amendment is needed possibly more than previously imagined.

#### **7.3.6 Senator T.A. Le Sueur:**

Much in the same vein as the last speaker. I was concerned about the message that seemed to be coming from the Minister for Transport and Technical Services that one could move Acorn Enterprises and leave the animal carcass incinerator there. This, Sir, is a debate about a covenant and the uses which are outside that covenant. Whether one moves Acorn to any other location in the Island does not alter the fact that the use of that site for incinerator is outside the terms and the spirit of the gift by the late Sir Davis. So I think it is only under sufferance that the incinerator should be left there at all. We are simply saying that for practical reasons let us at least give them time to relocate in an orderly way but not, Sir, to encourage them to stay there for as long as they possibly against the spirit of the covenant.

#### **7.3.7 Senator P.F. Routier:**

Members will be aware that I am a trustee of the Jersey Employment Trust and also was a founder of the organisation which is now called Acorn Enterprises. Over the years since animal carcasses have been stored up on the site next to Acorn Enterprises there has been a great deal of nuisance caused to the people who work there and even visitors to the site who have been coming to buy

things. It came to a head only last year when I received an email from the management talking about ... well, it went along the lines of: "We have had a lot of movement of animal carcasses this morning and I have been receiving a number of complaints about the awful smell by customers, clients and their parent, as well as my staff."

**Deputy G.W.J. de Faye:**

If the Senator would just give way briefly; I think it is important to explain this matter. That the reason that smells existed previously was because there was no animal carcass incinerator. It is having the incinerator that allows animal carcasses to be burnt immediately on arrival at that depot. The issue we had previously with Acorn Industries was that we obliged to store the animals in a deep freeze and then export by then the putrefying carcasses out of the Island, Sir. So, I would be grateful if the Senator would make that point clear, that all the smell issues relate to the fact that we did not have an incinerator previously.

**Senator P.F. Routier:**

That was exactly the point I was moving to, Sir. All I was really just trying to get over to Members is the nuisance and inconvenience and distraught that has been caused to the neighbours of the site during this period and it has got to a stage whereby we have had several meetings with Transport and Technical Services to resolve this matter, and we recognise that they have a duty to deal with these carcasses in an appropriate way and we have met with them several times. It was only in October of last year, I attended a meeting with the Minister and Deputy Gorst, I was there as president of Jersey Mencap and also I was with the chairman of Jersey Mencap and we discussed all the issues revolving around the matter of having an incinerator on the site at all. We obviously are good neighbours and we want to be supportive and we came to the conclusion that... and we came to a consensus in that meeting that 2 years would be sufficient, and we were given promises that that would be the case. I do find that the request to have it now for 3 years to be unacceptable, and I think in the Minister's remarks he did say that it would not be impossible to move it sooner rather than later. So I would ask the Minister, whether it is him now or Minister in 2 or 3 years' time, and it may even be himself, they do take recognition of, hopefully, a States decision which will put the pressure on them to make sure that it is moved within 2 years. Hopefully this States will agree to that position. There has been also... the Minister did make a suggestion that it might be possible for Acorn to move to another site, and as the Treasury Minister has said, that is probably not a matter for this particular debate because we are talking about the lifting of the covenants for the whole of the site and it is there in sufferance whether it is Acorn or whatever. But I have to say the discussions that representatives of Mencap have had with the Davis family, who are absolutely supportive of Mencap staying on that site. If anything that goes on on that site is appropriate for what the Davis family want it is that... the support of people with learning disabilities, to learn agricultural skills, horticultural skills, that is perfect for what their wishes are, and they are very, very supportive of the work that is carried on there by Acorn Enterprises. I wholeheartedly hope that Members will support the amendment by Deputy Gorst.

**The Deputy Bailiff:**

I call upon Deputy Gorst to reply.

**7.3.8 Deputy I.J. Gorst:**

I particularly like to thank all Members that have spoken. My Minister referred to the spirit of the gift of the Davis family and the Minister for Social Security reiterated that, that the current Davis family are extremely supportive and believe that the work that Acorn Enterprises does on site is very central to the spirit of the gift encouraging those with learning disabilities to learn agriculture and horticulture. It goes right to very heart of why T.B. Davis left those monies and those sites to the Island of Jersey in the first instance. I thank the Ministers for mentioning that. If I just turn to some of the comments of the Minister for Transport and Technical Services; I think what he is

admitting, and what his report admits, is that in effect the board of J.E.T. and those managing Acorn Enterprises felt they had an agreement with the department and with the family and, in effect, at the last minute their hands were tied behind their backs because the department negotiated with the family for an extra year when J.E.T. and Acorn Enterprises were unaware that that negotiation was going on, Sir. I am not sure if the Minister did misspeak but it seemed to me as though he might have done and, in effect, he seemed to be showing this Assembly too many of his cards. In fact, it was his final card, Sir, that really is the strongest argument in favour of accepting this amendment, and that was he believes, I am not sure if he was speaking on behalf of his department, but he believes that it might be preferable for J.E.T. and Acorn Enterprises to move for his department's incinerator to stay there indefinitely. Sir, I think if Members needed any persuasion whatsoever, I believe that that should be the persuasion they needed to support my amendment. I would like to, at this time, thank Members for their wholehearted support last week, Sir, for the employment strategy for those with learning disabilities and on the autistic spectrum. I would like to suggest to Members that, in actual fact, by supporting this amendment one is just revisiting that decision and supporting this particular vulnerable sector of society. Perhaps if I could speak on behalf of J.E.T. as well; they are indeed, Sir, extremely grateful to the support that the current Davis family has given them and continues to give them to the work which is sometimes difficult and sometimes unrecognised within our society that they are indeed extremely thankful to the Davis family for them, and I ask Members again to support that particular sector of our society by supporting this amendment. Thank you, Sir.

**The Bailiff:**

I put the amendment. I ask the Greffier to open the voting which is for or against the amendment of Deputy Gorst

<b>POUR: 33</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 3</b>
Senator F.H. Walker	Deputy J.J. Huet (H)	Senator T.A. Le Sueur
Senator W. Kinnard		Deputy G.W.J. de Faye (H)
Senator P.F. Routier		Deputy J.A.N. Le Fondré (L)
Connétable of St. Mary		
Connétable of St. Clement		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Saviour		
Deputy R.C. Duhamel (S)		
Deputy A. Breckon (S)		
Deputy of St. Martin		
Deputy G.C.L. Baudains (C)		
Deputy C.J. Scott Warren (S)		
Deputy R.G. Le Hérisssier (S)		
Deputy J.B. Fox (H)		
Deputy J.A. Martin (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 D.W. Mezbourian (L)		
Deputy of Trinity		

Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				

**The Bailiff:**

We come back to Article 2 and the schedule as amended. Does any Member wish to speak?  
Deputy Hilton.

**7.4 Deputy J.A. Hilton:**

Can the rapporteur just confirm that under the principal uses outlined in the schedule that retailing will be allowed as Jersey Mencap do currently operate a shop from the site? I cannot see retailing down on the list; I just wanted confirmation that in fact they could. Thank you.

**The Bailiff:**

I call upon the Assistant Minister to reply.

**7.4.1 Deputy J.A.N. Le Fondré:**

Yes, a limited amount of retailing is allowed and specifically with the Jersey Employment Trust activities in mind, Sir. On that I move Article 2.

**The Bailiff:**

I put Article 2 and the schedule as amended. Those Members in favour of adopting it kindly show. Those against. The article is adopted. Do you move Articles 3, 4, 5 and 6, Assistant Minister?

**Deputy J.A.N. Le Fondré:**

Yes, Sir.

**The Bailiff:**

They are seconded? **[Seconded]** Does any Member wish to speak on any of those articles? I put the articles. Those Members in favour of adopting them kindly show. Those against. The articles are adopted. Do you move the Bill in third reading?

**Deputy J.A.N. Le Fondré:**

Yes, Sir.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the Bill in third reading? I put the Bill, those Members in favour of adopting it kindly show. Those against. The Bill is adopted in third reading.

**8. Draft European Communities Legislation (Implementation) (Bovine Semen) (Jersey) Regulations 200- (P.43/2008)**

**The Bailiff:**

We come now to projet 43, Draft European Communities Legislation (Implementation) (Bovine Semen) (Jersey) Regulations in the name of the Chief Minister. I ask the Greffier to read the citation of the draft.

**The Greffier of the States:**

Draft European Communities Legislation (Implementation) (Bovine Semen) (Jersey) Regulations 200-; the States in pursuance of Article 2 of the European Communities Legislation

(Implementation) (Jersey) Law 1996, and for the purpose of implementing in Jersey Council Directive 88/407/E.E.C. laying down the animal health requirements applicable to intra-community trade in and imports of semen of domestic animals of the bovine species have made the following regulations.

### **8.1 Senator F.H. Walker (The Chief Minister):**

Can I firstly apologise to Members or perhaps warn Members that this is not going to be a brief speech. That is for 2 reasons. The first is that this issue is of incredible importance to the future of the Jersey cow in Jersey to the dairy farmers of Jersey and, indeed, to the Island generally. The second is that I promised in meetings I have had with opponents of the proposition that I would give full reign to their concerns about the importation of semen and the reasons they have put forward in opposition. I would like to explain at the outset why indeed it falls to me to bring this proposition in the first place because it would normally, of course, be brought by the Economic Development Minister, but the answer is that the Economic Development Minister retains interests in the countryside and is therefore conflicted, and there was no other Minister who could easily have taken on this work. Therefore, I agreed to do so and can I say I am delighted that I had the opportunity to do so because having now worked with the Royal Jersey Agricultural and Horticultural Society, and the Milk Marketing Board, and many others, supporters and opponents of the proposition alike, I have been able to gain a much greater insight into Jersey's dairy industry than would otherwise have been possible. This has been both extremely interesting and a rare privilege. Having said that, it does sadden me, as I am sure it saddens members of the industry and other Members of this House that there are such obvious and deep divisions within the dairy industry on this crucial issue. There is, so far as I am aware, unanimous agreement on the need to protect the Jersey cow in Jersey and the long term future of the local dairy industry, but a fundamental disagreement on how that can best be achieved. However, I have been more than impressed with the obvious sincerity of those who hold views which are opposing to each other and I have formed a deep respect for all the people I have met and with whom I have discussed this issue. Can I at this stage express my immense appreciation to the Corporate Services Sub-Panel under the chairmanship of Deputy Ryan comprising Deputy Martin, and the Constables of St. Saviour and St. John and their officers for producing within a very short timescale a piece of highest quality analysis that provides a clear picture of the importance of this issue to the future sustainability of the dairy industry, and which I am sure will greatly assist Members in reaching a decision in this debate. Can I also express my appreciation for the earlier work undertaken by the original Sub-Panel who looked into this matter under the chairmanship of Deputy Breckon. The high quality work both these panels have done is an excellent example, in my view, of how when approached with a genuine open mind and a determination to base opinions on the evidence Scrutiny can and does play an invaluable role in the decision taking of the States and the information [**Approbation**] upon which we can base those decisions. I warmly thank and congratulate both panels for their input. The Deputy Ryan Scrutiny Sub-Panel has recommended, and Members have had a copy of their report now for a couple of days, it is recommended, and I quote: "That the importation of bovine semen be permitted subject to a number of further recommendations detailed in section 12." I have already confirmed, Sir, to Members that I have accepted the report and the recommendations in full. Indeed, I wrote to Members confirming that yesterday. I have also been able to confirm that the R.J.A.&H.S. (Royal Jersey Agricultural and Horticultural Society) are also fully supportive of the recommendations contained in section 12 that fall to them. Therefore, if the States approve importation I can assure Members that all the recommendations of the Scrutiny Panel's report will be fully implemented. The background to this proposition is that in April 2007 I received a joint request from the R.J.A.&H.S. Council and the Milk Marketing Board requesting the removal of the current prohibition on the importation of cattle semen contained in the Artificial Insemination of Domestic Animals (Jersey) Law 1952. This request was prompted by the outcome of a ballot conducted by the R.J.A.&H.S. of registered producers, and that means commercial dairy farms in Jersey, in which 60 per cent of producers who

manage 75 per cent of the Island's milking cows voted in favour of allowing the importation of bovine semen into Jersey. In February 2008, believing that we would be holding this debate shortly thereafter, I requested that the R.J.A.&H.S. conduct a repeat ballot of registered producers, which again resulted in an identical outcome in favour of importation. In April 2008, I again asked the R.J.A.&H.S. to contact those in favour of importation to confirm their views because it had been stated at that time that several farmers had changed their minds. This reaffirmation of the ballot resulted in 53 per cent of the 29 producers remaining in favour of importation, 2 producers changed their minds, but remaining with those farmers who are in favour manage 72 per cent of the Island dairy herd and they produce 76 per cent, over three-quarters of the Island's milk supply. That is a crucial figure. The R.J.A.&H.S. have confirmed to me today that all the producers in favour of importation have again reaffirmed their support today. So there is no question of any other changes of mind. That was reaffirmed by telephone today with those 53 per cent of producers who are in favour of importation. There can therefore be no doubt that those producers who are responsible for the vast part of Jersey's milk output are indeed in favour of importation. The iconic status of the Jersey cow in the Island's heritage elevates today's debate, as I have already said, to the highest level of importance. The Island is justly proud of the skills and the dedication of past and present dairy farmers who have developed a breed that is truly world renown. The native Jersey cow has spread the name of the Island around the world with Jersey universally recognised as the home of the breed. My decision to lodge the proposition for debate today has therefore not been taken lightly. It has only been taken because I gained a firm conviction during an extensive consultation process with all concerned that it is absolutely necessary for the future of Jersey's dairy industry and if we are to protect the future of the Jersey cow in Jersey. Now, while I recognise and already have recognised that there are some dairy farmers with sincerely held objections to the importation of bovine semen, I have come to the conclusion that importation is essential to reinvigorate the whole industry and to enable it to build a sustainable, profitable and exciting future. That is vital if we are to be able to continue to see brown Jersey cows in green Jersey fields. I am very pleased that Scrutiny have endorsed that conviction. Much work has gone into the future of the dairy industry and in 2002 Dr. Donald McQueen, who has long been consulted on and advised upon the Jersey dairy industry, was commissioned by the then Economic Development Committee to undertake a thorough review of the whole dairy industry and to make recommendations for its profitable future. Dr. McQueen's report was completed in February 2003 with far reaching recommendations and conclusions which, together with the industry funded Woodacre Report, led to the dairy industry recovery plan produced and adopted by the J.M.M.B. (Jersey Milk Marketing Board). That dairy industry recovery plan embraces the following aspirations. The creation of a purpose-built modern dairy at Howard Davis Farm, and we have taken a big step towards enabling that to happen today and in previous debates; improving the dairy's efficiency and distribution, and that will happen on the back of the building of a custom-built dairy at the Howard Davis Farm; growth in the export of high added value products; increased farm efficiency and ultimately value for money for customers. I congratulate the J.M.M.B. on the formulation and implementation of the dairy industry recovery plan and fully endorse it as a sound basis on which to build the sustainable future we all need for the future of the dairy industry. The board and members of the J.M.M.B. have worked tirelessly in advocating their vision of the future and I am very pleased indeed that the Sub-Panel has recognised and endorsed their efforts. It should be emphasised that the delivery of the plan depends upon all the elements being delivered, including of course increased efficiency of the breed in Jersey. The Sub-Panel report states: "The Sub-Panel believes that Jersey Dairy has analysed the situation correctly and that increased herd efficiency is necessary in order for the dairy to achieve its fundamental aim of processing milk efficiently and marketing it as well as possible." It goes on to say: "Furthermore the Sub-Panel believes that the importation of bovine semen offers the best chance of achieving better herd efficiency, giving a better return to farmers." In further support of importation there have since 2003 been a number of reports published in addition to the Scrutiny Reports which, as I have already said, adds support to the proposal to import semen. These include reports by Dr. Maurice Bischard of the University of

Reading who is a highly respected and eminent animal geneticist and by Promar International who have a long record of advising on the dairy industry around the world. All the analysis that has taken place by Scrutiny, and very nearly all the analysis that has taken place by acknowledged professionals and advisers, experts in the field, have come out in support of importation. That is something I think that Members should be very aware of when they come to decide whether or not to support this proposition. The Scrutiny Panels and the other reports have studied this issue in enormous depth, at great length, and with great care. It is no coincidence, in my view, that they all reached the same conclusion. Recent independent comparative data indicates that on average Island cows are some 17-20 per cent less productive than the Jersey cow in the U.K. in terms of milk production efficiency and even further behind those of international Jersey populations. Sir, I do not know how many Members were at the presentation where the R.J.A.& H.S. representatives and the opponents of importation presented their cases at the Town Hall 3 weeks ago. This was one of the graphs that was presented and it shows - and I know it is long way away but I think Members can probably even see from across the Chamber - shows the comparison, production comparison the Jersey cow in Jersey versus the Jersey cow in the U.K. You can see one line which is going up which is the U.K., another line which is steady and now dipping down, which is Jersey, and the difference is incredible. That, again, is no coincidence. The use of international genetics could also be used to improve other traits, not just talking about milk production, other traits of economic and welfare importance to Jersey dairy farmers including longevity of their animals, butterfat and protein percentage, concentrate feed usage and susceptibility to mastitis infection. As the Scrutiny report recognises these traits cannot be reliably selected in the small number of bulls currently tested annually in Jersey. The level of profitability of the industry is currently much lower than that required to provide any long term security for dairy farmers in Jersey and therefore for the Jersey cow in Jersey. Unless it is raised and raised significantly the recent trend of producers - and it is a frightening trend - leaving the industry will surely continue. If it does that imposes the most serious possible threats in all sorts of ways because the industry then will no longer be able to sustain the demands of the Jersey market, of the Jersey people for milk. Already the buffer between what is produced and what is consumed has narrowed dramatically, if the number of herds continues to fall away without any other improvement in efficiency then we are facing the reality of milk production falling short of what the Island requires to sustain itself. If ever there was an incidence where milk importation would happen that is it. I will come on to milk importation in greater detail later on. I think it must be clear to all of us that a sensible return on investment for our dairy farmers is an absolute essential if we are to meet the ultimate objective of maintaining a strong Jersey herd in its native Island home. The studies from Promar and others have concluded that from year 10 onwards the annual increase in profitability, using today's milk price, would be approximately £23,000 per annum. The equivalent, if you like, of 3.7 pence per litre. Not insignificant to say the least. The reason that using imported semen is so advantageous is that an individual dairy business can either continue to grow milk and output without increasing cow numbers and the fixed costs involved in production such as housing, labour, rent and machinery or it can reduce cow numbers while producing the same amount of milk and thereby reducing its cost base. Fixed costs, as we all know, I am sure, are currently very high in Jersey; are notoriously difficult to reduce and are one of the main reasons for low profitability in most of the Island herds. Each year in Jersey 700 newborn heifer calves are culled, slaughtered, as there is currently no market for them to be sold and the Scrutiny Panel agrees with the R.J.A.&H.S. that in an age of worldwide food shortages it is a shocking waste, shocking waste, that Jersey is the only Jersey cow population known to be doing this. Other Jersey cow producers are able to sell their heifers into a market. Currently, because of the perceived lack of quality, Jersey is not able to do that so we are slaughtering 700 newborn heifer calves every year. To the best of our knowledge the only Jersey cow population to which that happens. At the same time U.K. dairy farmers are importing Danish replacement heifers sired by world class Jersey bulls at approximately £1,200-£1,500 each. The importation of world class bovine semen could result in a thriving export trade for Jersey, for Jersey producers worth in excess of £800,000 per annum. Again, increasing the profitability of the



industry and, again, the Sub-Panel has seen merit in this argument. Now, fears have been expressed that the importation of bovine semen will have a detrimental effect on the health of the Island herd. However, the States Veterinary Officer has stated publicly that directive 88/407 of the E.U. (European Union) accord ensures that bovine semen traded in the E.U. and the animals from which it was collected have been certified free of relevant diseases. This comprehensive disease testing regime, together with 30 day quarantine of semen following collection and the operation of E.U. trade regulations means that there is a negligible risk of bovine disease being transferred to the Island via semen imports. The Sub-Panel again agrees and its report states: "The international semen trade is heavily regulated and health controls are strong. While it would be rash to say disease risks do not exist they must be kept in proportion." Concern has also been expressed that the unique purity of the Island breed will be lost if bovine semen is imported. But it must be remembered that purity is not based on geography but on breeding ancestry and recording and that all pedigree Jersey cattle around the world can trace their roots to this Island via their professionally managed international herd books. Delegates from Canada, Denmark, Australia, New Zealand, U.S.A. (United States of America) and the U.K. at the recent World Jersey Cattle Bureau Conference would be insulted at any suggestion that they would undermine the reputation and market position of the Jersey breed and their own businesses by managing their pedigree herd books incorrectly. In order to safeguard the pedigree of the Jersey Island breed, should the use of imported semen be approved, the R.J.A.&H.S. Council have resolved to only register the offspring of bulls with a pedigree that shows all its forbears are pure Jersey and that the bulls ancestry can be traced back at least 7 generations in a recognised herd book. That is double the safeguard effectively that exists in most places elsewhere in the world. This safeguard will ensure that only semen from bulls with a pure Jersey ancestry will have offspring included in the Jersey Island Pedigree Register. The inclusion of pure Jersey blood lines from international pedigree registered herd books will also not materially alter the size, colour or beauty of Jersey Island cattle. I do not know whether Members have read the report given to Scrutiny by Mrs. Vint who relatively recently imported her herd from Jersey to Essex, but I think it is very significant in that case. She reports that having used imported semen in her herd in Essex there has been no effective change in the appearance of her cows. So suggestions that it will materially alter the size, colour, appearance of the Jersey cow are not, indeed, sustained. The general public, or visitors to our Island, will continue to see the same Jersey cow in her Island home. The R.J.A.&H.S. will also take D.N.A. (Deoxyribonucleic acid) semen from each imported bull on consignment when the straws arrive at their A.I. (artificial insemination) centre thereby eliminating the possibility of a mistake involving animal identity or the inclusion of another breed. In addition the R.J.A.&H.S. already undertakes D.N.A. testing to establish the parentage of Island bulls prior to their inclusion in the Island herd book. The use of imported bovine semen will not be compulsory and those farmers who wish to continue breeding their cows to traditional Jersey based bloodlines will, of course, be able to make that choice. To ensure choice is available, as recommended by the Scrutiny Panel, the R.J.A.&H.S. will continue to collect semen from Island bred bulls and offer the semen for use to dairy farmers. Of course a separate register will have to be maintained for that purpose. In addition the R.J.A.&H.S. has maintained a bank of semen from every bull that has ever been collected and this is available and will remain available to dairy farmers wishing to breed traditionally. Although it has to be said that the quality of semen stored from Jersey based bulls is now declining. Beef: concerns and ideas have been expressed about the future possible development of a beef industry in Jersey. The fact that semen imports could not legally be limited on genetic grounds to pure Jersey semen was made clear to the registered milk producers prior to the R.J.A.&H.S. ballot being taken. So everyone was aware that this change in the law could result, could open the door, to the importation of semen other than from pure Jersey bulls. No one was taking a decision flying blind, as it were. However, the niche opportunity exists to improve the efficiency and volume of beef production by the use of the semen from selected beef breeds. That opportunity does exist. There is currently some interest in local meat production, including beef, however a pure bred Jersey steer lacks the growth rate, feed efficiency and carcass quality of breeds specifically designed for beef

production. The ability to import semen from selected beef breeds could help the economics of beef production in the Island, satisfy the growing trade in local meat, improve the throughput of the upgraded abattoir and potentially provide a useful life - and this is in addition to the 700 heifers that are slaughtered at the moment - for some of the 1,500 bull calves currently culled at 24 hours old in Jersey. So even they might have some greater life expectancy. It is therefore possible, and it is possible, that some beef bred semen may be used in a limited way. However, the pedigree status of the Jersey herd will be fully protected as all cattle in the Island are recorded by the Society as demanded by legislation and there is full traceability. The J.M.M.B. rules of supply, which are obligatory for registered dairy farmers supplying milk to the dairy states that only milk from herds whose cows are registered with the Jersey herd book will be collected for processing. So there is no question of milk from any other than a pure Jersey cow being collected by the Jersey Dairy for milk processing. This J.M.M.B. rule removes the incentive for dairy farmers to use semen from non Jersey dairy bulls and this can be, and if necessary will be, as we assured Scrutiny in response to one of their recommendations, further emphasised, endorsed and improved by changes to the rural economy strategy. The idea very much is ... the determination very much is to maintain a Jersey herd book and ensure that the dairy only takes milk from cows registered as pure Jersey within the herd book itself. R.J.A.&H.S. representatives are absolutely clear that there are many logistical, practical and economic reasons which would stop other dairy breeds appearing in Jersey. Again, this argument has been shown to have merit by the Scrutiny Sub-Panel. Now, the greatest level of concern that I have heard, and I am sure many Members have heard throughout the entire process leading up to this debate is that if we agree to import semen we will increase the risk of having to import milk. That is the biggest concern that has been expressed to throughout recent months. It is important to understand the exact position in this respect. The importation of liquid milk to Jersey is only allowed by licence under the provisions of the Import and Export Control (Jersey) Law 1946 as amended. There is no intention to relax the current policy of refusing to licence milk imports. A change in that could only happen if local supply could not meet demand because we would then be obliged to import milk to meet the needs of the people of Jersey, or if the policy is subjected to a successful legal challenge. Now, the import control policy was challenged in 2001 by a referral to the European Commission and the Island was invited to present its comments on the legality of its strategy under E.U. law which, of course, we did. It was argued that due to the small market size, the viability of the Island's herd, the importance of the herd to the environment and the maintenance of the gene pool, that the controls needed to be maintained. It was also argued that the aim of protecting the health and status of this unique, iconic and historically valuable Jersey herd was compatible with community law and was justified and proportionate. It was also justified under the 1992 Convention on Biodiversity. The maintenance of the closed Island breed, Island herd, therefore was not the sole argument used to defend our current position and it was only one of a number of related arguments put to the commission. Now, although the E.U. did not formally reply, the Island authorities were advised by the U.K. permanent representative to the E.U. that the item was no longer on the European Commission's list for further action and that it had decided to take no further action on the complaint. Therefore, although there is no formal E.U. derogation supporting our laws, controlling the importation of liquid milk, the present position is that the European Commission, having been notified of the existence of import controls, and an objection asserted against them, does not consider that they should be challenged. There is currently a presumption by some in the industry that due to the case for importation of semen being based partly on a closed herd argument, that if semen was allowed to be imported this would weaken the case. While it is a reasonable assumption that the closed herd argument was helpful in persuading the commission to take no further action, and that while future strategies should be made as compatible with this case as possible, there have been fundamental changes in the industry since the case was originally presented. Jersey, therefore, does not have a formal E.U. derogation regarding its current regulations, licensing the importation of liquid milk. The E.U. Commission did not send a formal reply upholding the arguments put forward. The case could be reopened at any time, at any time now, irrespective of whether or not we change the legislation, the

case could be reopened at any time if a new challenge came forward. This would necessitate a new defence being prepared based, not least, upon the fundamental changes that have taken place in the industry since 2001. I can state categorically that should there be a fresh challenge to the current regulations, this Government of the States of Jersey will strenuously defend the current controls with the utmost vigour to ensure as best we can the well being of the dairy industry in Jersey. But it seems entirely sensible to me to do everything we can to improve the efficiency and performance of the Island herd so that we can ultimately achieve a shelf price in Jersey shops that makes the importation of liquid milk a much less attractive economic proposition. The bigger the gap between the shelf price of milk in Jersey and the shelf price of milk - and it may well be Jersey milk - in the U.K. and elsewhere, the greater the risk of a challenge, the greater the risk of importation. The closer we can get that gap between the selling price and improving the efficiency of the herd, married to a more efficient dairy, the closer we can get that gap, the greater our chances of success for the holding out against the importation of milk. Indeed the majority of those in the dairy industry maintain that the greatest threat to the importation of milk will be to not allow the importation of genetics. Leading milk producers are adamant that they will not have the motivation to carry on in milk production without imported semen as this is the key to their future prosperity. It has to be remembered that the current supply of milk to Jersey Dairy is now under 12 million litres per annum, which, as I have referred already, is now only just sufficient to guarantee an all year round supply of milk for the local marketplace. Further reductions - and these further reductions are not just empty threats, these are people who are faced with a non-viable future if they cannot improve the efficiency of their herd - would ultimately lead to an undersupply of milk at the dairy, with milk having to be imported to make good the shortfall. So I have concluded, as have Scrutiny and others, that the economic threat to milk importation of not agreeing to semen importation is greater than the legal threat or any additional legal threat that may be there if we change the legislation. Now, the fine balance between milk deliveries and market demand and the unsustainably low levels of productivity and profitability means there is a need to increase productivity of the herd in Jersey. This is agreed by supporters and opponents of semen importation alike. The Sub-Panel, again, concurs with this analysis. It says: "If semen importation is not allowed, there is a real risk of further erosion to the overall size of the local herd through another spate of farm closures and herd disposals off Island. The resulting shortfall would make milk importation a necessity." Not my words, the words of the Scrutiny Panel. Now, in conclusion, perhaps we should ask ourselves the question, what is it that concerns us about approving legislation to allow bovine semen imports? Well, it might be that we feel there is no need to increase milk production, but even opponents of importation do not agree with that. The J.M.M.B. has answered that in their dairy industry recovery plan. They see the real challenge as not being able to produce enough milk to satisfy the local market in the short term and to provide for the growth in export, adding to profitability in the medium to longer term. Now it might be that people are saying we do not need to improve our cows but there is an almost universal agreement that importing semen from the best Jersey bulls around the world will improve our herd and make dairy production in Jersey more cost effective and re-invigorate the prospects of cattle exports from the Island. It might be that we are concerned that our Jersey cows will no longer be pure, a totally legitimate concern. But the R.J.A.&H.S. has worked for 175 years to protect, improve and promote our pedigree Jersey herd and I do not believe that in any way at any time are they or will they be prepared to put that history and that work in jeopardy. Neither are any other of the Jersey herd societies around the world. It might be, as I have already gone into in some depth, that we think there is a risk of bringing about the end of the industry through the importation of liquid milk. But I have no doubt, Scrutiny have no doubt, Promar have no doubt and the other experts who reported have no doubt, that the best and most sustainable defence against that is for the industry to be competitive and that means giving the farmers the tools they need to do their job as efficiently and as profitably as possible. I believe passionately that there can be, that there has to be, a sustainable future for the Jersey cow in its native Island, and I think everyone is committed to that overall objective, whether they support importation or oppose it, I think everyone is committed to that

long-term objective. I am delighted because I, as I said, have come round after months of work on this, I have come round to the conviction that importation is essential if we are to reach that aim and maintain that aim and I am delighted that both the Scrutiny Sub-Panel and others, following exhaustive inquiries have given their unequivocal recommendation that the importation of bovine semen should be allowed for the sustainability of the Island dairy industry. There is a risk in all that we do but I have no doubt whatsoever that the greatest threats to the dairy industry and our precious Jersey cow comes from this House saying no to this proposition. Sir, I implore Members to vote in favour of the proposed regulations.

**The Bailiff:**

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

**Deputy J.A.N. Le Fondré:**

Sir, can I just declare an interest before everybody starts. Can I just declare that Mr. Derek Friggot, Past President of the R.J.A.&H.S. was one of the individuals that signed my nomination form. There is no pecuniary interest whatsoever, I discussed it with the Greffe and we thought it was advisable for me to mention it. I will be voting in the proposition and I reserve my right to speak on this later, Sir.

**8.1.1 Deputy P.V.F. Le Claire:**

I would like to congratulate the Chief Minister on a comprehensive speech this afternoon that has informed the debate in many, many areas that no doubt will form part of our deliberations today, if we can remain quorate. I think we also owe a debt of gratitude to the Corporate Services Scrutiny Panel and the previous Scrutiny Panel for their hard and fast work in bringing forward for us an easy to understand Scrutiny Panel report that has informed the debate. I will be supporting, therefore, the proposition before us today. I believe, having listened to farmers that have had an active involvement in milking and farmers that do have an active involvement in milking, that the issues before us are clear. I know of no other issue that has divided the farming community so much in the past as this one has. I regret the fact that some members of the farming community will not be happy if this is supported today and will not be happy that I am supporting the proposition. But I have put my hand on my heart and recalled the amounts of times that I have sat before the farmers on senatorial elections at their special farmers' hustings and listened to their question: do you support the agricultural industry? Do you support farmers? Do you support the dairy industry? One after the other the 19 or 21 candidates stand up and start to tell the stories about when they were children, tying the tomatoes to the sticks and sorting out the potatoes, milking the cows and we must support the farmers. This is an opportunity for me to demonstrate that I do support the farmers. I am glad I am able to be a part of this decision. Reading the words from Mr. Gammon, of the Canadian Jersey Cattle Association, that have been included in the Corporate Scrutiny Panel's report, I think it really did make me sit down and think hard. His words were, when asked if he was interested in importing Jersey bulls: "I will be quite blunt with you, the Jersey Island bulls are absolutely at the bottom of the heap. To put another answer on your question, our people would not give any consideration to using semen from Jersey Island bulls. No, full stop. Would not consider it, they could not. They have to be profitable dairy farmers." There are issues about the profitability of farming and we have seen in the past many farmers facing very, very difficult times and in some instances farmers have chosen to not just get out of farming but to get out of living over the pressures that they have had to face. The economics are clear. The animals though have been one of the issues that I have felt needed our most considered determinations. Therefore, when we do see that 700 calves heifer calves currently born in the Island are culled at 24 hours of age, and coupled with a further 1,400 bull calves which are also culled at 24 hours, it troubles me that that practice is occurring and I was very pleased to see the words in the Scrutiny Panel report that they agreed with the R.J.A.&H.S., in a world that is suffering from food shortage, the Island of Jersey is the only pool of Jersey cows which are

currently being slaughtered. Where we have people starving, literally a few hours drive away from our Island, we are slaughtering this number of animals. I am certain that if we do support this today, as Promar estimate, we could be exporting perhaps 200-300 head more. I do not think we are exporting that many. The issues about the cost of exporting have been looked at from our Scrutiny Panel perspective and the available tonnage, as I told Members, from one ship alone out of the 3 companies that are currently shipping to the Island, was 120,000 tonnes a year to France and 120,000 tonnes to England. That is one vessel alone. So there is room to negotiate shipping these animals if we can get the numbers up. It is about scaling up. If you are going to export one cow I am sure it is going to cost you a lot more than if you exported 300. Sometimes I throw in a silly idea here or there and it really is, you know, in the hope that maybe something can be added to the consideration and it is rarely picked up or rarely responded to but I do try to do that for genuine reasons in trying to suggest things I think would maybe help. I think that if we are going to achieve that 200-300 exports that would add economic benefit to the longevity and viability of farming in the dairy industry then from a humanitarian perspective we owe it to the animals and we owe it to our fellow man, in my view, to try to couple those remaining 1,700 or 1,800 animals with some form of overseas aid projects. I look to the Chairman of the Overseas Aid Commission and ask her, although it may be just an idea off the top of my head, if we have 1,800 animals in the future that could be worth up to £1,500 a head each, is it right that we cull them and incinerate them opposite our special needs work employment places? Or is it right that we invest some money from our overseas projects in the years to come, not necessarily these years but in the years to come, to make sure that it is not just the 300 or so that are taken for economical reasons, but the other 1,700 or 1,800 are providing a form of value for people who need animals for meat and for milking in places where they cannot afford them and also to give those animals, from a humanitarian perspective, some form of life beyond 24 hours. I anticipate some Members will mention the issues of importing milk and whether or not this is going to be something that we have to be concerned about if we support this. I am convinced if we do not support this we are going to lose the Jersey cow in Jersey. I am convinced if we do not support them, there is going to be less and less and less people that are going to want to be in the business. Down to 29, the numbers of people in the business. Now is the opportunity for States Members to put their votes where their mouths are and get behind this proposition and support the dairy industry, support the Jersey environment, support the animals, support the farmers, and I plead for all Members to think about the big picture. There will be some farmers who will not be happy. How many of those farmers are in milking today?

**The Connétable of Trinity:**

Could I give a point of clarification to the recent speaker? Sir, we do not... if we are shipping live animals out of the Island it is a completely different ballgame to shipping waste. I recently shipped some myself. The vehicles that come over, it is a different type of shipping, we cannot go into the cost, just before we get into a debate about how we ship the animals, I would just like to clarify that, Sir...

**The Bailiff:**

Connétable, is this a speech?

**The Connétable of Trinity:**

No, it is just a clarification, Sir, and I reserve the right to speaker later, Sir. **[Laughter]**

**8.1.2 Deputy R.C. Duhamel of St. Saviour:**

I would like to lock horns with Chief Minister Sitting Bull **[Laughter]**, I got the moos of support there. Broadly speaking this is all about economics and... I have only said a couple of words and I am already hearing comments from the corner. **[Laughter]** It is, in my mind, in my opinion, all about economics. Now we all bring to this debate our own point of view and in standing up to discuss the issues and to debate the issues it is only right that those points of view should be freely

expressed by all Members wanting to express them. In that regard, Sir, my point of view is that I consider this issue to be mainly one of economics. Therein lies the rub. I think we are, and the dairy industry are setting themselves up to climb a very, very tall mountain without any air breathing equipment, without any of the technological kind of advancements that you would need in order to have some chance of getting to the top. The milk price - and I checked with a number of the U.K. suppliers of milk just yesterday, I do not think the prices have changed overnight but I may be wrong - at the moment in the U.K. varies from 62 pence a litre up to around about 70 pence a litre for ordinary skim milk. In the U.K., Sir, they do provide options for purchasers to buy the 2 pint version or 4 pint version or a 6 pint version, converted of course into the metric equivalence. In general, Sir, there is an opportunity for the householder or the purchaser of milk products to benefit from quantities of scale. So the cheapest price at the moment is for the 3.48 litre pack which is 62 pence. In Jersey we only sell in the bigger packets and the half packets so we have got the litre version, the half litre version and our price that we are paying for the litre version comes out, as opposed to the 62, 65 or 70 pence, near on £1. So you are talking about a gap, and it is referred to in various submissions that were made by a number of the farmers and the R.J.A.&H.S. themselves to the reviewers, the Scrutiny reviewers, and the gap that we are talking about is of the order of 35 pence. This is the mountain that our dairy and producers have to climb, because we heard from our Chief Minister that it is all about making ourselves, or making the dairy efficient and bringing the price of milk down. The only way we can do that... because although we like to tell the world that we punch above our weight on many issues in this particular respect we are just not big enough. Our dairy is not big enough. The number of cows that we have got producing milk in the Island is not big enough to achieve any of these very large economies of scale. So that is why I think, Sir, we are setting ourselves a very, very difficult challenge and, indeed, one where we are going to be hamstrung by the regulations that are coming forward which, in my view, do not give us the confidence to assume that there will not be a challenge, whether it be from the existing supermarket importers of milk products or from anyone else. It is not an assumption that both the Promar report and indeed the last Scrutiny report have suggested is one that could be seriously considered. The risk of milk importation, milk products across the board from outside producers, whether they be from the U.K. or from France or elsewhere is a very, very real one and indeed if we read the Corporate Services Scrutiny Panel report on page 24, they say: "Persistence of the liquid milk controls was extensively discussed. If semen importation is not allowed there is a real risk of further erosion to the overall size of the local herd through another spate of farm closures and herd disposals off Island. The resulting shortfall in supply would make milk importation a necessity." So milk would come in. If we read the recent report from the Jersey Milk Marketing Board as at 31st March 2008, indeed the 29 producers that we had at the beginning of the year is down to 28 already. So we have lost another one. How many more can we lose? Well, I do not know, probably quite a few more if you speak to the farmers involved. So it is very, very likely that milk importation on its own is a likelihood due to the decreasing number of farmers who would wish to be in this not particularly lucrative business. On the other hand it states in the Scrutiny Report that if semen importation is allowed a material defence against liquid milk imports could be removed, which means that milk imports become a greater likelihood. In fact, I would go so far, Sir, as to say whichever way you look at it, milk imports are an inevitability within the medium to the long term. So, what are we trying to do about it? Well, we have set out a plan of action with the members in the dairy industry and we think - well, some Members think - that there is an opportunity that by improving the herd and allowing our animals to produce slightly more milk, and we are talking, maybe an extra 10 per cent, maybe 15 per cent, maybe even 20 per cent, in 10 years, that that in itself will be sufficient to counter the threat of milk imports. Now, in reading the background figures produced by the department, this is by the dairy and livestock adviser, a schedule of costs was drawn up and the suggestion is that, based on concentrates of £220 a tonne - and I will come back to that in a minute - in years 8, 9 and 10 of any breed improvement programme, then those years would begin to show a positive contribution towards the investment that had been made in the previous 7 years. So much so that in year 10 individual farmers owning a

milking herd of some 120 heifers and cows now could expect to receive an extra £202 or 4 pence per litre increase in their profitability. But this, Sir, is based on an estimate now of concentrates, which are used as feed for the animals, to produce higher quantities of milk of £220 a tonne. Now, I spoke to one of the leading players in the dairy business yesterday and I was told that, indeed, due to oil prices and the difficulties that the whole world has got, in terms of rising food prices, based on oil, we have to realise that oil is used to make the concentrates that the cows eat to produce the milk, there has been an increase in the concentrates. In fact, the increase that has happened recently was of the order of £90 a tonne. Now, £90 a tonne was taking this particular farmer up to £280 a tonne for his concentrates; some £60 higher per tonne than was quoted for in the financial costings by the dairy and livestock adviser. Now, to be fair Sir, we cannot put any blame on the dairy and livestock adviser for not having an up-to-date crystal ball because this is business and the business world is changing and, indeed, we are all having to wake up to the fact that food production, oil production, the whole world is changing. What we can be sure about though, Sir, is that the cost of concentrates is going to go up. So, that means that the cost of producing more milk will go up, which means that if we are not going to be in a position of increasing the milk prices and there is no suggestion in the schedule as to what the final milk price should be other than there would be a 35 pence per litre share back to the farmers who are producing it, then indeed this £60 hike in the concentrates, times the almost 2 tonnes that you would need in order to feed a genetically improved cow means that you have almost used up 60 per cent of the margin that you are relying upon, not in year one but in year 10. So, the cost schedules, I am afraid are a little bit out. They do not fill me with confidence and, in fact, if I were a young aspiring dairy farmer or a person with monies wanting to get into dairy farming, I think that the accountants and certainly the finance people will be recommending to me that perhaps it was not such a successful way for me to be investing my money. So, I do not think the basic case for bringing in genetic material to improve the quantity of milk that is produced by our Jersey cows can be sustained on this financial argument. It is only this financial argument which is the one that the dairy farmers are particularly interested in. Dairy farmers do not just - maybe they used to, but maybe there are still some today that do farm for the pleasure of it but generally it is a business and businesses have to make money to cover their costs. So, I think, Sir, with milk imports, there is a very real possibility we are going to find it very, very difficult, if not impossible to keep them out, and if indeed milk does come in at anything along the lines that the prices that are being quoted, as of yesterday, the 65 pence a litre mark, we have got a huge mountain to climb and I do not think we are going to be able to do it. A 35 pence differential is way, way too big a gap to plug. So, I am not optimistic. I think there has to be a way of achieving the overall ideal of brown cows in green fields but that indeed is just a simplistic one-liner as to the government expected return in terms of public goods. In a letter, Sir, by the Chief Minister to the Milk Marketing Board, the dairy, on 13th February 2007, the Chief Minister suggested that a complete list of expectations in terms of the public goods deliverable in exchange for public support from the taxpayer, included things like the ability to withstand external competition. Sir, we have just heard an argument from myself that I am not sure that we will be able to withstand external competition and indeed there have been a number of threats already to bring in milk and we have 2 reports; Promar and the Scrutiny Panel report both suggesting that to keep out milk imports on the basis of allowing semen importations will be very, very difficult. Another thing that the Minister told the dairy that was required as a public good was a reduced milk price to the consumer. No case has been made as to how that is going to be acquired. I cannot see how that can certainly be offered and be expected, and I do not think there is a reasonable expectation of it into the future, due to our size. Then we get to a bullet point which I think may well be a different reason, albeit perhaps not one that we would like to face up to, and that is a dignified exit for producers who wish to leave the industry. Now, we have already heard, Sir, that, again, there are background talks with planning and planners and other Members to discuss whether or not there should be dignified exits for producers who are in the horticultural industry with greenhouses; the greenhouse exit proposals. We have already had some schemes which have allowed a number of cows to be taken out of the farming production over the last 5 or 6 years and

indeed the number of farmers has dropped because of that. So, why would we want a dignified exit for producers who wish to leave the industry unless there were other big environmental gains or other gains, other than some of the things that are coming forward, with those who are leaving the industry, perhaps converting their farms into residential accommodation, which I would suggest is not a plus but is possibly a minus for the Island? Less dependence on subsidy payments, absolutely right; if we are looking to find monies then we should be making sure that any subsidies within the agricultural sectors are well spent or less spent, if they are over-spent. Then we get to self-sufficiency in milk. Well, we have already heard, Sir, that unless we compel those 28 registered producers to stay in the industry, at tax payers' expense, we might well find ourselves, in one year, 2 years, even 10 years, with not enough farmers in the industry and certainly not enough animals capable of producing the quantity of milk to be self-sufficient. Indeed, Sir, self-sufficiency, although it will be something that I have supported, if it cannot be reasonably achieved due to this big price differential between U.K. milk and Jersey milk, then I think it is a bit of pie in the sky. Then we have the final one, which is reduced likelihood of legal action over liquid milk imports, and we have heard that that cannot be possibly secured. So, the public goods that the Chief Minister was suggesting that were required, in terms of the monies that were being put in as subsidies to the dairy industry, in the main, I think, cannot be procured. That fills me with a real sadness, Sir, because one of the things that I cherish as a Jerseyman is this idea of keeping Jersey special. I think Jersey is special and I think that perhaps we should be putting in an extra word and maybe looking at ways to keep the Jersey special; the Jersey being the Jersey cow; special in her own Island home. I think, to bring in genetics from outside the Island will take a lot away from that. We have to realise, Sir, that we are only 9 by 5 and the Jersey cow has been bred in accord with those size restrictions. Just as we have heard the argument, Sir, in various reports, that for farmers to move over to milking Friesians or Holsteins would impose huge infrastructure requirements in terms of having to have bigger fields, bigger dairy equipment, bigger sheds, bigger this, bigger that, I think we are not really capitalising on the right tool for the right job and that is the cow at her present size, or thereabouts, producing milk, broadly from foraging, although to some extent perhaps supplemented by the new moves or the recent moves towards concentrates. I am saddened Sir, because, if it means that, by bringing in genetics, we are going to be moving more into the line of what has happened with breeding chickens and battery farmed hens and things like that, then I think that clearly, Sir, cannot be what we have all got in mind in terms of keeping Jersey special. There is a scale involved and I think what is creeping in to a lot of the arguments is a short-termism in terms of wanting to make a fast buck without looking at the long term sustainability of the industry. That is not to suggest, Sir, that we all go back to having our 10 or 15 vergées and wearing sack cloth and ashes and reducing the population down to the carrying capacity of the Island, which some people have estimated would be as little as perhaps 5,000 or 10,000 people. Obviously we cannot go that far but that is not the same thing, Sir, as saying that there must be ways of retaining some of the elements within this special framework that has existed over a number of years. One would not wish to be knocking down Martello Towers, for example, because we are on better terms with the French. In the same way, I think we should not be importing larger Jersey genetics just because other countries are doing it, because they have larger land masses and are able to do it. In moving to battery farming conditions, and I am thinking that is possibly an extreme ...

**Senator F.H. Walker:**

Would the Deputy give way for one second?

**Deputy R.C. Duhamel:**

No, I would like to finish, please.

**Senator F.H. Walker:**

He is totally misleading the House.



**Deputy R.C. Duhamel:**

No, I am not misleading the House.

**The Bailiff:**

If it is a point of order, Chief Minister, you are entitled to make it. If you are wishing to interrupt, it is only if the speaker will give way. [Aside] [Laughter]

**Deputy R.C. Duhamel:**

Yes, well I have spent a number of years specialising in rubbish, Sir, as the Minister knows [Laughter] and that is why I am such an expert. In moving towards farming conditions that could be allied, and I know this is an extreme example; battery farming of chickens, having cows in cow kennels and feeding them concentrates is not really delivering brown cows in green fields. Now, what will happen if we improve the herd is that there will be less cows in the Island and possibly less cows in all the fields? The mobility of the animals is such that they tend to be kept under cover in order to boost the milk production, which is the prime reason for keeping them. I think, Sir, this type of farming is not the type of farming that is in line with keeping Jersey special. Some members of the public, Sir, a while back suggested that one way to go would be for the Island to espouse the organic movement and to grow our food in a simpler fashion, as perhaps we used to do. In that context, Sir, I think moving towards the keeping of cows, and perhaps going along the lines that other countries have gone in, in terms of using chemicals such as the bovine somatotropin, which is a milk hormone to stimulate milk production and other things, or feeding the animals on more refined diets in order to stimulate the mammary glands in order to produce more milk, I think it is an abuse, Sir. It is an abuse of a very special animal and we should not be as greedy. I think we can make a profit but there is a big difference, Sir, between making a big profit and making some profit. Sir, I would like the Island to be very, very wary before we go down this route, Sir. I think there are better ways. It might well be, and I know it is somewhat tongue in cheek, Sir, but it might well be that perhaps a better way of securing the number of cows might be to have an adopt a cow scheme, right? I said it was tongue in cheek; animals are kept as pets. Most people have pet dogs or pet cats or pet whatever, so why not keep Jersey special and let us adopt a pet Jersey cow, right? Particularly if we could supply our milk at a price, right, which would be right to provide a good return to those who are providing the animals in the first place, in order to supplement their keep. So, the main point, Sir, is that I think that there has not been enough work done on the financial aspects of this particular scheme to invest, over 10 years, in order to achieve an income on 120 cows of an extra £24, or thereabouts. This is not really the type of business that many people would wish to be in and I prophesise, Sir, as much as I am able to, with my own crystal ball, that, if indeed we do move in the direction of allowing the importation of semen, that I think that, along with a certain Mr. Le Boutillier a number of years ago, who was in the dairy industry, where he said that within a very short period of time he would fully expect there to be as few as 4 dairy farmers in the Island. I think that is a very, very real prospect, Sir. But those 4 dairy farmers will not be supplying the Island with all its milk; I think they will be supplying, perhaps, a niche product of the quality milk that the Jersey is known for, but, Sir, we will not be anywhere near the self-sufficiency that was suggested as the way forward by the Chief Minister to the dairy in 2007. I shall not be supporting this proposition, Sir.

**8.1.3 Deputy J.J. Huet:**

Sir, I really found the Chief Minister's speech very interesting and very informative and I have to say that I have spoken to certain Constables, past and present. One will say: "Oh, you must vote this way." The other one will say: "Oh, you must vote that way." Complete opposites. My favourite farmer in St. Helier got really upset when I said I was listening to the other side as well, but I will not hold it against him because he is a lovely person; but he was very upset about it. I have to say, Sir, what I know about cows is very little. I can tell one end from the other. I went to New Zealand once and went to a cattle fair and one of the New Zealand farmers said to me: "Why

are you here?" I said: "Well, I have come to have a look at our Jersey cows that you are selling today." I have to say I saw them and I knew they were Jersey cows but they did not look like our Jersey cows. They said: "They change when they go away and they are bred away and whatever." They were certainly not quite the same but they were Jerseys. But what I have to say, Sir, is that funnily enough, as a St. Helierite, I do know something about bull semen. Not because I wanted to ever learn about bull semen, it sort of got thrust upon me. **[Laughter]** I did not say that deliberately, Sir. Sorry about that, Sir. Back in 2003, Sir - and I have got a long memory as well, which does not always help - I was contacted by a gentleman, and I will not mention any names because I know you do not like things mentioned, stating that the R.J.A. would like to help third world countries and that they would like to sell us - and when I say I was talking about Jersey Overseas Aid - this brilliant bull semen, the best in the world, and then we could export it to these poor countries that needed it. Well, I declined their offer. A bit later on I got some correspondence from a lady living in the U.K. She was the daughter of a previous breeder in Jersey and she asked me would I buy the bull semen because the R.J.A.&H.S. could not get rid of it and for us to export it to Africa. Again, I declined that offer. Then later on in 2003, I mean they were certainly determined, Sir, the *J.E.P.* contacted me and said what was this terrible story that I was refusing to help third world countries by not buying the bull semen from R.J.A.&H.S. I explained to them that if the R.J.A.&H.S. gave it to us, I would willingly try and find a home for it but as other donors give overseas aid, computers, typewriters, tools, whatever, we find a home for it; but we do not buy them. I did not really feel that it was up to Jersey Overseas Aid to give taxpayers' money away to a private company for bull semen. I have to say that the *Jersey Evening Post* were very fair and that they said this is what we said and the R.J.A.&H.S. said they had all this spare bull semen and that we could export it to third world countries, and the Society pointed out the sale of the semen would help to pay for very expensive transportation across the world to where it could be used but the offer was refused. I heard no more from them for quite awhile. Then in 2005 a second story came up. The R.J.A.&H.S. informed us that they had met ministers from the Rwandan Government and the president of Rwanda was visiting a friend of his in Jersey, and they would be interested in receiving some of this bull semen from the R.J.A. &H.S. They asked us would we pay, first of all, for it to be transported but I said no, and then would we pay for an inseminator. They could not advise us of the exact amount that they wanted but they thought it would be £30,000 to £40,000 and so we did meet some of these R.J.A. &H.S. people and we found out when we met them that this bull semen was going to be for the president of Rwanda's herd. Nobody else's, just his. "Oh, dear", we said: "no, no. We do not deal on a one-to-one and we certainly would not be paying out money from Jersey Overseas Aid to the Government of Rwanda." But we did give them some names of our agencies that worked in Africa and said that they could apply for what we call a pound-for-pound grant and if they got in touch with these agencies we might be able to work something out. Well, I did touch base with those agencies and not one of them ever heard from them, but never mind. Anyhow, in 2005 I believe that the R.J.A.&H.S. then contacted Senator Ozouf who was then in charge of Technical Services, Public Services as it was known. He very kindly agreed to release the inseminator for a period of time to help them and he would agree to pay the wages while the gentleman was out of the Island. That is fine, so they all started off; but then, of course, they went to the present Minister and he said: "Not likely, I am not paying it out of my kitty. Go to the Overseas Aid." They said: "Well, we tried that but she will not give us the money." So then they got in touch, I believe, with Senator Walker and he sent his Vice President to see me. He very kindly came up and we had a big discussion and I discussed it with him and I told him: "It did not meet our criteria. We could not support an ordinary government, straight forward; especially not a President just for his herd." But by then the story changed again. It was now no longer going to be just for the President of Rwanda. It was going to be for all the people in Rwanda, for this bull insemination. So I explained: "Well, you know, we would have to think about that and I would have to check it out but we could not..." Anyhow, I took it back to the Commission, which was a Commission by then, and they agreed to pay the wages for this gentleman to go out for 3 or 4 years for a month or so at a time. So they told us this was going to

be £30,000 or £40,000. Now, I said, no, I did not really want to give them the £30,000 to £40,000 but we would settle direct to the Public Services; you know, they could bill us direct. Well, that was a surprise because when we came to that, the first year went and I did not get a bill and I thought: "That is great, they have forgotten us." The second year came and I did not get a bill and I thought: "Well, maybe they are doing their bit for Jersey Overseas Aid." The third year came and we got the bill and I thought: "Oh, well, that did not quite work but never mind." The bill was £11,500. So I am ever so pleased that we had not settled direct because it built another 14 classrooms in Africa. Now, what worries me was when I heard the Chief Minister's speech this time ... because we are still paying for this gentleman and he is doing a very good job. It was on the radio, I do not know if anybody heard it, about Rwanda and how much milk. It was improving their herd. Of course, J.O.A. (Jersey Overseas Aid) was not mentioned at all but I rang up and put them right and told them it was the taxpayers that were paying for it, not the R.J.A.&H.S. But what worries me now is the Chief Minister is telling me that the bull semen that we have here is third rate. Now, I was assured by R.J.A.&H.S. that this bull semen that was going out to Rwanda, that we were paying this gentleman's wages out of taxpayers' money, was the best in the world. It was the first rate stuff, could not be bettered. Well, why are we sending it... this is true. This is what I am left with. What is true? Is this good semen or is it third rate semen? If it is third rate semen, I then have got a guilty conscience for paying money for it to go out to another country. We should not be paying taxpayers' money for third rate stuff to go out. It is like sending third rate drugs to a country and this is why I have trouble here. I can see what the Chief Minister is saying, and if he is saying that our bull semen is third rate and we need the new one for the dairy industry, fine. But in that case, I want my money back on the money that we have sent for the third rate stuff. You cannot have it both ways, so somebody is not telling the truth. Sorry, somebody is being economical. So, Sir, I am sympathetic to what they are saying but I am not happy here because I tried to say to a couple of them: "Who is pushing this? Is it the R.J.A.&H.S. who sell or import the semen and make money or is it the farmers who want to buy the semen?" I cannot seem to get an answer from anybody; which is coming first, the chicken or the egg? If it is the farmers that want to import the semen, and I can really be assured of that, I can live with that. But if you want to tell me it is the R.J.A.&H.S., well I am not too happy with them now. So I certainly am not happy with that. I do not know if the Chief Minister is going to be able to answer my questions, the worries that I have here, but I hope he will be able to. Thank you for being so patient, Sir, because I know I have rambled on a bit. Thank you very much.

#### **8.1.4 Deputy J.A. Martin:**

Like the previous speaker, I am certainly no expert on cows or semen but I have taken a very, very good interest on this panel review and I have learnt a lot. I think I would just like to speak to what the last speaker said, firstly. I am sure that the semen that the Deputy was... I think the deal was given and it was then paid for to go to Rwanda and that the man here went out there to help a third world country. Whether or not our semen is second rate, I think we have made that quite clear in our report, the rest of the world do not want it who can afford good and better genetics. To send it to a third world country, because we are told we have thousands and thousands of stores in our A.I. Centre that nobody does want to buy... Now, that is why they want to import. Obviously people know more about that case but it is not a fact... Importing semen will not make you money. It is importing the right semen and putting it in the right cows to improve the production of milk. Then I would just like to go on, and when we started out this review we were very, very lucky that being held that week was the World Jersey Cattle Bureau Conference up at the Hotel de France and we were invited up. Deputy Duhamel seems to think it is just about purely economics. This was my first day on the hearing and listening to experts who deal in Jersey cattle, and if you do not believe that they have a pride in their cattle, I am sorry but that is probably a matter of judgment. But this is a Jerseyman... I am not a Jerseyman but the Jerseymen around the table that perhaps were listening to these comments all the way through, and this was from a Mr. Larsen who is from the Danish cattle association, he says, Sir, if I may: "I would like to comment on that. I have been here

several times and for the first time I was here I was quite impressed by the results that the Jersey breeders here in Jersey had achieved with the little gene pool they had to work with. I saw good confirmation, good udders. I saw reasonably high production and that impressed me but nothing has happened since. During the last 15 years I have not seen any improvement on either confirmation or production. I thought the first time I went back: 'Well, it is just a coincidence. They might have used some bulls that did not improve very much.' I have seen in some herds better udders than other herds and not any improvement. That was then. Now, I have only seen herds yesterday. Last time I was here was 3 years ago but now I have seen udders getting worse, not as long lasting, not as strong as they were before, and I have not seen any improvement on the production." And he says: "I understand why Jersey breeders here are frustrated, because now you have a brand. Now you have a chance of expanding your milk production, you will have a chance of getting higher prices; but you do not have the chance of improving your herd on production on your udders and you cannot follow the rest of the world." Now, I think to the farmers over here... and he goes on to say: "I was a little scared yesterday seeing some of the herd that we saw in the terms of, yes, some of the things like Peter particularly mentioning udder strengths. It used to be a great strength of the cow here and the teat placement was exceptional and so on but now we are seeing a tremendous change in that and it was concerning, very concerning." Now, that was on the first day and that was the day I did ask the guy from, I think, Canada and I basically said: "Well, why is it? Why do people not want the Jersey bull semen?" We got the answer that Deputy Le Claire told us. We hear from Deputy Duhamel that it is purely economics. Well, I have talked to people on each side of the argument and, yes, it is economics. They seem to both have a great love of their Jersey cow. Farming: I have never done it but to me it is a job you love and you have to be dedicated to and it would not be for me, Sir. But I certainly would not like people saying: "Well, if you do this, that and the other and this is the third stream of improving the dairy but you cannot have the other, you cannot do it." Now, we are going to go on to hear, as we have, there is the legal argument. Now, a lot of the people who were against, and were precautionary against, were absolutely convinced that the minute we import semen that the importation on milk will be lifted. Well, I think the Chief Minister dealt with that. We do not have a derogation on milk. We do not even know, and we have asked the Attorney General and he has been quite candid, we have asked the J.C.R.A. and we have even gone to Defra (Department of Environment, Food and Rural Affairs) and the letter states... we asked the question, will it lead to importation of milk? They answer it, she says: "This is difficult to judge" because they do not know why the commission never proceeded with the request to lift the ban on importation of milk or maybe giving someone another licence, because that is what have amounted to, because that is the only way we regulate milk. They do go on to say that there was a good argument put through that it was a closed herd but the J.C.R.A. lawyer - and he had not been in Jersey that long - said: "Well, they might have just thought Jersey was a small country and they deal with multi-million pound suits and we will put that one at the bottom of the pile and it is not going to be answered." We do not know. So, again, it is up to everybody to decide. I mean, as I say, I worked on this Scrutiny Panel. I went into it with a totally open mind. In fact, I think myself and Deputy Ryan went round and sort of tried to get everybody to say, and the others on the panel: "Please give us a really good scientific, economic and other reasons that this should not happen." All 4 of us were very new to cows and semen and everything else, especially semen, but we could not find one; so I think our report is quite balanced. You will also hear later on, and I will get this right, Deputy Huet said the Jersey cow in other parts of the world are not the same. Well, I did not have time in this report but I was going to pick out a few pictures here of prize-winning Jerseys in Jersey and prize-winning Jerseys all round the world and have a little game with you all outside on "Note the Jersey cow" because I really do think that anyone, unless you are a real... and even then, I mean, I have measured even in the pictures, I cannot see the difference. This saying that the Jersey cow is bigger is not true. In the U.K. they are on average an inch bigger. In the U.S. they are exactly the same size. Now, that is true. This is from world-renowned breeders. This is from statistics. This is not: "Oh, we are going to have black and whites and it is going to be as soon as you can bring in semen this will happen." I tell

you one very good reason why I say this is never going to happen. We are a slightly bigger island than Guernsey and Guernsey have been importing semen since 1976 and Guernsey do not... and I would say even if we do not get on with the Guernseymen sometimes, I would say that, with respect, a Guernseyman is as good, as shrewd a person as a Jerseyman when it comes to business. Now, none of them are knocking of the door... second to Jerseymen then, Sir. None of them are knocking on the door of their Government and saying: "We want to breed black and whites. We want to breed beef." I would presume in the 30-odd years they have been doing it, it is not economically viable. So does the cow look different? No, I do not think so. That is a fact. Does anybody want our semen? No. Deputy Huet is right. It is not second or third rate. It is bottom of the pile and this is from the Jersey cow... we have sent Jerseys all round the world and we have a situation where now we can get some of that genetics back. Now, people who do not want to use that improvement in genetics do not have to and the R.J.A.&H.S. have said they will obviously have to make it quite clear that this is a Jersey that has not had any semen from abroad. In fact, in Guernsey the vote was very close when it went all those years ago and only one farmer, up until he left the industry, never used imported semen. So once it was brought in most people saw the advantages. Deputy Duhamel seems to say that the price of feed and we seem to be mistaken... what I think the Jersey farmer wants to do is... there will be a few less cows because of the price of feed but they will get more milk. They will also be able to get more butter and that will then do ice cream and yoghurts and cheeses which are supposed to be our niche. Now, I do not know whether this will all work. To me, when I see the work that has been done in the last 2 years to repackaging and get into these markets with the help of the Economic Development Minister, it seems very feasible but this is holding us back. Now, Deputy Duhamel also went on to talk about the price of milk in the U.K. but he is obviously well out of date, 18 months out of date on this. This was made much play at the World Cattle Organisation. Tescos and Waitrose have basically killed the dairy farmer in the U.K.; so much so now they have had to go cap in hand to the farmers and say, basically: "Name your price", and they have got contracts directly with them because they knew if they did not get in there quick they could not supply their stores with milk. So this comes around. We approached our big suppliers, the wholesalers over here. Do they want to be the first ones to bring in milk that is not Jersey? Not on your life. They are still spinning from the Safeway takeover and the boycott. They do not want to get into that game and I do believe them. It is a very, very big liquid, cold shipment that they would have to do daily. Now, if you can supply it here at a reasonable price they say, and I have to believe them... I mean, yes, the world could end tomorrow. But I have to believe these people. I have worked with them before in the retail strategy as well. What they say is that is what they would prefer to do; as long as Jersey can provide the milk for local people at a reasonable price, they can live with the price it is today. They would like it obviously slightly lower. If we follow this through we are told that is what would happen. I think that we went into this, all of us, with a completely open mind, which was good and naïve, on the farming industry and with no preconceptions. We could not come out with not importing because to me people have said... I mean it even says in here our management of our cows are as good as... good ones all over the world as are good in Jersey and some people will say: "Well, the management needs to be improved on some farms", but they are not all the same. It says in our report, some of the farms could possibly improve slightly a bit of management but then, as I said to someone the other day, would you like to be told how you run your business and what you exactly do? Well, no, because if you think you are doing it the best way, you may well go under but you very rarely take advice from other people and when you do it is always in hindsight: "Maybe I should have listened." But I think that we came to this conclusion and recommendation because we are not sure on the legal position. That is fair. We are sure that if semen is not imported there could be a challenge as well, so it is up for challenge. Can we supply the milk that the Island needs? At the moment we can. Now, we have just agreed the covenant to be lifted on the new dairy premises and so let us all go ahead there. I think, from memory, the chairman of the Scrutiny Panel said the dairy had already agreed to sell the dairy at Five Oaks. So where are we? Who do we believe? Deputy Duhamel says he wants to see Jersey cows in Jersey fields and so do I. Now,

he said he will see less cows in Jersey fields. I say, if you do not do this you might see no Jersey cows in Jersey fields. Deputy Duhamel made a quip about paying... let us all adopt a cow. Maybe he would like us to take it over. I did say it as a quip, but I did not like to say that but Deputy Duhamel has told me that he thinks the States should purchase a Jersey herd. Mr. Van Tuttle from America could call it a boutique herd, which would be pretty and could be in your fields, could cost you millions of pounds and bring nothing to the Island, and how long would that really last? It is not sustainable. As I say, it is up to everybody at the end of the day who they believe. I mean, really who do you believe, because there is a lot of faith on both sides that you have got to trust. I happen to believe the facts. I do not believe that if you took me and probably half of the States Members into a field now we could distinguish between a Jersey Island cow and a Jersey U.S. cow. I may be wrong. Maybe the pictures are airbrushed or something. Maybe they do that with cattle now. I am trying again in time for my elections photos. But the cows all look the same to me, Sir; they obviously do not produce the same milk. Just to say about the feed; it is well documented in our report. The lady who did take her cattle to England, she brought a herd from Essex - and I am not from Essex, not far from there - but they were given the same amount of food. They were given the same farm management and it was not same in, same out. It was same in and time and a half out input. Now, she could not believe it and I have spoken to her. She is now back in Jersey. I think she missed the Island more than the success she was having over there, and she is completely out of farming because she came back and realised that she could not carry on the way that she was farming in Jersey with one hand tied behind her back - I do not think she had any axe grind - and what she was telling us is exactly what she had experienced and it was very, very interesting. So, as I say, Sir, I really hope people will read all that there is logically. If they really believe that importing semen will be the end of the cow, obviously they must vote not to support this proposition. I really believe if we do not support this proposition it will be the end of the cow. So it is not an easy choice, Sir. It is one that you really have to think about and believe who is telling you and just try and take the emotion out of this. It is not saying that I am not ... it is lovely to see Jersey cows in the fields and everybody wants that to continue. My way of thinking this will continue is to allow the importation of bull semen, so I will vote for this and if other people do not believe that this is the way that we will maintain Jersey cows, retain the milk not being imported, they will vote against. So that is really all I have to say, Sir, and I think I have covered legal. There is the question of the heritage, the size. It is all in our report and we did have a very, very good adviser and he... I tell you now, if he could have found any way, any proven good way that did not cost millions and years of more research, we would not have been able to produce this report. So this is where we are and I really hope that people do support it but it is entirely up to them and, at the end of the day, I believe the people who are telling me that they really need this and this is the best way to safeguard our heritage and our cow, so I hope people will support it. Thank you, Sir.

### **8.1.5 The Connétable of Grouville:**

This is very much a heart and head proposition, is it not? Because my heart is telling me we want to keep things as they were, and as the Island has gone on for hundreds of years without seemingly any problem at all, and yet my head is telling me that the modernists have a very good argument indeed. I mean, I have consulted wherever I could. I have listened to agriculturalists. I have listened to breeders. I have spoken to the 2 acknowledged experts in the House, we have the Constables of St. Ouen and Trinity, and I should have thought about it but Deputy Martin is now the third expert in the House. I should have consulted her. But I did read the Sub-Panel's report very thoroughly indeed because I realise how important it is to the agricultural community that we have this sorted out once and for all. I think I have found a solution to what my problem was and that is, I think, that under recommendation 2, facilities must be made available to farmers who do not wish to use imported semen and that quite satisfies me. I am happy now that I think we could work with a 2 tier type of system, and let those who wish to go ahead with importing, I say off you go and I hope you are very successful; but at the same time, when I went to the Western Show last

week I still headed for the classic herd and bought my cheese and cream and stuff there. So as long as I have that choice and providing I think that the people work this... you know, it is properly covered and properly regulated, then I am going to have no problem now meeting the wishes of the so-called modernists and I, in fact, will be supporting this, Sir. Thank you.

#### **8.1.6 Connétable K.P. Vibert of St. Ouen:**

Before I start I have to declare an interest in that I do still own 4 cows, albeit I do not get any profit from them but I still get the enjoyment of knowing that they mine and going to see them. For those in the House who do not realise my involvement with the Jersey cow, I sold my herd of cows in the year 2000 but had milked cows for 40 years before that, so I do know a little bit more about a cow than Deputy Martin, although I have to say I congratulate Deputy Martin on her grasp of the problem. **[Approbation]** At the same time I congratulate the rest of the Scrutiny Panel on what I think is a really well balanced report and one which I think does credit to both sides of the argument. As I said, my involvement with the Jersey cow goes back 40 years and through those 40 years I have had some involvement with both the Royal Jersey Society and with the Milk Marketing Board. In fact, when the Royal Jersey Society was contemplating setting up a bull proving scheme I was chairman. I was followed by Mr. Paul Houzé who set up the scheme but I did meet with Dr. Jim Allan, the gentleman who did set up the scheme in South Africa prior to the scheme being set up, and on his subsequent visits to the Island to see how the scheme was going I had the honour that he stayed with me. So I have had long and serious discussions about the Jersey cow and its future. I think that when Dr. Allan came to Jersey in the first place he was of the opinion that the Island herd was big enough to have a Bull Proving Scheme which would be meaningful and which would improve the herd. Unfortunately, when he came back to review the scheme, to his horror only about 50 per cent of the breeders had used the scheme and, therefore, his first assumption that there were sufficient cows in the Island to have a meaningful scheme was shot down in flames. Unfortunately, I think that through the years this has been one of the major problems of the dairy industry in Jersey, that we have had very much 2 factions of the industry; one that wished to go forward and one that wished to stay with the tradition and the history and the uniqueness of the Jersey that was in Jersey. I do not think that we will ever overcome that problem because I think that there are certain families in the Island who will remain entrenched in that position. I think that is why the breeders today have looked to find a method of improving which does not depend on everybody doing it. You can improve your own herd by importing semen and it does not affect your neighbour's herd because he does not want to import it. You will improve, he will not; but that is his problem, not yours. I think this is where we are. This particular scheme allows the breeders of today to move forward. Those who wish to stay with the tradition and the uniqueness and everything else, good luck to them. I have no problem with that and I think that what the Scrutiny Panel has suggested, that maybe the herd book at the Royal Jersey Society might look at a different kind of registration for the 2, is I am sure quite feasible and something which needs to be looked at. Obviously much has been made of the legal problems and, in my opinion, the legal problems have been very much overstated. I believe that the rules of the Royal Jersey Society and the rules of the Jersey Milk Marketing Board together safeguard any of the legal problems and make the possibility of other herds being set up in Jersey a very improbable suggestion. I think that financially it just would not stack up. The essence of this proposition is to give Island cattle breeders who wish to take part in the scheme, who wish to avail themselves of the facility, the opportunity to improve their cows in their herd. It gives them the opportunity to improve the Jersey cow in Jersey. I plead with Members to support this proposition and supply those breeders who wish this improvement, who wish to go forward, the tools to do the job. You may say: "Why do they need to improve the cow?" You may ask: "Why does the cow need to be improved?" I say yes, it does need to improve. Certainly if I look back 25 years ago I may not... well, I would not have stood here because I was not here, but I may not have stood up and made a similar plea because I came from a very traditional Jersey cow background. But certainly in the last 15 years of the time that I was milking cows it became quite evident that none of my children

would follow in looking after Jersey cows and that was because life could be much easier and much more profitable outside milking cows. So the people who have stayed in, I congratulate them because, Deputy Martin, I can promise you, it is not an easy life. It is hard work, it is long hours, and it is not at the moment for a very great return. We need to supply these people with the tools to make their return better. Deputy Duhamel has pointed out that this is purely economics. Well, I think we would all love to sit on the ground and watch the carousel go round with Deputy Duhamel but unfortunately life is not like that. Life is a carousel. We are on it and if you step off it, you have had it. We need to stay on that carousel and we need to make sure that we do not fall off it. We need to improve just merely to keep up with the rest of the world. We hear about the Island Jersey cattle breeder not being able to maximise his return. We have heard Senator Walker say about the 700 calves that are slaughtered annually. Importing semen will give the opportunity to maybe re-establish an export market, quite possibly in those calves, all those calves, when they become a little bit older. Unfortunately we have moved away from the times when you could sell a cow and sell it well. In 1979 I was fortunate enough to step out of the show ring at Springfield with a cow which had just won the Island Breeders Championship. The first gentleman who approached me did not do so to congratulate me. He walked up to me and he said: "How much do you want for it?" Not make me an offer, asking me how much I wanted for it. Now, the cow that won the conference show this year was a lovely cow. The judge complimented her on her confirmation, her udder, all her good qualities; but I am absolutely certain that no one of all the overseas breeders who were here went up to the owner and said: "How much do you want for your cow?" That is something which I think that this Assembly needs to realise. We had here the cream of Jersey breeders from across the world. They were here because this is the home of the Jersey. But unfortunately, at a time when the sale of Jersey cows across the world is extremely buoyant, when prices for Jersey cows are extremely high, none of those breeders who came to Jersey came here with the intention of buying a Jersey cow and we need to ask why. The answer is that the Jersey cow in Jersey today is not what they want and we need to help the breeders of today to supply the cow that the world wants. This, I feel, is one way of doing it. You may ask the question, why should we help support the production of more milk at a time when we are having to reduce the Island herd because production is oversupplied. I think you have to turn that argument on its head. We are not talking about producing more milk. We are talking about producing more efficient cows. I know from my 40 years of experience that it costs exactly the same to feed a cow that gives 3,000 kilos as it does to feed a cow that gives 6,000 kilos and that, I am afraid, whether Deputy Duhamel likes it or not, is efficiency. Only the cow that is giving you 8,000 kilos or your 6,000 kilos is the one which is efficient enough to give you a decent return for the hard and long hours of work that you put in. Sir, I am afraid that the answer is efficiency. We live in a world where efficiency is the name of the game in all walks of business. It is in fact the key word. Why then should we be depriving the breeders of Jersey the opportunity to compete on a level playing field. I would like to just turn to Deputy Huet because I heard the back half of her speech and I have to say that I was somewhat disappointed. I did get involved with the sale of this semen. It was not second grade semen. It was the best semen which the Island had in store. So you did not get second grade but you did get semen which was from bulls from Jersey Island. Had you wanted to acquire semen from bulls from America, from Canada, from New Zealand I assure you, you would have had to pay a lot more money.

**Deputy J.J. Huet:**

I did not want to acquire any semen, Sir. [Laughter]

**The Connétable of St. Ouen:**

At the time this was an Overseas Aid effort and if you had wanted to do a similar effort with semen from overseas it would have cost the Overseas Aid Committee a lot more money. Whether you wanted it personally or not is not really part of the story. I am afraid, Sir, that we will never bring the opposing sides of this argument together. They are totally entrenched in their own point of



view. I do not think that we, today, need to even think about bringing the 2 sides together. We need to make a decision as to whether we want to help those breeders who wish to go forward and at the same time we will then have to sit back and consider how best we help the breeders who do not want to go forward. One of the suggestions has been setting up a 2 tier breeding society register. That may be an answer. I think, Sir, that we need to, today, consider the decision of this House in 1974 where the House agreed that it would support the agricultural industry and at the same time support the dairy industry. Failure to accept this proposition today will mean a substantial cost to the Island. Acceptance of this proposition today will mean that the breeders who wish to go forward can go forward without the added help that may be needed if we do not pass this proposition. Sir, I plead with Members to take this opportunity to put the Island of Jersey where it belongs, at the top of the world, and I ask Members for their support. **[Approbation]**

#### **8.1.7 Deputy S. Power:**

The first thing I would like to say, Sir, if you will allow me, and I thought the Chief Minister was going to say it, that after certain recent propositions to say how nice it is to see you back where we are used to seeing you, in the Chair, I found it surprising all afternoon that we were chugging along at between 27 and 31 votes and that, while Senator Perchard and Senator Ozouf had declared an interest, there seems to be something in the region of 17 to 18 colleagues not here for this debate, which I think is an extremely important debate. Before I speak on what I want to say I would like to pick up on Deputy Duhamel's intriguing idea of adopting a cow. I have to confess, Sir, that I come from the west of Ireland and I have no knowledge of the agricultural industry. In fact I was born in the middle of Limerick City, so I do not have any experience of the dairy industry. But, taking Deputy Duhamel's idea slightly forward, I thought I might persuade Deputy Maclean or the Deputy of St. Peter to allow some gentle grazing perhaps at the end of the runway so that the airport would have organic milk; but I do not think that would be a good idea. Nor do I think it would be a good idea to change the Horse and Hound to the Cow and Hound and have some tethering rings outside the pedestrian crossing there so that people would adopt a cow in Quennevais, could take one to the pub. Nor do I think we could in Quennevais persuade...

#### **The Bailiff:**

Deputy, do not get carried way with this idea.

#### **Deputy S. Power:**

All right, Sir. I do not think it was a good idea, Sir, so I will not continue. Getting back to the main debate, I wanted to makes quotes selectively, which is a dangerous thing to do but I will do it from some of the reports. The first thing I would like to quote is from the rationale behind the proposal which is to improve the Jersey cow on the Island. I wanted to quote from the submission of the R.J.A.&H.S. who said: "The practice of importing the best pedigree Jersey bulls through their semen is to bring back genes that were exported from the Island over previous generations. Indeed, it should be realised that the Island does not have a closed herd in the true meaning of the description. It has a half open herd as the stream of genetics has left the population over many years." I think that is a very significant contribution. I think the other thing I would like to quote from is what Mrs. Perchard said, patron of the World Jersey Cattle Bureau: "I have seen with my own eyes in many countries skilled and dedicated breeders such as we have on our Island using the best sires to reinforce and improve confirmation as well as raising milk production, thereby raising the overall standards of their herds. The conclusions from that are that the use of imported semen to improve a breed is a well established technique and cost benefit analysis is in all likelihood reliable. Thus there is a high degree of certainty that importation of semen would improve the Jersey herd cow and this argument has much merit." I then want to move to a quote that has already been referred to by Deputy Martin by Mrs. Catherine Vint, who left the Island in 1996 to farm in Essex, and I want to quote a little piece of a question and answer session in a Sub-Panel hearing where Mrs. Vint said: "We are putting food into our Island girls and food into the Essex

girls and the yield differences were just astronomically different.” When Deputy Ryan said the Essex were better, Mrs. Vint said: “Far superior sadly. It was a shock to us to realise what a difference there was.” She went on to say: “This is just a classic example of the difference of the yield that you get in exactly the same management situation. Over 5,000, I think it is 5,300, litres from a heifer lactation that is very, very useful and the Island girls are doing 3,500 litres under the same management. For the cost of a different stroll it is very, very rewarding.” I want to quote from the Export Trade and Pedigree Cattle and a comment made by, I think it was already been referred, a Mr. Gammon from the Canadian Jersey Cattle Association during a meeting with the Sub-Panel. He said, and I think somebody has referred to some of these words but I will quote it in a slightly longer term: “To be quite blunt with you, the Jersey Island bulls are at the bottom of the heap. To put another answer on your question, our people would not give consideration to using semen from Jersey Island bulls. No, full stop. Would not consider it.” A submission from Mr. Leslie, an Australian breeder, who said: “I am sure if semen is allowed in Jersey you will receive a renewed interest in the herd. I know that we would be interested in embryos. I left Australia on this trip hoping to find cows we could import embryos from. I found the cows but could not find the right sires.” Senator Walker referred to the culling of 700 heifers per annum not needed for herd replacements and they are culled at 24 hours of age but he did not quote this: “Worldwide there is a healthy trade in breeding Jersey heifers but Island bred heifers play no part of this. The unwanted heifers are far more saleable if they are by an internationally known sire. The cost of rearing one for sale is about £700 and the sale value might be £1,500, a useful margin. Promar estimate perhaps 2,000 to 2,300 head a year could be exported. One might deduce an apparent profit of £240,000.” So there is a loss of profit and a loss of business opportunity there for our dairy farmers. Some of the objections, one of them I quote from my colleague Deputy Gallichan: “The Jersey cow is a lot more than just a machine [and I think Deputy Duhamel has alluded as well] to convert grass into milk. It is a symbol of Jersey’s success, of the way in which an island can influence the world and culturally it belongs to every Islander. The question is, does a relatively small number of people have the right to change for ever the way in which the Jersey cow looks and behaves.” So Senator Walker made much quote... he discussed in some detail and explained to us in some detail aspects of this and I do not think that I am convinced that the appearance or shape of the animal is going to change that much. I quote from another public hearing. It says: “The comment in some of the media that the animals would look physically different and that they would be giants and I have a wonderful thing here which I am proud of and this is a photographic record of the whole of our herd [this is from Mrs. Vint] in the month before they were sold. I just picked out the first double page that I could find and there was no particular difference in stature. They all had the same good traits you would want in a mature milking cow and I think it important to take that on board.” Sir, I do not want to take the Assembly’s time any longer. Those are some of the points I wanted to make, notwithstanding adopt a cow, and I will be supporting the proposition.

#### **8.1.8 Deputy C.H. Egré of St. Peter:**

Sir, I can claim to come from farming stock. When I was a boy I was brought up in the old traditional form of farming. My father had, I think, about 15 head of cattle. I never mastered the art of hand milking so, therefore, I joined the Royal Air Force. My brother stayed on the farm and we kept cows and we got a milking machine. I was away for some 27 years. When I came back to the Island in 1996 I found that the dairy industry had changed dramatically. The ability to make a living out of dairy farming was reducing almost on a monthly basis. There was, some years after my return, some £3 million deficit within the dairy industry itself. That £3 million was being serviced by the producers so, therefore, they were getting less return for their milk. We know now that the way out of this problem is to move out of the current site and, with what we pass today, develop a new dairy and, therefore, hopefully allow a better return for farmers in the dairy industry. I am concerned with percentages. The Chief Minister used the term that 53 per cent of the current breeders were in support of importation. That leaves 47 which are not. I am also aware, especially

being a St. Peter's Deputy, that many of the traditional farmers who are now out of the industry - some have died, some are still alive, I talk about the Le Ruez family, I talk about the Kennard family - they are firm believers that we should not move into importation. There are risks. Those risks have been outlined and mentioned in the Scrutiny Report. The idea that this was a Scrutiny report that gave an absolute clear cut that there was no problem, everything was okay, is not true. On balance that report says that importation is a good thing. There are risks. There are huge risks. There was a public perception, until we moved on to Scrutiny to have a very close look at it, that we were only going to import true Jersey semen. As we all know now that is not the case. If this goes through there is no restriction on the type of semen that can be brought in. This means that somebody could bring in semen to produce beef cattle. The Jersey cow is a small cow. If we are going to have anyone who brings in to breed a bigger beef cow we are, in my view, mistreating our own true Jersey in that if we inseminate a Jersey cow with a large beef style cattle the only way out, I think, is going to be by caesarean section and that really is taking our farming to an extreme. There have been some fairly major changes in the way we deal with our cattle, certainly in the way that I was talking about traditionally when I was a boy. Dad was achieving lactations of about up to 12 lactations with his cattle. There was a longevity in his cows. Now, with the changes in the style of farming, we are looking at approximately 8 lactations. The stress on the current cattle is quite high. We have now dehorned them for similar reasons. We have put them all together and they are treated in a totally different way. Going back several years ago, we were heavily into over-production. I took time out during that period, I think it was about 5 years ago, to go down to the dairy and see for myself the production of dried milk powder, which had a very, very low commercial value, if any. This is because we were over-producing. We have taken steps over the years, recent years in particular, to reduce the level of herd. So, therefore, we have reduced the production level now to one where we are almost stable. We have also seen a situation where the products we can now pull from our milk are getting a better price. We have also heard that we are culling 700 heifers each year. Now, the reason why we cull is, as has been said, there is no sale for current Jersey heifers but we need to maintain a cow that is what we call ... it goes through a lactation, eventually the yield drops off, we dry off that cow and then it now becomes pregnant again so it will produce more milk. Basically what we are doing is saying: "Right, we have got to keep this cow going for 8 lactations and the output is a heifer. We do not want the heifer. We might need it later on. We might keep one at the end of the 8 lactations." That is why we have this culling. The risk I talked about earlier of importation, about bringing something in that we do not want, does exist. In certain documentation that I have seen from the industry there was a quote of a 1 in 10 year failure in that what was written on the can was not there. So when we are dealing with straws we are dealing with an administration. In administration failures there have been occasions when the wrong semen has been delivered. Now, for anyone who is involved in insurance, a 1 in 10 risk rate is very, very high and we take that risk. I cannot emphasise it enough. If we decide today to allow importation, it is a one-off decision. I cannot be changed. We cannot go back and say: "Oops, we got it wrong." There is a balance here. It is very, very closely aligned. We are talking about almost 50/50 within the industry, if we take the industry overall and those people who are historically involved in the industry. I think it is a very dangerous move to make when we are talking about those levels to say: "Go for it now." I encourage people to think very clearly in making this decision. If you say yes today, you cannot say no tomorrow.

#### **8.1.9 Deputy F.J. Hill of St. Martin:**

It is interesting that I should follow the Deputy of St. Peter who, like me, has come out of the industry because he saw no future in it. We could also remind ourselves, I suppose, that most of these seats in this Chamber, at some time or another, has been occupied by someone who has kept cattle. If we look around the Chamber today we will probably see maybe a dozen people who, like myself, have been brought up with cows in their youth; some of us milk cows and many of us came out of it simply because, like the Deputy of St. Peter, we saw no future in it. In fact, Sir, I milked cows from leaving school until I left to join the police force and, in fact, the last time I milked

cows, I think, was in the late 1970s after my father had died and my mother kept a small number of cattle and she wanted to have a holiday. What better time to go away on holiday than when I and my family returned to Jersey and my wife and I, and my children, we milked the cows. I had not lost the art of milking cows. It is much easier now with machines than what it was with hands. But I think we have really got to think where we are in the future and I would love to see cows pegged out in the fields, and only yesterday I was talking about the cows or the heifers that were in the field in Trinity which the Connétable told me were his. They were not? Well, I understood they were his. But we know in the near future there will not be any cattle in that field because that will now be into houses. Of course, Sir, for all those people who love to see their cattle in the fields, they did not think twice about turning those cows into houses; so there we are. Can I say that I have been under a certain amount of pressure also from those people who are parishioners who have left the industry and they have been putting pressure on me, as is their right. You know: "Bob, do you really want to have imported semen? What would your father think if he was alive today?" Well, I would be interested to know what my father would think today because I know my father... one of his bulls was one of the first to go in the A.I. Centre and I think he would be forward-thinking enough to realise life moves on. I think the Connétable of St. Ouen's was quite right talking about there is a divided industry. You have got even people within the family, the husband wants importation and the wife says no. I think Deputy Ryan, if we see page 6, he says... **[Interruption]** In his Chairman's introduction he says: "Rightly or wrongly our agricultural industry has a reputation for disunity. Indeed history is punctuated with examples of it." I think it is not different now from what it always has been. There has been a divided industry and that is the nature of farming because you cannot get it right all the time, and I do not really think we are going to maybe get this one right, but I do believe that we have got to be thinking to the future. I think what we have got to look at here is that no breeder is going to be forced to inseminate their cows. I think that is very, very important to bear that in mind. No one is going to be forced to do so. I am reminded some years ago that I brought a proposition to the States and the difficulty we had in getting that past, and what it was, was giving people the choice to have the pub open on a Sunday; as if: "Oh, you are going to have to. You are really going to have to go to a pub on a Sunday because that is what we are doing. We are changing the law." In fact there are people now who feel that by imposing or allowing the importation of semen that people's cows have got to be inseminated. They have not. It is choice. In fact the choice you have got in many ways is that you are going to have the choice of inseminating your cows from the semen that comes from a Jersey bull living in Jersey or the semen that comes from a Jersey bull living maybe in America. But where did the Jersey bull from America come from? From here. So really what comes round goes round and I do not see a great problem with it. We have been assured, and I know I asked the question at the public meeting at the Town Hall, about the viruses and that has been one of the red herrings that has been thrown to me by some of my parishioners; you know, we are possibly, we could have, with that importation we could have a virus. Well, there always is that possibility. In fact there could be a virus even now from the semen that comes from a Jersey animal, so it is always possible; but, again, highly unlikely. As I say, I have come from a farming background. I would love to see us going back to the old time, the cows in the field, horns on, pegs on, but those days are gone and I think what we have got to do here is look forward. People have got the choice. No one is going to be forced into inseminating their animals if they do not want to. I would ask Members to vote for the proposition because you are giving choice and you are also looking to the future for the industry. Thank you, Sir.

#### **8.1.10 Deputy K.C. Lewis:**

I will, as usual, be brief. I have got very mixed feelings about this, Sir. I want to support the Jersey farming community as much as possible but we had an old friend, Sir, who was a Member of this Assembly and sadly no longer with us, who once took me to one side and said: "Kevin, we do not need no bloody bull semen." I think we know who I am talking about. If I may quote from the report, Sir, it says: "The underlying principles of the road map..."

**The Bailiff:**

Deputy, I know that was a quote but it is not strictly Parliamentary language.

**Deputy K.C. Lewis:**

Yes, Sir: “The underlying principle of the road map was for the industry to have any sustainable future then the threat of milk imports had to be dissipated by ensuring that locally produced milk was competitively priced rather than relying on the States Assembly for the day-to-day existing controls.” It is this threat of possible milk imports that does, in fact, bother me. If we can import semen then somebody will challenge it in the future to bring in milk. Many local shop retailers have said they would not be the first to import milk but they would be the second. If I may also quote from the conclusion: “It is possible that if the ban on semen was to be lifted, imported Jersey semen could, in theory, include rogue genes.” So this objection to lifting the ban on the importation of semen has a degree of merit, which is also something else that bothers me, that there is a risk. It is small but there is a risk and there are no guarantees. If all risk came with a guarantee there would be no risk and for that reason alone I must vote against this, Sir. Thank you.

**8.1.11 Deputy J.B. Fox:**

As the town Deputy of St. Helier I am very pleased to say we still have cows. We have got bronze ones and we have got real ones in the countryside. I am not going to go into a lot. I have had people petition me, I have had phone calls and I have done all the reading and I think on balance I am going to say yes and go for it. Thank you, Sir.

**8.1.12 Deputy A.E. Pryke of Trinity:**

Sorry, Sir, I might change the vein a little bit. Like the Constable of St. Ouen, I too come from a great farming background, both in agriculture and dairy. I am very proud of it and long may that continue. I also have got family who are still in the dairy but I have got no financial commitment to that. First and foremost I would like to make it very clear that I support the agriculture and the dairy industry, and the House last year gave overwhelming support to that by approving the move to the Howard Davis Farm. I am pleased to see that the plans are in their final stages and hopefully the dairy and the buildings will be starting very soon. I am sure everyone will agree that the farm up in Trinity is the ideal place; beautiful Parish, right next door to the World Jersey Cattle Bureau. Where else should it be? Like many Members here I have spoken to many dairy farmers, past and present, about this debate; many phone calls and people come to see me and also, I have to say, more than I had for G.S.T. I am sad, Sir, that this industry is divided, it is small and it should not be so, and divided over this very important subject of importation of semen. In fact, this has been divided on this for many decades. Going back in time, March 1983. Can I say some Members were here then? Perhaps not. The States fully debated this issue and senior Members of that day, like Senator Vibert, warned Members of the serious affect that importation would have on the industry and Members widely heeded this and other warnings and the proposition was soundly defeated 32 votes against and 16 for. The issue was brought back years later to the States, in 2005, but then the Agriculture Committee wisely, even before it came up for debate, withdrew the proposition. We have in our Jersey cow something quite unique and beautiful, a truly living part of our heritage, and we must preserve it at all costs. Our ancestors, way back in 1763, had already realised that the Jersey cow was superior to any other cattle and by a States Act of that year cattle was prohibited from being imported into the Island. In 1978 another Act of the States further endorsed previous Acts to prevent the importation of any live cattle. That is 1978 and here we are 2008 looking at it again. But by this action the States very wisely saved the Jersey cow from imported diseases but more importantly enabled the breed to develop its purity and strength. It is due to the past breeders and their skills over those 200 years that the Jersey is world renowned and still sought after today. But we have been asked here today to do away with history, expertise in one fell swoop. Open the doors to importation, being under no illusion that once the door is opened there is no closing it again and over 200 years of tradition will be lost. The Deputy of St. Martin

mentioned that perhaps we may not get it right. I am sorry, there is no turning back. We need to get it right. We are all aware that the Jersey cow is unique with its fair fine bone structure and the good quality of milk she produces, but if this is approved can we absolutely guarantee that the importation of the semen would not destroy the breed that we know? I think we need to think of that carefully before we vote. Even in the Scrutiny Report it quoted: "An absolute safeguard to importation is not available." If this is approved, and I would like confirmation, am I right in assuming that any semen can be imported; for example, black and whites which I understood are for good beef cattle? If that is so then I am aware that there are some farmers who will import those for beef. In the *World Jersey Journal* produced for the international conference this year Alistair writes, and I quote: "There is a possibility that the Island Parliament will this year change legislation to allow for the import of beef semen into Jersey's hitherto closed herd. This will allow for semen from beef herds such as Aberdeen Angus and the resulting cross breeds will provide a greater ratio of meat to bone to make the local beef industry more economic." Are we all aware of what we could be doing by voting for this proposition? There is no better sight in the Island than a field of beautiful Jersey cows quietly grazing in the warm sunshine, but do we really want to see a field of black and whites or other large breeds in our fields in the future? You can just say that is passion, but it is there. If anybody tells me that they will not cross breed, well where is their sense of adventure? We are all aware that cows do escape from their fields and go walkabout. Guernsey has had an open door policy for many years but has this improved their herd? I believe they import milk which, if this is approved, we could also no doubt apply to for Jersey. The importation of semen, I believe, is a way of enabling cows to produce more milk. If the Island needs more milk, why then are we not subsidising farmers to sell their herds, as many have done, and thus reducing the milk input in the Island? There has been a great deal of discussion regarding interbreeding but only last year at the Island cattle show, a world-renowned judge picked out 2 cows from a herd as the champion and reserve champion and he went on to say that the winner was one of the finest cows he had ever seen and praised the quality of cattle at the show. Only last year the Trinity Manor herd won a major award which was open to all Jersey, not only in Jersey obviously, but in the British Isles for type and production; a major award. What does this say about the dangers of interbreeding? I am sure some of you are aware about the very rare herd of white cattle in Chillingham in the North of England. This is the only herd in the world to remain undomesticated. The cattle still roam in their natural surroundings. Their origin is uncertain but they are thought to have been at Chillingham for at least 700 years. In recent years D.N.A. has been taken from their hair roots, collected from dead cattle, and all the cattle have been found to be genetically identical. Nowhere in the world are their mammals more inbred than these yet they continue to survive and thrive. At Chillingham, once a cow has been taken out of the herd, none have been readmitted. Over the years the breed has been threatened by outside pressures like foot and mouth, which is only 6 miles away; but, due to good bio-security measures put in place, foot and mouth was averted. Autopsy is performed on the animals that they can and there are no records of serious cattle diseases. As you see, the cattle there have survived 700 years of interbreeding. The numbers dropped after the Second World War but today the herd consists of 79 cattle and they are safeguarded due to the Sir James Knott Trust. As I understand, Sir, there are 125,000 straws of semen in storage here at present. These are from 400 bulls. A leading geneticist says that if semen is stored correctly it should last the life of a straw. Apparently there is no sale for them but why, I wonder, considering that Americans, among other countries, still come to Jersey to get pure semen. I would like to congratulate the World Jersey Cattle Bureau for producing a journal for their conference. It makes very interesting reading, like the comments: "Jersey is number one choice for our farmers. The demand for Jersey is extremely high." But there was a comment in an advert that went... to me that went right to the heart of the proposition. It was an advert from a company that deals with semen. It said it provides the knowledge, the bulls and the profit and, I am sorry to say, Sir, I feel that this is what the proposition is all about. If this proposition is approved it is opening the door to bovine semen and also to embryos which is a more serious thing. It also raises the question, could live cattle be imported? There are so many factors involved in this area that we

need to take a long-term look at the effects importation could have. Are we really sure of the risks involved? We owe it to previous and present cattle breeders, I think, to be 100 per cent sure of the answer to that question before we can vote. There is no going back. The health status of our cow cannot be equalled anywhere else in the world and we stand proud and protective of its disease-free status. The farming media have given some problems to genetically transmitted defects and some diseases being carried in semen, so the Island is aware of the dangers of importing it. It is a costly business to operate and test a slaughter policy, to eradicate disease once it gets in a herd. It can be soul destroying. Regular testing and isolation of an Island herd ensures that this extremely high health status is maintained. Those in favour of importation point to the fact that 700 calves a year are slaughtered. This may well be that the cost of rearing a calf in Jersey is prohibitive. It is just too expensive, so the best of the breed are kept. But I am aware, Sir, that we also financially support the industry and have over many years. I would like to ask the Chief Minister; has he looked at different, more inventive, up-to-date ways of helping them more financially? A report in 2004 by Professor Burford, well known in dairy circles, contains a recommendation against bull semen importation and suggests it will have a negative effect. How many of us really understand what could be the effects of importation? But we all have to vote on it and it is a difficult decision to make, bearing in mind all the publicity and emotion this subject arouses. I am also told that there is semen already in England waiting to come in if this proposition is approved. I would like confirmation, too, from the Chief Minister, has the Jersey Council changed the herd book rules in January to enable the offspring of those cows to be registered in the herd book? Was that not pre-empting this decision today? We know that there is a 50/50 split in the industry and that most of those against importation are younger dairy farmers, and we hold the future of the industry in their hands as well as the other hands. They are not coming out of the dairy farming industry soon and the more senior breeders will be. Those younger farmers have a long-term interest and are desperately worried today as their future depends on it. Their future depends on the decision that we make here today. We have an awesome responsibility as we vote. It is interesting that during the occupation German cows were brought into the Island to supply the soldiers but they were kept isolated in St. Brelade and were not allowed anywhere near Jersey cows as the Germans realised the importance of keeping our breed pure. Just before I finish I would like to read a comment which I had, which I think all States Members had, from a member of the Le Ruez family over the last couple of days. I cannot do better than to quote from some of her words: "Those in favour certainly have been voracious in their demands for the ban to be lifted but it must not be forgotten that half of the registered dairy producers are against this proposition. Not only that but a good proportion of those are younger farmers and thus the future of the industry." She continues: "Most of those against may not be public speakers or easily able to put their thoughts into words but those people's opinion are just as valid as those whose powers of communication are such that they are able to be convinced by the very fact that they possess more communications skills." I would put it to you that it is not communication skills which makes a farm profitable but a quiet hard-working farmer who manages his farm well." We have a great responsibility in our hands today. Let us really make sure that we realise and understand what we are doing as once that door, which has been closed for 200 years and has been of such benefit to the Island and such economic benefit too, once that door is closed we will never, ever be able to go back. Thank you, Sir.

**The Deputy of St. Martin:**

Sir, I did not want to interrupt the Deputy of Trinity when she was speaking but twice she has mentioned about the opposition to the importation has come from mainly young breeders. She mentioned it from herself and also referred to a letter from Mr. Le Ruez. I wonder if the Deputy could inform us who are these young breeders and maybe provide us with a list, because I think it is quite important that Members can substantiate a claim that they make to Members in this House.

**The Deputy of Trinity:**

I can do that, Sir, but I would also like to think that... we have had a letter not recently when they first came back in... was it March time? I can provide that. No problem at all.

### **8.1.13 The Deputy of St. Mary:**

Sir, I am particularly pleased to be able to follow the Deputy of Trinity which is just an accident of timing but very opportune for me because I wholeheartedly endorse everything she has said and her concerns. As regards the younger farmers, I think I do have a letter and I will pass it to the Deputy later on, but that was one of the key things that really made me want to become as well-researched on this particular project as I could because the farmers that I was speaking to were the younger and more enthusiastic... well, not more enthusiastic. I do not want to take away from all the farmers. But they were the younger farmers who see their life ahead of them in dairy farming and that was why I felt that really we needed to hear the voice of perhaps a minority group. I do not know if I exactly agree with the "minority" term but they have a point of view and I really do believe it deserves to be heard. Firstly, I would just like to say a few words about the Scrutiny report if I might because I in no way wish to criticise the hard work that the panel have undertaken. I attended as many as I could of the hearings and I saw the tenacious Deputy Martin in particular, repeatedly saying: "Thank you for your opinion but where is the evidence? I am only interested in the facts." I can only applaud her for that. However, there are huge issues here, lots of issues, and I really have to say that there are lots of issues I think the Scrutiny report did not touch. I know Deputy Ryan is waiting for this so he can shoot me down in flames but that is fine. Questions were asked that were not addressed and that is not, as I say, a criticism of the panel because they were working to an extremely tight time scale but all the way through this I have been concerned, and I have voiced my concerns a number of times, that that Scrutiny report was being rushed to meet today's deadline. I could not, for the life of me, understand why 2 months, taking this as the next sitting, was so crucial to this debate when in 2 months I could have had a lot more rounded information to consider. Many times the Chief Minister said that he had given an undertaking and I wholeheartedly applaud him for being a man of his word in this. However, there are times when you quite simply have to agree that the timing is too tight and I believe, Sir, that this is one of them. So let us just have a look at a few things that were addressed in the report first of all because, as I say, I certainly do not discount this report at all. I think it is incredibly well researched. Firstly, I would just like to make a comment about milk quality because... well, let us go back before that to the question of economics. When Deputy Duhamel stood to speak and said that this really boiled down to a question of economics I saw a sharp intake of breath from the Chief Minister but really, let us be honest, it is. Farming is a business and the farmer has to consider, much as anybody else has to consider, he has to consider his bottom line. He has to consider his profitability. I am not going to criticise him for that. Quite the opposite, it is a very, very important thing. But several times the report says that this is not primarily about increasing the milk yield, the efficiency of the cow and yet, time and time again, the quotes and the submissions showed that that is precisely what it is about. So I am not saying it is bad to acknowledge that, I am just saying let us acknowledge it because it is true. We are talking about how to make the same or, even better, more money for our dairy farmers with less cows making it more efficient as a business. Now, that is honest. But there are also other considerations as to how you can make the cow more efficient. There are other variables apart from genetics and there is evidence in the report that says... I think it says 50 per cent of improvement will come from genetics and 50 per cent from management, *et cetera*. Well, fine; so we acknowledge management is an issue. But I questioned in my submission various things about whether we were comparing like for like when we looked at cows in the U.K., and especially I was concerned about cows in the United States. I know Deputy Duhamel did touch on the issue of bovine somatotropin when he talked. We were given lots of figures that showed our cows were so deficient because they could not produce this huge amount of milk that an American could produce, and I just ask the question how much of that increase in figure was down to factors that would not be affecting our cows, even with genetic import, because I know that I think in 49 states, unless I am very much mistaken, bovine somatotropin is used on a routine and regular basis.



It is the norm and why is it the norm? Well, I would like to quote Mr. Fred Gore of Florida who says: "I use this hormone because it makes me money. It is a great tool to us in our farming." I am not endorsing or criticising that either way, I am just saying there is an issue here. Are we comparing like for like when we look at these photos? Our cows are recorded here, milk recorded, as a matter of course yet in other countries they are not necessarily. In other countries perhaps they record only their best cows. Therefore, the figures do not necessarily reflect the average. I think that is very important to internalise and I would have liked to have seen more evidence of exactly what we are comparing with and the bases. There are all sorts of ways of recording the value of the cow. It is not necessarily how much litreage you get. Sometimes it is butterfat content, sometimes it is how much protein you get out of an acre or hectare or whatever they use. Other countries do it in different ways. I wanted more evidence on that. I should also like to quote from page 47 of the report where it says - this is a submission from Dr. Funk: "It should be considered whether the improved milk yield elsewhere has impacted on other variables such as fat content. It seemed that improved Jersey herds produce more milk but with a lower cream content. The high fat, rich, creamy milk of the Jersey herd had distinguished it from other breeds and has acted as a unique selling point." So our Jersey cows came to prominence because they gave such good rich milk. Okay, before we became so health conscious, quite rightly, that was one of the major things the dairy industry was looking for. In increasing milk yield, are we sacrificing what made it what it is today? Well, I would like to say yes or no but I cannot from this. The report also mentions on page 35, it makes a general statement... I think it is a conclusion in fact. It says: "Farmers are indeed stakeholders in this issue. However, so are the public of the Island who have subsidised the dairy industry for many years and who need to be convinced of the necessity for importation." So it is not just the dairy farmers, we are told here, who are the stakeholders; yet even among farmers and members of the society generally, only the active current producers were consulted on this, were polled on this. It is the percentage of that membership that we are told is in favour. Other farmers, other people who have been involved in the industry, perhaps... we have to acknowledge that the people who are farming at the moment, dairy farming, are the current custodians of the breed. It is a snapshot in time. We are talking here really almost of a heritage issue, and I cannot over-estimate the amount of public feeling there is about this and that is really touched on only very lightly. So are there other ways of improving our yields, if indeed we acknowledge that yields are required? Well, quite possibly there are. We know, and it is enforced in the report, that there was previously a Bull Proving Scheme and that this did not prove to be particularly useful. It did not work because not everybody participated, but we also learned from the submissions made that it was introduced at a time when the makeup of the industry was substantially different to the industry that we see today. In one of the hearings the adviser to the panel asked the attendees whether they thought there was anything that could be undertaken now that would possibly have merit and help to improve... if I just find the right part: "Can I just move on to something which I think is very close to all of your hearts" said the chairman of the Scrutiny Panel: "Your submission states you think that using existing cows, the existing herd, right across the Island, that you could enhance the cows performance and productivity to a greater extent than we have achieved so far generally in the Island. Would you like to explain that?" Well, you only have to take last winter's grass silage analysis when we were 2 mega joules of energy lower than in the southwest of England. From that, that equates to over 600 litres of milk per cow effectively wasted because you are not making quality silage. So that just puts a little extra variable in. We could, with different silage, have more litres per cow. So, effectively, although we have been saying we are having the same husbandry between Jersey cows and U.K. cows, although they are fed on grass, perhaps the quality is different. That adds in to each cow across the herd. Then the adviser went on to ask... so the specific answer, this is after discussion: "You are optimistic that a co-operative breeding scheme is a goer whereas 20 years ago it might not have been." "I would say" the resposdee said: "I do not think that we have any other choice." But we learn from the report that, of course, other methods are well known, other proving methods and other potential ways of making the herd more productive. Sorry, there is an awful lot of evidence to look through so it is not always very easy.

We were told about other methods having been discussed by the panel and having been passed over to the R.J.A.&H.S. for comment but we are then just simply told that the R.J.A.&H.S.... here we go: "During the Sub-Panel's review the possibility of an alternative scheme such an open nucleus breeding scheme or modern genetic approaches were discussed with the R.J.A.&H.S. The response explained that these approaches would simply not be practical in the Island for several reasons." It goes on to list 3 reasons: "The R.J.A.&H.S. also indicated that it was aware of modern developments in animal breeding and the Sub-Panel was pleased to note that research is proposed in these areas." Well, that is very good; I am pleased that these have been noted, but what are they? Where is the evidence that these things are being actively looked into and have been compared with just simply importing bull semen and have been denied, and why were those methods not discussed with the other people who had raised submissions to the Panel? I just, at some stages, began to feel that the views of the R.J.A.&H.S. had been weighted. That may be a wholly inappropriate deduction but at times I did feel that, and I must admit that I was concerned to know that, because I think the whole Scrutiny process here was completely condensed into a very short space of time and the usual protocols were not adhered to, people who had made submissions did not have the opportunity to comment on the report. Well, I suppose I can understand the time constraints and not having been able to look at it and comment and other people who submitted, fair enough. But I was dismayed to note that in fact the R.J.A.&H.S. and Jersey Dairy were given copies of the report before the other people who submitted because they were the major stakeholder. Now, I absolutely cannot accept that that can be good practice. That is, to me, wholly unacceptable. It shows, I am sure, the Chief Minister's commitment to this, that he was able to turn around his response and get it back to States Member so quickly, having discussed it and agreed the way forward with the R.J.A.&H.S., but it only shows that there was such a lot of work going on that other people were not party to. Now, that is not the usual process of Scrutiny and that is why, although I commend what I have in this report, I have to say that I find big shortcomings with it as which is to be regretted. Now, we have been told, and it is very emotive I know, about the number of heifers that are culled and also veal calves but I would just like to draw Members' attention to perhaps the other side of the coin as well and just mention something else that came out in one of the hearings that I attended. One of the people submitting said: "I have a cow 16 years old that has just calved and that is milking. She is not going anywhere because she has got a low cell count and she gives us a lot of milk. Americans and Canadians that came over a few weeks ago, well I asked one of them what was their life expectancy; 2 lactations out of a cow. They are then burnt out and what do you do with them." Well, the panel then went on to question this person as to whether the herd that they had been talking about was an international Jersey herd rather than a Holstein herd because there are people from the bureau who do farm Holsteins as well. The person in question said: "The people we spoke to said it was a Jersey herd and that you could be lucky if you get 3 lactations at the very most out of some of those cows." Now, I just think that you need to know that, because it is not in the report, to put it into perspective; that it is not necessarily a one-way street, that sometimes improving the yield has adverse effects on the life of a cow. I could go on voicing my concerns. I have so many issues and the thing that I want to stress here is that all I am wanting to do is to make the right decision here for the right reasons and that is why I wanted more. I expected a better depth of report and I am not getting that. I have attended I think all but one of the presentations. I have spoken to people on both sides of this argument and, do you know, this is one thing where I just cannot take that leap of faith. I am one of the persons in this House who says: "Act; do not procrastinate, act." But here I am finding that I do not have the tools to let me make that decision wisely. I can only say that in the absence of any additional and overwhelming evidence about this and with the knowledge that I need to make a decision, and to know that I really have not been given what I need to make 100 per cent judgment on this, in the absence of that additional and overwhelming I am going to take the time-honoured parliamentary approach and I am going to vote to preserve the status quo. Thank you, Sir.

**8.1.14 Deputy J.A.N. Le Fondré:**

Just so Members are under no illusion whatsoever; I will be supporting this proposition. As far as I am concerned it is an incredibly serious issue and, in my view, it is absolutely critical we do support it. The outcome will heavily impact upon the fate of the dairy industry and ultimately whether we have a Jersey industry in the home island of the Jersey cow, is what I am concerned with. Certainly from my understanding we are at a pivotal point. We can move forward and grasp the future with confident hands or we can dither and delay and let the herds wither on the vine. So why do I support the proposition? I do have to say, despite giving my earlier declaration at the beginning of this debate, I probably did have initial reservations about the wisdom of allowing importation to happen. As many Members will appreciate though, with my property holdings responsibilities, I have been quite significantly involved in the ongoing relocation of the dairy to Howard Davis Farm, which we all as an Assembly hugely endorsed in the original debate last year, and I took it as a huge measure of support for our dairy industry. Remember too that the move by the dairy is impacted by this debate because the dairy has publicly stated, and effectively asked, why should it invest millions of pounds in new infrastructure if the long-term future of the industry is not certain. Semen importation is seen as an essential part of the industry's own recovery plan. Therefore, what message does it send if Government does not allow this additional tool to be available to those who want to use it. I can safely say I knew practically nothing about the plight of the dairy industry before I became involved with this. Since then I have attended a number of briefings, including the Council of Ministers. We have now all seen the current Scrutiny report and the Scrutiny review of the dairy industry published in January 2007 as well as the Promar report. All of those supported the importation of bull semen. Again, recently, Sir, I have had a number of discussions with individuals on both sides of the argument and I have to say I found the arguments of those in favour to be far more compelling than those against. I would just like to address some facts. I think the Deputy of Trinity has identified a couple of points which I would like to come back to. Firstly, she did refer to the letter that Members all received very recently opposing this proposition and it is quite a persuasive letter and interestingly enough includes that quote: "I would put it to you that it is not communication skills which makes the farm profitable but the quiet hard-working farmer who manages his farm well." I think we would all agree with that. That individual is also quoted in the Scrutiny report as stating that she maintained an active interest and owned a cow which was supreme champion last year. This individual was referred to me by a States Member in one of the coffee rooms as one of the young farmers we should be encouraging. Well, on the face of it, yes. But if you type in that individual's name to your email system you will find that this individual works in one of the departments, I believe, in Cyril Le Marquand House and I am told that that individual owns around the same number of cows as there are fingers on my right hand. In addition, her cows are looked after by another dairy farmer who actively supports the proposition and is, therefore, somewhat distressed at the fact that they feel that this letter is putting their own livelihood into danger. I think we need to bear those sort of comments in mind when we are debating this matter. I do not accept that we are threatening the purity of the Jersey herd. A Jersey breed of cow is a Jersey breed of cow. It does not really matter where it comes from. It is still the same breed. The dairy and the R.J.A.&H.S. will strongly protect, enforce and ensure the purity rules. Importation is not going to be allowed in an unregulated way. Yes, there may be some brief reduction and the Deputy of Trinity may be interested, in fact the Deputy of St. Peter might be interested, that one of the key opponents of the importation of bull semen publicly stated at the meeting at the Parish Hall held by Scrutiny that he might be one of the individuals interested in importing beef semen. So there are interesting arguments going on both sides of the argument. I am satisfied that the economics of producing beef in an island where land is expensive will prevent significant beef being produced and this will have no impact on the dairy herd, and this is especially when good dairy calves, as we have heard, can be sold for between £1,200 and £1,500 a head. Beef will be of assistance to certain farmers but will not be a wholesale conversion. Again, we have heard about it from Deputy Martin, we have got an excellent example right next door to us in Guernsey. Last year, as I understand it, Guernsey had approximately 70 beef cows but, far more importantly, Guernsey is now the home to some of the best Guernsey herds, that is dairy, in the

world and that cannot be said of Jersey. Guernsey has not suffered, basically, from new cows and desecration of the Guernsey herds by allowing semen importation; in fact they have benefited. This will definitely wind up a couple of our colleagues in the public galleries but please note I am being slightly ironic when I say this, because as a layman we can all turn around and say if you follow some of the adverts on television the cows...

**The Bailiff:**

Deputy, you are addressing the Chamber not the gallery.

**Deputy J.A.N. Le Fondré:**

Sorry, Sir. Cows eat a lot of lovely green grass, they sort of hum to themselves, the animal, down to the rustic style milk shed, they get softly plugged into the milk machine which then gently milks them while they munch some delicious golden hay. The milk then goes through some bizarre scientific process at the dairy and I, of course, buy it from my corner shop a few days later. Well, I think, Sir, the Constable of St. Ouen pointed out the reality is somewhat less romantic and the way of the dairy farmer is pretty hard. Farming is a business. It is all very well talking about the guidance of the countryside, about it being a way of life; which it is, but that is no good if you are not making sufficient money to have a viable business with retirement prospects at the end. It is not good if you cannot see a long-term future for your trade and cannot attract the next generation of dairy farmers. It must be particularly galling when competitors overseas, using a line of your very own cows, originating from your very farm, can produce volumes of milk that far outstretch anything you seem able to do over here. There are few comments in the Scrutiny Report that I would like to just refer to as I go on but the first one, Sir, is on page 52, and it is in one of the recommendations later on as well, which is: "There is a strong recommendation for Economic Development to do all it can to ensure that the economic advantages for local farmers in keeping pure bred Jersey cattle maintained in the long-term, and it basically then goes on to refer to changes to the Rural Economy Strategy when it is reviewed in 2009. I would certainly endorse those comments. But let us just look at how things have changed. In the mid-1950s there were just over 1,000 herds with 10,500 cattle and 5,600 milking cows. By the 1960s, roughly the same number of cows and slightly less than 600 herds, but people were still coming to Jersey to buy cattle. They came to Jersey 80 years ago to buy the cattle, but now they have, broadly speaking, stopped coming. In 1983, 203 herds, 4,000 milking cows. At the time of last year's Scrutiny report there were 33 herds, 3,500 cows and now we have around 29, as I understand one retiring shortly and approximately 3,000 milking cows. I do have to say I disagree with Deputy Duhamel when he says we can obviously afford to lose a few more. That basically does not indicate to me at the moment there has been a long-term interrupt in the industry, the sons or daughters of dairy farmers see a future. But that is what today is about, is offering a future to dairy farmers. Now, why did I mention 1983? Well, in fact as the Deputy of Trinity has already pointed out, this was the last time this matter was debated and it was brought by that well-known member of the establishment, Senator Dick Shenton, President of the Agriculture and Fisheries Committee. Even then, to quote from the report, which obviously all Members can get hold of through the Greffe: "There is concern that the local animal is now failing to meet the standards being achieved by Jerseys elsewhere." This was in 1983: "The dairy industry has long suffered from the fact it has been extremely difficult to find bulls of proven quality for use in the artificial insemination service. Another factor which mitigates against successful breeding is the fact that over many years we have exported many of our better animals. This has depleted the Island's genetic pool." Now, Members might be interested to know that of the Members voting on the proposition at the time, there was a Deputy Quenault who voted against, there was a Deputy Le Fondré who voted against, and this one will not be voting the same way, and it was a very youthful Deputy Le Main who supported the proposition to import bull semen. The drop in the number of cows from 1983 to now is somewhere around 2,000 and over 1,500 milking cows, yet abroad the demand for the Jersey cow is growing. The Jersey breed is the second most important dairy breed in the world and I am given to understand

there are about 4-5 million registered pedigree Jersey cows in the worldwide herd, all of whom trace their ancestry back to here. Yet modern dairy farmers do not come to Jersey to buy Jersey cows, they do not come to the home island of the breed to buy the best because they consider that the best are elsewhere in the U.K., in Denmark or in Australasia but not here. That is because as a business operator you select the genes that allow you to produce the best level of milk production, improve confirmation, longevity and health of your herd. That means you have a choice between buying a Jersey cow from Jersey that will produce 20 per cent less on average as their cow in the U.K., what are you going to do? I am going to make no apology, Sir, I am going to also, if I can find it again, remind Members of that quote that has been referred to a number of times by the gentleman from the Canadian Jersey Cattle Association, again: "The Jersey Island bulls are absolutely at the bottom of the heap." Now, earlier this year I was shown the production characteristics of a line of pedigree Jersey Island cows by a local producer and it shows the average milk produced by this particular Jersey bloodline and then the staffing impact of international genetics. The Jersey Island cows produced around 3,000 to 3,500 litres per lactation but then later on this changes when the cows cross to international size in the U.K. and the daughters produced by the international bulls then start averaging 6,500 to 7,500 litres per lactation. Therefore, I hope that demonstrates that logic, pure financial logic means you will almost certainly choose worldwide genetics. Now we have heard it so many times, 700 heifer calves at 24 hours old are slaughtered in Jersey because basically there is no market for them, no one wanted to buy them and I cannot say that is a stunning indictment on the quality that on average we presently produce. Very few people want to buy from us, so we kill the calves. Again, remember those heifers, if they are sired by internationally renowned bulls, could be sold between £1,200 and £1,500 per head. That is around £1 million a year. Think about milk volumes for a moment, Sir. Liquid milk in the U.K. represents approximately 50 per cent of the U.K. dairy market. I believe the balance is then cheese and ice cream and butter, *et cetera*. In the U.S.A. it is 30 per cent, in the Isle of Man it is 22 per cent. In Jersey it is 75 per cent. Also bear in mind, Sir, that milk production is not a steady state. It fluctuates according to the seasons and the weather, hence if you have a long dry summer milk volumes are full, and that is directly from last year's Scrutiny report. Volumes are already close to danger levels, so if we do lose another 2 to 3 average size herds and that is 500 cows total milk production in Jersey will fall below the levels that we presently need to satisfy our liquid milk consumption. That means that Jersey will be facing the inevitability of milk importation with fairly catastrophic effects, I would say, on the local dairy industry. Not because of regulation, not because of legislation, but because people will be drinking more than the Island can produce. Now we lost 4 herds, I think, in the last 2 years, a small herd is due to retire at the end of the year. Someone said to me: "Well, we can just breed more cows." Well, as I understand it, it takes 3 years from conception to bring a cow up to the point it can produce milk. It costs about £5,000 per cow to provide the buildings in which they are milked and housed. Once the herd is dispersed it is not just the cows that are lost, it is also the farms. So the question is not so much what are our prospects in 4 to 5 years' time, as where will we be in the next one to 2 years? Will we have enough herds in the Island to service the Island needs? Well, I am being told that the crunch time is here and now. People need to see a long-term future for this industry. If they do not, they will continue to leave it. If we allow importation of bull semen, it will give the option to those who want it to improve the herds. That means those who want to can improve the output of their cows and that means 2 things; yes, in time we could have less cows producing at the same volume of milk which means less production costs and all that type of stuff, but it will mean that people will want to buy Jersey cows from Jersey again. There are a few comments that Members have made during the debate I would not mind addressing, it will not take very long. The Deputy of St. Peter spoke about his parishioners and their various attitudes and the approaches that have been made. Well, I have also spoken to my parishioners and one of them who used to have a dairy herd asked me if I was supporting this, was very relieved when I said I was and basically said that times have changed and in his words: "It was not for us retired dairy producers to dictate the future of the industry, it was not right." Essentially, I think, it does come down to why should we be listening to

those involved historically in the industry? This is not about history, it is more about the future. Jersey has some of the best breeders and best dairy units in this Island as compared to, say, the U.K. and that is not my view, that is the view of the States Agriculture Adviser. Given a level playing field they can compete, they just need the ability to choose the right tools for the job. So I think we need to support this proposition and show a vote of confidence in this industry. It is about the future, it is not about the past and surely that is a future worth grasping and I do think we should vote pour when the time comes, Sir.

#### **8.1.15 Deputy G.C.L. Baudains:**

An interesting speech we have just heard, Sir, but towards the end, I am not sure that I could agree with the comments where he invited us to basically forget history and disregard those who have been in the industry for many years. Sometimes wisdom comes with age. Not in every case, Sir, there is... this may be a debate about the bulls, but I have also heard a lot of bull. I was intrigued by the Deputy of St. Mary's speech, Sir, because she raised the issue and likely, Sir, whether we are comparing like with like when it is suggested that our cows are left behind genetically. Are we convinced, Sir, she inquired whether we were comparing Jersey's lower volume but higher butterfat with other areas where the cows are producing a higher volume with possibly lower butterfat. Are we comparing like with like? Which reminded me when she was speaking of the story when an outsider claimed if you milked a Jersey cow it would not cover the coin in the bottom of a bucket to which the Jerseyman replied: "Yes, when you milk yours it fills the bucket and you can still see the coin." Are we comparing like with like? I also agreed with many of the other of the Deputy of St. Mary's comments because I too have the difficulty that we basically have a divided industry. It is not so long ago when many letters were appearing in the *Jersey Evening Post*, those in favour of importing semen claimed a slight majority, 60 per cent and 40 per cent, I believe and then some letters later it changed and the antis claimed the majority, and I do not think this is a healthy guidance for Members to be making quite serious decisions on. In that regard I think it is a great pity that we no longer have the services of the Agriculture and Fisheries Committee that we used to have, another loss of the committee system, because they would have been able to collate the information from the industry and possibly consultants too over a longer period of time obviously than the Scrutiny Panel has had. Because surely not all of us are farmers, very few in fact, and I hasten to add that I lay no claim to a great knowledge of cows either. Our farm did in fact have a prize herd but that was sold many years ago. So where is the information that States Members are going to make this momentous decision coming from? Well, we have the Scrutiny report which I will defer to again in a moment. But I am concerned that, as I said, you see letters in the *Jersey Evening Post*, some are against, some are for and I really do hope that this debate is not going to be decided upon who phoned you last night. You know: "Well it was Bert and he is in favour so I think I will vote pour." "Or Uncle Tom phoned me last night and he is totally against it and of course he has been farming for years so I think I better vote contre." It is seductive but it is very dangerous. How many times in this Assembly do we make a decision without considering the ramifications? Short term seems to be the way of politics. I like if I can to look further ahead, so I tried to strip the emotion out of this debate. We were told we should worry about the sight of Jersey cows in our fields, well I have to ask when did you last see a cow in a Jersey field? I have not seen one for months. Nostalgia, Sir, with rose tinted glasses rather like the tomato crops that used to cover the eastern part of the Island, sadly a thing of the past. Small herds have given way to large herds. We no longer see cows in fields, but occasionally if you travel to the north of the Island, Deputy of Trinity sitting in front of me nodding her head, you might see a herd of 100 or so cows in a field, but that is it. Also the idea of exporting cows for profit is, I am afraid, rather like the outdoor tomato crop, another thing of the past. I was advised by somebody currently in the business that the last export of cows to America was getting on for 50 years ago and turned out to be pretty unprofitable. Practical issues, Sir. Take a bull to a cow, you have got a pretty good idea of who the calves' parents are, but a store of bull semen, you are relying on paperwork and honesty and there is not too much honesty in business these days. We are told it is vital to ensure the

quality of our gene pool and our breed but I have to ask Members why that should be, and I believe the reason is partly our fault. When I spoke a moment ago, ramifications, a gene pool which may or may not now be too small for adequate survival of the breed was, I believe, brought about by a previous decision of this House. In 2002 we agreed to realign milk supply with demand which involved reducing the Island herd by I think it was about 1,000 cows at the time. We were told this was vitally necessary. That action contributed to the current problem. So, did we really understand the ramifications of our actions at that time? I hope we do not make another mistake today. In fact, Sir, analysing the ramifications of today's proposition and trying to look ahead and understand the goal. Well, the goal is greater efficiency. By which it means selective breeding will create cows that produce more milk which in turn means in future fewer cows will be needed. In other words we are making the present situation slightly worse. I would not like Members to get me wrong, Sir, because having lived on a farm all my life and farmed myself for a number of years, farming is increasingly a struggle for survival. It is only those really with a love and a dedication to the land who will put up with the lousy returns and exceedingly long hours and the risks involved. So I do not knock those searching for efficiency. However, there are times, Sir, when efficiency comes at a price and surely our job is to determine whether that price is right for Jersey. To weigh up the pros and cons and decide whether the end result is what we want. I am very concerned that the end result could be the complete demise of the Jersey cow in Jersey, that is. Because there is a very real possibility in 10 or 20 years' time that that could be the case. It is very sad that our dairy industry is going the same way, well in my view it is very sad, it is going the same way as the potato industry. Smaller units giving way to larger units. The trend for some time has been away from 20 or so cows on a farm to large herds and we are seeing under the rationalisation recently referred to, a number of herds sold from the Island which means we are headed towards a considerably reduced number of cows, and it is the law that the scheme that we are addressing today achieves what it says it will, improves the breed, the milk quantity will be improved. So the further drive for efficiency will mean larger and fewer herds, which makes me pose this question, Sir; if this proposition is agreed and followed to its logical conclusion ultimately Jersey will have far fewer cows confined to fewer herds, perhaps only half a dozen, what then if we have a foot and mouth outbreak? I wonder if in such a scenario there is a very real possibility that the entire Jersey herd would be slaughtered. So I think we need to ask ourselves, in this instance, is efficiency of paramount importance? If we want milk at the cheapest possible price with the least amount of subsidy going to dairy farmers the answer is probably yes. If, on the other hand, we value seeing Jersey cows in Jersey, albeit not as frequently as we used to, if we value having Jersey cows in Jersey then maybe efficiency is not so important after all. It does seem strange to me, it would be more than a little illogical should I say, if Jersey cows were to be found all across the world but not in Jersey. I honestly believe the lack of an Agriculture and Fisheries Committee on an important issue such as this has been a serious disadvantage. Yes, I have had some interesting discussions with farmers over the past few months, reminiscing about growing cauliflowers and tomatoes and that sort of thing as one does. Our farm used to ship 7 tonnes of tomatoes a day, we used to drive our lorry on to the airport runway and load up the Dakota, in fact there was a picture in the *Jersey Evening Post* not so long ago of my uncle and one of Senator Walker's relatives doing just that, loading the lorry on to an aircraft. Did those conversations assist me with this debate? No, Sir, not really. It has been suggested we should look at the science behind this debate. Well, as much as is possible, I have tried to do that. All I really learn is that we made a mistake in 2002 by reducing the size of the Jersey herd at that time. I hate Members to misunderstand my position, I am not some nostalgic person who lives in the past, I only do that when there is a "Y" in the day, **[Laughter]** but I have to say, given the time I could produce the relevant newspaper cutting of several decades ago where my family suggested that beef cattle could be the salvation of Jersey farming. That did not mean beef from Jerseys but importing a different breed, wholly different situation, because I do not believe Jerseys make good beef cattle either now or after genetic modification, as a result of semen import. But of course that is not what is being suggested here, though it is clear from the information we have received that it is a possibility that beef cows may

be attempted to be bred from Jerseys. It is something that I do not think Scrutiny report has gone into in sufficient detail. So I am not somebody who believes that nothing must ever change, but I do see within the proposal before us today, a number of areas where the potential is for more harm than good. Obviously this is not an easy subject, as the Deputy of St. Mary pointed out in her speech. There is a complete schism in the industry. How are we to decide when the industry itself is unable to come to a definite consensus? I mean, I would say according to my evaluation they are pretty much split down the middle. So, I have to ask where is the mandate for changing a couple of hundred years of the present situation? Because, make no bones about it, what we are being asked to do is make a profound change. Not one that you can undo. Once you have jumped over the cliff it is a bit late to decide that you really wanted to go back where you started. What we do, if we do vote in favour of this, we cannot then at a later stage go back. You can never say to breeders outside the Island: "Well, no, we did not contaminate our herd or improve it in any way, it is all still Jersey cows as they always have been." You will no longer be able to say that. I also believe this has nothing to do with the E.U., as some have suggested, or protecting our position. What I am concerned about is the purity of the herd, for reasons I described a few moments ago, whether the Jersey herd will continue in Jersey. Now we are told that the proponents of the scheme have told us imports are necessary to secure the future. Well, I am very concerned that there is a contrary position. The ramifications might be and could very well be, it is a definite possibility, it could be otherwise. We have no deadline to work to. It is not as if we fail to make the decision today all Jersey cows will cease to exist by Monday morning. Why this is being rushed I realise probably has some connection with the building of the dairy, but I do not think that is a valid reason to be making such a momentous decision. This is not something that we have to decide. I am not prepared to make a change until I have information which tells me that that change is necessary. I would want something in the region of a 75 per cent at least of the industry to tell me that is what they want. They are divided and I do not think that is a satisfactory position for this to be decided on. I would like to finish, Sir, by saying that for those who say that there is no risk, these things cannot go wrong, I am reminded of something that Deputy Huet told us about a few sittings ago where a white mother gave birth to a black baby and I believe a black mother to a white one because things got mixed up. Well, if it can happen to humans it can happen to animals, Sir, and it would only one case to destroy the purity of our breed for ever.

**Senator S. Syvret:**

I propose the adjournment, Sir.

**The Bailiff:**

Yes, before I put that to the Assembly I have had notice that the Attorney General wishes to make a short statement. Attorney?

**The Attorney General:**

Sir, I told Members this morning that in my view Article 3 of the draft Public Elections Expenditure and Donations (Jersey) Regulations 200- clearly indicated that expenses included those incurred at any time before the poll and not simply those incurred after the nomination meeting. I added that though the question of retrospectivity might arise, I intended to review carefully whether or not to prosecute if expenses were incurred between now and the adoption of the regulations in September. I am concerned that perhaps that has been, in part, misunderstood by some Members. At all events, I have given further thought to the matter over the lunch adjournment and I now wish to clarify the position. It is of fundamental importance that candidates in the elections should operate on a level playing field and one factor in this is the requirement that they all know what the rules are. It would be unfair potentially if some candidates acted in accordance with the draft rules out of fear of prosecution while others, for whatever reason, but perhaps including the reason they had not heard the prosecutions warning, did not. The possible defence that there should be no retrospective criminal offences created is of course another consideration. I cannot leave the



position as uncertain as it is as a result of the interim comments and, in the circumstances, I wish to give notice that if these regulations come into force on 16th September 2008 or on any later date, I will not take into account, when considering whether or not to prosecute, any expenses incurred before the regulations come into force. This decision takes into account the undesirability of creating offences which make a person criminally liable for things he has already done and also the desirability of creating certainty in the position.

**Senator S. Syvret:**

So Deputy Ryan's Scrutiny Panel have basically destroyed the prospect of these regulations being in effect... **[Approbation]**

**Deputy P.J.D. Ryan:**

Sir, are we having speeches about this?

**The Bailiff:**

The adjournment has been proposed. If Members agree, we adjourn until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**