

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 1st JULY 2008

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

QUESTIONS

1. Written Questions

1.1 DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING VISITOR NUMBERS TO ELIZABETH CASTLE.

Question

Can the Minister provide in a simple spreadsheet, the number of visitors to Elizabeth Castle between 2003 and 2007 that were carried by Puddle Ducks Limited and by Pure Adventure Limited, including late evening functions at the Castle?

Answer

Prior to 2007, the amphibious vehicle service between West Park and Elizabeth Castle was a privately operated service. Data relating to that service is, therefore, held by the operator who elected to withdraw on economic grounds in 2006. What can be said, however, is that between 2003 and 2006 general admissions to the Castle declined from 48,728 to 41,056.

In 2007 the Jersey Heritage Trust, in recognition of the failure of the market to sustain this service, provided a subsidy in part-return for ticket income from the route. Consequently, the Trust is able to give the total carried by the amphibious vehicles in 2007 which was 18,902. Delays in introducing the service and operating difficulties during the season contributed to this disappointing figure, and to the Jersey Heritage Trust's decision both to obtain compensation from the operator in 2007 and subsequently to take on the running of the service itself.

1.2 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE LA COLLETTE RECLAMATION SITE.

Question

With regard to the La Collette reclamation site, would the Minister advise:

- a) approximately, at current levels of tipping, how many years are left before it is full;

Answer

Based on infill rates to the end of 2007, and taking into account the volumes predicted from the two major Waterfront schemes, Castle Quay and the Esplanade Quarter, the site would be full to design capacity of 3.4 million cubic metres by 2017.

Question

- b) approximately how many of those years use would be used up should all of the spoil excavated during the Esplanade Quarter development find its way to La Collette;

Answer

If none of the excavated material can be recycled, the volume of material equates to about 3.15 years of space in the La Collette II reclamation site. Calculations indicate that with a recycling rate of between 20 and 40 % of the excavated material, the volume of material being deposited into the

site would be equivalent to between 2.5 and 1.9 years respectively. From past experience of developing on the Waterfront, it is hoped that a higher recycling rate can be achieved.

1.3 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE MAINTENANCE OF THE BELLOZANNE CHIMNEY.

Question

With regard to the Bellozanne chimney, would the Minister advise:

- a) how often it has a full internal inspection;

Answer

The department has monitored the chimney on a regular basis throughout the life of the plant, approximately twice a year the operational manager has ascended the chimney for a visual inspection. In addition to this, formal survey's and specialist remedial works have been undertaken on the dates as listed below:

September 2001
May 2002
October 2003
November 2004
January 2005
November 2006
January 2007
November 2007
January 2008

Question

- b) when it was last identified that flue repairs were necessary;

Answer

Flue repairs were identified during a scheduled inspection in January 2008, and repairs planned for April 2008 during a boiler shutdown and when the weather was better for working at the top of the chimney. This work was tendered and awarded to a firm of steeplejacks for a sum of £58,000.

Question

- c) the maintenance cost during each of the last five years;

Answer

- c) The maintenance cost related to the chimney during each of the last five years is as follows;

2003	£6,688
2004	£3,872
2005	£3,988
2006	£31,680

2007

£20,946

(2004 and 2005 steeplejack inspection costs only).

Question

- d) its present age and expected lifespan.

Answer

The chimney was constructed in 1978 and is currently 30 years old, the expected remaining lifespan cannot be given until results of detailed structural survey are completed. Defining a 'life' of a concrete reinforced structure is very challenging but it is likely that additional strengthening will be required to prolong the life of the chimney until the new Energy from Waste plant is commissioned. The chimney specialist has indicated that there are very few chimneys of this design still in use in the UK, due to their inherent design problems.

1.4 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE MAINTENANCE OF THE JERSEY ELECTRICITY COMPANY'S CHIMNEY AT LA COLLETTE.

Question

Would the Minister advise what information, if any, the Transport and Technical Services has received during negotiations with the Jersey Electricity Company on the use of the chimney at La Collette with regard to –

- a) how often it has a full internal inspection;

Answer

The Jersey Electricity Company carry out monthly visual inspections of the chimney using Jersey Electricity Company staff. In addition the Jersey Electricity Company routinely undertakes a thorough inspection of the chimney using a third party specialist. This is typically carried out on a 5 yearly basis, unless the monthly inspection identifies an issue which brings the detailed inspection forward. In 2006 TTSD, in conjunction with Jersey Electricity Company, commissioned Delta International to undertake a thorough inspection and testing of the chimney and flues. In addition, the Jersey Electricity Company provided the report from a similar inspection carried out in 2003 .

Question

- b) approximate annual maintenance costs;

Answer

Indicative historic annual operation and maintenance costs have been provided by the Jersey Electricity Company in the development of the proposed agreement between Jersey Electricity Company and TTSD, which will enable the proposed new Energy from Waste plant to utilise existing flues in the Jersey Electricity Company's chimney. These included the costs associated with the inspection of the chimney and cathodic protection system. These costs are the property of the Jersey Electricity Company and the Minister regrets that he is unable to release the financial details of a third party.

Question

- c) its present age and expected lifespan.

Answer

The chimney was built in 1967. Copies of the original drawings for the construction of the chimney have been made available to TTSD and their technical consultants. The reports from the two inspections carried out in 2003 and 2006 identified that in general the chimney was in good condition and not in need of any particular remedial works. The reports do not estimate the future life of the chimney and serve as a record of the condition of the plant. The condition of the plant has not changed significantly in the period between the two inspections. The Jersey Electricity Company currently consider that with an appropriate maintenance and inspection regime, the chimney will continue to be operational throughout the life of the proposed Energy-from-Waste plant.

1.5 DEPUTY J.A. MARTIN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROGRESS OF THE HEALTH REGISTER.

Question

Can the Minister inform the Assembly how many people are now on the Health and Social Services' Health Register, when he expects it to be completed and whether this will be within the agreed timeframe?

Answer

The Health Screening Index was developed as a joint project between Health and Social Services and the Chief Minister's Information Services Department as a means of identifying Islanders eligible for health screening purposes. The aim was to set up an interim index until the Jersey substantive population database was functioning. The Health Screening Index is comprised of demographic data from GP practices, reconciled and validated against the hospital Patient Administration System.

Currently, the Health Screening Index contains 107,435 records. Whilst a great deal of work has been done to make the index as accurate as possible, it is more than reasonable to assume that it still contains some duplicate records and records of people no longer living in Jersey whom my Department are unable to confirm have left Jersey.

The Health Screening Index was completed by 31st January 2008 and it will be maintained until the definitive population database becomes available.

The Health Screening Index has identified in the region of 3000 women eligible for breast screening who were not previously known to the breast screening programme. Letters inviting these women to join the programme have been sent out. The process of screening these women is in progress.

1.6 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR SOCIAL SECURITY REGARDING PRESCRIPTION CHARGES.

Question

Would the Minister:

- (a) advise whether there has been an increase in the number of prescriptions since patient charges were discontinued and, if so, by how much;

Answer

The number of prescriptions dispensed is subject to major variations from month to month and it would be impossible to draw any inferences on the impact of a change in the system so soon after its introduction. Data has only recently been made available for April, the third month since the removal of prescription charges.

Any analysis of changes due to the removal of prescription charges will need to take account of and eliminate:

- The annual growth in prescribing – This is currently running at 4 -5 % per annum.
- The addition of 440 items to the prescribed list, as a result of setting up a single island formulary.
- Seasonal and monthly fluctuations in prescribing – the number of items prescribed from one month to the next can vary by as much as 10 -15%. For example, between January and April 2007, the number of prescriptions varied as follows

	Number of prescriptions	Change from previous month
January 2007	115,201	
February 2007	99,891	-13%
March 2007	111,138	+11%
April 2007	100,973	-9%

It is not advisable to compare prescribing patterns in summer with winter.

Once data for 6 months is available, the Department will undertake a full assessment.

Question

- (b) state how much the Health Insurance Fund is currently in surplus, and how long it is estimated to remain in surplus now prescriptions are free;

Answer

As with the Social Security Fund, the current contribution level to the Health Insurance Fund has been set at a level designed to accumulate a surplus. The current annual surplus for the Health Insurance Fund for the year ended 31st December 2007 was £10.6 million with net assets standing at £63.4 million in December 2007. As the number of contributors falls and the number of pensioners steadily rises, the Fund is predicted to move into an annual deficit in 2017 at which point the net assets will stand at an estimated £93 million. This is not an actuarial forecast and it is subject to many assumptions, around annual growth in contribution income, prescription and medical benefit costs.

Using similar assumptions, the Social Security Fund is also predicted to move into annual deficit in 2017.

Question

- (c) advise whether he is intending to remove the ring-fencing of the above fund, in order to enable the inclusion of such matters as dental expenses.

Answer

The use of the Health Insurance Fund is governed by legislation - the Health Insurance (Jersey) Law 1967. The law provides for financial assistance for particular approved services given by approved professionals to people insured under the law. In the legislation four different types of benefit are allowed for:

- Medical benefit for GP services
- Pharmaceutical benefit arising from GP services
- Dental benefit
- Ophthalmic benefit

The dental and ophthalmic benefits have never been brought into practice.

The Department is currently working in partnership with the Health and Social Services Department to revise this legislation to provide a flexible modern primary care service for the Island. Such changes will reflect the principles set by the New Directions strategy which is currently being developed by Health and Social Services.

1.7 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE USE OF THE TOURISM DEVELOPMENT FUND.

Question

Is the Minister satisfied that the Tourism Development Fund should be used to fund research for the Economic Development Department as in NZT 148 (feasibility study into the cruise liner market) and NZT 194 (feasibility study for the creation of a tax relief scheme for tourism sector developments) as featured in the Tourism Development Fund Annual report 2007?

Answer

A strong visitor economy is essential to the Island and we should use all the means available to us to open new opportunities for growth and improvement. The Tourism Development Fund was set up in 2001 with that purpose in mind and I applaud the efforts of the Panel in supporting projects such as those mentioned, that may lead to growth and improvements.

The Jersey Destination Audit, carried out by Locumconsulting in 2006, pointed to the importance of there being a range of signature projects that make it clearer to stakeholders, from within and without the industry that a transition process is taking place and that they should be contributing to that transition.

Internationally, the cruise market has grown at an average of 9% per annum over the past 20 years making it the fastest growing area within the tourism sector. In our sister Island of Guernsey the cruise market has become an important contributor to the visitor economy with as many as 90 ships of varying sizes making a stop over each year whilst in Jersey we have consistently struggled to reach double figures despite a number of marketing initiatives.

Research into this sector was required to assess business potential and ascertain the reasons for our lack of current success against the background of growth elsewhere. As this is a specialist area of business it was necessary to engage the services of a consultant with significant cruise market expertise.

The resulting report made it clear that significant geographical difficulties existed for Jersey due to the exposed nature of offshore mooring on Jersey's south coast, but that considerable potential exists for attracting medium size cruise ships if we develop mooring facilities which enable passengers to walk ashore without tendering. We established that Jersey could be a very popular cruise call in a good location between some of Europe's most busy ports. The information gained is being factored into future harbour development plans.

The feasibility study into a possible tax relief scheme will explore the level of investment taking place in the Visitor Economy and explore barriers (real or perceived) to investment. This is being done with the full cooperation of the Jersey Hospitality Association. We welcome the important investments presently taking place in the industry but we want to explore areas where reinvestment has not taken place, examine why the investment has not been made and what could be done to encourage it.

1.8 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE PARTICIPATION OF PUBLIC SECTOR STAFF IN DEMONSTRATIONS.

Question

Would the Chief Minister specify the conditions, if any, under which unionised members of the public service can participate in demonstrations and meetings?

Answer

Unionised members of the public service can participate in demonstrations and meetings in their own time or, if during working hours, with the agreement of their employer.

1.9 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE USE OF LOCAL LABOUR BY EXTERNAL CONSTRUCTION COMPANIES.

Question

Would the Minister advise of the current procedures, if any, in place to encourage external construction firms to use local contractors and labour, as opposed to temporarily importing foreign labour and what checks, if any, exist to ensure compliance with those procedures?

Answer

It is important to sustain a cost effective and competitive local construction company, and also to maintain a range of job and training opportunities for locally qualified persons.

In practise, this means that a Regulation of Undertakings licence will only be issued to a local contractor where they have demonstrated efforts to identify and train locally qualified persons, and to non local contractors provided that evidence exists that local contractors have had opportunity to tender on a level playing field basis, or that the work is so specialist in nature that the work cannot undertaken by local firms.

Where non local firms are awarded licences, they are strongly encouraged to work with and engage local sub-contractors. To achieve this outcome, the support of the Economic Development Department's Jersey Enterprise team of business advisors is available to both the external contractors and local sub-contractors.

It is vitally important to maintain competition in the construction sector. A competitive construction market has positive implications for costs throughout the Jersey economy, and influences overall competitiveness of the Island compared to other jurisdictions. These policies are under ongoing review to ensure that we comprehend changes in the sector and the commercial environment.

Alongside this, the emphasis of policy development and decision making has been very much focused on encouraging and supporting an increasingly trained workforce in the construction sector. This is being achieved, amongst other things, through the establishment of the Skills Executive, and attaching, as appropriate, conditions to short term Regulation of Undertakings licences around the engagement and support of local apprentices – with those licences being renewable subject to satisfactory assessments of progress.

This level playing field approach to competition, with support for the training and development of locally qualified staff, is seen as the correct response to industry issues at the present time, in particular while labour market capacity is limited – with locally qualified employment in the sector in December 2007 standing at a high of 4,610, compared to 4,350 in December 2005.

1.10 SENATOR B.E. SHENTON OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE PRODUCTION OF AN ATTENDANCE AND VOTING SUMMARY AHEAD OF THE 2008 ELECTIONS.

Question

Will the Privileges and Procedures Committee give consideration to publishing a summary of Members attendance and voting statistics ahead of this year's elections and if not, why?

Answer

The Assembly will be aware that all States minutes are uploaded to the States Assembly website (at www.statesassembly.gov.je) and, in accordance with Standing Orders, these contain details of who is absent, who is 'en défaut', excused, ill, or out of the Island on States business. This information is repeated within each of the electronically recorded votes.

The preparation of statistics on voting patterns (particularly on a retrospective basis) would be complex and time consuming, and fraught with difficulty. As the Senator will be acutely aware, as he presented a report informally to members at the beginning of 2007, it is extremely important that the figures are accurate, and take account of whether a member was present at the meeting, and if

he or she was not, then the reasons for absence, which may well have been legitimate. Such a report would need to include whether a member arrived late at a meeting, whether he or she was 'en défaut' or excused, absent on States business, whether a member declared an interest and therefore did not vote, etc. The records would only show participation in recorded votes, and would be silent on standing votes where an electronic vote is not called for. It would be extremely important that all information was 100 per cent accurate as, were a candidate to lose an election, and incorrect information had been circulated, then the Committee would be open to criticism.

The minutes similarly show where a member declares an interest under Standing Orders and withdraws. What the States minutes do not, however, show is where the Minister for Planning and Environment advises the Assembly that he does not intend to cast his vote in a matter because it relates to a planning application under consideration. Standing Orders do not call for such a declaration, and accordingly, none is recorded. He will therefore either not vote or abstain. To evidence such declarations, extensive searches of the Official Report would be required.

Similarly, all Assembly votes are shown on the States Assembly website, both on a page entitled 'Assembly Votes' and the voting record of each member is listed at 'Members and Officers' under his or her personal details. Therefore the public are able to review the performance of their representatives standing for election again to assess whether they had voted in accordance with their own standpoint ('pour', 'contre' or 'abstained'), or whether they had not voted, and if not, the reason for absence. Reasons for absence are listed as 'ill,' 'en défaut' (where a member is absent or, more rarely, where he or she may be on States business inside the Island), 'excused', 'out of Island' (that is, on official States' business), 'declared an interest' and 'not present for the vote' (where a member had been present at the start of the meeting, and was then absent for the vote). There is an ongoing debate as to whether a member should be listed as being 'on States business' where he or she is absent for unavoidable business on the island, but the position is that members' first duty is to attend the States when in session, so no change has been advocated. Of course, the performance of candidates who have not previously been elected to the States is not capable of being assessed.

If it is considered that attendance at meetings is of great interest to the public, then where does this end? Should attendance at all meetings of committees, panels and other bodies also be evaluated? How would one evaluate the diligence of members who have an official responsibility, such as Ministers, but who are not members of committees or other official bodies?

The terms of reference of the Committee do not include the maintenance of records on members' attendance or voting patterns, and if it was considered appropriate to do this, then it would form part of the Committee's annual report, rather than be presented immediately prior to elections.

The Committee recently considered the question of preparation of attendance at States meetings and voting patterns briefly on 11th June 2008, and does not consider that it is of sufficient importance to justify the resource required to undertake the task properly.

1.11 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the new Income Support benefits.

Question

1. Does the Minister not accept that a like-for-like comparison of benefits on 27th January 2008 with Income Support (IS) at 28th January 2008 is needed if members are to properly understand the impact of the reforms?

Further, does the Minister not accept that such a comparison should not be an arduous task since much of this data would have been used to assess the new IS system before its

introduction and some of the data was actually contained in the letters sent out to IS claimants?

Would such an analysis produce a different figure for those ‘equal or better off’ under the new scheme than the 56% he currently claims?

Answer

I do not accept that a like-for-like comparison of benefits on 27th January 2008 with income support on 28th January 2008 is needed for members to properly understand the impact of the income support reforms. On 28th January 2008 all claimants receiving a reduced benefit under Income Support were fully protected at the rate of their previous benefit. The impact of the reforms as at 28th January 2008 was that everyone that had applied for income support was receiving benefit at a rate equal to or above their previous benefit rate.

Whilst it would not be an “arduous task” in itself to make the like-for-like comparison requested, it must be acknowledged that a considerable amount of officer time is expended in answering the detailed questions submitted by the Deputy on a regular basis.

A comparison of benefits on 28th January 2008 would produce a different figure to the 56% quoted. However, I will not be asking my officers to undertake this analysis as their time is better spent on producing meaningful information to help us to provide a better service for claimants.

Question

2. Will the Minister inform members how many people are affected by, and the cost of, the 3 ‘minor enhancements’ to his scheme namely –

- The extension of lone parent component to parents of children aged 16 to 18 who remain in full time education;
- The high level personal care component to be available to parents of a child with a severe disability, without reference to parental income; and,
- Automatic entitlement to first level personal care component for those with a 100% Long Term Invalidity Allowance (LTIA) award

Answer

It is estimated that 167 households are affected by the change in definition of the lone parent component, at a budgeted annual cost of approximately £300,000.

There are currently 69 families that will be affected by the change to the way in which the high level personal care component for children is provided. The budgeted additional cost is estimated at £186,500 per annum.

Providing entitlement to the first level personal care component will affect approximately 535 households. The budgeted cost of these components is estimated at just over £500,000 per annum. However, this is not additional cost, as the proposal is concerned with the means by which individuals can apply for the component.

Question

3. In answer to a further question on After Housing Costs (AHC) disposable income, the Minister stated that “*the introduction of Income Support did not affect rental or other housing costs*” but then suggested that there would be no impact on AHC disposable income. Will the Minister explain to members exactly how the following changes will or will not affect AHC disposable income?

- Change from Health Income Exemption (HIE) to HMA for some;
- Reduction of Disabled Transport Allowance by 50% for those not working;
- Changes to the Rent Rebate/Abatement scheme for some claimants?

Whilst addressing the changes to the Rent Rebate/Abatement scheme, will the Minister also explain to members how this has been brought about and whether the reduction in the “generosity” of the scheme affects all claimants or just those at the higher incomes, and at what income level these reductions occur along with the total savings achieved?

Answer

It is difficult to answer this question as its intention is not clear.

As a general principle, any analysis that seeks to isolate the impact of individual components of income support or predecessor benefits will be unlikely to produce any meaningful information due to the very different rules governing the different benefit schemes.

The terms “after housing costs” (AHC) and “before housing costs” (BHC) are commonly used in the analysis of disposable household income. BHC incomes are calculated without deducting the rental or other accommodation costs of the household. AHC incomes are calculated having deducted the rental and other accommodation costs of the household.

The Health Insurance Exemption scheme, Disabled Transport Allowance and rent rebate/abatement schemes have all been replaced by income support. It is impossible to distinguish between changes to benefit levels as a result of these benefits being replaced compared to changes resulting from other benefits that were replaced by income support. The total change to AHC income would be identical to the total change to BHC income.

The analysis that can be undertaken, and has been presented to the States in the detailed report circulated on 4th June, is to consider the impact of all the changes on different types of household.

In particular, the rent rebate and rent abatement schemes no longer exist and housing costs are now supported through the income support scheme. This has been brought about in exactly the same way as the replacement of all other previous benefits following a number of States decisions which clearly listed all the benefits to be replaced.

One of the main reasons for introducing income support was to provide a common assessment of income and assets, to ensure that all households were treated fairly. The calculation of income support benefit is based on

(sum of components) less (assessed income) equals (income support benefit).

For tenants, the accommodation component is set at the rental value of the property occupied, subject to the property being an appropriate size for the household, and the rental being no greater

than the fair rental value for the size of property. These rules are applied consistently to all claimants, not just those at higher incomes.

There have been no savings by replacing the rent rebate and rent abatement scheme as the full budget from these benefits and all other benefits replaced by income support has been transferred to the income support budget.

Question

4. The Minister has assured members on several occasions that the sum allocated to IS was the sum, adjusted for inflation, that was previously spent on all the previous benefits replaced by IS and that there was only a small contingency fund set aside for the unexpected. How was the Minister able to state in his answer of 17th June 2008 that a total of over £2.5 million has been found for additional spending to deal properly with Attendance Allowance, Adult Disability Allowance and Child Disability Allowance from within the budget?

Answer

The explanation for the adjustments to income support was given in my answer tabled on 3rd June 2008. I repeat the explanation:

“The analysis of cost undertaken before the implementation of income support was, of necessity,

prudent and estimates had to be made for the distribution costs within income support. It is still very early to attempt to analyse the ongoing cost of income support but I am committed to providing the best possible support that can be provided within the budget allocation. I am confident that the cost of these minor adjustments can be met. I will continue to monitor costs very carefully and introduce further enhancements to income support whenever possible.”

As explained in the report circulated to States members on 4th June, in some areas of income support, claims will build up over a period of time. The effect of this is to provide some additional funding for one-off costs. It must also be recognised that the costs involved in income support are subject to complex interactions between a wide range of factors.

The budgeted cost of providing additional protected payments in respect of recipients of Attendance Allowance, Adult Disability Allowance and Child Disability Allowance is £685,000 in 2008 and £587,000 in 2009, this is a total of £1,272,000 over the two years. These are one-off costs which will not recur.

The £2.5 million quoted in the Deputy’s question relates not just to the additional protected payments but also to the cost for 2008 and 2009 of the budgeted cost of the three changes (mentioned above) relating to lone parents, children with severe disabilities and working age adults with 100% LTIA awards. As previously explained this is not all additional spending.

Question

5. Will the Minister confirm that the figures given in an answer to my question on June 17th regarding incentives to work mean that a person on IS will be able to earn only around £40 (or between 7 and 8 hours on the minimum wage) before being subject to a 94 pence

deduction in IS for every additional £1 earned, and if so, how is this supposed to encourage claimants to return to full-time (35+ hours) working?

Answer

To qualify for income support, adults must be in full-time work or satisfy one of the exemptions for full-time work. A claimant who is capable of undertaking full-time work must take up available work in order to claim income support. A claimant who chooses not to undertake full-time work when such work is available and, has no good reason for not taking up work is not eligible for income support.

Income Support introduces a statutory requirement to support oneself, whenever that is practical. The law also includes a large number of exemptions to ensure that individuals are not required to work if they are elderly, looking after a young child, caring for someone with a severe disability, unable to work due to their own disability or illness or in full-time education. An individual who is available for work but unable to find employment is also supported, as long as s/he undertakes appropriate jobseeking activities.

The stepped disregards set out in schedule 2, Paragraph 5 of the General Provisions Order apply to earnings up to £435.50 per week. Above this level, the 6% disregard is used as it produces a greater reduction than the stepped disregard. In addition to the 6% disregard, allowances against earned income are also made for social security contributions at all income levels (a further 6%).

1.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING PUBLIC SECTOR EMPLOYEES' INVOLVEMENT IN ELECTION CAMPAIGNS.

Question

Will the Chief Minister clarify for members the position regarding the ability of States employees to campaign on behalf of candidates in an election using holiday entitlement or unpaid leave?

Answer

An employee who is deemed to be “politically eligible” under the appropriate regulations is free to campaign on behalf of candidates in an election in their own time. Whether or not they would be granted normal holiday entitlement or unpaid leave for this purpose would be treated like any other request in this respect – i.e. by their line manager and depending upon the exigencies of the service.

1.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE CIRCULATION OF THE ECONOMIC IMPACT ASSESSMENT FOR THE WATERFRONT DEVELOPMENT.

Question

Will the Chief Minister ensure that the Economic Impact Assessment of the Waterfront Development conducted by the States Economic Advisor is distributed to members in advance of further debate on the Esplanade Quarter?

Answer

Yes. The Economic Adviser's report has been circulated to all States Members.

1.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING WAGE RATES WITHIN THE ISLAND.

Question

Following his written answer of 3rd June 2008, would the Minister state whether wage rates in the Island are driven by competition from the finance sector and will he explain to members the distinction he draws between productivity-based wage rises and other forms of wage increases in terms of their impact on inflation?

Answer

As Stated in the answer of 3rd June 2008 there are many factors that combine to impact on the demand and supply for labour and therefore wage rates in the Island. There is not one factor alone that determines wage rates and to suggest there is risks over simplification.

As the Council of Ministers Anti-inflation Strategy makes clear, inflationary pressure results from the overall level of demand in the economy exceeding its supply capability. Wage increases that are backed by productivity improvements have positive impacts on both demand and supply in the economy and are therefore less likely to result in a build up of inflationary pressure. In contrast, wage increases that are not accompanied by productivity improvements have a negative impact on supply and add to demand, adding to inflationary pressure in the economy.

1.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE ALLOCATION OF FUNDS TO JERSEY FINANCE LIMITED.

Question

Will the Minister inform members what elements of the Economic Development Department's budget will be subject to reduced spending following the decision to allocate a further £505,000 to the marketing budget of Jersey Finance Limited?

Answer

No element of the Economic Development Department's 2008 budget will be reduced following the decision to allocate additional funding to Jersey Finance Limited. The additional budget allocated to Jersey Finance Limited will be drawn down from the Department's Economic Growth Plan capital funds.

Items funded by the additional budget in 2008 will have ongoing revenue funding implications that are being addressed within the Department's business planning and budget process. The Department plans its future year's budgets by undertaking an exercise involving all Directors and Heads of Departments, to identify and then prioritise costed business objectives. As with all grants and partnership agreements, Jersey Finance has been included in this process.

By taking this approach to budget setting, Economic Development operates a “zero-based” system that, in effect, builds the Department’s budget from scratch. This process allows the Department to meet its objectives in a rapidly changing local and international economic climate.

Any reductions or increases in areas of funding that may occur from year to year are therefore a result of changing priorities, brought about by the need to meet the Department’s objectives and the obligation to maximise the return on tax payer’s investment in the economy.

1.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE SHORTFALLS IDENTIFIED WITHIN THE HOUSING NEEDS SURVEY.

Question

1. Given his response to my question concerning the Housing Needs Survey, when the Minister stated that he disagreed with my suggestion that the shortfall in 2, 3 and 4 bedroom accommodation had not been addressed, will he explain to members why the potential shortfall of such housing identified in the report has increased by two thirds?

Answer

Each housing needs survey is a snapshot in time, reflecting the circumstances pertaining at that time. Each Housing Needs Survey therefore covers the aspirations of people over differing time frames and under different economic circumstances.

The new 2007 housing needs survey was carried out at a time when the economy is performing strongly and not surprisingly demand is greater. This survey also sought to identify likely needs over the next 5 years to the end of 2012 – rather than just focusing on a single point in time.

Question

2. Will he inform members what number of (under 55) one-bed flats are under construction or have planning permission for 2008 and 2009, given that this was an area identified as over-supplied?

Answer

This is a question which would perhaps be better directed to the Planning and Environment Minister; however, through enquiries with his Department I have established that there are no robust statistics for housing units granted planning permission or under construction in 2008.

1.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE REGISTRATION AND PARTICIPATION OF UNDER 18’S IN THE 2008 ELECTIONS.

Question

In addition to the Scrutiny citizenship involvement, what specific initiatives are in place or under consideration in our schools and colleges to try to ensure registration of under 18's and promote their participation in voting in the forthcoming 2008 elections? In particular, what consideration, if any, has been given to enabling access by candidates on an equal basis to these newly enfranchised voters?

Answer

The Citizenship Curriculum, which was developed and implemented in schools during 2007 examines the structure of government in Jersey and explains the democratic process. As part of this program, the teachers involved in its delivery have been instructed to ensure that all pupils who will be 16 or above at the time of the election, have the registration and voting process explained to them.

To support this, a leaflet is currently being drafted which will provide a step-by-step guide to registration and voting.

Consideration is also being given to the practicalities of making registration forms available on school premises.

To supplement this work, the Department for Education, Sport and Culture, together with the Chief Minister's Department, is considering the feasibility of an electoral engagement project in conjunction with the British Youth Council. This would be designed to give young people a better understanding of what democracy entails and to explain how their participation in the electoral process can impact on decisions which affect young people.

Guidelines are currently being written to assist schools during an electoral period. These will be designed to ensure that young people are treated no differently to any other section of the voting population and to prevent disruption to the school curriculum.

1.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE REGISTRATION AND PARTICIPATION OF UNDER 18'S IN THE 2008 ELECTIONS.

Question

In addition to the Scrutiny citizenship involvement, what specific initiatives are in place or under consideration to try to ensure registration of under 18's and promote their participation in voting in the forthcoming 2008 elections?

Answer

As already stated on a number of occasions the Privileges and Procedures Committee is keen to encourage voter registration and turnout in this autumn's elections. The Committee was successful in obtaining permission for the carrying forward of funds from a 2007 underspend to fund a campaign to achieve this objective. The Committee's overall objective is to encourage registration for all persons who are entitled to be registered and although the Committee is keen to ensure that as many 16 and 17 year olds as possible are registered this should not be at the expense of similar measures taken to encourage the registration and participation of all other entitled persons.

At its last meeting the Committee selected a partner to run the forthcoming campaign which will begin in the very near future and continue until the date of the Deputies elections. The Committee has made it clear to tenderers for this work that encouraging the newly entitled 16 and 17 year olds to register will clearly be one important component of the campaign but the campaign must also have provision, for example, to encourage minority groups in the Island who are entitled to register to do so.

For the avoidance of doubt PPC believes it is important to address the reference by Deputy Southern to the Scrutiny citizenship programme in this question. That programme was for Year 10 pupils of the four 11-16 secondary schools and Hautlieu to inform pupils about how scrutiny and Ministers work together on issues. The meetings involved scrutiny members, scrutiny officers, Ministers and Department officers and the pupils spent time studying a Ministerial consultation paper and formulating questions, with the assistance of scrutiny, to put to the Minister and senior officers about the topic. The Scrutiny citizenship programme was not in any way directly related to trying to ensure registration of under 18's or promoting their participation in voting as could be implied by the wording of this question.

1.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING THE REGISTRATION AND PARTICIPATION OF UNDER 18'S IN THE 2008 ELECTIONS.

Question

In addition to the Scrutiny citizenship involvement, what specific initiatives are in place or under consideration to try to ensure registration of under 18's and promote their participation in voting in the coming 2008 elections?

Answer

The law was changed with effect from 1st April 2008 to permit those aged 16 years and over to register, provided they meet the other requirements, and all forms include the new age limit. Each year, forms and reminders are sent to every unit of dwelling accommodation to remind ALL those resident at the address that, if they are eligible, they have a duty to register.

The Comité des Connétables seeks to ensure registration of all those who are eligible to vote under the Public Elections (Jersey) Law 2002, and to promote their participation in voting in the coming 2008 elections, and does not discriminate in favour of, or make special provision for, any one class of voter.

However, the Comité des Connétables did write to the head teachers of all secondary schools in Jersey with students who are aged 16 years and over to advise that the Electoral Registration forms were being sent out and to ask that they encourage their students to register as soon as possible. All schools cover electoral issues as part of the 'Citizenship' studies program developed by the Education, Sport and Culture Department.

In addition, the Parish of St. Helier has recently employed a full time electoral officer whose responsibilities include raising awareness of the need for those eligible to vote to register, promotion of this need in a publicity campaign in English, Portuguese and Polish, and making visits to schools. The ERO has also had a meeting with the Youth Service and visited Youth

Centres. The latter exercise was considered to be particularly worthwhile and resulted in electoral registration forms being completed on site.

1.20 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE DTZ REPORT INTO A POTENTIAL THIRD SUPERMARKET.

Question

1. The DTZ report into a potential third supermarket refers to “*projections for 15 years from 2009 for each of the population growth scenarios that the States of Jersey are now considering*”, would the Minister state whether these scenarios are the same as those referred to during the ‘Imagine Jersey’ exercise and whether they refer to a range of up to 625 heads of household or up to 625 inward migrants?

Answer

The DTZ study is not a report on the potential for a third supermarket. DTZ were commissioned to review the adequacy of the all retail provision **across all sectors** in the Island as part of the Island Plan Review and aimed at answering the following questions:

- How much new retail development of each principal type will be supportable on the Island by growth in population and retail expenditure in future years;
- Where on the Island should it be located and in what commercially realistic formats.

This report is yet to be completed and is expected to be available in mid-July following the publication of the Island Plan Strategic Options - Green paper.

This research is a land use planning study based on a number of assumptions over the period of the Plan. It specifically addresses capacity issues and looks at the amount of floorspace in the Island relative to expected trends in expenditure. It does not address wider issues about the need for competition, the structure of the retail market and how the retail sector contributes to the Island’s economic objectives of economic growth and low inflation.

In order to carry out this work it was necessary to forecast longer term expenditure patterns (up to 2025) on the Island. DTZ were provided with information from the statistics unit on current population levels including future growth scenarios, based on population modelling work and the 2007 Housing Needs Survey. In addition, they conducted a Household Interview Survey of existing shopping patterns on the Island.

The planning assumption made in the 2002 Island Plan was a net in-migration level of 200 heads of households per annum (the actual average since 2002 has been just below 200 h/h per annum). Taking account of population modelling for Imagine Jersey, it was considered appropriate to adopt - purely as a planning assumption in the preparation of the Island plan review - the +250 heads of households per annum (540 people) scenario. And it is this that has been used to assess the capacity levels for the retail analysis. This is not an endorsement of any particular figure as this will be a decision of the States.

Question

2. Could the Minister state whether the report will address the estimated size of the workforce required for a potential third supermarket operator and, if so, is he able to advise what size would that be? Does the report also cover displacement effects in assessing the workforce implications of a third entrant?

Answer

The final report is not yet complete, however the brief for the study did not cover assessment of the workforce implications of a third supermarket entrant, nor any potential workforce displacement effects should one enter the market.

1.21 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE TRANSFER OF THE RENT ABATEMENT SCHEME TO SOCIAL SECURITY.

Question

Following his answer given during questions without notice on 29th April 2008 –

- (a) Would the Minister inform Members what difference the transfer of the rent abatement scheme from the Housing Department to Income Support through Social Security has made to his Department's revenue stream?

Answer

The transfer from Rent Abatement to Income Support has not made a significant difference to the Department's revenue stream in so much as the Department continues to charge rent at the same level as when the abatement scheme closed.

The key difference in the two schemes is the capacity for Income Support to pay the full cost of the tenant's rent including utility charges whereas under the abatement scheme tenants even those on maximum abatement always paid a minimum sum plus their utility charges. The advantage to the tenant with Income Support is that benefit level permitting the full cost of their home is paid for them direct. Where any arrears exist, it enables the tenant to focus on reducing the amount they owe to the States, without the added pressure of weekly rental charges. Fundamentally, the process supports those in greatest need.

Question

- (b) Could he further inform Members what conversation, if any, has taken place between the Housing Department and the Social Security Department over the discretion to pay rent directly to the Housing Department or through the tenants?

Answer

The Housing and Social Security Departments worked closely together in the run up to the implementation of the Income Support scheme to ensure that there was minimal impact or inconvenience to the Housing Department's tenants at the point of transition. Under the abatement scheme the rent subsidy was credited directly to the tenants' account. No payments were made by

the Department to the tenant. That principle was carried forward to Income Support. In addition, significant thought was given to making the interface between the two Departments as efficient and robust as possible.

The following advantages are achieved by making payment direct:

1. Payment is made direct to the tenant's account providing them with significant assistance in managing their accounts; particularly where they are having all of their rent paid by Income Support.
2. Funds are transferred between the Departments by electronic interface and the rent is paid in to the tenant's account when due. This saves time and manpower resources in pursuing late payments from tenants who may not have had time to collect their money from their bank to make their rent payment to the Department.
3. The transfer of funds in this way gives the taxpayer certainty that benefit claimed under the scheme is directed to its intended purpose. If this was not to happen the risk exists that the payment would not reach the Department. This would conflict with the effective governance of funds for the States as a whole.
4. This electronic process, carried out internally saves expenditure in transaction fees at organisations such as the Post Office in taking rent payments over the counter from tenants. It was estimated that by making payments directly to tenants, the States of Jersey could potentially have been exposed to increased transaction charges in excess of £100,000.per annum.
5. Article 38 (2b) of the Public Finances (Jersey) Law 2005 requires that the Accounting Officer of a Department ensures that all money owed to the Department is promptly collected. Article 38 (2e) of that Law also requires that the Department is administered in a prudent and economical manner. The current mechanism supports these statutory obligations.
6. Where a claimant can demonstrate that there is a clear need for the rental component of their Income Support benefit to be paid to them and not to the Department then the Social Security Department can elect to permit exceptions to the protocol.
7. Anecdotal evidence suggests that the direct payment system has been welcomed by tenants and according to the Social Security Department there have been no more than half a dozen requests to opt out.

The overall objective was to deliver an efficient effective system which provides value for money and benefits the customer. We believe that working closely together in this way the two Departments have achieved this.

Question

- (c) Will the Minister undertake, as a matter of urgency, to ensure that the Housing Department's website is updated, as the 'Publications' section still contains a guide to the Rent Rebate/Abatement scheme dated 2005, which was scrapped in January 2008?

Answer

All sections of the Housing Department's website, including 'publications', have been checked and where necessary updated.

1.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PROVISION OF AMENITY SPACES.

Question

1. Does the Minister accept that the proposals for the provision of high quality housing in St. Helier require good amenity space and good parking provisions, which translates to relatively low density housing rather than high density, and if so, is he satisfied that the new guidelines are adequate in this regard?

Answer

It should be stated at the outset that the draft development guidelines for central St Helier are still the subject of consultation. The deadline for comments was recently extended to 31st July. Deputy Southern, or any other States Member, is invited to submit comments so that they may be taken into account at the end of the consultation period.

As far as future planning strategy in Jersey is concerned, there appears to be little public or political appetite for development on green-field sites. At the same time there appears to be support for regenerating St Helier. As part of the Island Plan Review, capacity studies have been undertaken which identify significant numbers of potential housing development sites within the built-up areas (not just St Helier), which will, if they come into development at efficient densities, for the most part meet the identified requirements for housing in the future.

It must be stressed that the emphasis in the creation of new housing units must be on high quality design and construction with well sized rooms and good usable amenity space. Good examples abound in many European cities.

If we are to minimise or avoid green-field site development, then it essential that we make better use of urban and suburban sites than we have in the past, in accordance with best practice in Britain and Europe. Implicitly, this means developing at higher densities, and that requires the application of more skilled and innovative building design techniques.

Of course, it is accepted that good-quality housing should have the appropriate provision for internal and external space, for internal and external storage, and for the parking of vehicles, whether in St Helier or elsewhere in the Island. However, it is not accepted that this necessarily implies low density development. Excellent developments can be delivered at higher densities in the same way as poor developments can be delivered at lower densities.

As far as private amenity space is concerned, the existing policy of 'one size fits all' has not always delivered appropriate, useful or usable amenity space on housing developments in town. The draft development guidelines for the town, at paragraphs 30-32, while still requiring minimum levels of provision of amenity space, promote a more qualitative approach to external amenity space provision, and recognise that the space provided needs to be appropriate to the needs of the likely occupants. A development of one-bedroom flats, for example, is unlikely to have a significant child-occupancy, and thus the provision of a kick-about area or play equipment is likely to be redundant, whereas decent sized private balconies with a sunny aspect will appeal more to the potential occupants.

For off-street car parking provision then a distinction has to be made between homes in the centre of town and those further away. One of the main benefits of living in central St Helier is the easy pedestrian access afforded to all the facilities and amenities the town offers. Many households do not need, or chose not to own, a car when they live so close to the town centre. Families may need a car for shopping and travel outside the town area, but not a larger number of cars as they may need if they live well outside St Helier.

In relation to car-parking generally developers will be encouraged to provide underground parking wherever possible.

The existing residential car parking standards have actually encouraged over-provision of residents parking in some developments, which has led to occupants renting out spaces to commuters. The guidelines propose a reduction in the minimum requirements for parking in the town area, but recognise that the market will also play a part in determining the actual level of provision made. It is accepted that in providing family homes, developers are likely to provide approximately one parking space for each.

The proposed guidelines are designed to encourage developers to look more closely at the possibilities for high quality residential developments in central St Helier. Even though they are still in draft form, there are signs that property owners and developers are responding to them, and there are a number of very promising proposals emerging which will provide excellent accommodation – houses and apartments – close to town, with good amenities and sufficient off-street and underground car parking.

In order to promote exemplar residential schemes the Minister for Planning and Environment intends to appoint an architectural advisor to ensure quality of delivery.

Question

2. Will the Minister guarantee that any proposals for development in St Helier will have the provision of adequate amenity space for families with children as a top priority?

Answer

Where a development is likely to have a significant proportion of family-accommodation, there will be a requirement for adequate amenity space and facilities appropriate to the needs of all occupants. This will be a combination of private and common amenity space. It is unreasonable to expect the provision of a balcony to be sufficient amenity space for a family however the combination of a balcony and common amenity space will provide a high quality living environment.

<http://www.gov.je/NR/ronlyres/AF5C2EA8-A5C8-4C09-B26B-9E3472D2EF71/0/StHelierRegenerationWhitePaperApr08.pdf>

<http://www.gov.je/NR/ronlyres/F41EC5E3-5B9B-41F2-9B75-CC1F6D0F247D/0/StHelierRegenerationSPG17Apr08.pdf>

http://www.gov.je/NR/ronlyres/02034EC3-D94E-494A-8391-4BB1724DAF1D/0/RegenerationStHelierMAP_17Apr08.pdf

http://www.gov.je/NR/ronlyres/6DF32B53-4D48-4CDC-BBD0-AE183C42C5C5/0/RegenerationStHelierMAP2_17Apr08.pdf

1.23 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX INCREASES.

Question

1. On 3rd June 2008 the Minister gave examples of total tax cuts, in monetary terms, over the three years 2007, 2008 and 2009, resulting from increases in exemption limits, which included the figure of £374 for a single person. Will he inform members whether this sum was the total tax reduction over the 3 year period or the tax reduction in each of those years?

Answer

The £374 is the total reduction in tax for the 3 years. The reduction, split between years, is £76 for the 2007 increase, £200 for the 2008 increase and £98 for the 2009 increase.

Question

2. Notwithstanding the impact of the increases in exemption limits, the Minister requested on 13th May 2008 in response to my question on average tax bills that I supply evidence for any calculation on GST bills. Does the Minister accept that:
 - a) the Household Expenditure Survey (HES) 2004/5, conducted in September 2005, provides the best evidence we have of spending patterns of, and hence GST bills on, Island residents?
 - b) The appropriate uprating for inflation from these figures is of 7.4% to March 2008?
 - c) Using these uprated figures provides a sound method for the assessment of the impact of GST, eliminating housing costs and other exempt items, on particular sectors of society?
 - d) Further, that the seven groups included in the analysis in Chapter 3 of HES are useful in measuring the impact of GST?

Answer

2(a) Yes; but the primary purpose of the Household Expenditure Survey is to provide information on household budgets as a basis for the calculation of the Retail Prices Index. It provides useful information on spending patterns for households that can be used to estimate the impact of GST on households. However any estimates prepared on this basis are subject to several caveats:

- An estimated adjustment must be made in respect of those expenditure lines that comprise a mixture of taxable supplies and exempt supplies.
- An estimated adjustment must be made to take into account those goods and services purchased from suppliers that are not GST registered.
- The HES is based on a statistical sample adjusted to represent a notional “typical” household.
- The survey was conducted in 2004/5 and spending patterns may have changed since that time.

In view of these caveats the estimation of the change in GST borne under different GST scenarios will, as a rule, be more accurate than the absolute figure for a household.

2(b) No; the States Statistics Unit maintain detailed Retail Prices Index data. It would be preferable to use their data rather than a single figure. The change in RPI between March 2005 (121.9) and March 2008 (134.5) is 10.3%.

2(c) Yes; subject to the caveats noted above this method can be used to provide estimates.

2(d) Answer as above.

Question

3. Does he then accept my figure of around £950 as the annual tax raised by GST from the average household in Jersey, according to the updated HES data above, and if not, what figure does he have?

Answer

No I do not accept the figure. Using detailed RPI indices and adjusting for the factors above the estimated figure for an average household is £626.

Question

4. Will he also produce figures based on this HES data for the 6 groups featured in this survey, namely single pensioners, pensioner couples, single parents, couples with and without children and single persons?

Answer

scenario	1	Couple (both not pensioners)	Couple with at least one dependant child	Single parent at least one dependant child	Person living alone (not pensioner)	Person living alone (pensioner)	Two or more pensioners	Other
Annual Expenditure per household (2004/5 ADJUSTED TO 2008 USING RPI)		44,972	60,994	31,045	22,932	16,180	31,692	50,324
- Expenditure on zero-rated goods and services		10,244	13,684	7,840	6,309	3,921	4,088	7,690
-Expenditure on zero rated goods and services included in "mixed" expenditure		1,946	2,071	740	866	707	2,253	2,625
		32,782	45,239	22,465	15,757	11,552	25,351	40,008
-Expenditure on exempt goods and services (including financial services)		7,428	13,096	5,857	3,629	2,073	4,418	8,817
-Expenditure on goods and services supplied by businesses below threshold		2,243	2,904	1,550	1,083	842	1,755	2,725
		23,110	29,240	15,058	11,045	8,637	19,178	28,466
GST		693	877	452	331	259	575	854

	1	Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5	All households
Annual Expenditure per household (2004/5 ADJUSTED TO 2008 USING RPI COMPONENTS)	1	16,123	22,092	34,054	49,616	86,011	40,511

- Expenditure on zero-rated goods and services	3,739	5,593	8,054	9,604	16,740	8,559
-Expenditure on zero rated goods and services included in "mixed" expenditure	494	795	1,340	1,948	4,351	1,729
	11,891	15,704	24,660	38,064	64,920	30,222
-Expenditure on exempt goods and services (including financial services)	1,922	2,580	5,331	9,683	18,462	7,334
-Expenditure on goods and services supplied by businesses below threshold	923	1,193	1,732	2,546	3,993	2,029
	9,046	11,931	17,597	25,835	42,465	20,859
GST	271	358	528	775	1,274	626

Question

5. Will he also produce figures for the GST imposed on the lowest quintile (20%) of earners given in Chapter 2 of HES, and state whether it matches the £340 per annum of my calculations? Will he then examine the additional sums allocated to compensate those on Income Support for the impact of GST and state whether he can show that this compensation is adequate?

Answer

Using detailed RPI indices and adjusting for factors described above the estimated figure for the lowest quintile is £271 rather than the figure quoted.

The average sum allocated to compensate those on income support for GST is £318 per annum, which is more than the average cost of GST to households in the bottom quintile.

1.24 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING LAND VALUE TAX.

Question

Further to a response given by the Chief Minister on 11th September 2007 guaranteeing to bring to the Assembly the research that has been done on the potential for Land Value Tax in Jersey, would the Minister advise whether any such research has been done, and if so will he now inform members of its results, and if not will he explain why?

Furthermore if the latter case prevails, will he undertake to carry out the said research and inform members of the results prior to the 2009 budget debate, and if not, will he explain why?

Answer

Further work has indeed been done on land/development based taxes. It was undertaken by OXERA for a working group consisting of Officers from the Chief Minister's, Planning and Environment, Transport and Technical Services and Treasury and Resources departments that reported to Council of Ministers in March 2008 on environmental taxes. The report is available online at:- <http://www.gov.je/TreasuryResources/Tax/TaxProposals>

2. Oral Questions

2.1 Deputy C.J. Scott Warren of St. Saviour of the Minister for Social Security regarding people delaying visits to G.P.s following the introduction of income support

With the possibility of people delaying visits to their doctor, can the Minister provide Members with comparable data on the number of G.P. (General Practitioner) visits before and after the introduction of income support?

Senator P.F. Routier (The Minister for Social Security):

Hopefully I can reassure the Deputy that there is no reason whatsoever why people should delay visits to their doctor if they have a genuine medical need. The number of G.P. visits fluctuates from month to month, particularly over the winter period depending on the amount and type of cold and flu viruses circulating at the time. The total number of visits since the implementation of income support for the period February through to April for this year was 62,873, which is almost identical to the number of visits for the same period last year which was 62,458. These figures are well within the normal seasonal fluctuations. The department continues to work with G.P.s to ensure people receive the most appropriate support for their clinical condition.

2.1.1 Deputy C.J. Scott Warren:

Is the Minister nonetheless concerned that the new scheme which has ended free visits to doctors for those patients who are formerly H.I.E. (Health Insurance Exception) claimants, may cause people to wait until their symptoms either clear up or get worse and if it is the latter outcome, that the result could, firstly, be very serious for the person's health and could also result ultimately in much higher costs for the Social Security and Health and Social Services Departments?

Senator P.F. Routier:

In my answer I thought I gave the evidence that there has been no reduction in the amount of visits to the doctor. Certainly I reiterate the point, which I have made on several occasions, that there is no reason whatsoever that anybody should not go to the doctor and delay going to the doctor if they have a genuine medical need.

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

Is the Minister satisfied that his Communications Department has satisfactorily communicated all the situations around G.P. visits - visits to home visits, multiple visits, people who require 12 visits a year or more - has been made absolutely crystal clear to recipients of income support out there so they have absolutely no need to worry?

Senator P.F. Routier:

I very much hope that is the case. Certainly the G.P.s have all been contacted and had meetings with my department officers to ensure that they are aware of the circumstances when they are talking to their own patients. The patients themselves, hopefully, can have that discussion on a one-to-one basis with their G.P. to ensure that they do have the ability to go to the doctor whenever they need to.

2.1.3 Deputy G.P. Southern:

The Minister has indicated in the supplementary report given to the House about 3 weeks ago that he would be increasing the means of communication with recipients of income support to make sure that they were completely aware of what their rights were. Which areas is he thinking he needs to better communicate then?

Senator P.F. Routier:

Communication regarding income support needs to be improved, I do know that, but this particular area with regard to G.P.s, I know there has been a lot of work already undertaken because it is vitally important that it is the case. As I said in my previous answer, the G.P.s are aware that if any patient has a concern about their health needs and the ability to visit or have a doctor visit them, they speak directly to their doctor and the doctor can resolve that for them.

2.1.4 Deputy J.A. Martin of St. Martin:

I would just like a small clarification. The Minister has answered many questions on call outs for doctors, attending doctors and people not to be worried, and in every answer he uses the phrase: “if they have a genuine medical need.” Can he explain to the House who decides whether they have a “genuine medical need”?

Senator P.F. Routier:

The G.P.

2.2 Deputy G.P. Southern of the Minister for Treasury and Resources regarding exemption figures in the Budget 2008

Will the Minister clarify the exemption figures in the Budget 2008 on pages 17 and 18 and state what proportion of the cuts are due to indexation to compensate for fiscal drag in each year, and what proportion is compensation for the impact of G.S.T. (Goods and Services Tax) and what the actual or predicted levels of R.P.I. (Retail Prices Index) are for each of the 3 years of the period 2007 to 2009?

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

In the 2008 budget it was announced that the income tax exemption limits would increase by 6.5 per cent and this means in the 2008 year of assessment, the single person exemption will rise from £11,300 to £12,040 and the married couple exemption from £18,130 to £19,310. The policy in recent years has been to freeze exemptions thereby creating fiscal drag and broadening the tax base. It was originally intended to raise exemption limits for 2008 by 3 per cent but the decision was taken to increase exemptions by an additional 3.5 per cent to compensate for the introduction of G.S.T. That is the component of the increase in exemption limits that was intended to compensate for the introduction of G.S.T. Nonetheless, people will still receive the full benefit of the increase in exemptions for the year 2008 and also the increase in child allowances. Given the range of different circumstances, it is difficult to state in cash terms exactly what proportion of the cuts is due to indexation and what proportion is to compensate for G.S.T. The Treasury does not forecast inflation for the period 2007 to 2009 although a number of assumptions are made for planning purposes in the States’ Annual Business Plan and these will be published later this month.

2.2.1 Deputy G.P. Southern:

Is the Minister asking this House to believe that he cannot reveal for some sort of reasons of State, what his calculations are for R.P.I. in 2008/09?

Senator T.A. Le Sueur:

They are not my calculations. They are the calculations carried out by the independent statistics unit. It is done as part of an orderly process and those assumptions will be revealed to the Deputy and to all States Members in the Annual Business Plan, but I point out to the Deputy that they have been indicated in informal meetings to Members and Scrutiny at various times during the year.

2.2.2 Deputy G.P. Southern:

I do not believe that the Minister cannot tell this House what his expectation is for inflation this year and next year. Why not?

Senator T.A. Le Sueur:

Basically because assumptions kept changing as circumstances change. I will present at the time of the Annual Business Plan updated forecasts on which we can make decisions.

2.3 Deputy R.G. Le Hérissier of St. Saviour of the Chairman of the Privileges and Procedures Committee regarding the introduction of freedom of information legislation.

Given that in response to a question on Freedom of Information legislation on 1st April 2008, the Chairman stated that his Committee would be reviewing the need for legislation after receiving information due by 12th May 2008, would he advise Members what decision has now been reached?

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

While in an ideal world consultees reply on time, in this instance the information referred to in the question was not received until 29th and 30th May 2008. The committee has decided that it will review the draft law carefully and address as many of the concerns responded to in the consultation exercise as it can by preparing amendments to the draft. These amendments will, among other things, attempt to ensure that costs are contained as far as possible and that there will be sufficient lead in time to allow departments to prepare for implementation. Once the committee has finalised and approved these amendments it will decide whether to lodge it at that time or to invite Scrutiny to review it.

2.3.1 Deputy R.G. Le Hérissier:

Would the chairman confirm that what amounts to a Freedom of Information law as opposed to a series of amendments will be lodged and debated before this session comes to an end?

The Connétable of St. Clement:

One always hopes that will be the case, Sir.

2.3.2 Deputy R.G. Le Hérissier:

Would the chairman not concede that we have gone through the greatest charade of all times in terms of freedom of information - there was a clear draft available in July 2005, we have been working on a never ending set of drafts of comments, the thing has been killed off by attrition from certain quarters of the House and this has been a total farce?

The Connétable of St. Clement:

No, I would not agree at all. It has not been a total farce. We are trying to get a law that is workable and affordable.

2.3.3 Deputy R.G. Le Hérissier:

Would the chairman confirm that the recent denial of information to the local press by the Chief Minister's office was a classic example of why a Freedom of Information law was needed to be in place instead of wishy-washy voluntary codes?

The Connétable of St. Clement:

I cannot answer for the Chief Minister's office.

2.4 Deputy J.A. Martin of the Minister for Social Security regarding preferred suppliers under income support special payments

Can the Minister inform the Assembly whether the Social Security Department has preferred suppliers for items covered by special payment provisions within the income support scheme; namely carpets, white goods and dental treatments? If so, can he advise how these dedicated suppliers were identified and selected?

Senator P.F. Routier (The Minister for Social Security):

Since the Income Support Scheme came into force in January 2008 the department has continued to use the suppliers of goods and services which were previously used by the St. Helier Community Services Department. The decision to use established arrangements was deliberate as the department wished to use tried and tested processes at a time of significant change. Furthermore, it was necessary for the department to gain experience of special payments to determine the scope and size of future arrangements. The department is currently working with the States procurement team to develop a fair and robust tendering process, following which new arrangements for suppliers will be formalised. The department has no plans at present to appoint preferred suppliers for dental treatment.

2.4.1 Deputy J.A. Martin:

I fully understand why, not particularly how, the same suppliers have been used. Under investigation some of them seem to have been used by other departments over the years and I am not sure how the tendering process ... My main concern is that I am told that some suppliers, especially of carpets, are supplying cheap and wrong carpet for stairs and that the person on income support is having to sign a disclaimer that if any accidents happen it is their fault because they have agreed to have this carpet laid. It may seem trivial but can the Minister assure me that for the sake of an extra few pounds the right carpet is fitted in the right areas?

Senator P.F. Routier:

I have no knowledge of this suggestion. I will endeavour to find out from the department and let the Deputy know.

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

Would the Minister, in his answer, give us an assurance that this will be subject in the future to an open tendering process, because his answer illuminated the fact that they were looking at a robust tendering process in the future but he did not imply that there was going to be one that would occur, so could he just confirm that there will be an open tender for these in the future?

Senator P.F. Routier:

I thought my answer made it clear that we are working with the States procurement team to develop a fair and robust tendering process and that is a process which they, with my accounting officer who has ultimate responsibility for ensuring best value for money, will undertake.

2.5 Deputy F.J. Hill of St. Martin of the Chief Minister regarding a case pending before the Judicial Committee of the Privy Council

Will the Chief Minister inform Members whether there is a case pending with the Judicial Committee of the Privy Council regarding the ownership of the foreshore waterfront and, if so, will he update Members on a possible date for the hearing?

Senator F.H. Walker (The Chief Minister):

Members will be aware that a claim to the ownership of the foreshore was dealt with by agreement in 2003 and that matter was accordingly concluded. Subsequently, an application for leave to bring judicial review proceedings against the Attorney General was made by an individual alleging, among other things, that the question of the ownership of the foreshore settled by the 2003

agreement, should have been adjudicated by the Privy Council and that the claim to ownership of the foreshore should not have been settled. Leave to bring the proceedings was refused by the court on the grounds that that individual had insufficient standing to do so. That determination was upheld by the Court of Appeal in 2005. I am not aware of any current proceedings to determine the ownership of the foreshore in the Privy Council, and inquiries of the Privy Council indicate that there is nothing currently before the council in connection with that matter.

2.6 Deputy R.G. Le Hérissier of the Minister for Home Affairs regarding the publicity surrounding arrests by the States of Jersey Police

Would the Minister outline what policies, if any, are in place covering the publicity that the States of Jersey Police give to arrests?

Deputy A.D. Lewis of St. John (Assistant Minister for Home Affairs - rapporteur):

Any publicity relating to arrests made by the States of Jersey Police follows best practice and the guidance set out by the Association of Chief Police Officers of England, Wales and Northern Ireland. The guidance is that generally people under investigation should not be named but they can and will, with certain exceptions, be identified once they have been charged. This approach balances the principles of open justice with the rights of the individual to privacy, a fair trial and damaged reputation of the individual if no charge is made against them. For similar reasons, people who are under arrest should also not be named.

2.6.1 Deputy R.G. Le Hérissier:

Would the Assistant Minister confirm whether arresting people at 6.30 a.m. and whether taking away files in front of television cameras from their workplace later in the day is compatible with the policy which he has outlined?

The Deputy of St. John:

As I say, Sir, the question was referring to particularly the names of individuals. The case that the Deputy is referring to, I am afraid we do our utmost to control output to the media but in this instance clearly the media had some information the police did not.

2.6.2 Deputy R.G. Le Hérissier:

Would the Assistant Minister who himself, Sir, is an expert in public relations and in, no doubt, wheedling out appropriate information, confirm whether or not there are regular leaks occurring from police headquarters for the various arrests occurring?

The Deputy of St. John:

I can confirm that I am not aware of any leaks in the police regarding this particular issue.

2.6.3 The Deputy of St. Martin:

Could I ask the Assistant Minister if there are no leaks coming about, can he explain why there seemed to be television cameras in the early hours of the morning when arrests are being made and also outside staff's workplace?

The Deputy of St. John:

All I can say is the media moves in mysterious ways. We have strict policies on release of information and as far as I am aware they are followed.

2.6.4 The Deputy of St. Martin:

I wonder if the Assistant Minister in dealing with these mysteries could tell us what procedures he intends to put in place to ensure that there is not a repetition?

The Deputy of St. John:

I will assure the Deputy and the House that I will have his allegations thoroughly investigated and if there is any indication that such leaks are occurring, action will be taken.

2.6.5 The Deputy of St. Martin:

The Assistant Minister mentioned about the guidelines of the U.K. Association of Chief Police Officers (A.C.P.O.). Would the Assistant Minister not accept that we are in Jersey and the news of people getting arrested at 6.00 a.m. in the morning soon moves around the Island? Does he not think really, with the greatest respect to the way in which the arrests are being made, that due consideration could be considered that this is Jersey and we do not necessarily need to just follow what is going on in the U.K., particularly when these are long historical cases? It would be quite easy for the people who are under question to come in of their own free will or made at some reasonable time so it does not attract undue attention.

The Deputy of St. John:

That is exactly the intention, but if the Deputy's suggestion is that we are not to follow best practice then I am concerned about his approach. We do follow best practice. The police follow A.C.P.O. best practice and we regard that as a good standing to stand by. I cannot quite understand what the Deputy is getting at but he [Members: Oh!] is quite correct that we are a small jurisdiction and we must handle things in a manner appropriate to a small jurisdiction and that is what we endeavour to do.

2.6.6 Deputy R.G. Le Hérissier:

Would the Assistant Minister confirm that the recent potential arrest where there appears to have been a very public difference of opinion or approach between the Honorary and the States Police, is in keeping with the guidelines issued by the Association of Chief Police Officers?

The Deputy of St. John:

Yes, Sir.

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

Could the Assistant Minister advise us whether the best practice that he refers to includes sending out a press release to the global media when a Centenier recently refused to charge a suspect?

The Deputy of St. John:

That press release was not just about that particular action. It was about the arrest and the release of somebody and, yes, that is normal practice. We were asked by the media who take an interest in this case to distribute any press releases to them, and a short press release was issued about the fact that they had been released.

2.7 Deputy K.C. Lewis of St. Saviour of the Minister for Treasury and Resources regarding the removal of G.S.T. on road fuel

Given that fuel costs continue to rise, will the Minister agree to remove G.S.T. from road fuel and if not, why not?

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

I am not minded to remove G.S.T. from road fuel. The States have, on various occasions, debated the desirability on social grounds of removing G.S.T. from various goods and services and there are further debates on such exemptions lodged for debate in the next session of the States. Let me say, first of all, that I am very concerned by the rising fuel costs and the potential impact this can have on our economy and the people of Jersey. Indeed, governments throughout the world are mindful

of exactly the same issues. But we have purposely kept the G.S.T. system as simple as possible and I wish to keep it that way. If we want to reduce the cost of road fuel, a far better and simpler way is to reduce the level of excise duty currently charged. Can I remind Members that the total tax and duty on a litre of road fuel is about 44 pence a litre of which the G.S.T. element is only 3 pence. If we want to reduce the cost of road fuel for competitive reasons - and can I point out that compared with our 44 pence a litre the equivalent sum in the U.K. is about 67 pence a litre; elsewhere in Europe the figures will be similar or even higher - hence, on competitive grounds we are relatively well placed. Finally, I should remind Members why we and most governments tax fuel in the first place. The main objectives are to change people's behaviour and reduce the amount of car usage and to raise revenue. At the time when the world supply of crude oil is seen to be declining, and if we are to be environmentally conscious, it seems perverse to me we should take measures to decrease the duty and, hence, increase the consumption of road fuel. For all these reasons, while I do not see the merit of removing G.S.T. from road fuel, I will certainly agree to monitor the costs and view the situation in the light of any further developments. In the longer term, we must all explore ways in which we are less reliant on hydrocarbon oils.

2.7.1 Deputy K.C. Lewis:

Besides the fact that G.S.T. is placed on all 3 elements of road fuel we also have the fuel, the impôts duty and the road tax. Road fuel is expected to go up yet again. The higher the road fuel, the higher the cost of food. Will the Minister show the people of Jersey that he will do everything in his power to control inflation and either remove G.S.T. from road fuel or drastically reduce the impôts duty?

Senator T.A. Le Sueur:

The control of inflation remains one of my key priorities and addressing inflationary pressures is a problem we have to deal with on an ongoing basis. I am aware of the increase in costs of road fuel and, by that basis, prices will go up. I would remind the Member that duty is calculated on the volume of road fuel not on its value, so the duty level remains fixed even if the price doubles. But be that as it may, I accept the fact that this does cause inflationary pressures elsewhere, and purely road fuel, and that is why it is important we keep inflation constantly under control.

2.7.2 Deputy G.P. Southern:

Will the Minister not consider removing the G.S.T. element from the excise duty and, thereby, avoiding a tax on a tax on fuel?

Senator T.A. Le Sueur:

That seems to make a complicated system even more complicated. No, I do not think that is a good idea at all. If he wants to reduce the price of fuel, the simplest way is simply to reduce the duty, full stop.

2.7.3 Senator L. Norman:

I think the Minister said that one of the reasons for the impôts duty and the other taxes on motor fuel was to change people's habits and reduce people's dependency on motor fuel. Can he say how successful that has been and what reduction there has been in the consumption of motor fuel over the past few years?

Senator T.A. Le Sueur:

The short answer is, no, I cannot. There is no simple way of doing this. What I was doing was highlighting the fact that if we are to be environmentally conscious, if we are to be conscious of the need to reduce our carbon emissions, we will have to take more aggressive steps than simply saying: "Well, maybe we ought to do something about it." I was putting it in the context of the whole question.

Senator L. Norman:

If I could help the Minister the consumption of fuel in the Island has remained static for the last 10 years.

2.7.4 The Connétable of St. Helier:

Could the Minister advise us whether his calculations about road fuel use consumption would be assisted if the Minister of Transport and Technical Services had produced a transport policy in which that could be operated?

Senator T.A. Le Sueur:

The more information we have the better decisions we can make, but we have enough information, I think, at the moment as Senator Norman indicates, so that road fuel consumption at the present time has remained relatively static.

2.8 The Deputy of St. Martin of the Minister for Treasury and Resources regarding repairs to St. James Church

Will the Minister inform Members how long the scaffolding has been erected at St. James Church, why is it there, how much is it costing, when it will be removed and whether the building has been considered as a suitable venue for the proposed National Gallery?

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

There are 4 questions there so I will take an indulgence; it may take more than the appropriate 30 seconds. The scaffolding was first erected in September 2006 and has now been in place for nearly 2 years. It is there, in the first instance, to facilitate access to carry out an inspection of the defective elements of the parapet and roof, the 2 towers, and to facilitate access to carry out any necessary remedial work. For health and safety reasons, the scaffolding has remained in situ at St. James to prevent the risk of injury to members of the public from falling masonry while the building remains in use and before repairs are carried out. Delays have been caused because of the complexity of establishing the best way to repair the defective pinnacles and high level masonry. Property Services are working with the States historical building advisers to ensure that we find the best solution, balancing the need to preserve this historic building and the cost of so doing. The cost of scaffolding - scaffolding hire costs is £15,500 for 2008 and likely to increase next year. However, erecting and dismantling the scaffolding costs considerably more. So it has been more cost effective to leave it in place while awaiting a decision. When will it be removed? Well, no date is set for the removal of the scaffolding. The scaffolding will only be removed when the outreaches of the towers have been repaired to remove the risk of masonry being detached. The building is a registered proposed Site of Special Interest and any works which deviate from the like-for-like rebuilding of the structures, are contrary to policy G13 of the Island Plan. However, unfortunately, the funds are not currently available to progress full reinstatement works. Hence, we are working with the Planning Department to find a solution which might enable the scaffolding to be removed. The final question, has the building been considered for National Gallery? No, to date we have not been asked to consider this use, however given the controlled environment needed for such a gallery, it is unlikely that this building would be suitable.

2.8.1 The Deputy of St. Martin:

Given the maintenance costs of the building, is it really in the public interest to maintain it and would it not be better to sell it?

Senator T.A. Le Sueur:

That will be an option but to sell a building in its current state without any established use for it may not be very beneficial either but that is an option which has to be considered.

2.8.2 Deputy P.V.F. Le Claire:

I have asked questions about this and it is interesting to hear some of the answers this morning. My understanding is that the scaffolding remains in place because of not only the decision to conduct the work, but also in relation to a safety element. Does the Minister think it is responsible of the States of Jersey to continue to leave scaffolding around the building partly due to a safety concern when it should be taking some money that it has from the general reserve to correct that safety element, and does the Minister think that this would be acceptable in the private sector?

Senator T.A. Le Sueur:

We do not have a general reserve and we do not have any spare funds. It will be for the department concerned to decide whether spending that sort of money on that building is an appropriate use of the funds. Given the desire of the States to constrain its spending, I think that decision will have to be taken very carefully and at this stage I could not recommend that spending vast sums of money on St. James is good value for money.

2.8.3 Deputy P.V.F. Le Claire:

Is the Minister then suggesting that to continue to leave scaffolding in place around the building that may be in a precarious state, is the best practice that the States of Jersey will engage in and does he or does he not think that would be acceptable in the private sector?

Senator T.A. Le Sueur:

If the Deputy was suggesting that we are doing nothing that would not be acceptable. We are not doing nothing if you pardon the double negative. **[Laughter]** We are working with the Planning Department to see how a cost effective solution can be delivered in order that the scaffolding can be taken down and the building restored to a good state of repair.

2.8.4 Deputy P.V.F. Le Claire:

Can I press the Minister for whether or not he believes that would be acceptable in the private sector over this length of time?

Senator T.A. Le Sueur:

I have no idea, Sir. The private sector will probably decide one way or the other to sell the property at an earlier stage purely on commercial grounds. The States have to weigh up commercial, aesthetic, cultural and other uses before coming to a decision so it is not quite as simple as the private sector.

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

Will the Minister advise the House what consultation has taken place regarding this building with the Minister for Education, Sport and Culture and, maybe more particularly, with his Assistant Manager with responsibility for culture?

Senator T.A. Le Sueur:

The use of the building by, I think it is, the Jersey Arts Trust is a matter for negotiation between the Minister and that Trust and I do not get particularly involved in those consultations, so I cannot really comment on what consultation there should have been regarding its uses, but I know that the Arts Trust is conscious of the need to use its own resources in the best possible way, and if the Deputy has any concerns about those uses then I think she needs to direct those questions to the Minister for Education, Sport and Culture.

Deputy D.W. Mezbourian:

I would just like to say that the Education and Home Affairs Scrutiny Panel will be doing just that.

2.8.6 Deputy J.J. Huet of St. Helier:

Going back to the Minister saying that he did not think this building would be suitable for a proposed National Gallery, would he not think that a building that has got an S.S.I. (Site of Special Interest) on it, will hopefully be opposite a lovely town park, would be the Odean Cinema which would be ideal for a National Gallery?

The Deputy Bailiff:

I think that is drifting a little from the question, Deputy.

Senator T.A. Le Sueur:

In that case, I will not speculate on whether the National Gallery is a good thing and where it should be placed. That is a matter for another day.

2.8.7 Senator J.L. Perchard:

Would the Minister accept that the real problem is that St. James Church, like so many other examples of similar buildings, is the fact that it is burdened by an S.S.I. label which effectively means you cannot do anything with it and we have got ourselves so confused with the labelling of historical buildings that our policy now is to maintain them with no use and build and develop on green fields?

Senator T.A. Le Sueur:

I think that is going a bit too broad. The policy for S.S.I. is one for the Environment Minister but I think whether that building was a Site of Special Interest or not, if it were to be disposed of it would still need to be put into a fit state for disposal unless one was going to consider it for demolition. That is not considered appropriate at the present time, but if environmental policies change as the years go by that is quite possible. At the present time, we are where we are, as the saying goes, and the building needs to be preserved in its best possible state.

2.8.8 Deputy R.G. Le Hérissier:

Can the Minister inform us when he will be taking the decision as to whether the building is viable to be repaired and, thereby, starting the process of removing the scaffolding?

Senator T.A. Le Sueur:

As I said in my answer, it is a matter of negotiation with the Planning Department as to what can be an appropriate method of doing this given the relative costs and benefits of various options.

2.8.9 Deputy R.G. Le Hérissier:

When, Sir, does he finish those negotiations?

Senator T.A. Le Sueur:

I honestly do not know the answer to that one, but the answer would be as soon as possible but when as soon as possible is ... is as long as a piece of scaffolding is. **[Laughter]**

2.8.10 Deputy P.V.F. Le Claire:

I am reminded of a song: "Until the 12th of Never." Would the Minister not undertake on our behalf to agree to pursue the issue prior to the next elections where it may be that people are asked to conduct their voting in that building and where we are admitting that the scaffolding is in place due to some safety issues? Is it adequate that we are using a public building for members of the public for entertainment and also for voting when, by our own admission, we have got scaffolding around it because of safety issues?

Senator T.A. Le Sueur:

There are 2 things there. Firstly, I would hope that this work would be completed long before the election time. When I said I do not know how long, I was thinking in terms of days and weeks

rather than months and years. But can I remind and reassure Members that the scaffolding is there in order to preserve safety. The building and its surrounding areas are not unsafe. If they were unsafe they would be closed off. Purposely, because measures have been taken, the public can continue to use the building in perfect safety.

2.8.11 The Deputy of St. Martin:

Given the concern being expressed this morning in the Chamber, would the Minister give the House an assurance that he will look into the matter and come back in 2 weeks with a report to give us an update as to what is going to happen with the building?

Senator T.A. Le Sueur:

I cannot guarantee it in 2 weeks' time. I can certainly undertake to bring back a report in conjunction with the Planning and Environment Minister as soon as possible.

2.9 Deputy K.C. Lewis of St. Saviour the Chief Minister regarding an update of the inheritance laws

Does the Minister have any plans to update the inheritance laws and if not, why not?

Senator F.H. Walker (The Chief Minister):

Yes, Sir. At its last meeting on 20th May of this year the Legislation Advisory Panel noted that the Law Draftsman had indicated that further law drafting instructions had recently been received on this topic from the Law Officers' Department and that it was expected the draft legislation would be available shortly. It was agreed that this would be distributed to the Legislation Advisory Panel members in advance of their next meeting which is scheduled for 29th July.

2.10 Deputy P.V.F. Le Claire of the Chief Minister regarding the Chairman of the Waterfront Enterprise Board

Will the Chief Minister advise whether the current chairman of the W.E.B. (Waterfront Enterprise Board) began his work with A.I.B. (Allied Irish Bank) before or after his appointment to W.E.B., when the Chief Minister was made aware of the chairman's A.I.B. involvements, what interests of the directors of W.E.B. were at the time of the debate on the waterfront including shareholdings, and whether those interests can be accessed by the public?

Senator F.H. Walker (The Chief Minister):

Mr. Voisin was appointed as chairman of W.E.B. by the States on 19th July 2006 officially taking up his post on 20th August 2006. He was later appointed a non-executive director of Allied Irish Bank (Channel Islands) Limited in November 2006 and was appointed chairman in March 2007. He informed me after accepting the post as non-executive director of A.I.B. (C.I.) Limited and I advised him to ensure there would be no conflict of interest on his part. Consequently, Mr. Voisin checked with the bank and was assured that A.I.B. (C.I.) Limited had no dealings with Harcourt. I think the most useful comments in relation to Mr. Voisin's potential conflict of interest are contained in a Comptroller and Auditor General's report which I, with your permission, Sir, would quote from. He says: "The effect of his review is that I have found no evidence that the decisions made by W.E.B. were distorted by Mr. Voisin's failure to disclose his relationship with A.I.B. (C.I.) Limited." He goes on to say that in his view: "Mr. Voisin should have disclosed to W.E.B. his appointment to the board of A.I.B. (C.I.) for inclusion in the register of director's interests. He did not do this." He goes on further: "On a strict interpretation, Mr. Voisin's appointment to the board of A.I.B. (C.I.) did not represent a conflict of interest as defined by Companies Law and, thus, was not required to disclose a conflict of interest at board meetings at which W.E.B.'s

transactions with Harcourt were discussed. Notwithstanding this strict interpretation, it would have been wise for Mr. Voisin to make such disclosures. I have found no evidence that Mr. Voisin's failure to disclose his interest distorted W.E.B.'s decisions." The Comptroller and Attorney General has also identified some shortcomings in the procedures for reminding directors to update their declarations of interests. However, he also notes that all directors have now updated their declarations and that he has inspected those declarations. I will ask the board of W.E.B. to publish them on their website.

The Deputy Bailiff:

Can I remind Members that the question here very properly referred to the 'chairman of W.E.B.' and Standing Orders say you should not really identify people by name unless it is absolutely essential, so the Chief Minister should, if I may say so, have referred there to the chairman of W.E.B. in accordance with the question.

Senator F.H. Walker:

I accept that, Sir; my apologies.

2.10.1 Deputy P.V.F. Le Claire:

In his response, the Chief Minister refers to the Comptroller and Auditor General's interim report which is tabled today. In it the Comptroller and Auditor General states quite clearly on page 19: "There is no question in my mind that these interests should have been disclosed to W.E.B. and placed in the register of director's interests." Notwithstanding that the decisions taken, in his view, were not distorted, given that the Chief Minister was told orally by the chairman of W.E.B. that he had taken this appointment, and as the Chief Minister is now responsible to the States of Jersey and, through the Council of Ministers, for W.E.B., at any time given and knowing this did the Chief Minister inform the Council of Ministers of the report to him by the chairman?

Senator F.H. Walker:

No, Sir, I did not. This was a matter for the Waterfront Enterprise Board and I did, as I said in my original answer, advise the chairman that there should be no conflict of interest on his part and he should ensure that. He has himself accepted that he should have disclosed the directorship and the chairmanship to the board of W.E.B. which is normal practice, but the Comptroller and Auditor General has emphasised that he has not broken the Companies Law by failing to do so and nor has his position in any way affected the decisions of W.E.B.

2.10.2 Deputy P.V.F. Le Claire:

I was attempting to try to tie in the accountability of the chairman of W.E.B. through to the Chief Minister through to the Council of Ministers through to the States of Jersey. In that supplementary what I was trying to get the Chief Minister to tell us is whether or not he had done and also whether he believed it was necessary for him to do so. He has told us that he has not informed the Council of Ministers that he was informed by the chairman that he had that appointment. That appointment was significant in my view because of the fact that they were funding projects on the Waterfront through their parent company, A.I.B., and in the Comptroller and Auditor General's reports it does state that A.I.B. was funding some of the developments known as Liberty Wharf, also the Island site, under contract from W.E.B. and, whether one wants to get into semantics or not, what I am trying to ask now is whether or not the Chief Minister does not believe that he should have told the Council of Ministers that he had informed the chairman once the chairman had told him that he should be sure that there was not a conflict? It certainly was significant enough for the chairman to inform the Chief Minister. Why was it not deemed significant enough for the Chief Minister to inform the Council?

Senator F.H. Walker:

The chairman informed me as a matter of courtesy. The fact is that W.E.B. is a limited liability company which has to set its own standards of corporate governance including declaration of members' interests and I did, as I have already stated twice, emphasised to the chairman that he should make sure that there was no conflict and I assumed - I must admit, obviously wrongly - that he would be informing the board of his interests because that would be the normal thing to do. However, the Comptroller and Auditor General again emphasised that he has not breached the Companies Law in doing so. It was not considered by me at the time, nor should it have been, I do not think, a matter of such importance that I needed to inform the Council of Ministers. It was a matter and remains a matter in the main for the board of W.E.B.

2.10.3 Deputy P.V.F. Le Claire:

I accept the Chief Minister was acting in good faith, but did he know at the time that Harcourt - and this is knowledge that has come through me through the Comptroller and Auditor General's interim report - that A.I.B. (C.I.)'s ultimate holding company in Dublin as in the words of the report has: "A relationship as banker with the group of companies in which Harcourt Development Limited (Harcourt) forms a part"? Harcourt undertook the development of the Liberty Wharf site also known as the Island site under contract from W.E.B. It is also the preferred developer for the Esplanade Quarter site. Did the Chief Minister know that there was that connection at the time that the chairman told him of his involvement with this bank?

Senator F.H. Walker:

No, Sir, I did not know and can I remind the Deputy - I do not recall whether he was at the presentation put on by the directors of W.E.B. last week; I do not believe he was - where the chairman read out a letter from, I think, the Chief Executive of A.I.B. (C.I.) which emphasised that Mr. Voisin in their view had no conflict whatsoever, had never played a part in any decisions relating to the A.I.B. in Ireland and that A.I.B. (C.I.) had no financial connection with Harcourt whatsoever.

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

Are the standards of disclosure as practised by the Waterfront Enterprise Board for an L.L.P. (Limited Liability Partnership) as high as perhaps they are in other organisations?

Senator F.H. Walker:

I think it is very clear from my answer and from the Comptroller and Auditor General's report that they lapsed for a temporary period. However, the Comptroller and Auditor General has now confirmed that they are pretty well up to speed, certainly in terms of declarations of interest. What I believe we should be doing now is awaiting the Comptroller and Auditor General's final report, which is due in September, which will be making proposals, I understand, on the restructuring of W.E.B., and I believe those are necessary. I think W.E.B. does need restructuring and clearly we need to be absolutely certain that the disclosure in all respects is absolutely up to best practice.

2.10.5 Deputy J.A. Martin:

I think the Minister may have just covered something I really want clarified. We are always told, and even when we elected the present Chairman, and my memory was for about 3 months: "Do not worry because W.E.B. is wholly owned by the States and totally accountable to the States, so we will be kept informed at every juncture." Did the Minister just not answer and say: "Well, they do. They are. They have to act as a limited liability company"? Which is it, Sir? Can we have a direct answer, because the 2 do not tie up and this is why we have not been informed of what has been going on and they do not seem to be wholly accountable to the States as always we are told in every debate?

Senator F.H. Walker:

I would point out that W.E.B. is not a department of the States. W.E.B. is a limited liability company which functions under the Companies Law of Jersey, and all directors have to meet the requirements of that law. It is also true to say that, to the best of my knowledge, the board of W.E.B. have not mis-performed or done anything other than a good job for Jersey in the way they have been involved in working with the Planning Minister and others in creating the Masterplan and potentially an excellent deal for Jersey. What they have done and what we are noting has fallen somewhat short in standards of corporate governance. There is no information to suggest they have underperformed, misbehaved, undertaken any misdemeanour or unacceptable conduct of any shape or form, nor that they have cost the shareholders, the Island of Jersey, the people of Jersey, any money; indeed rather the reverse.

Deputy J.A. Martin:

Sorry, he did not answer. It is a direct question. Are they a limited liability company answerable to themselves? Are they wholly owned by the States who have to answer to the public? The Minister did not answer either of those questions directly.

Senator F.H. Walker:

They do answer to the public for their general performance. At the same time, they are a limited liability company and there are restrictions imposed on what a limited liability company can disclose and what it cannot. Generally speaking, to the best of my knowledge, W.E.B. have met those requirements. This is where I have always made the point about public ownership and public accountability. If it was felt that W.E.B. had underperformed or misbehaved in any shape or form, then we, the States and shareholders, have the right to remove the board from office. Of course, we have a proposition before this House later which seeks to remove the chairman and the 2 remaining States-appointed non-executive directors. So the public does retain ultimate control. Whether the board of W.E.B. should be dismissed for the infractions of corporate governance outlined in the Comptroller and Auditor General's report is of course a matter for Members.

2.10.6 Deputy G.P. Southern:

Notwithstanding his previous answer does the Chief Minister accept the conclusion on page 22 that notwithstanding the strict interpretation of declaration of interest, it would have been wise for the chairman to make such disclosures by the Comptroller and Auditor General, and does he also accept the conclusion elsewhere in the report that there is a fundamental intrinsic conflict between being a States Member and a member/director of the board?

Senator F.H. Walker:

The answer to the first question is yes, I do accept the conclusion of the Comptroller and Auditor General. The answer to the second question is it is a bit more complex but it is also, in effect, yes. The fact is that the States agreed in 2006 to set up the Waterfront Enterprise Board with 3 States Directors, and the Memorandum and Articles of Association say that W.E.B. cannot function without at least 2 States directors and a quorum has to include 2 States directors. Now, those States directors, I know, and it does not apply to individuals ... this would apply to any Member of this House who was a director, and the Deputy may recall we had a similar problem with the Jersey Electricity Company not so many years ago. There is a conflict between adhering to the Companies Law and doing one's duty as a director to the company. The Companies Law is very specific in that respect, but then, as a States Member doing one's duty to this House and the public, there is a conflict. I believe it is one of the issues that the Comptroller and Auditor General will be addressing in his September report.

2.10.7 Deputy P.V.F. Le Claire:

In a couple of his responses, the Chief Minister refers to a temporary lapse of the procedures. That temporary lapse, I assume, includes the fact that from 2005 to 2008, declarations of interest were not updated with W.E.B., as pointed out by the C.A.G. Also, he seemed to infer that because I did

not attend the briefing by Harcourt and the chairman that I had somehow not been able to assess whether or not the public probity issue had been satisfied. Does he not agree with me that my concerns relate to the probity of and the correct functioning of the mechanisms that relate to the reporting process of the chairman through his declarations to the States of Jersey? As he had, at the time of his appointment, quite rightly found it appropriate to declare his interest to A.I.B., why did he take until June 2008 to tell the States that he had that interest?

Senator F.H. Walker:

I think it is agreed that the interest should have been declared. I am certainly supporting that view. The Comptroller and Auditor General has made that view clear and I have already indicated that I accept the Comptroller and Auditor General's report. I certainly did not mean to imply any omission by the Deputy in not attending the presentation by the board of W.E.B. I merely put it forward because I think many Members left that presentation better informed than when they arrived. I think it was of benefit. So there is no doubt that the corporate governance procedures - I will repeat this again - have not been adhered to as they should have been. However, there is absolutely no evidence that the public have suffered in any way as a result, nor that W.E.B.'s decisions, and the Comptroller and Auditor General confirms this, have in any way been distorted as a result. Had they been, I would suggest we would be in a completely different position from the one we find ourselves in at this time.

2.10.8 Senator J.L. Perchard:

Does the Chief Minister regret not informing the directors of W.E.B. of 2 vitally important bits of information? One, that the chairman of the Waterfront Enterprise Board was being offered and taking a seat on A.I.B. (C.I.) Limited, and secondly, that he was aware that there was litigation in Nevada and that him and 2 of his ministerial colleagues were aware of that. Does he regret not informing the board of W.E.B. of these 2 vitally critical bits of information which may have influenced the board's decisions?

Senator F.H. Walker:

I do not. It is not the Chief Minister's job to inform the board of W.E.B. of such issues. It is very clearly a job for the chairman and the executives. I have already apologised to this House - and that is a question of a vote of censure later in this sitting - for not disclosing or not agreeing with Deputy Baudains at the time that there was a legal dispute in Nevada. It is not the Chief Minister's job to inform the board of W.E.B. of those circumstances. It is very clearly the chairman and the executive. I have already said that I regret that corporate governance is not being adhered to, to the extent it should be. I do not believe I can say anything further in that respect.

2.10.9 Deputy G.P. Southern:

Does the Chief Minister not accept that declarations of interest are not just about potential or real harm but avoiding the perception of damage or real harm?

Senator F.H. Walker:

Yes, Sir, I do.

2.10.10 Deputy J.J. Huet:

Can I just restate that the Minister is aware that A.I.B. Jersey have stated that A.I.B. (C.I.) Limited has no dealings with Harcourt Developments Limited. Will he confirm that, please?

Senator F.H. Walker:

Yes, that was contained in a letter read out to States Members last week from Mr. Moynihan who, I believe, is the Chief Executive of A.I.B. Channel Islands.

2.10.11 Deputy P.V.F. Le Claire:

That is regrettable because I would like to ask a supplementary question. Would he also confirm, as I read out, that the Comptroller and Auditor General has released an interim report today stating on page 18, number 63: "A.I.B. (C.I.)'s ultimate holding company in Dublin has a relationship as a banker with a group of companies of which Harcourt Development Limited (Harcourt) forms a part. Harcourt undertook the development of the Liberty Wharf site, also known as the Esplanade site, under contract from W.E.B. It is also the preferred developer for the Esplanade Quarter site." Is it not the case?

Senator F.H. Walker:

I have no reason to question anything that is in the Comptroller and Auditor General's report. I accept it as drafted.

2.10.12 Deputy J.A. Martin:

It is just, as the meeting last week has been mentioned, it was asked by Deputy Le Fondré ... and I was going to ask the same question that we all had, and for Members who were not there, there was a very long briefing and lots of slides ... but before we had the debate today that these were all given to States Members. I cannot find them, and other States Members cannot seem to find them. Are we going to have them before we have the debate P.98?

Senator F.H. Walker:

Sorry, I did not pick up exactly what it is she has requested. I do apologise, Deputy.

Deputy J.A. Martin:

The meeting we attended at the Halliwell Theatre at 1.00 p.m. on Thursday where the chairman went through the whole W.E.B. and we asked if we could have the slides because it was a lot to take in, and it was promised then we would have them before the debate. Nobody has got them, so can you make sure, please that we get them?

Senator F.H. Walker:

I understand they are being distributed today.

2.10.13 Senator B.E. Shenton:

Will the Chief Minister confirm that the ultimate owners of A.I.B. plc are exactly the same as the ultimate owners of A.I.B. C.I.?

Senator F.H. Walker:

Yes, I understand that to be the case, but I again would emphasise that the Comptroller and Auditor General - not me - Comptroller and Auditor General has said that A.I.B. Channel Islands has no financial involvement with Harcourt.

2.11 Deputy S. Power of St. Brelade of the Minister for Economic Development regarding charges for debit card and cash purchases imposed by certain airlines

Would the Minister confirm whether certain airlines at Jersey Airport charge a fee for the use of debit cards used to buy an e-ticket online and for the cash purchase of a ticket at the airport, and if so what action, if any, does he propose to take?

Deputy A.J.H. Maclean of St. Helier (Assistant Minister for Economic Development - rapporteur):

The Deputy will be aware that the answer to the first part of his question is contained within airlines' websites and literature. I can therefore confirm that a number of airlines apply a charge for the purchase of airline tickets. Such charges vary between airlines and indeed the method of

payment. It must, however, be emphasised that these charges are not unique to Jersey residents as airlines apply them across their network. Furthermore, as this is essentially a commercial matter, Jersey Airport would not seek to influence such charges.

2.11.1 Deputy S. Power:

If I might follow up on that is the Assistant Minister aware that only 3 airlines at Jersey Airport do not charge for debit cards, as my understanding is: Blue Islands, British Airways and BMI? Can the Assistant Minister ensure that in any further or future negotiation on a service level agreement with an airline that he will ask the airline to not charge for a debit transaction on a debit card and to not charge for a cash transaction at the airport?

Deputy A.J.H. Maclean:

Yes, I thank the Deputy for that supplementary question. I am well aware of what airlines charge and which ones do, in fact, charge. I have a list here which Members may be interested in having a copy of in due course. I think the Deputy is somewhat confused because in fact we do not operate service level agreements with airlines at the airport. We operate an Open Skies policy. We are trying to encourage airlines to fly to Jersey. We are trying to maintain our existing air links. We are trying to develop them, and I think to date have been reasonably successful. Imposing conditions on airlines with regard to additional charges is not going to be conducive to that form of development, particularly if we are out of step with other airports around the U.K. and elsewhere in the world.

2.11.2 Deputy S. Power:

Can I ask the Assistant Minister to comment on whether he thinks it is pretty disgraceful that one particular airline charges a debit card transaction per person, per leg? In other words, if you are a family of 4 flying somewhere, that they will charge 8 transactions to and from Jersey Airport? Can the Minister comment on that, please?

Deputy A.J.H. Maclean:

Airlines have a range of different charges and different methods of charging. It is, as I said earlier, a commercial matter. I favour the lowest possible charges. We work very hard to ensure that Jersey consumers benefit from low charges and airfares from and to Jersey. We will continue to work to that aim and individual cases are not matters that I wish to discuss.

2.11.3 Deputy S. Power:

Is the Assistant Minister aware that there is a lot of public dissatisfaction with these charges at the airport for the use of debit cards and cash purchases of airline tickets?

Deputy A.J.H. Maclean:

I am aware of that and I am aware that residents of the United Kingdom and airports around the world who also have to suffer such charges. It is not unique to airlines, I might add. It is an issue that applies to many online transactions where debit card charges are made. It is an unfortunate way in which industries have moved in recent times. It is not something I am necessarily satisfied with, however we have to look at the greater aim, which is the development of our air links and delivering the lowest cost fares we possibly can for the benefit of local residents. That is an aim that we are continuing to work towards.

Deputy S. Power:

The Assistant Minister proposes to throw his hands in the air and do nothing.

2.12 Deputy J.A. Martin of the Minister for Housing regarding the Housing Department's eviction procedures

Can the Minister outline the Housing Department's eviction procedures for States tenants and confirm that at every stage tenants are informed in writing of their rights to appeal and of the department's intention to seek a 7-day notice to quit from the Viscount, and can he further confirm that the final decision on eviction, if appealed, is taken by the Magistrate and not the Minister or his Assistant Minister?

Senator T.J. Le Main (The Minister for Housing):

Yes, Sir, the Deputy is well aware of eviction procedures adopted by the Housing Department. An eviction is always a last resort. Any tenant that finds this action is made fully aware of the reasons why. In the majority of cases, warning after warning is given, although regrettably, in some circumstances, the actions of the tenant or those of which they are responsible are so serious that eviction must be pursued as a matter of urgency. Thankfully, such cases are few and far between. In every case, the tenant is advised in writing or in person by a member of the compliance team of my decision to pursue eviction and advised to seek independent legal advice through the legal aid scheme. It would be highly inappropriate and a conflict of interest for my officers to offer any other advice to a person that I am seeking to evict. Free advice is available at the Citizens Advice Bureau. The procedure for a complaints process is detailed within section 11 of the Tenants Handbook. Once a decision has been taken to pursue eviction, the Attorney General is requested to offer his assistance and a Crown Officer is appointed to represent the Housing Department. As a standard tenancy agreement is a 7-day tenancy, the Viscount's Department are requested by the Law Officers' Department to serve a 7-day notice to quit. Should a tenant fail to quit, the matter is progressed to the Petty Debt Court. Here the Magistrate hears evidence from both the Housing Department and the tenant or their representative. The final decision, therefore, is independent and that of the Magistrate.

2.12.1 Deputy G.P. Southern:

While the Deputy contemplates, I noted clearly that the Minister said that tenants are notified in writing or in person. Does the Minister not accept that notification in person, somebody arriving on a doorstep and issuing a verbal threat to evict is no substitution for formal written notice that eviction proceedings will be proceeded with?

Senator T.J. Le Main:

Absolutely not, Sir. In many of the difficult cases we deal with, we do not get a reply to a letter. We are unaware if the letter has been opened or given to the actual tenant, and my compliance team visit the tenants and they are explained, in simple interviews or visits, the repercussions of their actions.

2.12.2 Deputy G.P. Southern:

Does the Minister not accept that a verbal intercession is not the equivalent of a written statement, and the written statement is not in the law? Would the Minister confirm?

Senator T.J. Le Main:

I have to say again that every tenant that faces eviction is written to. It is put in writing and they are visited by the compliance team. There is nothing much else we can do apart from that. They choose to ignore at their peril.

2.12.3 Deputy G.P. Southern:

Is the Minister certain that he is obeying the law, as it written, as to his behaviour and his department's behaviour around evictions?

Senator T.J. Le Main:

We are complying with Human Rights laws and all the laws related and the guidance given to us by the Law Officers' Department on eviction processes.

2.12.4 Deputy J.A. Martin:

The Minister said he thinks I am fully aware of the eviction process. In emails between him, myself and the department, I think he needed to be pointed out that he did not have eviction power and he was informed: "You have the power to pursue an eviction, like any other landlord." This is why I have asked these questions: there is so much confusion. I am also told, by a very high officer in Housing, a tenant will always be verbally advised that they may be evicted. I look on the ministerial orders and there are eviction of tenants; not notices to quit. As far as I can know, none of these have been either told of their rights. Lastly would the Minister not agree, if receiving this: "To Mr. X, I hereby notify you at the insistence of the Minister of Housing to quit, on set date on the 30th day of February 2007, possession of the premises known as XXX in the parish of XYZ which you occupy from the Minister for Housing." Now, on that, Sir, there is no telling them that they should seek legal advice. People are taking this that the Minister has the power. There is even confusion among other Ministers. Would the Minister not agree we need a clear stated policy that is followed to the letter and then there is no confusion for anybody?

Senator T.J. Le Main:

There is clear stated policy. The Deputy should be well aware that she was Chairman of the States Tenants Group and has represented in the past many such tenants in difficulty. The issue is quite clear. The procedures are well known. The rules and regulations are in the tenants' handbook and when an eviction is pursued, unless it is a very urgent eviction where there are severe problems in behaviour affecting adjoining residents, it is a fairly long process until the eviction is signed by myself, and the tenants are well warned in writing and verbally and visited on several occasions.

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

I just wanted to ask the Minister if he could confirm that there seems to be some confusion that when his officers make a visit in person, whether they do in fact also contact via letter or take a letter with them, and if they do not, perhaps he could undertake to review the procedure so that they do in future.

Senator T.J. Le Main:

No, Sir, I have got nothing I could review. There is no problem reviewing, but things are not going to change because I believe that our procedures for eviction with letters to tenants, writing and the compliance visit, is very robust and fair. It is fair to both parties and it is fair to the landlord and it is fair to the tenant.

2.12.6 Deputy I.J. Gorst:

Sorry, Sir, the Minister is saying that there is written correspondence as well. That is not the impression that the Deputy was giving in his questions.

Senator T.J. Le Main:

What I have said again is that the tenants are written to and verbally visited and spoken to.

2.12.7 Deputy G.P. Southern:

So that Members may assure themselves that everything is being done in a perfectly proper way, will the Minister agree to circulate to Members the procedures attached to evictions that he and his department abide by?

Senator T.J. Le Main:

I am very happy to do that, but I have got to say that there are certain instances over various kinds of evictions, particularly in the last one, a very serious one I had to deal with a week ago, there be

urgent and immediate attention to safeguard the safety of other residents. I will quite happily invite any Member to come and visit my department to go through it with me.

The Deputy Bailiff:

The question, Minister, was a simple one: whether you would agree to circulate the procedures.

Senator T.J. Le Main:

Well, Sir, I will ask my department but I cannot give any guarantees, but I can give the basic advice of how we proceed, but there are several ways and differences in the way we effect eviction orders.

2.12.8 Deputy C.J. Scott Warren:

I would like to ask the Minister, is a tenant invited into the department at an early stage of any complaint being received in order to try and resolve issues before they get to the stage of being called in and told a tenant will receive a notice to quit? In other words, is everything done to try and resolve issues?

Senator T.J. Le Main:

Yes, Sir. All tenants, whether they find themselves in difficulty, whether it be with disorderly and bad behaviour or unsociable behaviour or rental arrears or rental difficulty, are invited into the department and the department work very closely that every tenant is invited into the department to talk over their difficulties. I will give them warnings, and home visits are also made. I have to advise Members that eviction is the last thing we want in social housing. We are not there to harass people, and when they have great difficulties, particularly on certain issues, we have professional officers there that can discuss and assist and come to make arrangements, but there are certain tenants over the past few years, and not many, that have been impossible to deal with, who refuse to co-operate and, unfortunately, we cannot go very far with those.

2.12.9 Deputy J.A. Martin:

Well, I dispute the "very few". On the one day in January 2006 when 27 tenants were evicted, or were they 27 tenants in one day in January? Anyway, that is not the question. The question is, Sir, I really would like the procedures sent to States Members because I think the Minister seemed to be saying there are procedures, people are warned, people are verbally warned and people are written to, except if this case is urgent. Then it seems to be, Sir, the Minister was saying: "It is okay to throw all the procedure rules out and just serve the tenant with a notice to quit." Now, is he saying this? If so, can he make sure this does not happen again?

Senator T.J. Le Main:

Can I say that the normal eviction process on persons that continue to misbehave or are not able to maintain their tenancy agreements, full discussions on a longer ongoing period normally happens by inviting the tenants in or we do home visits, but there are instances, as highlighted by my one severe case last week, where an eviction process will be immediately signed because of the history and the fear and the difficulty caused to other residents. That is an immediate eviction which I have to do in the public interest to safeguard the safety of others.

2.12.10 Deputy J.A. Martin:

Just finally, Sir, if the Minister is not following the law, if it does go to court or the procedure, surely the Magistrate will not even hear the case. So it would be best for the Minister to form a procedure that is followed under every eviction, and then he would probably be able to proceed to court.

Senator T.J. Le Main:

The Deputy, with respect, still does not understand that there is a long - on even the case that I mentioned last week - there is long ongoing history of difficulties which culminated in my

immediate decision and warnings and many other issues, and that the tenant was well aware over a period of many months that eviction could and would happen if the behaviour did not change.

2.12.11 Deputy G.P. Southern:

May I ask a clarification, Sir? Would the Minister point Members to the powers under which he is able to act as summarily as he apparently can?

Senator T.J. Le Main:

I will seek advice on that, Sir, but I have to seek advice from my department and the Crown Officers, but I have been acting in the role of Minister since 2005, as I did previously as President of the Housing Committee, and it is the first time that ... I do not believe for one minute that I have been acting out of ordinary.

2.12.12 Deputy I.J. Gorst:

I am sure the Minister would agree that even if it is an emergency eviction, he and his department will follow a procedure. I believe what this Assembly is asking is merely to get satisfaction that that procedure is a fair and appropriate one, even in an emergency situation. Will he not therefore release that and give Members an understanding of that procedure?

Senator T.J. Le Main:

I have explained, Sir, that there is a long history prior to an eviction, even an urgent one where there has been full discussions and issues with the tenant or tenants, and if those have failed to be acted upon, then when the inaction or the actions of that particular tenant which has caused so much difficulty to other residents or otherwise, then immediate action has to be taken. If I may say, in his patch, St. Clement, where residents are being annoyed by a tenant, the Deputy is the first one on my back to move them.

The Deputy Bailiff:

I think the Deputy is bowling in quite a friendly ball.

Deputy I.J. Gorst:

The Minister is absolutely right, Sir, but all I am trying to get him to say is that there is a procedure, even for an emergency eviction, and it is only fair that both his tenants and Members should understand what that procedure is.

Senator T.J. Le Main:

How many times have I got to say that there has been, even in emergency evictions, full officer compliance visits ...

The Deputy Bailiff:

The question, Minister, is whether you are willing to share that with the Assembly.

Senator T.J. Le Main:

Yes, Sir, I will share it.

2.12.13 Deputy C.J. Scott Warren:

Does the Minister accept that it is always important for him and his department members to hear all the evidence from all the neighbours concerned in the area of a family and from all the family members before deciding upon the serious course of asking Viscounts to issue a notice to quit? Thank you, Sir.

Senator T.J. Le Main:

Yes, Sir, and in fact, when complaints come in, as I highlighted in an individual case last week which was a very, very serious case, all the complainants and the residents were visited and statements were taken, and the full compliance under Human Rights legislation on both sides were taken.

2.12.14 Deputy C.J. Scott Warren:

I think the Minister and Deputy Gorst have really got the answer I wanted. To complement that, I would like to say as his department already has these procedures in place and are written down somewhere, can we have them A.S.A.P. (as soon as possible), probably by the end of today?

Senator T.J. Le Main:

Yes, I am quite surprised to hear the Deputy say that because certainly an explanation was given by email from one of my officers; I think I copied it into the Deputy last week in regard to the procedures.

Deputy C.J. Scott Warren:

All the emails contradict each other, Sir. This is why all the big questions were asked. The question was when can we have these written down procedures the Housing Department use to evict tenants?

Senator T.J. Le Main:

You must remember, Sir, that it is all very well to write the procedure, but there are situations that discretion has to be used and common sense has to be used. I remind that, Sir.

The Deputy Bailiff:

The question was, Minister, when will you feel able to pass whatever it is you are going to pass to Members.

Senator T.J. Le Main:

As soon as I can get my officers to have some spare time, Sir.

2.13 Deputy G.P. Southern of the Minister for Social Security regarding the replacement of rent rebate by the income support scheme

Let us hope this Minister has more understanding of the basic five 'w' questions than the last. Will the Minister describe the changes involved in the replacement of the rent rebate abatement scheme with the accommodation component in income support with particular regard to the previous limit on rent of 26.5 per cent of income in the States sector, the reduction in the generosity of the scheme across the full range of incomes, and the overall numbers of households claiming the benefit and the total sum spent?

Senator P.F. Routier (The Minister for Social Security):

Well, this question, or should I say 5-part question, is rather surprising considering that the Deputy has been a member of the Income Support Scrutiny Panel for the last 2 years.

Deputy G.P. Southern:

Will the Minister just answer the question?

The Deputy Bailiff:

Deputy, the Minister is introducing the question. He will answer it in his way, not your way, I am sure.

Senator P.F. Routier:

I would add that the question he poses relates to information that is already in the public domain. As the Deputy is well aware, 14 different benefits were replaced by the income support system. The changes involved in this process are set out in States propositions P.86 of 2005, P.102 of 2006, P.90 of 2007. In very general terms, the rent abatement was used to reduce the costs of rent to households, whereas income support provides a benefit to cover all basic needs, including household costs. Because income support looks at all aspects of the household circumstances, it is impossible to make an analysis just based on income levels. There are 4,930 households whose income support claim includes accommodation elements. Of these, 330 are owner occupiers.

2.13.1 Deputy J.A. Martin:

I accept the Minister is criticising Deputy Southern and he can now criticise myself because my question is, and the Minister answers it in a written question - it came from Deputy Southern - that the Social Security Department now pay the level permitting the full cost of their home is paid to the Housing Department direct. My understanding of rent abatement was that the tenants paid part. Let us say it was £100 and they paid £25, an abatement system was a credit system where they were credited. No actual money. So my question is, if the Minister is now paying these full rents to Housing which abatement was around about 50 million, where is this budget and money coming from? This is the question we cannot seem to get around and understand.

Senator P.F. Routier:

As I said in the earlier response, we have scrapped the old system. Rent abatements and rent support no longer exist. It is a totally new way of assessing people's needs with regard to their accommodation requirements with regard to the cost of covering their accommodation. It is impossible to compare the 2. We know all the money from all of the benefits, whether it be rental or disability benefits, and all of those, all went into one pot and we have designed a completely new system. So it is impossible to make that calculation or that assessment against both issues.

2.13.2 Deputy G.P. Southern:

I would like to ask the Minister the following question then, and it may be because of my own stupidity, but I cannot for the life of me understand what we have done with income support and what was the rent abatement element of it in that we were told that what we were going to do, there was a big long tail on rent abatement which meant that people with moderate to large incomes were still getting rent abatement. We were told we were going to cut that tail, and I want to know the answer to where does that tail start getting cut. So I want to know what has happened to compare what was rent abatement previously against income, against the new system, accommodation component against income, and also whether any impact has happened at the bottom end, at lower earnings, to also reduce the amount of what was abatement to compare to now. So I want comparative figures to be able to say - and I think Members themselves thought that that is what they were doing with rent abatement, cutting their tail, and they need to know what have we done? We need some figures. Will the Minister produce some figures to explain to Members exactly what has happened in terms of rent?

Senator P.F. Routier:

With regard to people who are at the lower end of the scale, they certainly are being supported in an appropriate manner so they are able to afford their rent, as we are aware, I am sure, from the evidence we have just provided a couple of weeks ago. With regard to those at the tail, as the Deputy has described it, there are around 1,300 people who were among that group of people who were seeing their rental reduced over a period of time. That is obviously from memory, but certainly if the Deputy is going to ask more detailed questions like that, it would probably be better to be a written request. Certainly I know that there is, as I say, about 1,300 people who are in the

bracket who were in what the Deputy described as the tail and having their rental benefits being reduced.

2.13.3 Deputy G.P. Southern:

Notwithstanding his initial response that this was already in the public domain, I do not believe it is; will the Minister agree to produce a written response to this particular original question with the aim of explaining to Members exactly what has happened to the old rent rebate scheme and what the equivalent is and where it impacts and what it delivers to whom?

Senator P.F. Routier:

I am not sure what benefit that would be because we are in a situation where we have moved into a totally new benefit system which is supporting people appropriately. My department, I have to say, are struggling with answering the unending questions which are coming from the Deputy.

Deputy G.P. Southern:

Shame.

Senator P.F. Routier:

I am stating a fact. The department are struggling to answer the questions the Deputy keeps on placing before us. You will see in the last 2 or 3 sittings, 3 or 4 pages of answers to the Deputy. To what end, I am not sure, because my department really want to get on with helping people and to deliver their benefits that they need, and we have to divert officer time to answer these questions. If there was to be a real useful purpose in the questions, I would be very happy to answer them, but the Deputy wants to go over old ground and it is not achieving anything. **[Approbation]**

2.13.4 Deputy S. Pitman of St. Helier:

In the initial response to Deputy Southern's question, the Minister said that the information he was asking for is in the public domain. Well, as he knows, I had a meeting with him and a constituent last week relating to this subject, and he informed us that the income support information was out in the public domain and out in Parishes, Parish Halls. Since then, my constituent has been around to 7 Parish Halls and has not once found that information. Could the Minister tell us when he intends to get this information out?

Senator P.F. Routier:

I am sorry that the constituent that we met with last week has not been able to find information in particular Parish Halls. I will ensure that the Parishes do have as much information which is currently available, but that is particularly a different sort of information than previously Deputy Southern was asking for, which was all the stuff that was being debated over the years, which is a totally different matter. I understand information for the public about how income support works does need to be in Parishes and I will ensure that that is kept there.

2.13.5 Deputy J.A. Martin:

Just getting back to this rent abatement; to make it clear, the Minister said previously the budget that was previously used from your department was put together. So can the Minister exactly tell us, so I can get my head around this, how much money did the Housing Department put into the pot to be redistributed back to them, because it must be around £22 million and they never had it before? It was abatement. They were very low on income and cash, as the Minister kept telling us. So where did this money come from to give to the pot in the first place? Then I would get my head around the system.

Senator P.F. Routier:

I will confirm that figure for the Deputy as soon as I can.

2.13.6 Deputy G.P. Southern:

While I apparently have to apologise for taking up the time of officers, I do believe it is absolutely vital in this House that when Members make decisions and they are told beforehand: "This will do this", that they have some means afterwards of saying: "Well, what is it we have done?" Will the Minister agree to give me data which will enable Members to measure what they have done in terms of rental and in terms of the overall package which is not in the public domain so that they can satisfy themselves that the decision they made in bringing about income support is a justified one and works?

Senator P.F. Routier:

My department, as I say, is under tremendous pressure to get the system and to provide the services to the public. I will ask the department if they are able to provide that. Depending on the amount of time it requires them to spend on it, I will then make a judgment about whether it is appropriate for them to spend that time. I reiterate they are under pressure and I would ask the Deputy if he has some questions which are about furthering the income support forward rather than raking over old coals, I would be more than happy to answer those questions about moving forward. Raking over old coals, I really do not see the point.

2.13.7 Deputy G.P. Southern:

If I may, if the department is genuinely so strapped for staff resource and funding that it cannot provide this information, will he agree to release the database in an anonymised form so that we can employ a statistician and an analyst to perform the calculations and work out what is happening because apparently he cannot?

Senator P.F. Routier:

I would have to think about that, Sir.

2.13.8 Connétable S.A. Yates of St. Martin:

I have been listening to these questions and I must admit that I am also somewhat ... I do not think confused but I do lack knowledge about the accommodation component. I recognise antagonism between the Minister and the Deputy, and I would like to say I do not want to be part of this antagonism but I want to know the information. So would the Minister please supply the Income Support Panel with the information they require? Let us get on with the job, Sir.

Senator P.F. Routier:

I am very happy to work with the panel when it is information which is easily accessible. Sometimes the request for information does - and we are talking about 8,000 households across the Island - it can be very difficult to assimilate and drive down into the information into the computer if the computer has not been programmed in a particular way. So it might require ... because the computer was programmed to provide a service going forward, not for looking backwards. If I am able to provide the information easily, I am very happy to do that, but I know that some of the questions that we are being asked requires somebody manually to spend hours and hours and hours going through files. I want to be as helpful as I can, but I just make that comment, Sir.

2.13.9 The Connétable of St. Martin:

Personally I do not think I need to know details of individual rentals. I really want to know the basic methodology and I do not think that is a question of going through hundreds and hundreds and thousands of individual cases. It is just a question of the basic policy and I am sorry, Sir, that is the question I am looking for.

Senator P.F. Routier:

Yes, Sir, I am very happy to provide that information on basic policy. I think we have debated a lot of these policies in the debates we have had in the States. Obviously, as I mentioned earlier, I

know the Connétable was particularly interested in how the rent abatement and rent budgets were going to be cut back because of the over-generosity in the early stages; people are very interested in that. As I said in my answer, there are about 1,300 people who are having their rents reviewed. So I do know that to be the fact, but if there is any other information I can give, I will do my best to give it.

3. Questions to Ministers Without Notice - The Minister for Planning and Environment

3.1 Deputy R.G. Le Hérisier:

I wonder if the Minister could outline the legislative basis upon which he is running the system of enabling development where, for example, people like farmers are able to build buildings in order to cross-subsidise their other operations. So, first, Sir, what is the legislative basis of his actions here and secondly will it lead to a proliferation of mini estates throughout the country?

Senator F.E. Cohen (The Minister for Planning and Environment):

The enabling development was set out before I was appointed as Minister or indeed before I became a Member of the States. It was set out in the Rural Economy Strategy in 2005. It is a policy that we need to be extremely cautious about. It is, in principle, designed to enable farmers to improve their farms through allowing development that otherwise would not be permitted. In other words, that is in normal circumstances contrary to policy. In administering this, we have to be absolutely certain that the amount of value being generated is the minimum needed, and the impact upon the countryside is the minimum we can possibly deliver. In order to do this I am setting out a number of key principles. The first is that the figures presented by the Environment Department and Economic Development ...

The Deputy Bailiff:

Minister, I am sorry. How long is this answer going to be because ...

Senator F.E. Cohen:

Very well. I will finish quickly, Sir. The main principle is that all the figures will be audited. I will sign off the policies myself and I will make sure that all development is at an absolute minimum and designed in the local vernacular.

3.1.1 Deputy R.G. Le Hérisier:

I wonder, as a supplementary, what is the legislative basis? Was this discussed by the States? Was this an internal policy of the then Planning Committee?

Senator F.E. Cohen:

As I have previously stated, this was set out and agreed by the States in the Rural Economy Strategy. I have an interim policy. This policy will be rolled up into the Island Plan Review and States Members will have the opportunity of fully debating a proper policy. At the moment, this is only effectively guidance that can be used.

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

I am seeking the Minister's opinion on a situation which arises on an H2 site, Le Clos Vaze at the top of Mont à l'Abbé. We have a situation currently where the planning permit has not been abided by and the play space and community centre is missing from the development. I understand the developer has submitted another application for a site adjoining that site. I really would just like to ask the Minister does he feel that there should be an obligation on the developer to finish the development of the community space before a permit is granted for additional housing adjacent to the site?

Senator F.E. Cohen:

I do not wish to comment on a particular development, but I will say in principle that all terms of planning obligation agreements should be strictly enforced and in relation to any matter such that has been mentioned by the Deputy, I will be arranging meetings with the relevant politicians. Following that, there will be meetings with the developers and the House can be absolutely sure that I will do everything I can to make sure that all commitments are fully delivered on all sites.

3.3 The Deputy of St. Martin:

Will the Minister give an update on the Trinity Infill Application? Has the compensation issue been resolved and, if so, will the Minister inform Members of the cost of the compensation settlement?

Senator F.E. Cohen:

Unfortunately I am not able to give the House full details. This matter is still under negotiation. As soon as we are in a position of having a concluded agreement, I can assure the House that all Members will be fully informed and have the opportunity of commenting to me on it.

3.4 Deputy R.G. Le Hérisier:

I wonder if the Minister could say will the negotiations finish before the removal of scaffolding from St. James? **[Laughter]**

Senator F.E. Cohen:

It is a jolly good question, Sir, but I do not have the answer.

3.5 Deputy I.J. Gorst:

In some jurisdictions, planning permission is required before a piece of land can be subdivided, thus limiting the proliferation of garden grabbing. Will the Minister agree to review our legislation with a view to making such a change?

Senator F.E. Cohen:

Garden grabbing is a complicated issue. It is an invention of the Planning Applications Panel. I have not previously heard of the term. It does represent something that is of great concern to many Islanders, that in every available space anywhere you end up with another house appearing in a garden, and it is something we should avoid. However, there are cases where clearly large gardens should be, or can be, subdivided but we need to have a firm policy at the moment. We need to have a firm policy in place, and at the moment we are dealing with applications on the hoof. So, yes, I agree there should be a proper review of the circumstances and I undertake to do so.

Deputy I.J. Gorst:

Can I thank the Minister for that undertaking.

3.6 Deputy K.C. Lewis:

It is my understanding, Sir, that we are looking for other events to bolster the Battle of Flowers. If enough volunteers are found, myself included, will the Minister review his advice regarding the record-breaking firework display?

Senator F.E. Cohen:

My advice in relation to the record-breaking fire display was that I supported it. That was covered in full in the *Jersey Evening Post*. However, there seems to be some misunderstanding over the advice given by my department. There seems to be misunderstanding that my department provided advice that the record-breaking attempt should not go ahead. That is most emphatically not the case. My department did everything they possibly could to try and find a way of mitigating the environmental impact of this proposed rocket launch. The department cannot simply say because it

is for charity and because it is a jolly nice thing to do that we can ignore the environmental impact. What the department did was to ascertain the likely impact and to put in place proposed mitigation strategies to ensure that the impact was reduced as far as possible. It was not the department's wish to stop the record-breaking launch and it was not the department's decision not to go ahead.

3.7 Senator L. Norman:

The Minister will recall that it was 2 years ago that the Constable of St. Ouen persuaded the States that the Council of Ministers should take action to protect and acquire the headland at Plémont. Now that the Minister has refused the planning application up there, what action is he going to be taking to comply with the wishes and decision of the States?

Senator F.E. Cohen:

As Planning Minister, there is not much action I can take. I have made it very clear that my personal view, and this is a personal view, is that the site should be acquired for the benefit of the public and should be returned to nature. As Planning Minister, there is nothing I can do to deliver that. It is really up to the States to make a decision to achieve that, and I would expect at some stage that someone will move something forward on that basis.

3.7.1 Senator L. Norman:

Is the Minister not aware that the States had in fact already made that decision and are waiting for some action from the Council of Ministers? As a Planning Minister, does he not feel he has some responsibility to ensure that the decision of the States is carried out?

Senator F.E. Cohen:

I do not see, as Planning Minister, that there is much I can do. It would seem rather odd if the Planning Minister came forward with a report and proposition suggesting the compulsory purchase of the site. I certainly do not intend to do that and I am sure the Council of Ministers will come forward with a proposal or other Members of the House can come forward with their proposals. We certainly need to bring the matter to a conclusion, and as I have said, my view is the site would be best in the hands of the public, used for the benefit of the public and returned to nature.

3.8 Deputy D.W. Mezbourian:

I would like to address the Minister in his role as Environment Minister and to say, Sir, that following the recent news that there has been a decline in breeding shags and cormorants on the north coast, my understanding too is that we have only 5 puffins return to the Island this year. Will the Minister advise what his priority is within the department to address these issues and whether his department are indeed doing anything to stem these declines?

Senator F.E. Cohen:

The department are clearly aware of these issues as they are in relation to the terns on the Ecréhous. However, these matters are complex and, for example, in relation to the puffin decline, there is various different theories about why puffins are declining. There is the effect of climate change, there is the issue of food stocks and a variety of other issues. So the department is on top of it but there is no simple answer to provide a strategy to improve bird populations, I am afraid.

3.8.1 Deputy D.W. Mezbourian:

A supplementary if I may. I understand that a biodiversity action plan may be being written by the Environment Department. Would the Minister expand on that?

Senator F.E. Cohen:

There is a biodiversity action plan in action. It was launched, I think, about 12 months ago. About 52 species are included. There are explanations of the circumstances of the various species that are under threat or under potential threat and the concept is that Islanders become champions of the

particular species they favour. So it is there. It is quite a well put together document. It is one of the best documents the Environment Department have put together, from a visual perspective and I will ensure that the Deputy is provided with a copy and I am sorry if she has not been.

3.9 Deputy J.J. Huet:

As the Minister is probably aware, there is a meeting on Thursday morning, reference these developers' commitments that have not been carried out, but that carries on to say that what is the Minister doing about pieces of land that are agricultural, worth £50,000, with these development planning passed, they are worth £5 million? Does he not believe that it is now time that 20 means 20 and a tax should be put on this land by the owner, because this is ridiculous money that we do not use? That money could be used towards G.S.T. food bills.

Senator F.E. Cohen:

I think we have to be very careful in this area. The objective of good planning policy is that we should deliver what our community wants in terms of high quality buildings that they can live, work and play in and I think we have to be cautious about being driven by a concern for the profit or loss that we create as a result of that. I agree with the principle that where green field sites are approved for development, that it is appropriate that the enormous gain that is created out of that should, in some way or other, benefit the public. Whether that is by planning obligation agreements, where benefits are directly delivered to the public, or whether it is by a taxation mechanism, is really for the House to decide and not for me. It is my job to deliver high quality development. It is for the House to decide how they wish to direct the benefit from that development.

3.10 Connétable T.J. du Feu of St. Peter:

Given the answer which the Minister gave to Deputy Le Hérissier's opening question, regarding the enabling ability within the planning decisions, could I ask the Minister, is he in agreement or disagreement with that particular policy? He did not really come clean and give us an answer on that one.

Senator F.E. Cohen:

I think it is, in principle, a good policy but it is a dangerous policy. I think that providing we keep on top of it and we make sure that we use it as it was intended by the States when the States approved the strategy in July 2005, that it has benefits but we need to be very, very cautious. We do not want, as Deputy Le Hérissier said, to end up with a proliferation of mini estates emerging throughout the countryside, simply as a result of this enabling policy. My view is that we should keep the development to the minimum number of units, that the developments should be of the very highest quality, they should be in the Jersey vernacular, and that means predominantly built, constructed of granite, in appropriate vernacular design. I support the policy, but with caution.

3.11 Deputy R.C. Duhamel:

The Minister is aware that he wears 2 separate hats; one for planning and one for environment. On that basis, will the Minister be coming forward with comments from an environmental perspective, in order to inform the debate on P.72 which is the E.f.W. (Energy from Waste) plant or incinerator debate?

Senator F.E. Cohen:

The position is that there is an obvious tension between the roles of Minister for Planning and Minister for Environment and this is one of those issues where there is tension. I can assure the Deputy that all information that has been collected by the Environment Department will be made available to him and to any other Member who requires it. I am not of the view that any further work needs to be done in advance of the debate. I think that the work has already been done and all

that work will be available to any Member who requires it; just let me know and I will send all the information we have to you.

3.11.1 Deputy R.C. Duhamel:

To put things beyond doubt is that a ‘no’, there will not be any environmental comments from the Minister, in relation to this debate?

Senator F.E. Cohen:

It means that there will not be any further comments from me as Minister, but it does mean that all the opinions of the department are collated by the department and the technical work done by the department is available to all Members. Comments will come from the Council of Ministers.

3.12 The Deputy of St. John:

In the absence of the instruction regarding environmental taxes, is the Minister confident that he will be able to implement meaningful additional environmental initiatives within his existing budget?

Senator F.E. Cohen:

It depends what you mean by “meaningful”. Environmental taxes are not on the cards at the moment. Islanders are having to cope with G.S.T., they are having to cope with increased food prices, increased fuel prices, even middle income families are finding things difficult at the moment. To add on to that environmental taxes just will not deliver the atmosphere that you need to create with environmental taxes, which is a positive relationship between the taxpayer and the taxing authority, where the taxpayer is pleased to pay the tax because they can see the environmental benefits. So, effectively, we are going to have to do what we can in the intervening period, until we are able to introduce environmental taxes to provide benefits. They will not be the benefits that we would otherwise wish to provide. We are fortunate that the Jersey Electricity Company is providing £500,000 and very generous of them to do so. That money will be used, primarily, to provide insulation grants and other simple environmental objectives. But, in terms of the grander plans of environmental taxes, I am afraid they will have to be on hold for the moment.

**4. Questions to Ministers Without Notice - The Minister for Education, Sport and Culture
The Deputy Bailiff:**

Very well. I am afraid that we have run out of time so, Deputy Fox, I am sorry, we do not have time for your question. We then move to Questions without Notice of the Minister for Education. Deputy Pitman.

4.1 Deputy S.Pitman:

In a recent meeting with the Minister, between Scrutiny and himself, the Minister has indicated that he is all for social inclusion. I do not know how much he is aware of this issue but I do not feel that when you have trips, residential with the youth service, and when children are on those residential and they are disabled, there is a higher insurance on those disabled children, which limits what they can do. Could the Minister please comment on that and also take issue?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

Yes, Sir. Obviously, with social inclusion and with the youth service, we try to be as inclusive as possible, with the youth service and we make provision to do so. Obviously, it is very important on residential trips that we have the appropriate insurance and, depending on the needs of those who are being included, that insurance will vary. I have no control over what insurance companies charge. What we always try and ensure to do is, as much as possible, to include everyone as far as possible.

4.1.1 Deputy S. Pitman:

Can I ask the Minister to take up this issue, please?

Senator M.E. Vibert:

I am not sure who the Deputy is asking me to take the issue up with, Sir.

4.2 Deputy I.J. Gorst:

Can the Minister confirm the number of children on the priority list for nursery places in September and also confirm that he remains satisfied with his department's current policy in this regard?

Senator M.E. Vibert:

I am afraid I have not got the number with me at the moment. I know we have had a number of appeals because we were far over subscribed for nursery education and, as I hope everybody in the House knows, I remain very unhappy with the current policy that my department has to pursue because the States, last year, did not feel it was possible to provide the money so that I could offer free nursery education to all children of appropriate age. We are having a meeting on Thursday - which I hope the Deputy can attend. I do not know if he is attending or not - supervised and run by Jersey Childcare Trust, where we are looking at the whole issue of nursery education, again, nursery education and care. I am hopeful that, while the Council of Ministers supported it in principle last year, that this year I may have even more backing when I come back to the States later in the year, seeking again that we can have a fair and equitable system of free nursery education for all 3 to 4 year-olds.

4.3 Deputy J.A. Hilton:

I would like to establish whether the offspring of a (j) category, whose licence is due to expire, would still qualify for a further education grant?

Senator M.E. Vibert:

The criteria for higher education grants are quite clear and we have criteria that are very similar to the U.K., because of movement between and, quite simply, when they are taking up the course, a young person is living in the Island and has been here for the requisite amount of time beforehand, with their parents, we would receive an application for a grant and adjudicate accordingly.

4.4 Deputy D.W. Mezbourian:

The Minister has identified that an additional £370,000 is needed in his budget next year to continue funding the Aquasplash Pool. In April this year he advised the Education and Home Affairs Scrutiny Panel that he will be seeking to renegotiate the contract with the operator to ensure both that they take more of the risk, thereby reducing the risk to the States, as well as to better incentivise them to perform well. Will the Minister advise the House at what stage those negotiations have reached?

Senator M.E. Vibert:

A report has been prepared by my officers, which looks at the options to reduce the levels of subsidy provided to Serco to operate Aquasplash, which is under a contract agreed previously with the operator. The report makes recommendations to renegotiate the contract, or to re-tender the contract, operate the facility by E.S.C. (Education, Sport and Culture), close the facility, use the site for development. They were all looked at, as we know. It has been agreed that E.S.C. take on the responsibility for the administration of the contract and the budget will be transferred to my department from the Treasury from 2009. We have begun discussions with Serco to renegotiate or negotiate the contract because we believe that we want to work with them so that there is less drain on States funds for the running of the pool.

4.4.1 Deputy D.W. Mezbourian:

I asked the Minister what stage those negotiations have reached, because my understanding is that when he came to speak to us in April, he told us then that he had begun to negotiate with Serco and my panel made a recommendation, indeed, to the Council of Ministers, that the renegotiation needed to be dealt with swiftly and that by the time of the Business Plan debate in September of this year, all Members should have been given, by the Minister, a clear idea of the options available to him, including the implications of potentially closing the Aquasplash. I want to know at what stage these renegotiations are and whether the report the Minister has just referred to was prepared before or after he spoke to us in April?

Senator M.E. Vibert:

The discussions have begun and are ongoing with Serco, who have a current contract with the States. We are trying to negotiate with them to improve the details of that contract. I hope that those discussions will have borne fruit by the time the Business Plan comes about. But discussions involve 2 parties at least and there is an existing contract. We are relying on a lot of goodwill to renegotiate that contract and we are doing it on an ongoing basis. When I have information and news to report to the States, I will do so.

4.5 Deputy K.C. Lewis:

It is my understanding, Sir, that Jersey will be bidding for the Island Games directly following on from, I believe, Bermuda. What additional infrastructure does the Island need, if any, to bring it up to standard?

Senator M.E. Vibert:

Yes, the Island Games Association of Jersey has indicated that it would wish to bid to host the Island Games in Jersey again in 2015. That will involve a substantial commitment on the part of my department, on behalf of the States, which I will be discussing in more detail, or the department will be discussing in more detail next year because the actual formal bid has to be in in 2010 but a lot of work has to go on beforehand. As part of this, we have done a review of the facilities and the facility that needs the most work done on it is resurfacing the running track at F.B. Fields and that is included anyway in the capital programme. I believe it is for 2012 but Members, if they look - I believe it is 2012, I am not sure - because it needs resurfacing anyway because it is coming to the end of its existing life. But, otherwise, the facilities we have in Jersey should be able to cope, but obviously there are other costs involved in hosting an Island Games.

4.6 Deputy J. Gallichan of St. Mary:

In recent questions in the House, we learnt that in circumstances following a potential review of the Firearms Law, the police may be able to enter schools and search without a warrant. Could the Minister please advise if he has any concerns at all about this development and about how it will be effectively put into practice?

Senator M.E. Vibert:

I was concerned about the reporting. I heard of this when I was unaware it was going to be raised on the news. We have been in consultation for some time and are still in consultation. I have just received another report from Home Affairs, to review it. What we want to do is to ensure that our children in our schools are as safe as possible. What we are seeking to agree with Home Affairs is that, with the permission of the head teacher of the school, that if the police have a suspicion that there may be knives on the premises, or something like that, that without the need for them to obtain a warrant, that with the agreement of the school, they can come in and search pupils, again agreed by the head teacher. I think that is a very sensible way forward. What we are not going to be looking at are random searches in schools, because I do not think that is necessary in Jersey and would give quite the wrong message out to our young people, the vast majority of whom are very well behaved and would not dream of bringing any sharp implement that they should not into schools.

4.7 The Deputy of St. John:

Is the Minister satisfied that grant provision for post-graduate courses, particularly in the field of medical science, is adequate? If not, what improvements would he like to see?

Senator M.E. Vibert:

Grant provision for post-graduate courses is now done on a competitive basis from a fixed sum. Because I am a great supporter of education and higher education and the more you can get, the better. Yes, I wish I had more money to allocate to post-graduate grants but we do encourage companies and others, where it will be of benefit to them, to support post-graduates as well and we do what we can, within the sum we have. But, as I am a great supporter of education, I wish I had more funds but we have a fixed budget, fixed by this House and I have to operate the whole of Education, Sport and Culture within that budget.

4.8 Connétable M.K. Jackson of St. Brelade:

The Minister will recall that when Hautlieu School was completed there were considerable difficulties over the heating system. Would he confirm that the system is now working satisfactorily and that the running expenses are in line with the department's expectations?

Senator M.E. Vibert:

I have not got the details here and I will check. All I can say is that previously, when they were not, I was told about it often enough and I have not had any complaints recently, so I hope everything has been sorted out. I will look into it so as I can reassure the Constable that it has been.

4.9 Deputy P.V.F. Le Claire:

Would the Minister not agree with me that the Battle of Flowers is an important part of Jersey's local culture? What is he doing and what is his department doing in order to ensure that the problems that the Battle of Flowers faces on a year by year basis are considered by his department, under the auspices of culture and what assistance is he offering, if any?

Senator M.E. Vibert:

The Battle of Flowers, as far as I am aware, have never approached my department for any assistance. They have always gone through the Economic Development Department and, before that, the Tourism Department. In fact, I remember having discussions with the Battle when I was Vice President of the then Tourism Committee. It seems a long time ago now. I agree; the Battle of Flowers is a very important cultural event. I believe that considerable investment has been put into it by Economic Development. I also believe that the Battle has to do a lot to help itself, particularly in getting increased sponsorship, but I pay tribute to everyone who works hard for the Battle of Flowers. I believe it is a major part of Jersey and will continue to be a major part of Jersey and they need to help themselves and we need to help them as well.

4.10 Deputy A.J.H. Maclean:

Following the extraordinary decision by the Jersey Heritage Trust to spend some £500,000 purchasing the Puddleduck service; the Minister made an undertaking that he would review the circumstances surrounding this particular transaction. I was wondering how the review was progressing and when Members are likely to get a copy?

Senator M.E. Vibert:

As I said at the time when I was asked oral questions on this, that I have asked for a full report from the Jersey Heritage Trust, going into the whole background of this decision and I am pleased to say that that report is now being delivered to the States Greffe for onward circulation in its entirety to all States Members, and I hope it will be with members in the next couple of days.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. Statement by the Chairman of the Privileges and Procedures Committee regarding assistance towards the costs publicising candidates' election manifestos

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

Since lodging the draft Public Elections (Expenditure and Donations) (Jersey) Regulations 200-, P.82/2008, on 30th May 2008, the Privileges and Procedures Committee has given further consideration to the manner in which assistance can be given to candidates to circulate information about their policies. As stated in the report accompanying P.82/2008, the committee had originally hoped that it might be possible to offer some form of free posting for candidates but, unfortunately the cost associated with this option made it prohibitive. Although the committee had therefore concluded that no assistance beyond the establishment of a website would be offered, the committee decided last Wednesday that it should also publish 2 inserts in the *Jersey Evening Post*, one for the Senators' and Connétables' elections and one for the Deputies' elections. In these inserts each candidate will be given a standard and identical space where he or she could publish details of his or her manifesto for election. The length of the insert will clearly depend on the number of candidates but the P.P.C. (Privileges and Procedures Committee) is currently hopeful that approximately one half of a page will be offered to each candidate. The committee would stress that the content of each candidate's section will be entirely a matter for the candidates concerned, with each candidate being requested to supply the necessary copy to one central location by the publication date. As stated above, P.P.C. was initially disappointed that other methods of assisting candidates to distribute election material were not possible and the committee hopes that the *J.E.P. (Jersey Evening Post)* insert will go some way towards improving the knowledge of electors, about each candidate. It is important to remember that if the Committee's proposal to P.82/2008 are adopted, the restrictions on the level of election expenses proposed would not allow the posting by candidates of manifestos to each elector, as the total cost of postage would exceed the permitted amounts.

5.1.1 The Deputy of St. Martin:

I am just a little bit surprised to see what it says here: "The length of the insert will clearly depend on the number of candidates but the P.P.C. is currently hopeful that approximately one half of a page will be offered to each candidate." Could I ask the chairman, is it half a page of the *Evening Post* or half a page of some other insert, because it would appear to me that it is going to be rather expensive. If that is the case, how much is it going to cost the States to publicise half a page for each candidate?

The Connétable of St. Clement:

It will be half the page of the normal supplement, the normal insert and it will cost, depending ... it depends on the number of candidates ... how many pages we were going to ask for, but it will come to under £9,000.

5.1.2 Deputy G.P. Southern:

Would the Chairman please inform Members what alternatives he examined and what cost are the alternatives that he rejected?

The Connétable of St. Clement:

We looked at possibilities allowing the candidates to post an election address to each elector and it came to, as far as my memory goes, something like £50,000.

5.1.3 Senator P.F.C. Ozouf:

I think that I did not understand the answer the chairman gave. Would he explain to the Assembly what the costs were for a direct mail of manifestos to individual voters?

The Connétable of St. Clement:

I said to the previous questioner that it came to somewhere in the region of £50,000.

5.1.4 Deputy J.B. Fox of St. Helier:

In relation to the proposed P.82, that candidates would be restricted on the amount that they could employ, as the information is coming out now of looking at an alternative supplement in the *Jersey Evening Post*, will that mean that individual candidates will not now be able to send individual letters or leaflets to their constituents because of the proposal of one supplement of a half page, or thereabouts in the *Evening Post*, or will they be dispensing with the original proposal of not allowing the extra money for the cost of postage? Sorry, the basic argument I am asking for is, under P.82, it was proposed to limit the amount that the election give, but it was proposed, at that point, to allow for postage to be covered by other means. That will not now happen. Therefore, is it still P.P.C.'s intention to restrict the amount of money, which would debar candidates from being able to send, to individual recipients, their manifestos?

The Connétable of St. Clement:

The answer to that question is, yes, it would be the P.P.C.'s intention to restrict the amount that candidates can spend.

5.1.5 Deputy A. Breckon of St. Saviour:

I wonder if the chairman could advise the House if he is aware of any other alternative distribution methods, for example, the telephone directories are distributed by somebody else, apart from the Post Office, if any of this was explored, because £50,000 seems an extortionate situation of a monopoly?

The Connétable of St. Clement:

I am not totally aware of postal regulations but I think that the Jersey Post has the monopoly on certain sizes and this would come into the relationship of the electoral process.

5.1.6 Deputy C.J. Scott Warren:

I have 2 questions; can the chairman give details or at least confirm that the expenditure allowed by candidates will be extremely low, in view of what has just been said, regarding individuals doing a direct mail of leaflets? Also, does the chairman accept that, in a Deputies' election, there really is no need for Island-wide distribution via the *J.E.P.*?

The Connétable of St. Clement:

The amount that candidates can spend is what the committee considers is a fair amount. As far as the Deputies' elections are concerned, well, it will be clearly identified and we are still in negotiation with the people that are going to do the inserts, but it will be clearly indicated by Parishes, who the candidates are for that particular Parish. It will be clearly indicated within the document.

5.1.7 Deputy G.P. Southern:

Could the chairman please indicate when his committee started working on these particular solutions to the problem? Was it in 2005 or was it more recently?

The Connétable of St. Clement:

At the beginning of this year, Sir.

5.1.8 Senator L. Norman:

Does the chairman not accept that the level of election expenses should be fixed, so that each candidate should have the ability to mail one manifesto to each and every elector?

The Connétable of St. Clement:

I think it is a question of how much a particular candidate could afford to spend and I think this is a fairer way of dealing with that situation.

5.1.9 Senator L. Norman:

Is the Chairman saying it is fairer that the candidate should not be able to communicate directly by mail with each and every elector?

The Connétable of St. Clement:

I think it is a question of how much candidates can afford to spend, Sir.

5.1.10 Senator P.F.C. Ozouf:

Would the chairman confirm whether or not his committee discussed the fact that it was vital for all electors in the Island to be informed of candidates' policies? Did his committee discuss the fact that the candidates' electors will be responsible for the discharging of approximately the payments of up to £2 billion during the course of the 3 years that people will be elected and did he set that aside with the £50,000 he was proposing? Does he not think that £2 per voter is an investment well made in the pursuance of better and more informed democracy, and would he finally confirm what his under-spend was last year?

The Connétable of St. Clement:

I think the under-spend is irrelevant to this question, Sir. I think this is the fairest way of every candidate being able to communicate, without the necessity of having an unlimited amount of money to spend.

5.1.11 Senator P.F.C. Ozouf:

Would the chairman please explain how he comes to the conclusion that it is fair that neither candidates are now going to be able to discharge and send manifestos, nor the States? Where is the fairness to the electors of Jersey to get informed about candidates' policies? There is no fairness at all, would he agree?

The Connétable of St. Clement:

I would not, Sir.

5.1.12 Deputy A. Breckon:

I wonder if the chairman would agree with me that a cost of over £13,000 for a distribution to over 37,000 residential addresses is beyond the means of most people who might be thinking of standing?

The Connétable of St. Clement:

Yes, I think it is, Sir.

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

I wonder if the chairman and his committee are not concerned that, in their determination to find a level playing field between candidates, they are going to make it extremely difficult for voters to tell the difference between most candidates?

The Connétable of St. Clement:

I think the electors are quite capable and quite intelligent enough to make that judgment.

5.1.14 Senator P.F.C. Ozouf:

Would the chairman explain how he expects electors to be informed of candidates' policies? Would he agree to reconsider this decision that he has made and would he also consider taking back

to his committee, the proposal of sending out polling cards that electors can not only be informed of policies but also where and how they can vote?

The Connétable of St. Clement:

As far as polling cards are concerned, that is a matter for the Constables, not for the P.P.C., Sir. We are trying to make it a level playing field and this is the fairest way the committee consider that every candidate will be able to put their thoughts to the public because the website will also be in operation as well and, having said that, I think that we have tried to look at posting. The cheapest way of posting would be all the candidates would have their leaflets in one envelope and then it is a question of whether the public would read every candidate. We feel that this is at least a fairer way and it makes certain that all the candidates can afford to circulate their manifestos to the Island.

Senator P.F.C. Ozouf:

Would he agree to reconsider it, I asked? Would he reconsider his committee's decision?

The Connétable of St. Clement:

We will not, Sir.

5.1.15 The Connétable of St. Peter:

Would the chairman agree that these policies that his committee are bringing forward are, in my opinion, not doing any good to encourage the electorate and that they are indeed killing a lot of the interest, and that is the reason why we are not getting the support in elections in the Island that we have not seen in recent years? The quicker a lot of these ideas are kicked out, quite frankly, the better for all concerned. **[Approbation]**

6. Statement by the Chairman of the Corporate Service Scrutiny Panel regarding the review of the importation of bovine semen

6.1 Deputy P.J.D. Ryan of St. Helier (Chairman, Corporate Services Scrutiny Panel):

Since the initiation of the review into the importation of bovine semen at the end of April, my sub-panel has worked tirelessly to investigate the evidence regarding this matter, which has crucial implications for the future of the dairy industry in the Island. We have received and considered over 40 submissions, attended the World Jersey Cattle Bureau Conference, held last month, visited farms in Guernsey and in Jersey and held 13 public hearings. In addition, we have held a public meeting, giving both sides of the argument the opportunity to make presentations and answer questions from the public. Further evidence is still being received this week in answer to detailed questions arising from earlier evidence and, most importantly, we are awaiting evidence from Defra (Department for Environment, Food and Rural Affairs) and legal advice on questions, including the compliance of the importation scheme currently being operated in Guernsey. That there would be a significant response for our call for evidence was never in doubt. This issue has been the subject of debate for more than 25 years, since 1983, when Senator Shenton first brought a proposition for debate to the States. More recently, over the last 5 years, there have been a series of strategic reviews of the dairy industry by Dr. McQueen, Bruce Woodacre, Dr. Bichard, Promar International and also the Economic Affairs Scrutiny Panel. I know from many farmers who have contacted me, that they see a prompt States decision on this issue as pivotal to their future participation in the industry. The R.J.A.&H.S. (Royal Jersey Agricultural and Horticultural Society) representing the majority of the Island's registered milk producers has told us that the immediate future of Jersey Dairy rests on the outcome of the debate. Thus, we fully appreciate the reasons why the Chief Minister gave a commitment to the industry that the issue would be debated by the States before the summer recess, and we took on the review with a resolve that we would meet this deadline. However, it is only in undertaking the actual review that we have come to realise the extent of the

evidence that we would have to deal with. In addition, we have come across important legal questions, which require attention before we can come to any firm conclusions. We are hopeful that we will receive a response to these questions very soon. Provided that we receive the advice within the anticipated timescale, we are confident that we can finalise our report and prepare clear, unequivocal recommendations in time for a debate before the summer recess, but we will have to ask for the indulgence and understanding of Members in order to achieve this. We believe that a realistic target date for publication of our report is Wednesday, 16th July. I note that Wednesday, 16th; Thursday, 17th; and Friday, 18th of July are all designated as continuation days for the States Assembly. In addition, we have to advise Members that it will be necessary to suspend the normal provisions of the Scrutiny Code of Practice, which require evidence sections to be circulated to witnesses and the relevant department 5 days in advance of publication. It is my firm belief that we owe it to both sides of the industry to deal with the proposition this side of the summer recess and I recommend this course of action to the Assembly.

6.1.1 The Deputy of St. Mary:

I have long been concerned that this review would be rushed and that we would not have the benefit of taking in the incredible amount of evidence and research that the panel has done. I would just like to ask a couple of things; there seems to be a conflict here, in the 4th paragraph of the statement, where we see a States debate as the issue being pivotal to the future of the industry and also, we are told the immediate future of the dairy rests on the outcome of the debate. I can see both statements are true, Sir, but if the prompt debate is necessary, if it is pivotal, what we are saying is that the whole of our dairy industry is geared and structured in such a way that a delay of perhaps 2 months would make it fall away. I think that is, dare I say, a ridiculous situation. But the thing is, if it really is that crucial, then surely the risk of not taking the right decision because of not having the weight of evidence and the time to fully appreciate it, is the biggest risk. We are being asked, in consideration of this review, to make a once and for all change; a change from which there is no going back. Has the chairman explored all possibilities for delaying this debate until the September recess? Has he quantified the exact damage that could be done? Secondly, he talks about the continuation days, does the chairman anticipate that debate will be concluded satisfactorily within that timescale, or is this a sort of covert way of looking to go into the recess? We debated that last week, Sir, and I think it would be a fundamental miscarriage of ... not justice, that is the wrong word, but of our rules and regulations, when people who have legitimately made arrangements, but the only time when they can not be legitimately available to debate, who have a valid contribution they wish to make, would be debarred from doing so if this debate went on into the recess. Last week comments were made ...

Deputy P.J.D. Ryan:

I was trying to find the question in there somewhere but I was having difficulty finding it.

The Deputy of St. Mary:

There were 2, Sir.

The Deputy Bailiff:

The question was whether it was in fact really necessary, I think, to do it before the recess or whether the importance of the matter did not suggest that it would be better to have all the information and to do it in September. Is that a fair summary, Deputy?

The Deputy of St. Mary:

That is the first bit, Sir and also, does he anticipate it can be concluded within the debate's timescale?

Deputy P.J.D. Ryan:

Well, to take the second question first, that is entirely in the hands of the States and how long States Members feel that they want to speak on the subject. I cannot really make a comment on that. All I can do, as a Scrutiny Panel, is to present a report which is not rushed, which is not compromised - if I felt it was going to be rushed or compromised, Sir, I would delay the publication of the report. But there are 3 or 4 caveats within my statement there, which I would ask the Deputy to bear in mind, and any other States Member as well, and those caveats are that we need to get the legal opinions in time, we need to get responses from Defra in time and one or 2 other points. As regards, whether it would be better to leave it until the other side of the summer recess; I think the statement is quite clear. My own view is that it is important to get a decision, if we can, this side of the summer recess but we will report on the 16th. It will be entirely up to the States as to whether they want to debate it or not or whether they feel they can conclude the debate in time. I cannot make that; that is up to the States.

6.1.2 The Deputy of St. Mary:

I accept and I am gratified by the Deputy's statement that the Scrutiny Report will not be rushed but surely by evidence, the consideration by this House, of the report, will be rushed. Furthermore, there will have been no opportunity for the due response process. It will be rushed, Sir, whichever way you look at it. Could he please expand on the importance to the industry?

Deputy P.J.D. Ryan:

The report will not be rushed. I cannot be clearer than that. Thank you, Sir.

The Deputy Bailiff:

The question is whether the consideration by this House will be rushed.

Deputy P.J.D. Ryan:

That will be a matter for the States to decide. I cannot answer that, Sir.

6.1.3 Senator F.H. Walker:

Could I make a point? As every Member of the House is well aware, there are 2 sides to the argument about the importation of bovine semen but the Jersey Milk Marketing Board held their annual general meeting last week and every single producer present, whether they are in favour of importation or not, is in favour of the States debating this at the earliest possible opportunity. That was, I understand, a unanimous vote from the producers present at the annual general meeting. That is how it was put to me. Sir, I have no doubt at all, I was ready to accept, last week, following a number of discussions with the chairman of the Scrutiny Panel who, incidentally, I think are doing a quite superb job in thoroughly analysing the position, I was ready to accept the inevitability of a delay until September but the chairman himself has realised, and his members have realised, the importance of bringing this forward at the earliest possible date and before the summer break, and I have to warmly thank them and congratulate them on the way they have come to a position to do that without compromising the ...

The Deputy Bailiff:

Senator, I am sorry, this is question time to the chairman. The question of when the debate will take place of course will fall for decision by this Assembly later in this meeting. At that stage you can make, no doubt, and others can make whatever points they wish to make.

Senator F.H. Walker:

Indeed. Thank you for letting me go on for so long, Sir.

6.1.4 The Connétable of St. Peter:

I believe, in the interests of good order, it has been stressed very strongly, the importance of the decision that has to be made. The chairman has made it himself, it has been reinforced by the Chief

Minister and other speakers and, I believe, in the interests of good order and time that everyone can take in every detail of the hard work that the scrutiny committee have put into this subject, that we should now agree that this would be the first item taken at our new September session. No-one has got any excuse; there are a lot of legal aspects to this, Sir and I believe that in itself is key, fundamental and important and we should certainly bear good time and at least scrutiny of all those decisions that have to be made before we come to a debate in the House.

The Deputy Bailiff:

Connétable, I think that would be a point to be made when the Assembly comes to decide on the business for the next meeting but at the moment this is just questions of a sort to the chairman. Now, are there any other questions?

6.1.5 Deputy C.J. Scott Warren:

I wanted to just ask if we could be told what the problem with the delay until September is?

Deputy P.J.D. Ryan:

My statement is quite clear; this decision is pivotal for many members of the industry. That is all. That is one of the reasons. I believe that the confidence levels of many of the principal players in the dairy industry might be affected by this decision and their willingness to invest further in the industry. I think it is also quite clear, in fact I have an email in front of me from the Dairy and I will read it to you. This is from the Board of the Dairy: "I can confirm that on Thursday, 26th June, Jersey Milk Marketing Board signed heads of terms of agreement in relation to the sale of the Five Oaks site, with the commitment to sign the full sale agreement before the end of August 2008. The heads of terms for the lease of the new site at the Howard Davis Farm have not been finalised." The position, therefore is that, at the moment, the Dairy is to be sold but there is no decision to build a new dairy. That is quite important and I think Members should bear that in mind.

6.1.6 Deputy G.W.J. de Faye:

On a point of information, Sir, just to perhaps take that a bit further for the understanding of the Members, the situation is if the sale of the Dairy goes ahead, clearly a very substantial level of monies will be placed in the hand of the current members of the dairy industry. As to whether they wish to continue with the industry will depend very heavily on the confidence they have in the outcome of the bovine semen debate. Quite clearly it must be obvious to Members that there will be very strong pressure on some of those members of the dairy industry who have struggled now for very many years to quite literally ...

The Deputy Bailiff:

Sorry, Deputy, we are straying, I think, into ...

Deputy G.W.J. de Faye:

The information, Sir, is that this is not necessarily about the dairy industry so much as the future of the Jersey cow. There will be enormous temptation for many of our dairy farmers to take the very substantial amounts of money they will become entitled to and pack up dairy.

The Deputy Bailiff:

Very well, that concludes the questions, then I think to the chairman of the panel.

Deputy P.J.D. Ryan:

All we can do, and that is the purpose of this statement, and I should make it once again crystal clear to Members, all I can do for Members is to tell them, with as much advance notice as possible, exactly when we will report and I have done that in this statement. It is Wednesday, 16th July. It is now up to Members what they want to do from there.

PUBLIC BUSINESS

7. Council of Ministers: Vote of No Confidence (P.99/2008)

The Deputy Bailiff:

Very well, we come now to Public Business and the first item of business is Projet 99, the Council of Ministers vote of no confidence, lodged by Senator Syvret and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion that they have no confidence in the Council of Ministers.

7.1 Senator S. Syvret:

A great deal of different subjects could be debated at great length, such is the breadth of any critique of the entire Council of Ministers. How Members choose to approach the debate is of course a matter for them. For my part, the issues can be reduced to a couple of simple and easily understood facts. The issue this Assembly, Jersey's legislature, must confront is essentially this; the great majority of the people of this community simply have no confidence, faith or trust in this Council of Ministers, the Island's political executive. That may be a matter of little concern to certain Members but mark my words well, when a government has fallen so out of step with the wishes and expectations of its people, just as this Council has, the legislature must shoulder its responsibilities or it too will see its credibility go down with the ship. It is also the case that this Council of Ministers as an entity, and Senator Walker as its leader, represent a political era which has clearly run its course. It must be 3 decades, at least, since this legislature was held in respect and trust by the people of Jersey. The political philosophy - if indeed it merits such a description - of that epoch, has brought us to where we stand today. While certain positive results are certainly there to be seen in the Island, there is simply no longer any escaping from the fact that the difficulties and challenges we, as a community, face are graver than at any time during the post-war years. But we should have been a great deal better placed than we are, to deal with those challenges. Instead, if we scratch below the surface of public administration, we discover a barely concealed nightmare of strategic vulnerabilities, administrative weaknesses, fiscal dangers and an economy which possesses little more substance than a glorified vast ponsy scheme. So, while we might spend hours minutely discussing every facet of each ministerial portfolio, as far as I am concerned, the core issues are far simpler and clearer. Having briefly outlined those 4 concerns, I will now turn to the comments of the Council of Ministers. It is worth noting, I had already written a fairly lengthy speech but, upon reading the official comments of the Council of Ministers, I decided to largely abandon it, not because the speech I had prepared was undermined by the comments; on the contrary, it is the case that so much of what is written in the Council report simply serves to further illustrate my case. So I will take, as a basis for my arguments, the Council of Ministers' own report. I will be analysing what is in it and considering its accuracy. Before going into great detail, I draw Members' attention to a comment made on the first paragraph of the Council's report. In paragraph 6 of that page, the Council asserts, and I quote: "That a vote for this proposition will not result in a sea change in Jersey politics", and that phrase "will not", written in bold. That is very possibly correct but, on the other hand, a vote against this proposition just might. I said that much of the content of the Council report served to further strengthen my case, for, in essence, that case is this; that Senator Walker and this Council of Ministers do not have the confidence of the community, that Senator Walker and his Council largely represent a political era which has long been stagnant, that the Council, as an entity is disjointed, completely lacking in leadership and clear direction, engaged in pursuing a raft of mutually exclusive policies, in a feeble attempt to be all things to all people. It repeatedly exhibits both plain incompetence and an apparent inability to grasp the most basic of facts and repeatedly demonstrates that it has little grasp

of reality. We can see an unimportant, yet telling example of that failure to grasp reality, simply by reading the first paragraph of the Council's report. They assert, and I quote: "Some of the criticisms are highly personal but we have no wish to engage at that level, in attempting to rebuff them." I know that a week is a long time in politics but can memories truly be so short? This is a Chief Minister and a Council of Ministers, which heaped mountainous, vitriolic, personal abuse upon me only 10 months ago and did so in writing and verbally. Go back to those days and compare and contrast what was spoken and written about me, with the content of my report, which we are considering today. In contrast to the cynical and frequently dishonest abuse that was heaped upon me, my report could well be a letter to a long lost friend, by comparison. Indeed, Senator Walker and his Ministers frequently mount *ad hominem* attacks upon backbench Members of this Assembly. Indeed, it would not be an exaggeration to say that personal attacks are one of the prime methods used by this establishment. Is this an important point? No, but the fact that the Council, without apparent embarrassment, can engage in such naked hypocrisy shows that clear failure to grasp reality. Moving further through the Council's report, it is asserted that it is more important to focus on its record as a whole during the last 2½ years, but let us be clear about the subject of this debate; today we are not merely considering 2½ years of a Council of Ministers. No, for today we sit in judgment upon a political era and, as much as States Members do not wish to face that fact, so far as many Jersey people are concerned, that is exactly what we are debating. When we read the attempts by the Council to claim that this vote represents too hasty a judgment on ministerial government, we see a pathetic clutching at straws. This proposition is not, I repeat, not about the pros and cons of ministerial government. Members will have their views on that topic but this debate is not the time to rehearse all those arguments again. The tragedy for this Council of Ministers - and this is surely one of the blackest marks against them - is that, in fact, there has been so little discernable difference in the performance and attitude of the establishment between the old committee system of government and today's ministerial system of government. Sadly and very regrettably, what we, what the people of Jersey have had from their Government has simply been largely more of the same. For all the thousands of hours spent on machinery of government debate, the same intrinsic failure to govern this Island to the satisfaction of its people remains as it ever was. So let us learn that lesson, that no amount of new governmental systems will produce miracle cures for our ills. For whether the car be a Rolls Royce or a knackered old Mini, if it is driven by the incompetent the outcome will be the same. It will end on its roof in the ditch. This Council claim they have, and I quote: "Laid down solid foundations for future Councils and future States to build upon and develop." No, they have not. Just consider a few of the fundamental perennial problems which this Council, just like the committees before them, have failed to deal with. Environmental destruction continues apace, with proposals to develop yet more open land. A taxation system which has seen a massive transfer of the tax burden to the poor and middle earners, all apparently in an attempt to appease European Union, which appears to be as doomed in the medium term as appeasement always is. Can it be seriously claimed that this Council, having adopted a regressive tax structure, which even involves taxing food, has laid a solid foundation, has given us something to build on while virtually all taxation and social security loopholes remain open and unchallenged as they always have been. The claim is laughable in a tragic kind of way. The Council of Ministers, as though this were supposed to be encouraging to Members, claims boldly that all of the propositions brought to the States during 2006 and 2007, that 270 were accepted and only 2 were rejected. They go on to say that this shows a very high level of support among Members generally. Yes, indeed, and that is rather the point. The degree of support for this Council in this Assembly by Members is certainly clear - very, very clear - to the average member of the public. It is in order to give expression to that public view that this proposition is brought. Then inevitably we come to the tired old cliché about votes of no confidence leading to political instability and fascinatingly a supposed loss of confidence at a time of economic uncertainty. Again, these kind of assertions show just how far in truth Jersey is from being a mature democracy. Even in our present constitutional status, let alone some putative banana republic. Governments come and governments go. Populations demand change, elections swing dramatically, legislatures

hold governments to account and legislatures bring down governments. Now, I know this will take some grasping on the part of some Members but such events are normal. That is what happens in mature functioning democracies. As I said, it is normal. So far from such events harming the Island it would instead show to the world that we have finally moved out of the era of deference and Victorian paternalism. In fact, the argument that we should not overturn governments, even though they have clearly lost the support of the public, far from being a sign of democratic stability, more has the ring of a banana republic run by some challengeable junta. Should Members of this Assembly still not be persuaded they would be well advised to remember this, because it is certainly a fact that is remembered by the average person in Jersey. The States of Guernsey brought down its equivalent of the Council of Ministers over a single controversy concerning the costs of a construction project. Moreover they did this at a time not far removed from their elections. How is it going to look to the outside world and, more importantly, how is it going to look to our people if we, the States of Jersey by way of contrast, choose to retain a Council of Ministers laying, as they do, under a veritable landslide of controversies and scandals, of frequently vast and appalling magnitude. The Council go on to assert that its performance should be judged on the level of progress made in the last 2 and a half years. Really? Progress like what? Taxing food? Clinging to the same tired old policies of population growth and yet more consequent environmental destruction? Perhaps granting tax exile status to terrorists is considered good progress. In another example of: "Well, what is it?" In some respects it would be preferable if it were a deliberate attempt to mislead as opposed to yet another example of incompetence. The Council of Ministers claim that my report states, and I quote: "The Council of Ministers does not have a mandate for the policies it has pursued. This is completely incorrect." This predictably is not, in fact, what I said and it is this assertion by the Council which is completely incorrect. What I said was that it had to, and I quote: "Be observed that the Council of Ministers have not received either individually or collectively a mandate from the public for their policies." I will repeat that: "A mandate from the public." That is a fact. A mandate from this Assembly, as much as some Members would assert otherwise, is not, in fact, a public mandate. Moving on to the next example of ineptitude exhibited by this Council in their report. They quote my words from the debate on the Strategic Plan, this in an effort to suggest I was hitherto an enthusiastic supporter of that plan. I was not. But in an effort to be co-operative and a team player [**Approbation**] I compromised and supported it, but did so in a half-hearted manner. [**Members: Oh!**] For evidence of that fact we need only consider the quote cited by the Council of Ministers. I said on that occasion that we have got to be positive and co-operative and that this was early days. Work together in a positive, co-operative way, refine the set of work, hopefully make the new system of government work. Hopefully. Clearly, those words were hardly a ringing endorsement. They were clearly an expression of compromise, of a need to refine, and an attempt upon my part to be co-operative and positive. Indeed, during the same short speech I said, and I quote: "I will be the first to admit that the Strategic Plan is not perfect." Make the most of those remarks as that was my attempt at diplomacy. When in truth the Strategic Plan is essentially mendacious conflation of contradictory and mutually exclusive objectives. Another example of the Council of Ministers carrying on the traditional States approach of trying to be all things to all people rather than exhibiting leadership. The Council's comments go on to refer to its annual report on performance and cite this as proof of the merit of the Council's work. Well, as I have already rehearsed, I used to be a member of that Council so I know the truth behind the methodology used to produce such reports, which is this; it is rubbish. Although the report purports to be a level playing field so far as departmental performance assessment is concerned, in fact the consistency between departments in applying the methodology varies wildly with some departments being more frank and others using different interpretations of the assessment scheme. I know this for a fact because it was I who emailed the Chief Executive to draw his attention to the fact that random inconsistent approaches were being adopted by different departments. So the statistics which are quoted at the end of page 3 of the Council's report are largely unreliable. So, in any event, even if I or other Members once supported the Strategic Plan, such support was surely dependent upon the effective, actual delivery

of it. Has it been delivered? No. Astonishingly the Council go on to cite the 6 key commitments made in the Strategic Plan. These are; maintain a strong successful and environmentally sustainable economy; create the environment in which everyone living in Jersey has the opportunity to enjoy a good quality of life; promote a safe, just and equitable society; maintain and enhance the natural and built environment.

The Deputy Bailiff:

Can I say to members in the gallery; Standing Orders provide that no member of the gallery is to express audible approval or disapproval of the proceedings. I have heard one or 2 remarks. If they continue I shall have to ask the offender to be removed. So, please no sounds from the gallery.

Senator S. Syvret:

Create a strong recognised identity for Jersey and promote a real sense of belonging; ensure that States services are necessary, of high quality and efficiently run. Those were the 6 key objectives. Let us have a think about these objectives and whether this Council has even got close to achieving them. Strong, successful economy? No. Our economy remains, as it has been for 2 decades, to all practical purposes, built upon a near complete dependency upon finance. A threatened, vulnerable and fickle sector. Moreover, because of its tremendous spend power, the chief cause of the inflation in Jersey which has crowded out most other economic activities. As for environmentally sustainable; is pouring hundreds of thousands of tonnes of concrete into another massive development scheme, which will only serve to increase our economic dependency on one sector supposed to be environmentally sustainable? It would be funny were it not so tragically inept. The new 2 bullet points could surely only have been written by someone in a state of ignorance as to the policies driven forward by the Council of Ministers. A good quality of life and a just and equitable society? The Council of Ministers are, as the colloquialism has it, having a laugh, right? Property price inflation so that an average family home now costs over £500,000, a tax on food, G.S.T on energy required to heat your home. If this Council of Ministers believed that such policies are compatible with a good quality of life and a just and equitable society then they really must be removed and replaced forthwith. It is fascinating, is it not, that this Council can assert that it seeks to maintain and enhance the natural and built environments. Could this be the same Council which is about to press forward another load of land rezoning for yet more environmental destruction? Could these be the same politicians who in certain cases have failed to deliver the much needed town park to the poorest and most rundown and neglected part of Jersey for over 10 years? So much for the built environment. No real sense of belonging can be fostered in a community so driven with inequity. Then we come to States services being supposedly high quality and efficiently run. Is this the kind of high quality and efficiency involved in allowing a return to work of a man who ran a manifestly illegal regime against vulnerable children in custody and who gave promotions to a candidate he was having an affair with? If this be Senator Walker and Senator Shenton's idea of quality and efficiency then clearly they must go. So the objectives have not been delivered, nor is it accurate to state that they are those chosen by the States. The States approved them certainly but probably, like me, more in hope than in expectation. Then we come to what I euphemistically titled economic and fiscal achievements. Oh dear. Balanced budgets. Like what does the Council of Ministers want, a medal or something? As though this were some astounding achievement rather than a simple fundamental basic requirement. To illustrate yet further just how much group thinking grips this Council and the Assembly, consider their trumpeting of the establishment of a fiscal policy panel as though this were an unalloyed delight. Some of us will remember the so-called F.I.S.B.A.G. (Fiscal Strategy Business Advisory Group) quango which largely informed and drove the fiscal policies which gave us Zero/Ten, a tax on fruit and vegetables and even more extraordinary levels of economic leakage. The present group, like F.I.S.B.A.G., is made up of professionals, certainly as far as F.I.S.B.A.G. was concerned it consisted of finance industry professionals with self-interested agendas who were intent on driving forward those policies which suited themselves and their clients, with the dismissive revisiting to obsolete

Thatcherist trickle down economics and extremities of policy preference that would have been beyond the containment of even the Laffer curve, such was their degree of extremism. The economic growth we are experiencing is not sustainable and, frankly, only a damn fool would pretend otherwise. We certainly have a high level of G.D.P. (Gross Domestic Profit) per capita but we also have very substantial numbers of our exploited marginalised poorer people living in relative poverty, according to the E.U. (European Union) definitions. The plain fact is that wealth distribution in Jersey is appalling. Shockingly Dickensian. The metaphorical trickledown of economic activity has not been enjoyed by the most powerless and marginalised people in our community. Indeed, the wealth has not truly been shared by those on working class or even in many cases, middle incomes. Such an outcome is a result of a thoroughly toxic mixture of market fundamentalist ideological extremism and naked self-interest on the part of our ruling classes. Far from Jersey's high G.D.P. per capita being something to boast about, it serves to starkly illustrate just how the poor in Jersey have not shared in wealth which is clearly here in abundance. Who could, without shame, point to a supposedly low inflation rate while ignoring the horrifying fact that a family will have to spend £500,000 plus interest in order to buy an average family home. The plain fact is that the fiscal policies adopted by this Council of Ministers are neither secure and durable and nor, most certainly, are they progressive. On the contrary, what their tax policies represent is little more than a final orgy of life enrichment for those in the happy position of being able to exploit the circumstances while the poor get poorer until eventually the system collapses. The Council go on to make reference to the £200 million capital programme delivered without overspends in contrast to the past. This presumably is a reference to the £49 million of taxpayers' money, £49 million which was blown on capital project overspends during the 1990s. Let us remind ourselves who was a member and ultimately president of the responsible authority back then? The old Finance and Economics Committee; Senator Frank Walker. But there he sits. Now I can hear words forming on Members' lips such as: "Well, just like you were at Health and Social Services when child protection failures were taking place." Indeed. But before you get too carried away let us note a fundamental difference between the 2 circumstances. I, like most of the politicians with the portfolio before me, at least as far back as World War 2, was deliberately lied to, misled by omission and deceived by dishonest and incompetent civil servants, as events will prove. But ultimately I discovered what was going wrong and had been going wrong for decades, and I did so entirely of my own initiative, frankly in the teeth of obstructions from my own department. I did not have the luxury of other politicians or professionals pointing out to me the Jersey child protection disaster, unlike Senator Walker who was repeatedly and inescapably confronted with clear and near total incompetence in the States handling of capital projects year after year after year. Yet not withstanding this, it took the best part of a decade to get things under control. This, in spite of the fact, that people like me were undertaking the donkey work in researching and exposing these failings and raising them in this Assembly. This part of the report goes on to cite the adoption of G.A.A.P. (Generally Accepted Accounting Principles) accounting as though this were some marvellous initiative of this Council. I stood in this very Chamber over 10 years ago and asked Senator Walker why Jersey did not have a capital accounting system for the public sector and would he introduce one. He ummed and ahed and said it would be a very complex and challenging thing to do. That is as may be but needed doing, it did. Yet, where are we in the year 2008? Still without a capital accounting system for public sector capital handling. I am sorry but Senator Walker, this particular Emperor, is naked. We can see that somewhat unpleasant fact further illustrated in the vacuous assertions concerning supposed attempts to diversify the economy. Let us stop being complete fools. With the proposed Waterfront development we are pressing ahead with yet another vast expansion of the finance industry, an industry we are already too dependent upon and all the concomitant inflation it brings with it. If you wanted to design an economic policy to further crowd out other economic sectors this is the very type of strategy you would pursue. As to the assertions concerning the retail sector, what can one do but laugh at it. Our retail sector has been savaged by an absurdly high *de minimis* import exemption on G.S.T. The very kind of measure that could have been calculated for the specific

purposes of driving out a business, established local enterprises, and what, pray, are we supposed to make of the nightmare scenario of a third supermarket; a Tesco or some other similar monstrous supermarket chain setting up in Jersey? More building, more over development, more population growth, more traffic on the roads and many, many more small local retailers driven to the wall. Do we need to make the market in food retailing efficient and cost competitive? Most certainly. The way to do that is by refining and making more effective the competition law and recognising the limits of what can be sustained by a marketplace the size of Jersey. Much play is made of visitor figures; the hospitality industry, the tourism industry as we used to know it. Yet we all know, so why carry on pretending, that a very significant proportion of this number are not tourists but are instead coming to Jersey for finance industry related activity. So what; you may say. A visitor is a visitor. So what is this. That proportion which visits Jersey in connection with finance industry related activity are here because of that industry so, strictly speaking, should be attributed to that sector and would thus have all the vulnerabilities associated, if we were to be honest. The references to population issues and such policy devices as the Regulation of Undertakings Law serves to illustrate the point I made earlier, and it is a fundamental fact; this Council of Ministers has no different approach to population and development issues than the old committees they replaced. It is an approach which simply replicates the failures of the past. We now have a resident population in excess of 90,000, a figure which rises to over 100,000 in summer months. We have an ageing population, as does most of the world incidentally, so this fact becomes an immensely convenient excuse for yet more of the same unsustainable population growth and overdevelopment which has got us into this mess in the first place. Where, in any of the official policy documents, consultation papers or statistical reviews is a frank explanation to the public of the inescapable mathematical fact which shows that replacement of migration can never ever serve as a solution for an ageing population. For such is the non-dependent, that is working life period of humans, but by the time they age and become retired with today's life spans, you require ever vaster numbers of people to service the needs of these retired people. These working people in turn age, requiring even more massively inflated levels of inward migration in order just to stand still, so far as dependency ratios are concerned. While it is certainly true that new mechanisms have been or are going to be introduced to manage population flows, the plain fact remains that the approach of this Council of Ministers differs not one jot from the approach of the old committees. That approach being a desperate adherence to short term policy fixes which amount to little more than a pyramid scheme mathematically doomed to crash, while having their fingers crossed behind their backs and hoping that they are not in the scene when that inevitable collapse happens. Again, we see illustrated, the fact that the committee system of government or ministerial government has made not a jot of difference to the policies and performance of this establishment which is why this is a debate about the end of a political era.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

The Assembly is adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS (continued)

Senator S. Syvret:

Just to recap. While it is certainly true that new mechanisms have been or are going to be introduced to manage population flows, the plain fact remains that the approach of this Council of Ministers differs not one jot from the approach of the old committees. That approach being a desperate adherence to a short term policy which amounts to little more than a pyramid scheme,

mathematically doomed to crash while having their fingers crossed behind their backs and hoping that they are not on the scene when the inevitable collapse happens. Again, we see illustrated the fact that the committee system of government or ministerial system of government, it has made not an atom of difference to the policies and performance of this establishment. That fact, at the last, requires us to act. What can be said about this Council's supposed commitment to environmental issues other than that it is an utter joke. More population growth? More massive developments? More destruction of our open land? More car accommodation policies? Grotesquely polluting and unsustainable massive civil engineering projects such as the sinking of the Esplanade Road? I am sorry, but the time is long overdue for this Assembly and its leaders to stop this manifestly absurd misleading of the population. We cannot indulge in such Ozymandian quick fix developments and protect our environment. We cannot do both. We must do one or the other. Yet, I am afraid this Council of Ministers displays the entirely customary refusal to treat honestly with this community. To quote Bob Dylan: "Let us not talk falsely now for the hour is getting late." This community needs a new administration, one which will be honest with it. One which will exhibit leadership as opposed to the let us pretend we can be all things to all people approach which we see from this Council, just as we have from their committee predecessors for decades. Let us consider another example of the absurd degree of group think exhibited by this Council of Ministers. In this context, in respect of health and social care. Suddenly out of the blue it was decided that all G.P. prescriptions would be free, that the surplus which exists in the Health Insurance Fund could be eaten into to give everyone free prescriptions. What is wrong with that, I hear you cry? What is wrong with it is that no consultation took place with general practitioners and the public. So the policy change, transparently nothing less than an election gimmick, was rushed into place with no meaningful discussion with stakeholders, and consequently no idea whatsoever whether the policy represented the most effective, efficient and value for money spend of the health fund surplus. It did not. At first glance members of the public may well welcome such a change in policy, but have they been honestly consulted concerning the other options? The fact that a different targeting and investment of the money into the primary care sector may well have garnered far more benefit for many people in need or requiring primary care in general. So what do we make of this policy change? A scattergun and as untargeted as it is. Did not members of this Council of Ministers stand in this Assembly on many occasions and fight against exempting such things as food and healthcare costs from the Goods and Services Tax? They did so on the basis that such exemptions were not targeted. That they would benefit the wealthy as well as the poor. Yes, that is exactly what this Council of Ministers did repeatedly. But, lo and behold, an election approaches and suddenly an untargeted blanket benefit which benefits the rich is suddenly acceptable. You just could not make it up. The Council boasts of a minimum wage, somehow forgetting that its level is set so low as to be a significant factor which causes so many of our population to live in relative poverty. Pension schemes, my God, what are we to make of the mess we are in? What is the combined total of public sector pension scheme debts? Something in the region of £500 billion, as I recollect. That such debts were allowed to accrue is down to the incompetence and weakness of establishment politicians over the last 3 decades. Then great play is made of the forthcoming New Directions health strategy. I most certainly hope that it has dramatically improved since I last saw it. For such was the slapdash verbiage and incompetence and omissions of early drafts I refused to take them forward and instead wrote a substantial critique in which I told our immensely expensive civil servants that they had to go back to the drawing board and address a few basics, such as the complete absence of either a child welfare section or a social services section. Not to mention some costings, as the draft document delivered to me was so startlingly deficient, it did not even contain any attempt to cost the strategy. I wrote a 10 page critique, which I have with me today, and unless the document meets the basic requirements that I described in that critique I, for one, will be opposing it. The fact that the oligarchy does not like to focus on too much is the fact that a vast number of the problems and worse, against which I have been fighting, were in fact drawn to my attention by decent brave frontline staff. I pay tribute to them for if it were not for their efforts much of the truth would have remained hidden. For example, among the many public sector issues

raised with me has been education. I will, for obvious reasons, set aside the child abuse issues and instead focus on the attitude of the authorities towards certain schools. I am almost losing track of the number of staff who have secretly come to me in despair reporting that their overarching, yet unwritten instruction, the prime requirement upon them at schools such as Grainville and Haute Vallée is, and I quote: "Containment." These are staff who know so much more could be done for these children from poorer backgrounds if only they were properly resourced and staffed and had the correct policies. Moving further through the Council of Ministers' comments. The transport policies of this Council are disjointed, unsustainable and deficient. Who, in the year 2008, given world oil prices and global climate change could be seriously considering a massive car accommodation scheme with only the merest token reference to such things as cycle tracks. The waste strategy certainly attempts to deal with a very difficult and challenging area. I concede that point but would not things have been so much easier if the most rudimentary economic and financial practices had been adopted. We are told that we now need to find in excess of £100 million to replace the old broken and foul incinerator. Where was the amortisation fund? Where was the forward planning? Where was the realisation that the existing incinerator might just wear out one day and need replacing? It is one of the crowning examples of the incompetence and hubris of the Jersey establishment that it can strive to pretend to be financially competent, yet have failed to make provision for the funding to replace the incinerator for about the first 2 decades of its life. Who was closely involved with the Finance and Economics and Policy and Resources Committees throughout this period of financial failure? Members such as Senator Walker and Senator Le Sueur. The naked Emperors are with us today. Passing reference is made to crime and community safety. Yet decades of failure to invest in the prison have resulted in it being in a wretched state. A fact which has been resoundingly reinforced by successive H.M.I. (Her Majesty's Inspectorate) reports, but progress in improvement remains painfully slow. Nowhere in the comments of the Council of Ministers do we see even the faintest indication that any of them recognise that poverty is the prime driver of crime levels. Perhaps this Council thinks that taxing bread and driving up accommodation costs will encourage people to be more law abiding. Which brings us to the Jersey child abuse disaster. Well, where to begin. Firstly, it is claimed by the Council that members are now well aware of the issues surrounding the police investigation into the child abuse disaster. I confess I am not quite sure what this cryptic phrase is supposed to mean. Does it mean that Members, nudge nudge wink wink, know what a damn nuisance the police investigation has been? Or does it mean that Members are largely in possession of the facts in general terms concerning the child abuse disaster? Assuming the latter is intended it displays a truly startling ignorance. For, as I said in my report, it is not appropriate to go into details concerning this catastrophe but take my word for it, Members do not know the full facts and they would be most unwise to assume that they did. I know a lot of those facts, not all by any means, but more than probably every other Member of this Assembly combined. To be honest, I hope Members never have to listen to what I have had to listen to. The Council's comments assert that it is grossly misleading for me to state that they failed to respond appropriately to concerns over systemic child protection failures. The exact phrase they use is, and I quote: "Inaccurate and grossly misleading." As far as I can recollect, among the responses of the Chief Minister has been to accuse me of, and I quote: "Trying to shaft Jersey internationally." That episode is on You Tube just in case Members have not seen it yet. Perhaps we are supposed to believe that such remarks constitute an appropriate response. Words such "contemptible" just do not get close to describing the assertions in the report or the civil servants who wrote them. Let us consider the facts of just what happened and when. Let us note carefully that the comments of the Council of Ministers claim that they agreed a 3 stage response to my concerns in June 2007. This is simply a complete lie. While I had been investigating these issues ...

The Bailiff:

Senator, sorry, Standing Orders say you must not accuse other Members of lying. You can say it is incorrect or it is untrue.

Senator S. Syvret:
Will mendacious do?

The Bailiff:
Untrue or incorrect.

Senator S. Syvret:

Untrue then. While I had been investigating these issues of my own initiative for some months and coming to some profoundly disturbing conclusions, I had not spoken publicly or to the Council of Ministers in June. There were several very important reasons for this which I cannot go into now. So the child protection issue was not placed before the Council of Ministers in June, and the fact that they can so untruthfully claim that it was is a further illustration of just why they must go. Let us consider what did in fact happen. It is an important issue because the whole unfolding of events says a great deal about this Assembly, its culture and its Executive. It was not until 16th July that my concerns became public. They did so following a question put to me by Deputy Martin concerning the children's homes. I made, what is in Jersey politics clearly, a fatal mistake of answering her question honestly and stating plainly that I had no confidence in the child protection apparatus of Jersey. On the same occasion I said I was going to commission an independent external review. That was the first expression publicly of my concerns. I only discovered much later that, within a couple of hours of I having given that answer, senior civil servants in my own department and elsewhere were already beginning to engineer my removal from office. In what has to be one of the most dishonest and contemptible examples of misleading reporting I have seen in 18 years in politics, this Council of Ministers lays claim to the following 3 initiatives: (1) to urgently assess whether any children were in immediate danger; (2) to commission an expert in child protection to conduct an independent review into child protection arrangements in the Island; and (3) if issues remain unresolved, to bring a proposition to the States to establish a Committee of Inquiry into child protection issues. Each of these 3 initiatives were my ideas. These are what I was going to do and I told the Council of Ministers this fact when I first discussed these matters with them at the Council's meeting following that 16th July States meeting. The response of the Council following various demands and manipulations placed upon them by civil servants was nothing less than staggering. In no respectable democracy would a Cabinet behave as this Council of Ministers did under Senator Walker's leadership. The Council's immediate and rabid response was to usurp my initiatives, my responsibilities and my position in a catastrophically ignorant and misguided attempt to steal my initiatives in the hope of covering up a scandal. In an attempt to prevent me from doing my job and carrying forward my investigations this Council's response was a desperate and panicked attempt to silence me in the hope of maintaining the culture of concealment. I accept now that many of the Ministers would not have realised what they were doing, that they were acting unwittingly, but that was the effect of their actions. Every single dimension of the response to the child protection disaster by the Council and by the senior reaches of Jersey's civil service was, and has been to this day, disastrously wrong at every turn. Whenever an issue arose, whenever a choice had to be made, this Council got it wrong on every single occasion. Think about it. We are clearly facing a child abuse disaster of profound magnitude, a culture of abuse and of a concealment of that abuse which had persisted for decade after decade after decade. Generations and generations. Since the end of World War 2 there have been 21 turns of political office in Jersey. That is 21 politicians with prime responsibility for child protection, and taking into account the old system of 7 member committees, that is approximately 140 separate political pairs of eyes. Yet in the decades following the war child abuse of the most appalling kind was endemic within the so-called child protection apparatus of the Island. Throughout that whole period I was, and so far remain, the first and only politician to identify the problem, speak out against it and seek to properly protect children. The first Jersey politician to ever recognise the disaster and to speak out against it. What was the response of Senator Walker and this Council of Ministers? What was their reaction to a colleague who had uncovered a disaster and was trying to

deal with it honestly? They joined in with the civil servants who wished to carry on the culture of concealment and set about usurping and oppressing me. It has to be stated again and make no mistake about this. There is no other Cabinet in the respectable, democratic world which would have behaved as this Council did silencing and oppressing one of their number who had become the first ever politician to identify and speak out against a catastrophic child protection failure. Disastrous political errors of judgment simply do not come any worse than this. There are some further truly appalling examples of untruthfulness in the Council's report. For example, the Council asserts that it fully supports the appointment of Professor June Thoburn as a Chair for Jersey Child Protection Committee. I think their memory needs refreshing as to the facts. I decided that change was needed and yet had to fight a battle single-handedly to remove the then incumbent and was subjected to a tirade of abuse and defiance by senior civil servants; a turn of events which was supported by this Council of Ministers and their Chief Executive. I then had to work single-handedly to identify and recruit a high calibre replacement. It was during this episode that I literally worked 7 days weeks and sometimes 24 hour days. My decision to appoint Professor Thoburn was met with outright hostility from the Home Affairs Minister and the E.S.C. Minister. They are asserting that that is not true. I have the email and letter correspondence with me for later in the debate. Likewise it was I who established contact with the Howard League for Penal Reform and it was I who negotiated with them. It was I who invited them to come to Jersey to undertake their review. The response of Senator Walker to this initiative; an initiative he now seeks to lay claim to? He wrote a letter to Frances Crook of the Howard League denigrating me and suggesting that while he did not object to them coming, there really was not any point as essentially everything in the garden was rosy and being dealt with. Which point elides us into the consideration of the performance of Jersey's civil service and the manifest inability of Senator Walker and this Council to deal with it. I will not spend a great deal of time outlining all of the vast catalogue of mendacity, incompetence and misconduct of civil servants in the senior echelons over the decades. Most of us, if we are honest, know perfectly well the situation. Very, very expensive supposed professionals in fact are incompetent or complacent. They make gross errors of causing appalling public sector disasters but they carry on drawing the vast salary and the vast pension, happy in the confident knowledge that if a public storm erupts, some mug, dupe, fall guy of a politician will take the rap for it. One of the things that has to be done, and Senator Walker and this Council are not capable of doing, is clearly and rigorously establishing a demarcation of accountability and responsibility. Politicians must be responsible for their errors but hitherto politicians have also been responsible for the errors of people who get paid hundreds of thousands of pounds of taxpayers' money a year for their supposed expertise. That must end. Taking the child protection disaster as a case in point, I was rabidly lied to, undermined and dissembled against by senior civil servants; a group of people whose prime objective was the anything for a quiet life approach, all stick together, sweep it under the carpet; essentially the culture of concealment. A ready example of this is to be found in the Council of Ministers' report. They repeat the straightforward untruth peddled by certain senior civil servants to the effect that I never visited Social Services. Let me give you an illustration. A few years ago when my old committee received a new draft of the *Jersey Child Protection Handbook*, so manifestly deficient did I consider it that I demanded a meeting with the then directorate manager of Social Services, Anton Skinner, and his then deputy, Marnie Baudains.

The Bailiff:

Senator, I am afraid you must not name people. Standing Orders say that you cannot refer to any individual who is not a Member of the States by name unless the use of the individual's name is unavoidable and of direct relevance to the business being discussed. What is of relevance here is the control of civil servants. That is a point you are perfectly entitled to make and you have been making. It is not necessary to name them. If you need to refer to individual civil servants you must do so by their title.

Senator S. Syvret:

The 2 individuals that I have named, I met with in an office in Maison le Pape and had a lengthy discussion during which I outlined my concerns with the obvious deficiencies in the *Child Protection Handbook*. I wanted significant improvements to be brought about in it. It was noticeable that both the officers concerned, as I later discovered, had deliberately failed to undertake the required improvements because to do so would have involved them in more work. I will cite another profound example of the civil service dysfunction which I refer to. On the day of the meeting of the former Jersey Child Protection Committee, there was also a meeting of the Corporate Management Board. At both of these meetings senior officers of the States of Jersey Police were present and being good police officers they took their own notes of what was taking place. How do I know this? Because following certain of the many formal complaints, interviews and statements I have given to the States Police in the course of the last 8 months, the existence of these notes was properly disclosed to me following a formal complaint from me of attempts to pervert the course of justice. These police officers noted that at both meetings referred to above, discussion took place which was clearly a component in the engineering of my dismissal. A civil service more out of control than the characters from *Yes Minister*, the proactive interference in the political sphere in a clear attempt to carry on covering up the gross failings of themselves and their colleagues, essentially an assault upon democracy, a civil service which is beyond control, beyond accountability and quite literally beyond parody. Yet it is this civil service that Senator Walker and his Council now attempt to defend in yet another act of utter folly. I will not speak in detail of the Waterfront issue - we have specific debates on that subject - other to make yet another stark observation. Senator Walker has been for years the prime political driver of what has been built on the Waterfront. The leisure pool, the cinema and all of the other appalling excrescences which blight the area were rabidly driven through by Senator Walker; developments which were opposed by me and a few others. Senator Walker got his way and the resultant disastrous mess is there for all to see. I must finish by returning to a point I made at the outset of this debate. The simple fundamental issues are that this Council of Ministers is disjointed, incompetent and pursuing contradictory, mutually exclusive policies. Senator Walker and his Council represent the rancid fag-end of a failed political era and this Council of Ministers represents a Cabinet; a Government which 85 per cent of our people fervently want rid of. It is a Government which has no direct mandate from the people, a Government in which the people have no confidence or trust. We sit here in the Island's parliament with public expectation upon our shoulders. It is plain what that expectation is. If this Assembly is to salvage any credibility whatsoever the course of action is plain. I move the proposition.

The Bailiff:

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

7.1.1 Senator F.H. Walker:

It is well known that this report and proposition has been inevitable ever since Senator Syvret was removed by this House from his position as Health Minister. It is well known it has been in preparation for a very long time. It should be seen in this context. It is also a major part of his long stated agenda to remove the entire establishment - as he would refer to it - of Jersey political and judicial - the oligarchy as he is fond of referring to it - from office. It is true that he is now being joined in an active movement to displace the quoted establishment by a small group of States Members and others, and there are a number in the Gallery today who have a similar agenda. What the Island is now facing is not just a vote of no confidence in the Council of Ministers. It is facing a vote of no confidence in the Bailiff. It is facing calls for resignation of the Deputy Bailiff and the Attorney General and we have seen the most vitriolic possible attacks on His Excellency, the Lieutenant Governor. So far it is only the Dean who has escaped criticism and effectively calls for his resignation. [**Approbation**] In addition to that we have now got an attempt - and this should all be seen in context. I will come on to the proposition obviously specifically in a minute. But this should all be seen in context because, in addition, we have a direct attempt by Senator Syvret

supported by a limited number of others to persuade the U.K. Government to interfere and intervene in the Jersey process, in the Jersey judiciary and my guess is it would not be long or will not be long before there are calls for them to interfere in the Jersey political system as well. We are looking at an attempt - and it is an overt attempt - to overturn 800 years of independence and self determination. It should be seen in this context. It is our constitutional position overall that is under attack from the Senator and some others. I think it is important that the media and the public are aware of the extent of this attack on the pillars of Jersey that have made us the community we are. The Council of Ministers said in the report, and I will say today, that I am not going to - and I do not believe other Ministers will either; certainly not many - answer the personal criticisms that the Senator has made both in his report and today. I will focus on the Council of Ministers' record and as I do I would refer Members to the comments that we submitted a couple of days ago. We are told in the report accompanying the proposition that we have had decade upon decade of political failure. Decade upon decade of political failure yet Jersey remains to the vast majority of people a highly desirable place in which to live. We do have a high quality of life. We do have a gloriously beautiful Island and we do have one of the most prosperous economies in the world. Sir, I was engaged by a taxi driver about 10 days ago who was telling me in no uncertain terms what was wrong with Jersey. I said: "Yes, okay, but what other community would you prefer to Jersey to? Where would you prefer to go and live?" "Oh, I would never leave Jersey", he said. "Jersey is a lovely place to live." Right, and that has not happened by accident. It has happened not just because of the Council of Ministers. I could not possibly claim nor do I claim that it has. But it has happened because of the decades of political management that the Senator chooses to rubbish and consign to history so readily. Another person who engaged me recently was telling me what rubbish the States were. I said: "Okay, what is our health system like?" "Oh, fantastic." "What is our education system like?" "Well, really good." "What do you think generally of the way we approach the economy?" "Yes, yes, really good." But the States are rubbish. Again not making the link between the political leadership that has created those things which he, himself, thought were very good about Jersey; not making any link at all between that and the policies of successive States. It is very difficult to make that link. I say again Jersey is a beautiful place and a high quality place in which to live with a beautiful environment and a very successful economy. If that is failure, I for one am very happy to acknowledge my part in it. We are told in the report that the Council of Ministers is directionless and disjointed and yet I do have to point out that Senator Syvret was a member of that self same Council of Ministers for the first 18 months of ministerial government. He sought today in his speech to say: "I did not really support the Strategic Plan - not really - and I did not really support the initiatives that fell away from it." Well, a cursory look at his voting record at the time he was Health Minister suggests very much the opposite. Senator Syvret was very supportive of both the Strategic Plan and was one of the team who put it together and then very supportive also of the initiatives that fell out of it. The voting record speaks for itself. I would suggest a certain element of hypocrisy here but I will not make personal criticisms. It was also suggested by Senator Syvret that the Strategic Plan was a mendacious collection of mutually independent objectives whereas in reality the States has never seen so many cross-departmental initiatives and has never seen so much co-operation between Ministers now - obviously it was committees - and their departments. Most of the policies where it is applicable are cross-departmental. That simply would not have been possible under the old system. But despite having supported the Strategic Plan and voted in favour for the first 18 months of nearly all the initiatives and policies that followed it, we are now told that the Strategic Plan, the Council of Ministers, our policies are a complete and total failure. Yet nothing has changed. Nothing has changed at all except the Senator's membership of the Council of Ministers, except his status as a Minister. Nothing else has changed so how it is possible to go from active and enthusiastic - and it was enthusiastic - support to total denigration in one easy step I am not entirely sure. Where is the consistency? Where are the true political values that lie behind this proposition? We are told this is an opportunity for real change; a sea change in Jersey politics. Well, maybe it is. Our report says very clearly: "Well, the time for change if change is what is needed is in 5 months time or so

at the time of the elections.” Whatever happens to this vote today, it is unlikely to represent a sea change. There could be a sea change at the end of the year. We will have to wait and see. But to what and by who? What is it about the policies not of the Council of Ministers but of this States because all our major policies have been approved by this House, what is it about our policies that is so wrong and what are they going to be replaced with? What are these exciting new policies that are going to make Jersey suddenly the nirvana that it would presumably be and change from the appallingly run, appallingly desperate place in which to live it now apparently is? What are they? What is this change going to lead us to? Meaningfully, we are never told. We are told there is going to be a sea change but we are never told what it is going to lead to and we are never told what it is going to entail. I think if we are looking for a sea change in political direction then we should at least be told what the alternative is going to be but so far I have heard nothing along those lines. What the ideology behind Senator Syvret’s views is, is I think quite an important question. Sir, I do readily accept that the Council of Ministers is not as popular as I would want it, as Ministers would want it and as I am sure Members of this House would want it. Strong leadership seldom is. There have been countless examples of that previously. The Council of Ministers has never sought popularity. If we had, we would indeed be what Senator Syvret says we are. That is or is trying to be all things to all people. We have not sought that at all. It is easy to achieve popularity. What one does is avoid like the plague taking the unpopular but necessary decisions to protect the community long term. We have never done that. We have been prepared with the full support of this House - for which I and my Ministers are very grateful - to take the very difficult and tough decisions necessary to protect Jersey and preserve our way of life. But, Sir, I return to our record because it is against our record that we should, in my view and my Ministers, be judged. I am the first to admit there have been mistakes along the way. I am the first to admit that those mistakes should not have happened. But with the size and variety of the agenda the Council of Ministers set itself and which this House endorsed, some mistakes are inevitable. You cannot work to the number of policies, the number of initiatives that we have worked to without a limited number of errors along the way. It is just impossible for any company, any organisation to get 100 per cent record. I do not think any Member of this House knows any government, any company or indeed any individual who has 100 per cent record when they set themselves such an ambitious programme. We are no exception. Just like criticism, the only way to avoid making mistakes is effectively to do precious little. That is the only way to avoid making mistakes and that is not what leadership is all about. But we have faced up to and I am fully prepared to face up to and say that we have learnt from some of the mistakes we made along the way. As is so often the case in life it seems that some of the more high profile ones have come along all at the same time in a relatively short space of time given the lifespan of the Council of Ministers. I will not go into the details. I think Members are well aware of them and the *J.E.P.* has given them a high profile in recent days. But perception and reality even here are not necessarily the same thing; not necessarily the same thing at all. Where it is appropriate, disciplinary action is being taken or has been taken where there has clearly been a slippage in standards and clearly been a lack of rigour in following through on policies. But I hope Members will put those mistakes into the context of the hundreds of success stories - literally hundreds of success stories - that this Council of Ministers has on its record. For example, and this is spelt out in our report, we have brought over 270 reports and propositions to this House. That is not the record of a Council of Ministers that does nothing. That is the record of a Council of Ministers that is determined to deliver on the Strategic Plan objectives set for us to deliver on by this House. It is a huge agenda by any standards and mostly we have delivered and mostly in the vast majority of cases we have delivered successfully. Our first task - and I have referred to it already - as the Council of Ministers was to prepare, as charged by the States, the 5 year Strategic Plan. That Strategic Plan made 6 commitments which are in our report. I believe, and I think the record clearly shows, that my ministerial colleagues and I are delivering on those commitments. In the Annual Performance Report which is a much ignored document but nevertheless a very important document there are 102 indicators to measure how we are delivering on the policies of this House and they are the policies of this House as I have already said. Of the

102, 71 per cent are on track, 24 per cent are slightly off track but recoverable and only 5 per cent are seriously off track or will not be delivered. Again that is a record that any organisation would be very pleased to be able to own up to. In addition, of the 237 individual initiatives Ministers have to deliver in accordance with this House's instructions, 23 per cent have been completed, 54 per cent are on track making a total of 77 per cent in all where there are no problems, 13 per cent are slightly behind schedule but will be delivered and only 9 per cent are causing a serious problem or will not be delivered. Again a record that any organisation would be very pleased to own up to and a record that this Council of Ministers is more than happy to be held accountable for. Can I just say at this juncture that those initiatives, those objectives would not be being delivered without the work and very hard work of public sector staff? Politicians cannot in themselves deliver those sorts of objectives and those sorts of initiatives. I deplore the fact that yet again our public sector staff who cannot defend themselves are being subjected to considerable and sustained criticism by the Senator. **[Approbation]** Senator Syvret has now over a considerable period of time made such statements very frequently and, yet having been asked to furnish detailed evidence as to which civil servants have underperformed, have lied to him, have not done their job or whatever it may be, that evidence has still not been forthcoming. If it ever is forthcoming which I now doubt, and if it can be supported by hard evidence, then I give my absolute word that it will be acted upon. But, so far, no firm evidence has been forthcoming. I will return to the position of the Council of Ministers' record. Most of it is in the report but I will highlight a number of things. We do have a very successful economy and the finance industry is fundamental to that economy. Our economy is the envy of most other jurisdictions you will find anywhere around us and much further afield. Of course the finance industry, which we have heard basically is bad for Jersey, employs ... I cannot remember the exact figure but I think it is something like 12,000 people currently. Oh, it is more than that. Sorry? Oh, even more, nearly all of whom are local. Where would those people work if we did not have a successful finance industry? They could not be taken up by any other sector of our economy. They would have no choice other than to be unemployed or leave Jersey. We should not be denigrating the finance industry in any shape or form. We should be celebrating it and thanking goodness that we have it as the pillar of our economy for Jersey would look very different and very much poorer in every sense without it. We have one of the lowest unemployment records anywhere and indeed a historically low record even for Jersey. We have a lower rate of inflation than we became accustomed to for many years. Crime levels are down for the third year in succession. Exam pass rates are up. Many of our schools have been redeveloped to a very high standard indeed so the physical infrastructure is there as well as the learning infrastructure. Life expectancy in Jersey is rising and rising faster than it is elsewhere. It is already higher than, for example, the U.K. That is not least because of our excellent healthcare and other supportive measures. We have one of the highest incomes per head of any community in the world and even after G.S.T. one of the lowest taxation rates anywhere in the world; anywhere in the world. We have supported diversity in the economy. We have many new air links. We have the Jersey Enterprise initiative which is now supporting over 800 businesses. We are right behind the dairy industry recovery plan. We are behind the agricultural industry which is now developing further and the price of land has gone up again after a number of years of being in the doldrums; a sure indicator that the industry is once again moving forward. We do have a retail strategy which, although not agreeable to all, is centred on providing the consumer with more choice and is centred on maintaining or containing price increases as far as possible. We are actively investigating new economic sectors with a low footprint exactly right for Jersey where we believe there are significant opportunities. States spending rose by 3.3 per cent last year - the lowest figure for more than 20 years - yet at the same time we have added to our overseas aid budget. We are able to fund hundreds of socially rented housing units. We have reacted to house prices which are undeniably a problem in Jersey by introducing new schemes to enable first time buyers who would not otherwise be able to afford their own homes to do so and without adding to any tax burden we have found millions of pounds for housing maintenance through the Housing Property Plan. We have a totally new social housing policy being prepared for us by an independent expert due later on this year.

We have doubled the investment in the prison. We have put an extra £2 million into skills development of our young people. We have maintained annually real growth in our health service. We have spent £200 million on capital projects, which with the exception of Victoria Avenue, which was a mistake - but it was not a £1 million mistake as referred to in the *J.E.P.*; it was far less than that in terms of what went wrong - we have delivered capital projects within budget. I would just say that I was the President of the Finance and Economics Committee some time ago and the record will show that it was under my presidency that we turned the tide and the old days of capital projects almost automatically going over budget stopped. We have been able to maintain that record. We have delivered a vast number of capital projects without materially going over budget. The pension debt referred to in the speech, the pension debt is historic. The pension debt relates to pre-1987, before any Member of the States was in the House and since 1987 States pensions have been fully funded. It is hardly, I think, correct to lay any suggestion at the Council of Ministers' feet that we are hopelessly in debt over our pension scheme. We are not. What we have done and what other committees have done and the Committee of Management have done is ensured that the pension scheme is now adequately funded and they have come up with a scheme to meet the debts of the past; the pre-1987 debt. G.A.A.P. accounting has been delayed - no question about it - but we are still likely to be the first community of our size to introduce G.A.A.P. accounting anywhere. It is a highly complex issue and real progress has been made so the sort of accounts we all want to see will be delivered and they will be delivered before Guernsey, the Isle of Man, Gibraltar or just about anywhere else of equivalence that we wish to look. All at the same time as we have increased our reserves by £54 million since the Council of Ministers took office. If this is fiscal incompetence then I have to say I am more than happy to be judged against it. It is a fiscal and economic record that just about any other community would give their right arm for. Yes, there are international economic challenges. We know that. They are beyond our ability to control but what we have created is an ability to meet them head on from a very, very strong financial position and far stronger - again I will repeat it - than you will find in just about any other community anywhere else. I am quite happy to say that I - and I know my Ministers share this view - and they are 'guilty of gross fiscal incompetence' against that record. I am more than happy to put ourselves open to that charge because if that is gross political incompetence then I would love to see a really good record or alternatively I would love to see in reality a really bad record. Apart from the economy, the Council of Ministers has focused on and has policies for protecting the environment, particularly our countryside, and also the built up area. We have heard much criticism of the Waterfront scheme but Members overwhelmingly endorsed the Waterfront scheme when it was debated just a couple of weeks ago. Clearly the vast majority of Members regard it as a sensible scheme and the right scheme for the Waterfront of Jersey. Of course we will be debating it again at some point in the future. Can I just say I unveiled environmental initiatives at the speech I gave at the Royal Yacht Hotel a few weeks ago and we have a real opportunity here to turn Jersey into a green island in terms of our energy policies, our environmental policies and our transport policies? Huge amount of work to be done but we are laying out the agenda which had never been laid out before. We are building the foundations which had never been built before. Huge amount of work to be done to deliver on it but the scene is being set in a way it has never been set before. We do have very strong environmental initiatives running at the same time. But probably the biggest challenge in Jersey, and I think probably for every government and every community, is the social fabric of the Island and addressing the needs of the less well off. Sadly there will always be less well off in any community. No community in the world has ever eradicated poverty; in Jersey's case relative poverty. We are no exception and I doubt we ever will. I doubt Jersey will ever see that day but it must not stop us trying. What this Council of Ministers has done for those who really need our support is completely revolutionised income support. We have removed 40-odd different schemes and moulded them into one which focuses on the needs of the really needy. It provides more for the lowest paid, the least well off in our community. We have protected the least well off in our community against G.S.T. That was a commitment which he has delivered on, given by the Treasury and Resources Minister when G.S.T., and in fact before G.S.T. was

introduced. We have also built in protection for those who fall between income support and those who pay tax. Those who pay tax, yes, they have to cover the burden of G.S.T. but at the same time tax allowances were increased by the Treasury and Resources Minister in the last budget and childcare allowances were dramatically increased. It was, I think, by 60 per cent. A married couple would have to earn circa £30,000 a year minimum to pay tax. In Gibraltar, which also has a very high cost of living incidentally, people earning more than £7,500 a year pay tax and, of course, they have other indirect taxations as well. We take the social issues very, very seriously indeed. There will never be, as I have said, a complete answer but work continues to develop social policies. It will remain probably the biggest challenge not just for Council of Ministers but for this States, future States, as indeed it does for any government. I believe that we have shown policies which protect and develop the economy, which will ensure that we continue to have a beautiful environment for many years to come, which will through our energy and transport and waste policies enable us to be a green island of international renown, international repute. These are all joined up policies. They are not the independent policies suggested in the report. They are all interrelated. They are all there to move Jersey generally forward. We have also - and we are among the first communities in the western world to do it - faced head on the question of the ageing population. This is a problem for everyone in the western world and probably further afield as well. It is a huge problem; probably the problem in many respects for most governments. We have faced it head on and we are one of the first governments in the western world to do that. We have come forward not with firm policies but again with information and we have consulted. Much more to be done. Much more work to be done. We have consulted and consulted widely. We have come forward with information and choices because choices will have to be made, not by this States but future States. Choices will have to be made on how we address the ageing population. No avoiding it; has to be done. We are one of the first governments in the world to fully face up to that problem. In terms of crime we have now Jersey's first every Criminal Justice Law. We have brought in a raft of other measures to make our streets safer and to make people feel more secure in the Island environment. Laws to protect the public and make Jersey an even safer place than it is. I will say again all these policies have been totally joined up and discussed with all Ministers and agreed to or not or amended as a result of that discussion. There is no question that Ministers are ploughing their own furrow with their own policies. This is all brought together to move Jersey forward. Along the way we have developed and significantly enhanced our international reputation as well through a wide variety of agreements, a wide variety of meetings, discussions, new laws, new procedures, good regulation of our finance industry. Whatever it may be, we have enhanced our international reputation very considerably. Again if this is failure, I own up to it. Finally, can I turn, and not for terribly long, to child protection? I think it is very clear from Senator Syvret's speech that this still is the real reason why this vote of no confidence has been brought. It obviously still rankles very deeply. The report and proposition suggest that we, the Council of Ministers, have failed to respond appropriately to concerns over systemic child protection failures, but the record clearly does suggest otherwise. Whoever was responsible for some of these initiatives - and of course the Senator was still a member of the Council of the Ministers when some of them were agreed - the fact is that what we had was an immediate assessment to see whether current children in our care were at risk. We were very comforted by the very quick response we got to that. We commissioned Andrew Williamson to undertake his independent review. We provided unlimited funds and resources to the police to undertake their investigation - unlimited resources - so there is no question of anything remaining hidden, covered up or whatever it may be. There has been no interference with the police investigation whatsoever. Instead the police have had freedom of resource and freedom to act as they see appropriate. We announced some months ago that we will be bringing a proposition, or perhaps it will be the next Council of Ministers now will be bringing a proposition, to the States to set up a Committee of Inquiry to look at all other related aspects of childcare, alleged child abuse and child protection. What will happen is that the truth will emerge. Facts will be separated from myths. The rewriting of history that is currently being attempted will be shown for what it is. I could comment, but I will not, on some of

the Senator's other comments about our childcare policies and so on. The record again speaks for itself. I think one thing also that is generally overlooked is the accountability of the Council of Ministers. I know there is a feeling in some quarters that Ministers have too much power, unbridled power or whatever it may be but the accountability we now have is far stronger than the States has ever seen before and quite rightly so. New structure, new levels of accountability absolutely necessary. We have the Annual Performance Report which shows very clearly how Ministers are delivering or not against the objectives set for them by the States. That is annual. We have similarly a measurement of all the initiatives Ministers have to deliver on which is twice annual. We have Scrutiny which fulfils an absolutely essential role in ministerial government. We have the Public Accounts Committee and last but not least we have the Comptroller and Auditor General. All these things are absolutely right but they put in, they impose a level of accountability and a level of transparency which the States of Jersey has never seen before. I think that too is an important point. We had an example recently where it was suggested that 2 orders - one by the Transport and Technical Services Minister and one by the Home Affairs Minister - had been incorrectly signed. What happened? They came back to the floor of the House and they were dealt with on the floor of the House. There was no question of the States not intervening. Because they were concerned, the States did intervene and quite rightly that is their right as it should be. I do accept that the signing of ministerial orders is a process that needs to be strengthened and needs to be reviewed and indeed it is. Sir, as I have already said, I am very happy to stand against the record of this Council of Ministers. I am very happy to stand against my Ministers' record of achievement and I warmly thank them for their support and the way they have worked together to develop policies and then worked together - and worked darn hard it has to be said - to deliver on those policies. I am also very grateful for the support we have received from Assistant Ministers along the way who I know do give massive support to their Ministers. I said I am proud of the record. I am pleased to be judged against it, to be held accountable for it, but I do not delude myself that there are not things that could have been done better and things that still need to be done. Of course there are and in government there always will be. It does not matter who may be the future Chief Minister, who may be the future Council of Ministers, there will always be areas that could have been delivered on somewhat better and there will always be issues that represent challenges which will be very tough to address. That is the story of democratic government anywhere. But I am particularly keen that we should continue to look at social issues, at the position of the less well off in Jersey including housing prices which although we are doing a lot in terms of building new structures to enable people to get on to the housing ladder, it is still a Jersey problem which needs to be further addressed. We do have challenges on the economic front internationally. We cannot ever turn our back on them. We cannot ever afford to relax. Those have to continue to be addressed. They will be challenges for future States and for a very long time. We have the question of food and fuel costs which is a worldwide problem and which was raised this morning in questions to the Treasury and Resources Minister, and there is clearly a lot of thought and consideration to go into that. I would also like to see and would have liked to have seen already more money spent on Jersey's infrastructure. I believe we are falling some way behind in our investment on infrastructure. It is good but it should be better. The public sector; in the last 2 and a half years the reform of the public sector has gone further and faster than it has done in decades previously but it still has a very, very long way to go. Communications generally, I absolutely believe that communications between government and the people are a problem and I do not quite know how to get them right without spending sums of money which no one would agree to. So there are challenges that will be faced by any new Council of Ministers and by all Members of the States. But I believe the challenges, in some respects if you like the disappointments, are totally outweighed by a factor of whatever by the achievements of the Council of Ministers. We have built a very strong base for the future. Whether we survive this vote or not, whether we stay in office for another 5 months or not, we have built a very, very strong base economically, environmentally and socially for the future. It is a strong base that future Council of Ministers and future States can, with the right sort of leadership and the right approach, build upon very

proactively for the benefit of the people of Jersey generally. Sir, I am pleased to have had the opportunity to review in the States and in public, therefore, the record of the Council of Ministers brought to me. I believe the record does speak for itself. I believe it is, as I have said already, a considerable record of achievement but it is a record which quite rightly is for Members themselves to judge. I am happy for them now to do so. [Approbation]

7.1.2 Deputy G.P. Southern:

While my mind is on other things, sitting here listening both to the speech of the proposer and the primary speech in opposition I sat to wondering whether I should speak and what I should say. My mind drifted to a phrase: "How many ways do I love her? Shall I count the ways?" So how many ways in which do I love the Council of Ministers? Shall I count the ways? I started jotting down the odd thought and lo and behold within 5 minutes I had a page full of jottings. Unfortunately they are not love notes. They are not cries of admiration and sighs of passion. Quite the opposite. I was impressed by the Chief Minister being able to hold at least 2 mutually exclusive ideas in his hands and say he agrees with both. For example, he just now took pride in the fact that we have been able to throw £35 million to try and prevent our social housing stock from falling down. He took pride in that: "We have been able to dedicate £35 million to that." £35 million to what? To the fact that we have let our social housing crumble and rot for years and years and years - for 8 years - under this Minister or then President. That is our achievement and now we have to throw £35 million at it which we had in another pot long ago abandoned for first time buyers because first time buyers are struggling to buy a shed or a garage nowadays because of £500,000 family home. Amazing. Pride in the fact that we can now attempt to stop our housing stock falling down. But of course in social rented housing, that which does not fall down, we are busy flogging off to anyone who can buy it with a special deal invented by the good old Planning and Environment Minister. I promised him earlier today I was not going give him too hard a time, nonetheless, since I have it in my sights. A wonderful scheme we have. Yes, we can knock a third off the price of your house, first home buyers, so you will be able to get on the market, a foot on the ladder. What a great idea except that we are not building a single extra new house yet. What we are flogging off is what was allocated for social rental housing previously. We are taking from the really poor and we are giving to the only moderately less well off. What a great deal that is. Yet the Chief Minister can stand there and say: "And we are acting on the social front." Wow. If that is acting on the social front to help the worse off, it beats me how logic works. But nonetheless the Chief Minister can say that is what we are doing by taking housing from those who cannot afford ever to buy a house and giving it to those who may be able to buy a house. What a wonderful deal that is. Of course the price of a basic house will not come down one iota. Not only because we are not building additional housing but, on the other hand, the Economic Development Minister is there going gung ho for expansion. Drive the economy. A 7 per cent increase in finance in 2006. No, sorry, 7 per cent overall growth. Wow. On the back of 12 per cent growth and God knows what growth in profit in the finance sector. But that - and listen to this - apparently is sustainable. Wonderful use of the English language. Sustainable can mean exactly what you want. Sustainable means on the back of that economic growth and it happens every time - we know it - of course we suck in migrant workers; high skilled, low skilled, it does not matter. We are supposed to be controlling the low skilled but we cannot. So the net population numbers are going up. The net population numbers going up for the past 3 years: 300 plus, 700 plus and then 2007, 1,100 plus net workers sucked in to make increasing demand on our housing, on our infrastructure, et cetera, et cetera. And this is sustainable. At the same time the Chief Minister stands up and says: "Only a month ago I was making a speech about green issues and making Jersey an exemplar of how to be green. We could lead the way in the world." Can we? Again mutually exclusive. You cannot go for massive economic growth with massive population growth - which is what we are doing - and then say with an innocent face: "Look how green we are. We are leading the way." It does not work. Let us go further. With the Chief Minister again taking great pride in the degree of consultation that took part over Imagine Jersey 2035. What a shame it is based on a completely false premise. As Senator

Syvret pointed out, you cannot solve the problem of an ageing population by importing people. It simply is almost literally malfusion. It does not work. The more you suck in, eventually the more you need to suck in in order to keep the whole thing going. It is like pyramid selling. It cannot work. But, no, the Chief Minister wants to promote increasing populations. He wants to soften up the population for increasing numbers so therefore he proposes that sort of solution and pretends it is consultation: "I gave solutions and I gave information." He gave partial information - very partial information - and led people by the nose to some sort of numbers that he could accept. Perhaps 250 heads of household which means 500 plus, net immigration perhaps 350; who knows? Already those figures have filtered out and Transport and Technical Services when they start looking at waste projections or building on 250 plus heads of household, which means an extra 500 on the population, year in year out over the next 30 years and that is how they get their projections from. Green? Hardly. Sensible? Hardly. A Transport and Technical Minister - and I am sure he will stand up and give us some sort of a reply; he usually does in his usual way - who was elected 3 years ago on the back of: "Please give me the chance to introduce my transport policy." That was 2005 he stood on a platform and said: "Please elect me because I have got a transport policy. It is there waiting to give to you." Where is it? Still has not appeared. It is 3 years wasted, as far as I am concerned, in the wilderness. No doubt it will appear in time for this coming election and he can say: "Look, I have fulfilled my promise and I gave it to you." But the Transport and Technical Minister who is wedded to a 1970s concept of if it does not move, burn it. The "throw it away and burn it" mentality that does not appear to come out of that 1970s mindset. Again, compassion from the Chief Minister about the poor in our society at the same time as we have introduced, admittedly, an income support scheme which does deliver 40 benefits rolled into one, but takes money out of the pockets of the very worst off. If you are living in Jersey today on a single benefit compared to what you had in your pocket a year ago you are probably worse off because that is what has happened because we, in probably the wealthiest per head economy in Europe, in the world - and I am looking at Treasury and Resources Minister to see when he nods - but we will take Europe for the moment, probably the wealthiest community in Europe. We have managed to take away free access to G.P.s from the people that used to have free access to G.P.s. Nobody else in the world would dream of doing it. Once established, that becomes sacrosanct, surely? But, no, we have taken it away. Those people who used to get H.I.E. are now on an H.M.A. (Household Medical Account). It comes out of their pockets and then goes into the pot. There is no free access to G.P.s for a section of society - the poorest, often - in this Island any more. That is what we did, thereby, if for no other reason, rendering them less well off at the bottom end of the scale. So, the bleeding heart is there. The 2 mutually exclusive ideas are there. They do not work. It is not joined up. So, my eye falls down on the letters "T" for Treasury and "T" for tax. Well, G.S.T., what a wonderful idea that was. But we have compensated the poorest for G.S.T. I have been doing the sums; £1,000 out of the average household. Absolutely true; comes from the Household Expenditure Survey, has been checked for inflation with the statistics adviser and it is absolutely true; £1,000. Have we given them anything like £1,000 whether they are out of income tax, just into income tax or in the boundary between income support and income tax? No, we have not. I have almost got all of the figures now, but the figures we have given them back are paltry by comparison. So, no, we have not looked after them, even, so let us not pretend otherwise. Then we are on to the attack on inflation, of course. In this runaway economy, which is booming through the finance industry of course, we have got soaked up inflation. G.S.T. is about to add its little measure to add to that, but we are going to combat inflation. How are we going to combat inflation? Why, we are going to hold wages down. We are going to make sure that having stuck G.S.T. on everything that is not your house you are going to pay for it because we are not giving you any wage rises. So, I asked this morning what is the figure for inflation, R.P.I. next year? The Treasury and Resources - this is how wonderful, open and inclusive we are and sharing; caring, sharing ministry - he refused to say. Refused to say what the R.P.I. was next year. He says: "I know it already. I have seen the estimates." He would not say it in public. He says: "You will know in 2 months' time." What will it be; at least 7 per cent; 3 per cent from G.S.T., 4 point something from the rest. Oil prices, food

prices, house prices all stoked up; 7 plus, perhaps? I do not know what the estimate is. I will bet it is 7 plus. The Minister can obviously join in and confirm or otherwise in his own good time, perhaps this afternoon, perhaps in 2 months' time when he decides. So, again in the wealthiest country perhaps per head in Europe, here we are squeezing the workers; nice and simple. Of course it will not work because as we know wages in Jersey are driven by the demand of the finance sector and they need to recruit people and they have got a skill shortage because we have not dealt with that yet. We have been 2 years in the formation of a Skills Executive; £2 million thrown at it already according to the Chief Minister. But we have not got a Skills Executive up and running and working and delivering yet. So, the skills shortage is still there and what happens when an employer - whether in finance or elsewhere - cannot get the employee he needs, he cranks up his wages to pick somebody out of the rest of the workforce. So, that is what drives wage inflation and we will not stop that. Nobody will be turning around to finance houses and saying: "You must clamp down on your wages. I do not care how much profit you made last year. You must persuade your workers not to take a wage rise." It will not work, but nonetheless. Finally, again, just to make sure he is not let off and perhaps I should not do it, but in the wealthiest economy in Europe, let us say, per head here we are we have just introduced student loans in a very basic form with no advantage to Jersey students because they pay market rates and get no benefit from that particular form of loan, but we call it a student loan and we still have not got our 3 to 5 year-olds given guaranteed places in nursery schools; basics in many of the civilised European countries and we have not got it in place. So, when we look around at the record, the record does indeed speak for itself, but I do not believe it is particularly one to be tremendously proud of and I will be supporting this motion of no confidence in the Council of Ministers.

7.1.3 Deputy S. Pitman:

I will start with talking briefly about the income support system. Firstly, when I went to a talk on the Business Plan and realised, well, we were informed that the new income support system has been a saving for the States, costing less than the previous system. While it was claimed that it would reach those in most needs, I give an example of somebody who is one of those in most need. I have a constituent who I have mentioned in the States before who has chronic asthma. Before income support, he received a weekly visit at home by his doctor which was a necessity and this could be paid for by H.I.E. This man who is a pensioner and is now a recipient of income support can no longer afford doctors visits costing £60 a week for each visit. Because of the nature of his illness he cannot walk far so he needs home visits and all he has, Sir, under income support is a £5 a week contribution from Social Security's income support. This leaves this man with no option but to only use the doctor when, as he says, he is really bad. Astonishingly, he cannot even get this paid by special payments, which is contrary to what I was told by the Assistant Minister for Social Security. I am also aware that this pensioner is one of many who have now resorted to visiting doctors only when absolutely necessary. This £5 a week medical component does not just apply to pensioners, as Members know, but most of those on income support. I ask, how does a low income family with serious health issues pay their doctors bills? They put themselves into financial hardship or go to A. and E. (Accident and Emergency). This is what this House voted for. This is what the Council of Ministers brought to the House. We have a minimum wage of £5.60 an hour, if I am correct. The Minister, could he correct me? Well, around about there, Sir. We have this minimum wage of around £5.60 an hour and now we have G.S.T. at 3 per cent in an already high cost society. This is what this House voted for. This is what the Council of Ministers brought to the House. We now have a tax on already highly priced food, while we have an under-spend last year of £38 million. We have a tax on children's clothes now, while 1(1)(k) residents can negotiate their income tax with the States and which is proportionally less than the rest of us. We have now an added tax on fuel and a new tax on electricity, while those fortunate enough to have a swimming pool do not have to pay G.S.T. on the maintenance of that pool. We have a tax now on legal fees of buying a house when most locals cannot afford to buy their own homes, and leading on from talking about housing, Sir, we have a Treasury Minister and Housing Minister who were happy and

are still happy to waste millions of pounds of public money which is given to Housing Trusts to pay off interest on their development names. £10,500 million since 1998; this while years of neglecting maintenance on States housing. This is just the icing on the cake and I ask are the Council of Ministers really accountable and are they competent? I do not think so.

7.1.4 Deputy C.J. Scott Warren:

This Council of Ministers, States Members and the people of Jersey have been shocked, Sir, by the alleged shameful historic child abuse allegations. It is, Sir, however in my opinion, better to have come to light now than to have remained hidden for ever. Better to be addressed by the community with the perpetrators hopefully being brought to justice. Sir, I do not know whether I am right-wing, left-wing or centre, establishment or the other group. I do know, Sir, that I support adequate and preferably excellent social provision and I also support a strong and vibrant finance sector. The latter is inextricably linked to the former. Finance pays for our social services, health and education. Let us not forget that, Sir. I agree that we need to continue our efforts to diversify our economy. There has been much progress, but many issues remain to be further addressed and on that I would say especially social issues and environmental issues. There are also areas of Government, Sir, such as strengthening the independence of Scrutiny Panels and ensuring that we have increased checks and balances in ministerial decisions. It is early days, Sir, for the ministerial system and most of us knew that it was unlikely to work perfectly in the first term. Many issues need to be taken forward still in the remaining months with this Assembly and by future States Assemblies. Sir, I do not agree with every decision that we have made in this House, but decisions have been democratically taken by this States Assembly. Sir, I will not be supporting this vote of no confidence. Thank you.

7.1.5 The Connétable of St. Helier:

Tempting though it is to allow this debate to be shortened by Members not speaking, I think the public do expect us to debate this matter thoroughly and we are not doing justice to the electorate if we simply go for the easy option on the assumption which may be fair that it is not going to be carried. In addition, I think things have been said today that do need to be challenged and it would be wrong for the Council of Ministers, indeed, to let these things go unchallenged and I refer to just one. In his opening speech, Senator Syvret referred to the services we provide, in particular the education service, and he referred to one particular school and he summed it up - its activities - as containment. Now, I went to this particular school a number of weeks ago for the year 11 awards ceremony and I was absolutely bowled over by the enthusiasm of the teachers and the skills of the students and the stories I heard of children who had been turned around since they entered this school at year 7 and were now going on to great things, having their G.C.S.E.s (General Certificate of Secondary Education). I must say, as an ex teacher, I felt envious, against the current climate of political life and I looked at some of these teachers who had succeeded with these students in 5 years and I must say I thought: "Gosh, I could do that and would that not be fun to go back to it." So, I think it entirely wrong and unfair to characterise this Council of Ministers as having failed so badly and I take that one example. Obviously one could take a lot more and the Chief Minister, in his speech, outlined the many areas in which Jersey, under the Council of Ministers' leadership, is doing reasonably well and doing very well in some cases. I hesitate to go on to the attack, if you like, because I know that the Chief Minister has a chance to respond at the end and he will give me a good kicking. But I do think that it is important that Members who are concerned about aspects of the Council of Ministers' work that they bring those to public attention and to the Council of Ministers' attention in this opportunity that we have. I must say that I am very concerned about the position of St. Helier and where that fits in the agenda of the Council of Ministers. Now, of course there have been some excellent initiatives. The Chief Minister, himself, is trying to progress a more rationalised and efficient way of keeping our streets clean. Now, that has run into some obvious hurdles, but it is not his fault that that has happened. Nor indeed is it the Minister concerned or my fault that it has happened, but the Chief Minister started that initiative and it is an

excellent one. Also, and it is mentioned in the report by the Council of Ministers, they have supported an excellent community initiative called the Safer St. Helier Group which is now being completely run by members of the public and who are pursuing excellent initiatives such as a scheme to make the taxi ranks at the Weighbridge safe at night and they are moving on to other initiatives which they are very excited about. The Council of Ministers received that group of members of the community at a meeting in Cyril Le Marquand House and that made a tremendous difference to that group of the community to believe that their views were taken seriously. So, it is not all doom and gloom and of course other Ministers may refer to the fact that urban regeneration has at long last moved up everybody's agenda and is now very important to the Council of Ministers as indeed it is to the Parish of St. Helier. But I would refer Members to the failure of the States to grapple with several long-running issues surrounding the inequity of the way the Parish of St. Helier is treated. Of course it might be wrong to blame this Council of Ministers for that because this has been going on not only for decades, but for centuries. I was particularly disappointed that the Treasury Minister hoped that dithering and delay would mean that the issue of the States paying rates on its properties could be quietly buried and when he finally brought forward a proposition which, as Members will know, was almost designed to failure, that of course has now been withdrawn despite my having spent quite a lot of time on it, on amending it and I suppose that might come back next year or the year after. I think that is one example of the inequity of this important Parish in the Island that gives me concern, but other Members will be aware of, under the former Deputy of Trinity, David Crespel, the machinery of government review recommended that the position of St. Helier be addressed as a priority and several issues around the Parish's position simply have not been met. Indeed some Ministers in particular have opposed the things that we have been trying to do in the Parish and to give one example it took much longer than it should have done for the Parish's second residents' parking scheme to be brought forward. It was an uphill battle all the way. Having said that, clearly every Member today or tomorrow is going to have to balance the performance of the Council of Ministers. We will all have things that we would like to have seen progressed faster which have been frustrated and I believe that it is important that we do give credit where it is due. We know that the Island is going through a number of extremely difficult challenges which would test, I think, the most resolute and skilful senior politician and I think we need to understand how difficult it has been for the Council of Ministers to deal with some of the challenges that have been put before it. So, having raised those concerns, Sir, about how my particular Parish is treated by the Council, I hope that they will take those comments in a constructive way and that if, as I suspect they will, they survive the vote of no confidence, they will address them in early course. Thank you, Sir.

7.1.6 Deputy A. Breckon:

It is difficult sometimes in these debates where people take things personally and for me it is not about personalities, it is about perhaps policies and portfolios and how they are being handled and what our perception is and perhaps more importantly what the public perception is of that. For me this is a good test and is a challenge for Ministers and they should be on their back legs saying how brilliant they are and how well they have done. If they are not, then perhaps they have not got confidence in themselves to do that. So, I look forward to hearing them whenever that may be. We do hear them on plenty of other occasions so I do not want to encourage them unduly, Sir, and test your patience, but at the same time perhaps they should be doing this. I think the Chief Minister, Senator Walker, did mention something which is very important and that is that just over 2 and a half years ago Ministers inherited the old committee system with, let us say, some impressive portfolios. It is not all bad news as the Chief Minister said. We have some wonderful things happening in the health service, in the education service and indeed across the public service, social security. We have things that are having teething problems, but in the main we have systems in place that help people up and help them along. So, we are not starting from a blank piece of paper and the Ministers indeed did not start from that. They started and - some were committee presidents - took over the portfolio in a ministerial capacity, so they had a knowledge of it. Having

said that, Sir, this is a different beast. This is a different system and perhaps that is where I see - and perhaps others, I do not know - see some of the failings of that. The other thing that has been mentioned to me, Sir, in general terms is it is too late in a political term to kick anybody out or do anything because it involves us putting somebody else in place and doing that. For me that is not an issue. If there is an issue it is an issue and it does not matter whether it is the last day. We should look at it and if the Ministers get a confidence vote from this then they should take this as perhaps a warning that: "You are being observed" - perhaps not adequately - but: "You are being observed" and perhaps we can do a few things better. The rest of us, Sir, I would say from the system we had, to some extent are now outside the system. Senator Walker mentioned the Public Accounts Committee and the scrutiny process and I do know that sometimes this process has been frustrated. Some Ministers and departments are forthcoming with information; others are not. Therefore I think, Sir, reasonable access should be a right and I do not think the Council of Ministers are demonstrating this with having tea and biscuits on an A agenda and everything else on a B and if you want anything from the B agenda it is policy under development, so therefore you cannot have access to it. For heaven's sake we are talking maybe about the bus service on a B agenda. We must not know about this. Should we not be engaging the public in these sorts of issues and that, for me, Sir, is a disappointment because some of the machinery of government said: "You must have a challenge for the Executive that includes freedom of information", which Deputy Le Hérisser asked questions about this morning, which looks as if it has been conveniently parked. So, therefore you put the Executive in place, you are building a power base and yet for me the effective challenge is still not there. The Chief Minister, also, was reported - and it might be wrong - and I think he quoted about opportunism. Well, perhaps in view of what I have said perhaps the political opportunism is for the Council of Ministers. If you shut people out, do not give any information and then we can get on and do this without too much disturbance and that might not be the case, but if the transparency is there then I cannot see through the window. The curtains or the blinds must be shut and perhaps that is a fault, and perhaps if that is a criticism I hope that is seen in the right way then perhaps it could be addressed. Because I think accountability and openness is a very real issue, not just for us, but also for the people out there. There was talk about public engagement and how we might do that. But again we cannot just say to people when it suits them: "What do you think about this?" If we are going to have people buy in to some of the policies and some of the things we are doing, then we have to find out a way of doing that which is not just a press release on a website. We need to dig into that. Now, I would, Sir, say that these issues are not easy to get the public in general to buy into things like the Strategic Plan, like the Business Plan, like the Budget. It is not easy and we are fortunate in that the *Jersey Evening Post* does give some good coverage to this, Sir. If nothing else, then those pages that they do with comments from Ministers and where they might hone on how a particular department does that, but we generally unfortunately have not made that link, I do not think, effectively. The reason I say that, Sir, as well is because none of us have a popular mandate from the population to do anything. So, when a Minister stands up and says: "I have decided this. This is what I have decided" then who gave them the authority to do that? Well, in effect this House did, but the public did not, so I think perhaps there is a disconnect there where somebody mentioned there has been one or 2 mistakes with ministerial decisions not signed off properly. But there again ministerial decisions were sometimes - and I know we used to get it minutiae in debate - but there were issues on which a number of people on a committee or a group or whatever would have a knowledge and perhaps the information got out, and there was some connect with the public before it got signed off and said: "Yes, I am going to do that" because nobody, being I, has got that right divinely from the public and they have not. With that, Sir, I would have thought that anybody with that authority would proceed with care because without it then you are treading on eggshells a bit and then perhaps it is not a case of slapping the public in the face with it saying: "I have decided to do that." Really, we will remember that and I think we are getting to that stage now, so I think we should all proceed with care. In general terms, Sir, Members of this House work hard in different ways and I would certainly include all of the Ministers in that without exception. I do not have a problem with any of

that. This is not about point scoring or carrying a favour or anything like that. But what I would say, Sir, is in my belief some of the Ministers' portfolios are too big; they are not manageable and I want to give a couple of examples of that. Not that long ago, Sir, we did have a good or bad committee system where people worked together, we shared responsibilities, we shared knowledge and we shared decisions. Sadly, for me, that has gone and I am not sure the Island at this stage is any better off for it. We do have Ministers and we have Assistant Ministers, but again I would say that because of some of the size of the portfolios that, in my mind, is not enough and I say that because I have been on Health, I have been on Housing, I have been on Education and I know there are some vast areas there where people want us to be somewhere so they can have a word and I will come back to that in a minute. Again, Sir, with Housing - I think it was Deputy Southern mentioned that - but again it is an area that touches on people's lives every day where they live and it is a vast area of responsibility, somebody said, and the Minister knows himself it is has been under-resourced for years. We know that. The money has not been there to do things. It has been touched on now where it came from. It came from the Housing Dwelling Loans Fund, the £30 million-odd - I do not know what it was - but perhaps we should have had that as a priority. The other thing, the Housing Minister did put his hands up not long ago and said he had made a mistake on the pricing of Le Squez. We have still got to have some of that debate about how that turns out. The other issue as well we have had cross-issues, I think, are (j) category house prices. Where is this coming from? Who is responsible and now with the Population Office I am not sure if we are talking about sheltered housing, over 55s, lifetime homes, social housing and things. For me, Sir, this is mixed up and there is no policy that is jumping out and saying to me: "Well, this is where we are going." There seem to be bits and pieces, pressure on planning, something else on here, do this, do that, perhaps have a few there, back to the Constables. To me, Sir, it is not joined up. I mentioned, Sir, the various things I have been involved with and I was privileged to be a member of a former Education Committee for 6 years. The reason I say that, Sir, where I really think we have lost it with ministerial government is the links that gave all of us with the community because you go to prize givings, you go to sports days, carol services. If there was building work going on you would get involved to find out where the hole was in the roof, and that was a feedback for how public money was spent and I think that was an effective use of our time and I do not think that is happening, Sir. That was also with appointments of staff and links with governors and things and for me that was a benefit, the political system and the system serving people where we did get a true benefit. The question I would ask, Sir, is who does it now and what I have seen is nobody does it, and I think that is a loss to us. Well, there are 3 hands up, so that is 50 to go. I will give you an example of that, Sir, because I went to a retirement. There were 2 senior members of staff who had round about 60 years of service between them. I was there because I have a connection with the establishment; I will not say where it was. Politically nobody was there and I was, Sir, deeply embarrassed when somebody got up at the end and said: "Here is a brown envelope on behalf of the Minister. Congratulations for what you have done." It was really embarrassing for 2 people who had a lifetime of work in that area and that for me, Sir, was a serious failing of the ministerial system. There are other things where perhaps somebody should be representing Ministers or the Government or department at a political level of various things and it is not happening. Now, that could well be, as I was saying, Sir, Ministers have got too big a portfolio. I want to give another example, Sir, of joined up government and ministerial. We have before us in the next day or so a proposition from Deputy Gorst and it is to do with employment opportunities and for people who perhaps have particular problems on a day to day basis. It is interesting, Sir, because what he says or he will be asking the States to do is: "To request the Ministers for Social Security, Education, Sport, and Culture and Health and Social Services to review and consider this strategy and take all the necessary steps to support its implementation." The reason I say that, Sir, is that is an individual Member who is asking 3 Ministers and departments to get on and do something, and that is a failing if an individual Member has to do that. Where are the Ministers in the departments to do this? So, an individual comes forward with a strategy where these Ministers and departments have a responsibility. Where are the joined up government; and I know we have a skill strategy.

We might have Ministers meeting and we might be setting up an executive, but where is the joined up bit that is going to benefit the workforce and the population. I do not see it. It might be a comfort to have this thing and say: "Yes, we have got a Skills Executive." Big deal; how does that relate with a population and again it is big thinking, but how does it filter down? Again, I do not see any of this at all and perhaps it is the feel good factor: "Yes, we are doing something." This general issue, Sir, somebody else mentioned the house prices and various Ministers have chipped in and said: "Yes, well, are we not doing well? Is not the economy doing well? Prices are at this level and some people can still afford them. They must be earning and doing whatever." But the fact is there are many people who cannot and some people have found some of the remarks on occasions to be offensive when you have got that sort of level. When you have got somebody working in King Street they will not be buying many houses or flats either, so we have to think about the community, not just perhaps some in the community, and then we have to be wary of giveaway schemes where we benefit some people - 50 or 60 people - but not the rest of the population. Perhaps doing that we are raising expectations that we will never, never be able to meet. Another area, Sir, were population of it, I am not sure what has happened. We used to have various responsibilities under people getting (j) categories and there were things under Regulation of Undertakings. It seems to have come under one umbrella and we are still waiting for things to emerge from there. I want to just dwell a little bit, not for too long, about the economic development and how that is going because we have things on one hand that we are pushing a policy to promote our own businesses and then we give somebody outside the Island £250,000 for a website that does not work. So, how are they joined up and what sort of message is that to people that might be working in technology? I understand, Sir, that also the department have some problems with office space in that they have too much of it and they are probably paying too much, but I have an office where I keep lots of papers, and I can still find things, and I found a letter that I wrote to the then President of Finance and Economics Committee, who was a much younger chap than the present Treasury and Resources Minister, in 2005. Members will remember that we had the debate to move from the old Tourism Office to the new one, and interesting in there, because it said that there would be no cost to the public of the move. Now, when I looked at the Financial Reports and Accounts for 2007 under "Economic Development" it says: "The relocation of the new Tourism building at Liberation Place incurred one-off costs of £325,000." Now, presumably they have thrown all the furniture away and they have got new stuff in what they call a beer can. It has got a nice name now; it is called a beer can. So, what we were told, we were given assurances when we had that debate, no cost to the public and there it is; £325,000. Now, that is how people get disconnected. Also, Sir, there was an issue of branding, Sir. If nothing else, Council of Ministers win the day, they will be able to stick a nice logo on it and say: "This is something we have got for the future" and I think it was Senator Perchard who was in the Far East somewhere and he found the same logo there - I cannot remember what it was - but somebody else was using exactly the same thing. So, I do not think it was exclusive. The other thing, Sir, with Economic Development is there was some hoo-ha about the Battle of Flowers and the management of that, and let us just say it did apply the minds of the Public Accounts Committee and the Comptroller and Auditor General and stretched the Public Finance Law perhaps to its extremes because it looked like retrospective funding, and the Tourism Development Fund was involved. In general terms, Sir, where I have some serious discomfort is about the size of the portfolios, and again I did a spell on Health when a former Senator Shenton took over as President. He did not invite me on to the new committee; that was following on from the Constable of St. Saviour. But the important thing is, Sir, it is about caring for people and it is a community service and it is not something I think that we should play politics with. It is something, there are many dedicated staff and there are many in the community who are very, very reliant on the services, so we should not be playing, as I said, politics with it. I do really wonder, Sir, I remember with the old committee system that we had various responsibilities and for me it is still a big area for 2 or 3 people to oversee effectively, and I am not convinced that we have got that right and perhaps we need to revisit some of this. I am not sure how with the balance of the Executive and the Non-Executive how we could do that

easily. I would like to make a criticism of Senator Syvret because under New Directions he rightly said this morning he was not comfortable with the draft that he was given. As chairman of the Scrutiny Panel we met with Senator Syvret who was then Minister in February 2007 and we had set aside a sum of money to scrutinise the New Directions in February and we were virtually promised it, Sir, within weeks of that meeting. I have to tell Members that we have still not had the final form. Now, one of the allegations from the Council of Ministers and others is Scrutiny do not spend their budget, but in fact we had set aside a sum of around £30-35,000 to do that job and it did not happen, so we did not spend the money. There was no point just tarmac-ing Belmont Road pink or something. We just did not spend the money and that has been done. Do not laugh because it has been done. You have a look at the pavement. Yes, it is a rose colour. Sorry, Sir, it was not pink, it is a rose colour. Anyway, we did not spend the money. Now, the criticism is Scrutiny does not spend the money. We are in exactly the same situation now in that we have not had New Directions yet. Okay, there has been a change which is acceptable, but we have still not got anything. We have had some serious people on standby to look at some of this stuff and we have had to now put them on stand-down and we have had to set it aside for this year. Now, that from Scrutiny's point of view is an issue, but from the public's point of view is a bigger issue because we are not serving them. The policy needs to come out, it needs to get in a public domain and it needs discussion and people need to buy into it because it is their health, it is their future and it is their service. It is not ours, so really I would say to the Ministers, they really need to be getting on with that. It is the same, I think, the Home Affairs Minister has had one or 2 problems as indeed as the Planning Minister had, but again with the Planning Minister I remember hearing, I think, Deputy Duhamel and the Planning Minister on the radio about 4 or 5 weeks ago and somebody phoned in and it was to do, ironically, with the waterfront and then the questioner said to the Planning Minister: "Well, how does this work?" and the person said: "Well, I have got some ideas about this about a deep water berth and something else" and the Planning Minister said something along the lines: "Well, this will happen, this will happen and then I will decide." So, the bloke on the end of the phone said: "Well, I did not vote for you to decide anything and what if we do not like it in 3 years' time, 5 years' time? Who gave you the authority - one man, one person - to decide that?" and I think that is a serious question we should be asking ourselves because not just for the Minister doing it ...

The Deputy Bailiff:

You have made a number of points about the committee system and the ministerial system, but of course this is a vote of no confidence and this Council of Ministers. It is not a debate on the ...

Deputy A. Breckon:

I am nearly finished, Sir. I am nearly finished. But in relation to that it is indeed a management issue and what we are talking about is how it has been managed from the political point of view and the systems were different, Sir, and we are in the infancy of that, but the reason relating to that is for that and, as I say, I am nearly finished, Sir. Against that, I would just say that with - and Deputy de Faye is not here - but again it is a big area of responsibility and he is big enough and, dare I say, daft enough to sort that out himself. The Minister can well speak to it for himself and again with Social Security there is some very big areas, Sir, but there are emerging issues about supplementation which came around to bite us, and again it was something I think the Public Finances Law was stretched there in that monies were spent and then retrospectively it was sorted, and there are things that do concern people every day, Sir, within the Social Security system that they want to have transparency about. When I was listening to the Chief Minister and what he was saying, nothing jumped out at me, Sir, to say, well, this is the best thing since sliced bread. Everything has been wonderful and I do not think he was saying that. But when I thought that, well, does anything stick that is memorable that they have done and the answer for me was, no. I think, Sir, I have been concerned about the high level of secrecy. The stuff that is on B agendas, I think they need to rewrite their script there and, again, I would remind them that they have got no

public mandate at all for some of the level of responsibility they have got in portfolios and they should be mindful of that rather than hit the public in the face with it. They could perhaps learn something, Sir, from Parish democracy and accountability. For me, Sir, I will support the vote of no confidence not for any mischievous reasons, because I am not comfortable with where we are now, and I might well look at bringing something back, a proposition that maybe takes us back a bit and looks at where we are with ministerial and Scrutiny because I do not believe that we have quite got it right yet and this is part of a learning process. I think we have problems with the Business Plan in the first year because it had to be done fairly quickly and again there is an element of secrecy around this. Perhaps if we shared some of the policy and formation, Sir, but I think we should revisit this and this is an opportunity to do this and what it does, I will vote that way. Whether anybody does is not my concern, because I believe that we should revisit some of the issues because of the Council of Ministers that we have got, the way that they are doing things and I think it is good and healthy to have this debate, Sir, and I have no problem seconding this proposition. Thank you, Sir.

7.1.7 Deputy R.C. Duhamel:

My thanks to the last speaker ... start with a laugh. I am grateful, Sir, for your comments on Deputy Breckon's speech as to whether or not this was a debate about the ministerial system or indeed the performance of the individuals within it because I think in some ways of thinking it is very, very difficult to disentangle the 2. I have been scratching my head and thinking whether or not I am more towards grading the individuals' performance within a system that is deficient and whether or not those individuals are doing the best that they can or, indeed, whether or not the system itself is stopping those individuals from performing even better. I am having great difficulties. There are a number of Members among this House and I think probably we can all remember a few of the examples of cinemas. Now, what has cinemas got to do with this? Well, if we go back, we had the Forum, the New Era, the West Centre and the Odeon and there were a whole host of others besides. When I used to go to the cinema on occasions the best part of the proceedings was to sit there and listen to the film trailers and the film trailers were very, very good because they were there to captivate your attention and to titillate you into what was coming up so that you could save up your pocket money and go and have another visit in a couple of weeks' time. Now, in some ways governments operate in a similar fashion and our Government has been running for almost 3 years. Some might say that is the same Government. Indeed, that is one of Senator Syvret's arguments, it is the same people: "Wolves dressed up in sheep's clothing" or whatever the right way of phrasing it is, and there has been the same people in the same jobs, but with maybe different titles for too long. Now, what is clear, Sir, coming back to this idea about a fundamental dissatisfaction that seems to be pervading my thinking and contemplation of this vote of confidence, is that the Government, I think, is a little bit jaded. It is a little bit tired and I do not subscribe to the point of view that in bringing forward a vote of confidence it automatically means that there is going to be - in the words of some Members, maybe the Chief Minister - a constitutional crisis and we are going to be painting the Island into a very, very poor light and things are going to fall apart, the finance industry will flee to foreign shores the day after the Government has changed. Guernsey went through exactly the same position a number of years ago. The U.K. Government and indeed other governments go through the same process on a regular basis. Now, perhaps not with as many rockets or fireworks - they are out of environmental fashion at the moment - but it is called a Cabinet reshuffle. Now, at the moment although we have a Chief Minister, the Chief Minister does not have the powers of a U.K. Prime Minister and those powers are somewhere above his head or above his person and within this Chamber. We have not quite got our act together, I feel, in determining with this new system of ministerial government whether or not the Cabinet reshuffle should be engineered by votes of confidence or whether indeed it should be engineered by the Chief Minister exercising his powers of displeasure with one or 2 members within his Cabinet in order to shuffle things around, and to try and bring forward this new film, this new way forward, offering better things or better ways to deal with the problems that are happening or have happened

in the past. So, I take strong issue with the comments that if the debate is successful and we do overturn the Council of Ministers, that this means the end for Jersey democracy or the end for a sane or sound government, and all the rest, for a stable government. It does not mean anything like that at all. It merely, in my mind, would indicate that there is now a limit of dissatisfaction, quite rightly, with a system that has not quite sorted itself out as yet, and the majority of Members of this House are expressing their disquiet and dissatisfaction and displeasure and expressing it in the only way that they are able to which is through this vote of no confidence. In this film trailer analogy I thought of the Chief Minister and his big green vision that he delivered for the Island and this was his way of saying: "Right, I am going to paint a new picture" and he chose the best colour; it was going to be green. But in coming forward with many of the things that he stated, he did not quite engender the level of confidence that some Members are expressing in terms of the suggestions or the policies that are coming through the individual ministerial departments. Now, I will just give one or 2 examples. Members will no doubt expect me to give one to do with Energy from Waste and indeed the Chief Minister did not let me down on this occasion. He came forward and suggested in this brave, new, green world of his and ours - because he was selling it on our behalf, quite rightly too - because there was much to commend it within what he was saying. But he came forward with this contradiction. He said in the short to medium term he was going to agree to let the contract for the new Energy from Waste plant, for whatever reason; £105 million, when there are better ways of dealing with the problem. But in order to tell people who are amazed that that non-green act was going to be pushed through as part of this brave, new, green world he countered it by saying: "But this does not preclude doing more on recycling. I want the Parishes to implement separated kerbside collection of recyclable materials as soon as possible and support Transport and Technical Services in reaching and bettering their new targets." Here comes the difficulty. We have got head to head 2 different policies. We have got the one policy on the one side which says we have got enough money coming out of it, yes, to be able to spend it indiscriminately on expensive luxuries or dealing with problems in a profligate fashion, i.e. buying an oversized piece of kit for £105 million while at the same time we have got the more sensible solution of cutting your cloth or your suit according to your cloth and bumping up the kerbside collection of these recyclable materials in order to do better. Now, if you do the one you cannot do the other and that is exactly what Senator Syvret was mentioning when he said there is an actual contradictory element in some of the things that are coming forward from the Council of Ministers. That is to be expected because the Council of Ministers does not represent much in particular. That has been organised across all of the different departments. We have set up a ministerial form of government where the individual Ministers are kings of their own domain and they are entitled, and they have the legal powers, to go ahead and do these things as and according to how they see fit. Now, the Council of Ministers when it was set up was to direct in some shape or form any areas that overlapped or were in common. Here in this particular statement you have got something that is not in common because you have got perhaps an intention from one department suggesting that they are going to spend States monies on a big machine that possibly we do not need. Yet we have got another statement suggesting that here is another way of looking at things which might well be a consensual point of view put forward by the Ministers that perhaps the better way forward is to engage the public through the Parishes to come up with the greener solution and the cheaper solution. Now, one other contradictory passage was the suggestion that we were going to lodge before the summer recess an energy policy White Paper with measures to deliver at least a 60 per cent reduction in carbon emissions by 2050 and include in principle a broad based carbon weighted energy tax. Now, within that 60 per cent reduction was already an allowance for the reduction that had already taken place when we moved across from burning oil to generate our electricity to buying it in from nuclear sources which are designated to be less carbon emission forming than indeed the burning of oils or fossil fuels. So, again we have within the elements of comments that are being put forward on behalf of the Council of Ministers contradictions in terms, and we are not told in this particular instance whether indeed the lead agency for these statements is the Planning and Environment Department or the Transport and Technical Services Department or indeed any

other department, perhaps Health and Social Services in relation to climate control and air quality and all the rest of it. So, I have got massive reservations about the ministerial system and about whether or not it is working. I think, if I am honest, I do not think it is working particularly well. But that is not necessarily a reason to say, well, let us scrap the whole thing and go back to stage one. I think we should be seriously considering amending the way the ministerial form works and indeed I have been disappointed that within the 3 year period - and I know that some Members will take the view that we have to allow the system to bed in for a substantial period of time before we can come to some satisfactory conclusion about what the changes are that will be required in order to make the system any better. I think, Sir, 3 years is probably getting on enough to start allowing us to think about some of the things that could be made by way of changes. That really leaves me, Sir, in a position of saying that despite the Dean's comments on Sunday Talk Back about not going into an individual's performance too much, I think I have to sway a little bit in that direction because there are some Ministers within the pack whose performance I am not happy with. I have to mention some of these things, but the remarks I will make are not personal remarks and should not be taken as personal slurs or anything of that nature. They are merely remarks as to a consideration that I hold that the policies that are being espoused by the Minister are either not the correct ones or are not being properly applied or perhaps could be applied better, but I will not elaborate as to which. So who is going to kick off? Well, Sir, I suppose the first area is the Treasury. Now, I am Treasury and we have had a number of debates in this House where a number of us on the Scrutiny side have suggested, and through the P.A.C. (Public Accounts Committee), that the Island should not really be just thinking about taxing to spend. We should be trying to use the money in as wise a fashion as possible in order to bring about the non-requirements of having to tax lower and lower down the system and encourage people to have to work harder in order to pay more and more into Government budgets to be spent on things that, if they had the choice, they would not be spending the money on. We have had a number of debates, Sir, where we have been told that perhaps we should be cutting back a little bit, but year upon year, we play the same game. We are told at the beginning of the year that there is no money and then towards budget time, which comes around about now, when the tax monies are coming in, then things go a little bit quiet. Then we get to the budget proper in September, and lo and behold, there are extra monies and we can all breathe a sigh of relief, undo our belts to the next level up on the holes and put in further and further requests for spending. If we have a Council of Ministers whose prime job is to work collectively, and the majority of this House is suggesting that we should be operating policies that encourage thrift and best value for the monies that are coming into the service, then, quite clearly, we should not allow ourselves, year on year, the opportunity to disregard those statements. However, we do and that, Sir, I think, is a failing, not only of the Minister for Treasury but of the Council of Ministers as a whole for not giving support to the Minister for Treasury. I am not sure whether or not he comes forward behind closed doors suggesting that he would like to cut even deeper and he is being frustrated from doing so by his other Ministers, because we are not always privy to the confidential B item minutes that would give us that indication. Nevertheless, Sir, I think that we should be really putting our money where our mouth is or, better still, not putting our money where our mouth is. In that respect, Sir, I am very disappointed that in terms of property, although Scrutiny went to great lengths to expose the difficulties we had with our property portfolio, we still have the Girls' College not offered for tender and not sold on a rising property market. There may well be reasons for doing this but we are sitting on property assets that could be better used and it is another frustration, Sir, that could be sorted out reasonably, I think, by the Council of Ministers acting together but I am not sure that they are doing that in this respect. Now, T.T.S. (Transport and Technical Services). The Connex bus contract was a huge frustration. Despite Scrutiny doing an element of work and giving an indication that it felt that the contract should not be extended, at least before the end of that contract, which is not until next year, the Minister nevertheless decided to go ahead and do it. Whether or not this fits in with the Integrated Transport Plan that Members have mentioned and that we are still waiting for, I do not know, but again, it is an area of policy which cuts across a number of ministries and one would have expected

either support for this initiative or non-support through the Council of Ministers, but we cannot tell whether or not that has taken place. If, indeed, the Council of Ministers is to be effective, there should be statements as to whether or not actions that are going to be unilaterally taken by the individual Ministers are, indeed, accepted by the Ministers and those statements should be given to all Members of the House so that we know how our Council of Ministers is acting in our name. We do not connect with the public and Deputy Breckon mentioned that. That, in fact, was one of the strategic commitments to improve on how the Government engages with the public and strengthen the links. Well, I think, if anything, the Council of Ministers, under the leadership of the Chief Minister, has possibly languished a little bit in this respect and, certainly, if the comments of the public are anything to go by, although the people are happy that there are people able or stupid enough to put their names forward to run things on their behalf, they are not necessarily happy that we are doing a good job and I think there is a difference between the 2. They might not want to do it themselves or they might not think that they could do a better job and, in that respect, they would like somebody else to do it, but I think it goes further than that and they are expressing huge discontent by not turning up at the polls or voting. One of the aims was to reconnect with the public and I would have thought that a clearer message from the Council of Ministers as to how they were reflecting the things that the public put us here for would have been one way of increasing public confidence and trust. I cannot see it in the statistics but maybe others can. One of the things we do not do particularly well is that we do not plan in the long term and, again, the Council of Ministers is really best placed to spearhead or at least initiate this long-term planning. If we just take one example, La Collette. We have unanswered questions over the fuel farm. We have unanswered questions about the sewage plant. There is a suggestion, Sir, that perhaps the Island might need an even bigger sewage plant if we do not keep the lid on immigration. We are talking about a new harbour. We are talking about new roads. We are talking about the requirement for further reclamation sites, and this is all before we have spoken about sea defences and anything to do with climate change. We are not planning long term and that is a severe failing on behalf of this Council of Ministers. Individually, they may have ideas. Individually, they may have sensible ideas but, collectively, I have not seen very much coming out of the Council of Ministers that fills me with any great confidence that this long-term planning is being tackled collectively in our name and the name of the public. Likewise, Sir, roads maintenance and infrastructure. We were at a meeting just recently; it was intimated that maintenance monies are being expended on roads and that was just to keep them in a minimal state. Basically, the budgets for maintenance have been ignored. Now, this goes back to the Treasury function and, as other Members have already mentioned, it is insufficient just to pick up on G.A.A.P. accounting and all of a sudden realise what it is we have been doing wrong for years and suddenly have to find even greater sums of money to expend on the maintenance that we have not done. I can remember not very long ago, Sir, where we were told when negotiations were underway with the Connétables and the Parishes over Parish roads and main roads that, overall, there was some £35 million worth of deep structural works that needed to be undertaken and this was a sizeable sum of money. Where is the consensual approach that the Ministers are bringing forward on this issue to ensure that the maintenance on all our capital and property is being kept in tip-top condition? We have not had it for a number of years. We are promised it but it is not forthcoming and when it does come forward, there will be increased calls for further taxation, either through environmental taxes, which will be ring-fenced for the maintenance of roads or other exotic forms of taxation. Now, Sir, votes of confidence are always awkward because there is a requirement for Members to put their heads above the parapet and be entered into the so-called "Jersey black book". If you step out of line and you are criticising your masters, then you can be pretty sure that you are not going to be invited to join their club at some future date. I have already stuck my head above the parapet and people have chopped it off on many occasions but I think, Sir, we have to be realistic in this extent. As I said earlier, votes of confidence are not and should not be considered in any way personal attacks on the individuals who are running the jobs on our behalf. Merely, they should be just expressions of whether or not we are getting value for money from the people who are doing the

jobs, and if people are happy to debate those things in a non-personal way then I think we can get the best out of making the improvements to the system that such a vote of confidence is able to do. Long-term, we had a mention from the Chief Minister about the Council of Ministers and leadership. I think there is a big difference between leadership which, perhaps in a Jersey sense, might be 2 men leading a bull by the nose with a piece of rope, but I think that is a lot different to the type of leadership that is given by inspiring through example and I do not think, Sir, that the latter is being displayed in any great amount by the Council of Ministers. I think they are posturing and saying that they are capable of leading, but there is an element of coercion here and, as far as I am concerned, it is not so much about the leadership. It is about the quality of decision-making, not the decision-making itself. That is important and that is one of the fundamental aims behind the Scrutiny process. It is not to be there being the one to be taking the decision. It is to be there adding to the mix of views and the evidence that is brought forward so that those persons who are in a position to take the decision will eventually come to the best conclusion that they could have made, given all the circumstances that were put before them. Overall, Sir, I am not happy with the system. I do not think it is working. I think it needs a shake-up and I think that this vote of no confidence, if it is supported, should be supported on that basis. This is a Cabinet reshuffle promulgated by the House and if it does go ahead, then a caretaker government for a couple of months is not going to hurt and, in fact, it will probably be the best thing that we could do under all the circumstances and put off to a new government, that will be set up in a couple of months' time, many of the larger decisions that perhaps might be taken before this electoral period in a perhaps reckless fashion. So I think, on balance, Sir, I shall support the vote of confidence for those reasons.

7.1.8 The Deputy of St. Martin:

I rose early partly because I thought there was a bit of a cat and mouse game going on. I have been in the States quite a time and one gets to these sorts of games at times and I was a bit concerned, Sir, that you might be closing the debate without doing justice to the proposition. Having heard the Chief Minister speaking, I was just wondering if he told his colleagues to get down deep in the bunker, keep their mouths shut and leave the opposition to do the talking and I felt really that it was unfair. The proposer has made some very serious allegations about individual Ministers, and also about the Council in total and I would have expected the Ministers to tell Members why those allegations had no substance. Can I assure the Ministers that not everything in the garden is rosy and I think that Constable Yates will concur with me that St. Martin is not J.D.A. (Jersey Democratic Alliance) heartland and there are a number of parishioners who are concerned about the performances of certain Ministers. It is a shame that Deputy de Faye is not here because on Saturday, I was told that he is known in some quarters in the Parish as the Minister of the BBC, BBC standing for "bogs, bins and cock-ups". Sir, I am open-minded about the debate. I know it is probably a foregone conclusion. I know I am probably one of those in the "black book" anyway so I have nothing to gain, and certainly nothing to lose, but, Sir, what I would expect is that those Ministers are going to tell me, convince me, why I should not support the proposer. In fact, I am not asking all to get up and speak at great length but please convince me and the rest of the House and, more importantly, the members of the public, as why you think that you should remain in office.

7.1.9 Deputy J.B. Fox:

I shall not be voting for this Council of Ministers vote of no confidence. I think that when we talk about the good and the bad points of the Council of Ministers, we are not talking about individuals. We are talking about the system and the system is that we have piecemealed the original Clothier recommendations from the very start and we have taken out pieces and we have not put pieces in, and that makes it very difficult. On the plus side, forget the fact that I am an Assistant Minister for Education, Sport and Culture, [Aside] which can have its frustrations because anything with a new system needs time to bed in and when you are trying to move things forward and the systems

change, it takes a little while to adapt but it is starting to move forward in a very positive way. The difficulty I had was that the Minister had absolute power [**Approbation**] and the Assistant Ministers had to work around that to be able to bed in to making a positive contribution, but I am pleased to say that it is moving forward. I think one of the main areas that I find with ministerial government, as opposed to committee government, is that when members of the public come to a Deputy and say: "I am fed up with the smell that we have had for 50 years at Bellozanne", I, as a Deputy of a district, in this case, St. Helier, have brought this to the Minister concerned and the ministries that it affects because it is broad-based and, through the Council of Ministers, brought a proposition to the States, as, if you like, a conduit on behalf of the residents of an area and for the first time they feel as though someone has been listening to them because the money has come up front, albeit that it will start in August this year, but the real money when it is worked out exactly what we need to do will be in 2010. There will be an awful lot of residents around the Bellozanne and First Tower area that are going to be highly delighted with ministerial government because it is going to solve a problem that has been part of their lives for so long and they have been very tolerant and they are really looking forward to the way forward. Indeed, I am not going to hold you up for very long because there are quite a number of positive things that I could bring forward and, no, it is not without its frustrations, but the skateboard park for young people, for argument's sake. This is not a Ben Fox thing. This is the young people from all over the Island that are wanting amenities and facilities and St. Helier is obviously a key part of that area. Yes, it has been an uphill struggle and it has taken 4 to 6 years. It depends on when you were thinking about it to when you were doing things as to which date you pick, but it is coming to fruition and that is that we have had to go through lots of barriers and lots of boundaries from the parochial areas to the residents' wishes or non-wishes to the various departments, the various ministries and everything. We have finally, through the support of many individuals and the patience of a lot of young people, brought it through the Council of Ministers to the States and thank you all that you said yes and hopefully by the end of September, we will have a skateboard park that the kids will be saying: "Thank you very much" and they will be very proud of you. There are other frustrations. I am sure that other people will bring them to light but I do not think at this moment in time that this particular vote of no confidence is fair. We need to work at it. Yes, there are things to be done. The B Agenda is one area. The responsibilities for Assistant Ministers is another area that needs looking at and bringing forward. There is a lot more that people could do, either on an individual basis or on a collective basis but, overall, it is moving forward within the limitations that the States have allowed the process to happen. We are the ones that govern our own future. Sometimes we tend to do it more slowly than maybe we should do, but at least we are moving forward.

7.1.10 Deputy S. Power:

Firstly, I would like to thank Senator Syvret for bringing this proposition for reasons that he may not agree with. Irrespective of the vote in the Assembly here this afternoon, what he has done is given Members like myself an opportunity to discuss ministerial government, discuss the Council of Ministers, and discuss and allow our perspective to be said as to what has happened since November-December 2005. Even though Senator Syvret regards himself as a maverick, as an unorthodox politician, a gifted politician in some ways, I think that there is credit to be given to him for allowing this to happen today. Sometimes out of negativity comes positivity and sometimes out of problems, we have opportunities and I think that is where we are today. It allows us, as States Members, to air our views on the Council of Ministers and on what has happened to date. It allows the Council of Ministers to listen and I certainly hope it allows the Council of Ministers to note what we say and to modify and to incorporate. I would ask Senator Syvret, in his summing up, if he would refer to his 5 years as a Committee President and a year and a half as a Minister and ask him why he never felt in his responsibilities in Health that he should move to another department, another committee, and become, as it were, more rounded in his experience of administration and committee membership and/or ministerial government. Many times I have heard the reference to the transition from committee system to ministerial system, that committee system was better, that

committee system did this, committee system did that, and that ministerial system has not lived up to what was the committee system. I do not know. I came in after the committee system. I never had experience of the committee system. I do have the experience of being on Scrutiny Committees and I would say for those who are thinking of standing for election this year, that when they do decide to stand, if they do get elected, they should seriously consider working in a committee system because there is a huge advantage to it. Deputy Breckon also made reference to the tensions between ministerial government and Scrutiny. Well, there will always be tensions between ministerial government and Scrutiny and it is how we work through the tensions. I hope that in the 2 and a half years that I have had one leg in Scrutiny, one leg in the Planning Applications Panel and a third leg, if I had one, somewhere else, that I have been found to be reasonable in most of my interactions with States Members. There is an element of inflexibility in ministerial government and my own personal observation on that is that I am surprised that the Chief Minister and the Deputy Chief Minister have never exercised their ability to cause a reshuffle or to cause a rotation within ministerial system, and I think that is something that will have to be looked at when the next Chief Minister takes over. Looking at the benches of the Ministers at the moment, I think there is only one Minister - maybe I stand to be corrected - who has had experience in more than one department certainly and that would be Senator Ozouf who has experience of Planning, the Environment and Economic Development and I shall **[Laughter]** ... I am sorry, Senator Le Main. So I think there is a need for whoever is the next Chief Minister to rotate and reshuffle. I do not mean after 5 months or 6 months. I mean within a reasonable period of time and those are my comments on where we are at the moment. We are all put in this Chamber by the public and in some ways this proposition of Senator Syvret today almost pre-empts the choices that the public will make in October and November. For my own area of constituency responsibility, and a lot of where I have been recently in the Parish, there is a co-ordinated and a collective sense of dissatisfaction with where the Council of Ministers has gone in the last 6 to 9 months and these are not radical people. This is middle Jersey that are talking. This is conservative, taxpaying, law-abiding Jersey that is not happy with where we are today with our Council of Ministers. I am glad Senator Walker said that mistakes have been made because the public are very aware of the mistakes that have been made and the perceived grievances the public have with these decisions. I would also like to say that Senator Walker's speech made many references to the success of the economy, the economic indicators, the reserve and all of these things that all of us acknowledge. I would also say to the Chief Minister and the Council of Ministers that it is as much the momentum of the economy through the finance industry as the stewardship of the Council of Ministers of the finance industry that has created the situation we are in today and none of us in this Chamber can take away the importance of the finance industry, even though some of us would wish that the economy was more diversified. I would say to the next Chief Minister, whoever they are, that there has to be a revision of responsibility in the Council of Ministers. Some Members have spoken about the size and responsibility of certain portfolios and I will add my 2p here and say I certainly think that on an Island such as Jersey we have to have a Transport Ministry that takes into account our air, sea and road networks, our design of road network and all of those areas, and that is one area that is overlooked. I would also suggest that there should be an Assistant Minister in future with responsibility for agriculture because that is an area that is overlooked at the moment and that the linkage between planning and agriculture is vital and I think we need an Assistant Minister to look up and look after agriculture. Those are my 2p's worth. There is a public perception also that the area of ethics and the area of decisions made by certain ministerial departments are not in the Island's best interests and I leave it at that. I was thinking about going through the decisions or the areas of concern that the public have, whether it is G.S.T., how the Council of Ministers communicate or some of the less than satisfactory decisions that have been made. I think the Bel Royal alignment is one, the West Park situation, the financing of the waterfront, and, indeed, it has been said to me on many occasions that there is a view out there that the budget for the Home Affairs Department is disproportionately weighted in favour of the States of Jersey Police and that there should be a realignment, whoever is the next Minister for Home Affairs, that there is a

disproportionate spend within the States of Jersey Police. There is concern in the public about the buy to let market, those who buy houses to let and extract those houses from those who wish to buy and I also am aware of concerns on the number of residential units that have been taken up by (j) cats since they have been allowed to buy immediately. Diversification of the economy is a major issue as are some of the decisions that we have to make in the next couple of weeks, including the E.f.W. plan, which is a major decision. I think that if the Council of Ministers survive this, and I have no reason to believe that they will not, I believe they should come out of this suitably mollified and that they should listen to what has been said in this Chamber this afternoon and if it goes on to tomorrow morning. Finally, Sir, I would like to make 2 apologies. I would like to apologise to Senator Perchard for an intemperate remark I made in June about his previous career as a farmer which was insensitive and I regret that and I would also like to apologise to Senator Ozouf for an intemperate remark I made about him. I use this opportunity to unreservedly apologise to the 2 of them.

7.1.11 Deputy P.V.F. Le Claire:

I recently had the pleasure of accompanying the Jersey delegation of the Commonwealth Parliamentary Association to Gibraltar, a place that I never visited when I was in the Royal Marines. Ironic, really, because I joined the Royal Marines to see the world in the first place. The first ship I served on was H.M.S. Jersey and our first port of call was Jersey. **[Laughter]** I subsequently went to Guernsey. **[Laughter]** The reason I mention this, Sir, is because it is not really until you take into account what is happening in a different jurisdiction that you can really start to understand how very similar we are as offshore financial institutions, Crown dependencies and the like. I do not envy His Excellency's inability to speak because no doubt if he was next in line, he would probably be standing up and screaming about some of the things that he has had to endure, this being one of them. I know I am at part to blame for some of the debates where Members find it difficult to continue to listen and be involved in the debate, but I would ask Members to give me that privilege today because I think I have something that really needs to be said. When I supported the debate of this vote of no confidence by signing the vote of no confidence with Senator Syvret, it was spurred on and initiated not by any of the concerns for the waterfront development, not by the concerns for the other things that have been mentioned today, but it was solely because of the lightning resignation of Senator Perchard and the revelation that the chairman of W.E.B. had what seemed to be at the time a particular conflict which seemed to me quite self-evident, and with others that I have spoken to as well. Now, subsequently, I have had the opportunity to express privately what I would like to express now about this and that is in an Island, there is always going to be a certain degree of conflict of interest because we are such a small jurisdiction. Things will come to challenge us from time to time and while we recognise that these have to be managed, we cannot always be looking for the ghouls and the ghosts in all the wrong places. In this instance, I believe the chairman is a man of integrity but he just failed to flag and note at the correct time his interest. Now, maybe it was a mistake and maybe that needed correcting but when I signed and agreed to sign this motion today, it was for a number of reasons and one of them was that. The other one was that that which is not constantly challenged becomes weak and in the many years that I have sat in this Assembly and on the different committees that I have been involved in, I have never, as people who know me will testify, sat still with my mouth shut. I contribute regularly. I ask the difficult questions and I am a bit of a pest. What I am striving to do is to make sure that the people who elected me are getting what they elected me for in return for their trust in me. Now, I think there have been a lot of issues that have recently come to the fore in the Island of Jersey that are really challenging us. I do not know of any other Lieutenant Governor who would have had so many things to consider in terms of how Jersey is governing itself because of the broad issues that are challenging this Government and this Assembly today, obviously things that His Excellency must consider when he communicates with Her Majesty and obviously things, Sir, that we must consider when we are debating and conducting our affairs. One of the things that I would not like to go out from this meeting, which was inferred at the beginning

perhaps, with some affiliation with the desire to support a debate of this kind is one that sends out a message that we are trying to bring about the disconnection of the Crown after 800 years because I certainly am not trying to do that. I think I speak on behalf of the vast majority of people in this Assembly and in the Island when we say that our Duke and our Queen are held quite dearly to us as are our own rights to self-government. While I may never be a Minister and while I may never be a Chief Minister, perhaps I might have this opportunity to have their attention for a few minutes because it is certainly the case that we have recognised that within our Island recently, there have been things that have been going on that are troubling in the extreme, things that we are now seeking to address, things that we are seeking to redress and things that we are seeking to correct and make sure, if at all possible, that they never happen again. The same must be said for ourselves because it is no good us continually coming to this Chamber to try to right society's ills and not trying at the same time to right our own and I feel personally, having been a part of this Assembly for a number of years, that there has been a culture of politics, more acute at times than others, that borders on intimidation, borders on vilification, borders on the culture of exclusion, demonisation and vilification, that sets us apart from each other in our work for the people of Jersey and it does not do us any good and it stokes up great dissatisfaction among the electorate. I have, to my left and to my right, Ministers. On one hand, I do not have a problem with any of the Ministers. On the other hand, I do have problems. I think for the vast majority of the Ministers and the Assistant Ministers, they are trying their level best to do their very best. How many jurisdictions in the world with the confines of the geography that we are speaking about face the sorts of challenges that we do on a daily basis that are not able to resource people from hundreds if not thousands of miles away to help manage those situations. If you go to any modern city or any modern country in the world, they will be faced with certain, or to a lesser degree, with the same sorts of problems that we face in Jersey but their access to experts and resources will vary dramatically accordingly. In some instances, because of our finance industry with the huge benefits that it does bring, we do have the ability to manage some of those in ways that we otherwise would not be able to do and sometimes we get things done exceptionally well. I am a little bit disappointed that when Senator Syvret did stand up ... and he has been, for Deputy Power's information, on many different committees. I know he has been involved with many different positions, many different instances and many different items of government. When he stood up to raise the concerns that he did about the failures in his eyes in child protection, he was rounded out and in my mind he was excluded, eventually vilified, removed and persecuted to a certain degree whereas if we had a better functioning Government and a better functioning Council of Ministers, which was picked up upon by Deputy Duhamel and then later expanded upon by Deputy Power, perhaps all we really need to do is try to look at the system a little bit harder with a little bit more dispassion for our own positions and try to implement something that will give us an opportunity in the future to look at Cabinet reshuffling. Why is it that somebody who brings up an issue like Senator Syvret has, with the capabilities and the abilities that he has, why should they be thrown out when they could be perhaps set to one side into another task until that issue is addressed and then returned once that issue is addressed independently as it should have been. The same also could be said about failing Ministers and excelling Assistant Ministers. Some Assistant Ministers excel and they should be rewarded. I am going to finish up my speech but I would like to say just one thing in conclusion. It is not easy to be liked and it is less easy to be disliked, especially in this kind of a business because we only have this room full of colleagues to work with and it can be jolly difficult if you are not in the "in crowd". I know. I support the call for a vote of no confidence to make this Council stronger, to make this Island realise it needs to sharpen its pencil and if, in the summing up of the Chief Minister, he is able to disclose that which he disclosed to me in private about his frustrations in regard to some of the issues I have been speaking about, I might be minded to change my vote. My problem, as he recognised, which was highlighted by Senator Perchard, is not about whether or not company from A.I.B. (C.I.) Limited has any money in the waterfront itself. It is about the fact that its holding company was doing business in Jersey and it is about perception and public perception, based upon a domino of events, folding back to Les Pas and the foreshore and the secret

debates and the appointments of the chairman of W.E.B. through cameras and then the non-allowing of information and release of information to the media. All of that has to go. I am disappointed to have signed the vote of no confidence quite openly because there are some Ministers I feel are doing the best they can. Certain Ministers, and one in particular, I feel need to be replaced.

7.1.12 Senator P.F.C. Ozouf:

I rise with some trepidation as I am aware that I am only the second Minister to address the Assembly and I want to say to colleagues in the Assembly, Sir, that it is not because Ministers, including myself, are not willing to defend our record that we do not wish to speak. I think the Chief Minister has spoken well and spoken well on the Council's behalf. I certainly am following the Deputy of St. Martin's speech and more than willing to defend my record. I do not think that I am the only Member of this Assembly also that found myself being unexpected taken by the vote of no confidence in the Council of Ministers. This vote of no confidence, I think, is well known to have been trailed. I would ask Senator Syvret in his summing up to explain where he gets his figure of 86 per cent of the Island that apparently is against the Council of Ministers. I listened very carefully to Senator Syvret's remarks and I listened very carefully to all of his reasons for his proposal to remove the Council of Ministers. It seems to me, Sir, that the speech was very much about a person who did not accept the fact that he was removed as a Minister, not by the Council of Ministers or the Chief Minister, but by this Assembly. He did not say that in his remarks. At the same time, I think it was a speech that was very much about a personal view of the world, which he has obviously held for a long time. I will confine my remarks, as the Deputy of St. Martin said, defending my own record but first I want to say one thing. Sir, it is easy to criticise. Some will remember when I entered the States some 8 and a half years ago that I was a thorn in the side of a number of committee presidents. By "criticised", I do not even mind saying that I destructed. I rapidly learned, however, that to make a difference in politics, you have to be constructive, independent, but you have to be constructive. Sir, it is easy to destruct. It is much more difficult to construct. It is also easy to portray the Council of Ministers in this new system of ministerial government as a separate group from this Assembly. Senator Syvret likes to describe certain people as a clique, as an oligarchy. I have looked at myself and looked in the mirror and thought: "Am I a member of this clique, of this oligarchy, ready for the destruction?" [Aside] He interjects and says: "Yes." Well, I do not see it, Sir, I do not see that perception of myself. The reality is that the Council of Ministers is a coalition of independents. Perhaps this is the difficulty, that the public and this Assembly do not see the strong arguments, the strong debates, even the rows that happen on the Council of Ministers, thrashing out the detail of an argument, trying to find the best decision for the people of Jersey. Sir, I believe in a world where you need to constantly improve. I believe in teamwork. I do not believe in a "them and us" situation. I was listening out for Senator Syvret's list of mistakes. There appeared to be certainly many criticisms of the current Council but also, in his own words, criticism of the last 3 decades of political management. I listened out for those criticisms but I also wanted to hear solutions. In the old days of a vote of no confidence when a Committee President took a vote of no confidence and was successful, of course, that person would stand for the committee presidency. Maybe if Senator Syvret is going to be successful - I hope not, in his vote of no confidence - he will stand for Chief Minister. I am confused, Sir, about Senator Syvret's view of the world. I am confused about this alternative Atlantis vision. He portrayed himself when he did stand for Chief Minister as a friend of the finance industry, a man committed to the economy. In his speech, we heard the finance industry and the economy was nothing more than a ponsy scheme. Is it? I am the Minister for Economic Development but I am economically illiterate according to the report that Senator Syvret makes, pursuing unsustainable economic policies. Sir, I would want to put a different perspective on that. We are an Island without natural resources, no ability to compete in industry. We have our environment and we have our heads on which we can depend. Many small Islands, Sir, suffer from economic problems. Those that do not look at us and they try to emulate what we have achieved. Is that failure? In the last 2 and a half

years, we have moved from recession to economic renaissance. We are one of the strongest small nation economies in the world. I do not claim for one minute that the Council of Ministers is operating a nationalised industry and we have created that. It is the people of Jersey that created that but we, the Council of Ministers, with the support of this Assembly, have created the foundations on which that success has been built. Tomorrow morning, as Members will have seen by their emails, we will issue the report card on the financial services industry on 2007, a successful financial services industry employing 13,000 people producing well over £100 million in corporate tax paying for services, a high level of education and health services, and, moreover, £350 million spent into the local economy benefiting every single man, woman and child in our Island. I say to Senator Syvret that the people working in the finance industry do not agree with you when you say that it is a ponsy scheme. Listening to Senator Syvret's analysis of the financial services industry and our so-called illiterate economic outlook, I doubt that Senator Syvret has ever been into a bank, a trust company, a fund manager and spoken to people and understood what they do. I am proud and I believe that this Assembly is proud, of a world-class, highly regarded well-regulated financial services sector producing and delivering world-class financial services to the international community and providing indirect benefit for all the Island community. On financial policy, we are a failure. A failure? A sovereign wealth fund of more than £500 million in it, no debt, with other assets of probably well in excess of £1 billion. The U.K. Labour Government could be well accused, I think, perhaps, of squandering the good times. Look at us. Sound public finances, those public finances that I described, some of the healthiest of any nation state in the world. Can our neighbours, south, north, even Guernsey, claim such a record? I do not think so. Most importantly, I do not say that for any crowing sense, but I say that in a climate of growing economic uncertainty but with the confidence that our sound public finances and our sound economy can weather any financial storm that is going to perhaps occur in the next few years. But finance is not the only important thing. Other sectors matter too. Senator Syvret spoke of the visitor economy. Senator Syvret said that visitor numbers were only up because of business visitors. Well, he does not look at the facts. It is not so, Senator Syvret, I say through the chair. 2007 due to the collaboration of the first time between Economic Development and the Airport, we delivered the dream of low-cost airlines, easyJet, new routes to Paris, Liverpool, Luton, quite apart from the reinstatement of the Heathrow link, links to Geneva, Zurich. Investment in tourism is up, Sir, during the term of office of the Council of Ministers. Delighted to see in the last few weeks the opening of new self-catering facilities such as Les Ormes, a thriving event calendar, new events such as the Broadcast Film Festival, an investment in the cultural infrastructure of Jersey that makes this small Island the envy of others with something to do virtually every single weekend that I have counted in the last 12 weeks. I would submit, Sir, that that does not happen by accident. The visitor economy is on the rise and the Council of Ministers should share, with this Assembly's support, some of the reasons for that. On diversification, I am proud of the diversification agenda, the creation of Jersey Enterprise. It used to be said, Sir, that business used to happen in spite of the States. No longer. The diversification agenda is working well. It is encouraging enterprise. It is encouraging anybody in any sector to reach their full potential in the business opportunity that they wish in the domestic economy. This week we are supporting local fishermen, encouraging people to buy delicious Jersey lobsters and it is working. We are developing e-Business. We are developing intellectual property. My hope is that it is those kinds of businesses that perhaps will occupy some of the space that he speaks about in being the only ponsy scheme expansion of the financial services industry. He did not, of course, say that effectively it was the transferring of some of those financial services industries that will locate from other areas of town that will deliver the dream that the Constable of St. Helier wants to do of the regeneration of town. Some Ministers on the Council of Ministers, many of whom started their electoral period of office in St. Helier, have not forgotten their roots. Some Ministers were responsible for the solutions that some of the issues that Constable Crowcroft rightly said in relation to the difficulties of town. Some of us suggested the proposals for commercial rates. All Ministers, I believe, want a regenerated restored town. Have we heard, Sir, a compelling case for economic mismanagement? I do not think so. We have tried to achieve an

Island which is economically successful, an Island where everybody can reach their potential and an Island that has the resources to pay for world-class public services in health and education and elsewhere. What I will say, Sir, is there is always room for improvement. Yes, ministerial government must evolve and a number of the speakers against the Council of Ministers have issued some concerns and have explained some concerns about ministerial government. More collaborative working, yes, I agree with that. Some Members have suggested that we need a Cabinet reshuffle. Well, I would remind those Members, of course, that it was this Assembly that decided that the Chief Minister would not have the power to reshuffle. Maybe we need to revisit those rules. Maybe we need to revisit the arrangements with Scrutiny, more positive engagement with Scrutiny. Maybe we do need to refine the areas of responsibility of Assistant Ministers. I am proud of what my Assistant Ministers have achieved in their dedicated areas of work of the harbours and airports and financial services. **[Approbation]** We do perhaps need better reporting of ministerial decisions and orders. We need perhaps raised level of investment in skills and we need to constantly improve in health. We need to perhaps improve the incentive for work, build on the wonderful opportunities that have been put in place for income support which encourage people to go back to work. Do we need to do more? Yes. Have we achieved something? Certainly, yes, too. Do we need to do more for access for housing? Senator Syvret mentioned 3 times in his report the £500,000 house price. All Members of this Assembly would agree that the legitimate goal of home ownership should be something that all Islanders should aspire to but we have put in place policies such as shared equity and, yes, as Deputy Huet said in question time this morning, we need to get more out of the planning system. My solution is planning obligations. Yes, we need to look at superannuation. Sir, there are always ways that you can improve but this Council of Ministers has attempted to build on the success that was already achieved and even though there is only 3 to 4 months left of this term of ministerial government, I certainly want to be part of continuing that improvement. I want to enter an election period where we have a debate on policies, on real policy options for this Island, where we have a debate about those issues that I have just described. Sir, I am somewhat suspicious of the motives of the mover of the proposition but, most importantly, I have listened very carefully for the case against the Council of Ministers. In the economic sense, I do not think it has been made. I am happy to sit down with Senator Syvret and explain to him what we have been doing for the economy and what we have been doing to make it more sustainable and more long-term. On economic matters, I do not believe the case has been made and as a team member of the Council of Ministers, generally I do not think the case has been made. I move the adjournment.

The Deputy Bailiff:

The adjournment is moved for so the Assembly will reconvene at 9.30 a.m. tomorrow in order to continue this debate.

ADJOURNMENT