

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd SEPTEMBER 2009

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

The Bailiff:

There are 2 matters perhaps before we come to Public Business. The first is just to inform Members of the presenting of the Review of Income Support: response of the Minister for Social Security which is being presented by that Minister and should be with Members. Secondly, I think the Minister for Home Affairs indicated he would try and make inquiries in relation to a question yesterday. Minister, do you want to say anything?

Senator B.I. Le Marquand (The Minister for Home Affairs):

Yes, Sir, indeed. That was a question from the Deputy of St. John in relation to a person to be found in the precincts of the States who claimed to be a police officer but who did not have his warrant card with him. I have made inquiries in relation to that. I am able to assure the House that person was a police officer on active duties; indeed an expert in firearms matters. What had occurred was that he was in the process of changing from civvies into his uniform and was pulled away from downstairs where he was changing, and left his warrant card behind, and therefore did not have it. I am in fact assured that he did offer to take the Deputy of St. John down with him to where he changed, so I am told. This may not be accurate, but this is what I have been told, to show him his warrant card. But I am able to assure the House that it is normal practice for officers in civvies to carry their warrant cards with them, and if you wish to challenge a person he should produce his identification to you.

Deputy P.J. Rondel of St. John:

If I just may add, Sir, I do not recall the offer to go with him to see the warrant card, but I am not going to dispute it, but I do not recall that at all.

PUBLIC BUSINESS

1. Draft Annual Business Plan 2010 (P.117/2009) - paragraph (a)

The Bailiff:

Very well then, we come to Public Business, and the first matter is the Draft Annual Business Plan 2010 - Projet 117 - lodged by the Chief Minister. I will ask the Greffier at this stage simply to read paragraph (a) because the debate will go in paragraphs; so we will simply read paragraph (a) at this stage, please, Greffier.

The Greffier of the States:

To receive the draft Annual Business Plan 2010, and (a) to approve the summary key objectives and success criteria for 2010 of the following States funded bodies as shown in Part One of the draft Annual Business Plan: (i) The Chief Minister's Department as detailed in Part One of the report, pages 11 to 13; (ii) Economic Development Department as detailed in Part One of the report, pages 14 to 16; (iii) Education, Sport and Culture Department as detailed in Part One of the report, pages 17 to 20; (iv) Health and Social Services Department as detailed in Part One of the report, pages 21 to 23; (v) Home Affairs Department as detailed in Part One of the report, pages 24 to 25; (vi) Housing Department as detailed in Part One of the report, pages 26 to 27; (vii) Planning and Environment Department as detailed in Part One of the report, pages 28 to 30; (viii) Social Security Department as detailed in Part One of the report, pages 31 to 32; (ix) Transport and Technical Services Department as detailed in Part One of the report, pages 33 to 34; (x) Treasury and Resources Department as detailed in Part One of the report, pages 35 to 38; (xi) Jersey Airport as detailed in Part One of the report, pages 39 to 40; (xii) Jersey Harbours as detailed in Part One of

the report, pages 41 to 42; (xiii) States Assembly and its services as detailed in Part One of the report, pages 43 to 44.

1.1 Senator T.A. Le Sueur (The Chief Minister):

Today sees the start of the Assembly's most important debate of the year, a debate on the approval of the States Annual Business Plan. To my mind the words "Business Plan" are not ideal. They convey the image of a commercial organisation focused on maximising profits and delivering a return to investors. So I decided to look up "business" in the encyclopaedia, and it referred there to the provision of goods and services to consumers or customers. This, I thought, was a far better description; one of us, as the States, agreeing what services we should provide to Islanders and at what level. We cannot be unrealistic about our financial obligations, and this was emphasised when we debated the Strategic Plan earlier this year. The key message underpinning that plan was one of financial stability and moderation in an uncertain financial climate. But within that framework it then went on to formulate and agree a wide range of objectives, social and environmental as well as economic. In the same way, the Annual Business Plan is not just about columns of figures. However, costs are important in deciding how we plan to spend taxpayers' money next year and in the years to come. By the end of this week, Islanders will know which services they can expect to be funded from their tax bills and which will not. They will know how we are intending to manage their future. This is an enormous responsibility for us all here today, and one which we all take very seriously. We have been elected to run this Island efficiently and compassionately, and everything we decide this week will affect up to 90,000 people. We must make our decisions wisely and we must be prudent when deciding how to spend Islanders' money. When we formulated our Strategic Plan, we agreed that our overall aim was to work together to meet the needs of the community. Those are not empty words. They reflect our heartfelt desire and strong commitment to ensuring that every Islander is given the best chance to achieve their potential. We want to continue to provide excellent health care, good education for our young people and decent housing for our residents. We know that we must prepare for an ageing population and we are determined to protect our very special environment. We cannot achieve those aims without a strong economy providing good employment and generating enough revenue to pay for the high quality services that we all seem to take for granted. At the moment we are still in a period of economic uncertainty which requires prudence and planning. This year's plan recognises that economic position and seeks to address it in the most effective way. A fiscal stimulus package approved by the Assembly is already starting to fund projects aimed at supporting Islanders through the downturn. These include a major investment in training opportunities for young people at Highlands, a new youth training scheme, a boost to the apprenticeship programme in the private and public sectors, and improved careers' guidance to help people find the right jobs and opportunities. For construction workers we are bringing forward planned building and maintenance works to provide much needed work, and we have received proposals from major charities who want to improve their facilities. I very much hope that these projects will proceed if much funding is forthcoming. We also extended the transition period for income support to help people who need it through the downturn; and finally, we are increasing support of businesses so they can take advantage of the upturn when it comes. We live in challenging times. We have agreed a Strategic Plan that sets out the way forward, and this week we are putting the flesh on the bones of our strategy to help us meet some tough challenges. Despite the economic outlook, we have managed to find the funds to invest in social initiatives: improving children's services, fulfilling the promise of early years' provision, investing in health services, improving social inclusion through expanding of building a safer society and supporting vulnerable people. Finding those funds has not been easy, and we have faced some tough decisions including those on pay. It is vital that public spending be kept under control to minimise any future deficits, and the draft Business Plan we are discussing this week has been designed to help us achieve this. The Minister for Treasury and Resources will lead the debate on the financial sections of the plan, but I must remind Members once again of the fact that any objectives that we set must be matched by the

resources to deliver them. This was agreed in our Strategic Plan, and we must remember that the money we are going to spend this week is the hard-earned money of our fellow Islanders. Much has been made of the States decision to freeze pay for public sector workers, and some even suggest that Ministers do not value our employees. Nothing could be further from the truth. States workers do an exceptionally good job and provide very good services to the people of this Island. Their level of commitment cannot be faulted, and I want all States Members to join me in recognising and praising the valuable work of our staff, many of whom work in some of the most difficult and demanding jobs in our society and deliver the public services that we take for granted.

[Approbation] The States is a good employer and I regret that there is really no other realistic option than to freeze pay costs. When people are losing their jobs and businesses are failing, when inflation is running below zero and many firms cannot afford pay awards, we simply cannot justify a public sector pay award. To put that into context, if we settled an increase of 2 per cent, then we would have to find £6 million next year, and that money would come from only 2 sources: increasing taxes or cutting back on necessary spending. In the present economic conditions, I am not willing to contemplate either of those. But we have also set aside £2 million for more nurses and doctors to meet the increasing demands that they are facing in recruiting and retaining staff. If we were to award a pay increase it would eat into that provision for doctors and nurses. It is a heavy responsibility to make decisions that affect people's lives, and it is important this week we try to work in partnership to tackle the many difficulties we face in these challenging economic times. I do not want to accentuate the difficulties. What I wanted to remind Members of is the very positive situation in which the Island remains. We have a health service, and anyone who has used hospital facilities can only endorse the quality of the service provided there. We have a high quality education service, and indeed all our services are of a standard of which we can rightly be proud. The quality of our services is still the envy of other places, but we have to be realistic. I strongly commend our proposals to the States, and I must take this opportunity to thank those members of staff who have worked on this Business Plan and on other wider strategic, fiscal and economic issues. I turn now to the business before us today and advise Members of the procedure for debate which will be slightly different from last year. I am aware in the past many Members have been unhappy at the way in which the Business Plan debate seemed to go on and on without seemingly getting anywhere. I am also aware that the majority of interest tends to focus on financial issues. This year then, rather than each Minister in turn proposing his or her departmental objectives, I will propose part (a) of this proposition, the departmental key objectives *en bloc*. We shall then debate in turn each of the amendments relating to objectives, although where those amendments have been accepted by the Council of Ministers, I hope that any debate can be brief. We have been able to accept the majority of amendments to objectives because we tried to set out in our Business Plan simply the key objectives. Ministers will hopefully pick up on any issues raised by Members when they speak later on in this part of the debate, and then when all the Members who wish to speak have spoken, I shall sum up in respect of part (a) as a whole. After the debate of part (a) and its amendments, I will hand over then to the Minister for Treasury and Resources who will lead the Assembly through the various financial propositions which will include the capital and property plans. I will then present the final proposition on the legislation programme. So, with that introduction, we now move to part (a) of the proposition regarding the key objectives and the priorities of individual departments. Part (a) of the proposition asks the States to approve the summary key objectives and success criteria that States Departments will be working to achieve during 2010. These objectives are about delivering the Strategic Plan that this House agreed in June, and to work towards the overall aim of working together to meet the needs of the community. They are about the wellbeing of our community: people, ideas; they are about our policies and fleshing out some of the objectives in the Strategic Plan. I do not intend to describe those objectives in detail. Members have already had the chance to read them in detail in the Business Plan, and a meeting was held early this month to which all Members were invited, and in which Members had the opportunity to question Ministers on their priorities and savings at that meeting. Ministers can pick up on any specific issues raised by Members that relate to their

departments. As I said, we can rightly be proud of the high standards of many of the services we currently provide, and many of these objectives will be about continuing to deliver the quality of service that the public expects within the resource constraints that are being proposed today. The business as usual of teaching our youngsters, paying benefits, maintaining law and order, ensuring community safety, treating the sick, maintaining our vital infrastructure. I think perhaps one of our failings as the States is to recognise that as new priorities emerge, we have to cut back on some of our existing services which are perhaps now less important. New objectives and success criteria will require the reprioritisation of resources to deliver those aims. All of these priorities will require careful co-ordination and co-operation between Ministers, officers and other service providers to make sure that our services are both effective and efficient. Scrutiny will also have an important role to play in holding Ministers to account, ensuring that policies are developed and implemented, and resources are used in accordance with the wishes of the House. I should perhaps have referred earlier to the Scrutiny Panel report on this year's Business Plan, a report published just last week. I do appreciate the comments of that panel and the way in which they have adhered to a tight timescale and yet come up with a significant number of worthwhile comments. Because of time constraints, my formal response will not be published until after we have debated this plan, but I can say that I welcome most if not all of their comments, and will endeavour to work with the panel in following-up their recommendations. I am aware that there are several amendments to these objectives, but for the moment I propose part (a) of the proposition in its current form.

The Bailiff:

Is part (a) seconded? **[Seconded]** Very well. Then we will come to the amendments. The amendments are going to be taken in the order set out in the Order of Debate document which I hope all Members have. What I propose to do with Members agreement is, after each amendment has been read out, I will just turn to the Chief Minister briefly and ask him whether he is accepting this amendment. If he is, then I invite the proposer of the amendment to be suitably brief and Members to exercise such restraint as they feel able in contributing to the debate. **[Approbation]** Very well.

2. Draft Annual Business Plan 2010 (P.117/2009): fourth amendment (P.117/2009 Amd.(4)) (Paragraph 1)

The Bailiff:

So we will come to the first amendment, number 4 - lodged by Senator Ferguson - paragraph (i), and I will ask the Greffier to read the amendment.

The Greffier of the States:

Fourth Amendment number 1, page 2, paragraph (a)(i) after the words "report pages 11 to 13" insert the words "except that in Objective 2 on page 11 after success criterion (v) there shall be inserted a new success criterion as follows: '(vi) Departmental suggestion schemes introduced in all departments during 2010 at the initiative of the Chief Minister's Department with monetary awards for staff putting forward valid suggestions which genuinely improve efficiency, productivity or value for money,' and renumber subsequent success criteria accordingly."

The Bailiff:

Now, Chief Minister, is this an amendment which you will or will not be accepting?

Senator T.A. Le Sueur:

I accept this amendment, Sir.

The Bailiff:

Very well.

2.1 Senator S.C. Ferguson:

I first of all would like to thank the Chief Minister for his comments regarding our report. We shall be watching him. This is a very simple amendment, so I will be brief: I reckon about 3 minutes. Suggestion schemes are part and parcel of companies in the private sector. It is also the norm that anyone who suggests anything which improves efficiency or which reduces costs is rewarded financially. This is highly motivating. It encourages the workforce to take more interest in what they are doing, and to take what might be called ownership of their job. In one of my former lives, to quote a colleague, in the private sector we always had suggestion schemes. When I was an apprentice one of my colleagues used to regularly supplement his wages with his suggestions, and when you are on £17.3.4 in old money a week, every little helped, but he also saved the company a considerable amount of money into the bargain. I think Senator Shenton will have experience of this at a large local supermarket where one member of the staff came up with a great money-saving idea. I have always said that the best ideas for improving performance, efficiency and service always come from the frontline troops. What we have to do with such a scheme is to make sure that we take notice of what is suggested. This is absolutely vital. If we want people to take an enthusiastic interest in what they do, we must show that we can listen and follow-up. It is for this reason that I would respectfully suggest to the Chief Minister that if my amendment is adopted, the job of sifting through suggestions should be given to the Assistant Ministers. Apart from giving them something worthwhile to do, it would also assist them in gaining further understanding of their departments and the issues which arise. It should not cost much more than the cost of the suggestions boxes, and I would suggest that we could have those made either by Acorn Industries or at the prison. It should not cost more than the boxes plus the time for emptying the boxes. I would expect the scheme to pay for itself very quickly. I thank the Council of Ministers for agreeing to this amendment, and make the proposition.

The Bailiff:

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

3. Draft Annual Business Plan 2010 (P.117/2009): seventeenth amendment (P.117/2009 (Amd. 17)) (paragraph 1)

The Bailiff:

Then we come to the Seventeenth Amendment, Part 1 - lodged by the Deputy of St. Mary - and I will ask the Greffier to read that amendment.

The Greffier of the States:

Seventeenth Amendment, number 1, page 2 paragraph (a)(i) after the words "report pages 11 to 13" insert the words "except that in Objective 5 on page 13, after success criterion (i) there shall be inserted a new success criterion as follows '(ii) Quality and availability of advice on the impacts of climate change and peak oil on all States policies and programmes' and renumber subsequent success criteria accordingly."

The Bailiff:

Now is this a matter, Chief Minister, which is accepted or not?

Senator T.A. Le Sueur:

I am afraid not, Sir.

3.1 Deputy D.J.A. Wimberley of St. Mary:

It seems to be my fate to take the first amendment in these big debates. Yes, I am I must say surprised and a bit shocked that the Council of Ministers cannot see their way to supporting this amendment. Members may recall that when we discussed the Strategic Plan we agreed an amendment of mine to insert the following words into the Strategic Plan under Priority One; support the Island community through the economic downturn, and the words were as follows, and I think we agreed it, certainly with the support of the Council of Ministers, or the acceptance, and I think it went through *nem con*; I cannot quite remember: "Evaluate on an ongoing basis peak oil and climate change and report to the States once a year on their impacts on policy for Jersey." Now, this amendment simply seeks to put a criterion on to that commitment, so that the Chief Minister's Department can make sure that that is what they are providing. This amendment simply says, if I can find the words, that a success criterion if we agree this amendment will be: "The quality and availability of advice on the impacts of climate change and peak oil on all States policies and programmes." So, what I am suggesting is simply what the Chief Minister alluded to in his opening speech, which was that we are trying to align the Business Plan with the Strategic Plan. I do also note that the comments of the Corporate Services Review Panel were of the same vein, that it was important to line the 2 up and somewhat odd when they did not line up. So, that is really my first point, that we do need to connect the 2, and we need to be sure that we are in line, and that is all this amendment tries to do. If I can refer Members to page 13 of the Business Plan, the main document, Objective 5 of the Chief Minister's Department, which I am seeking to amend reads: "Decision-making improved and debate better informed through the provision of accurate and timely professional economic and statistical advice and information on major issues." That is a fully supportable objective. It is spot on. The phrasing is absolutely correct, and the addition of the words "and information on major issues" is a really important addition, because it means that we do not limit our concerns, the Council of Ministers do not limit their concerns, the Chief Minister's Department do not limit their concerns - nor do the States - to merely economic and statistical advice, but we take on the importance of other areas if they warrant it. It is important, obviously, that we do so. Now, if you look at the success criteria as they are put there on page 13 under Objective 5, the first 2 refer to economic advice and economic growth. The first is: "Quality and availability of economic advice," and the second is: "States assisted to meet its economic objectives," and these are defined as: "Economic growth, low inflation and employment opportunities through the provision of timely advice on policy." Then the third is: "Statistics Unit releases produced independently to pre-announced release dates and statistical information" which goes without saying. So, all I am seeking to do is add to those 3 success criteria the matters of peak oil and climate change. Now, Members may see those of us who fret about peak oil and climate change as Cassandras, but I do not really enjoy saying that peak oil is round the corner or possibly here already, or that climate change is here. But it does not really matter what I believe personally, Daniel Wimberley, and it does not matter what Members believe although I hope they agree these 2 factors are important. What matters for this amendment is, are these risk factors of such importance that we have to take them into account and that we have to have good information to base our decisions on in these 2 areas? So, let us look at climate change. What are others saying and doing? Is it serious? Should we here in Jersey be taking it seriously? Should it be a success criterion that we have timely and adequate information in this area? Well, I went to a conference on behalf of the Environment Scrutiny Panel, the Sustainable Development U.K. (United Kingdom) Conference earlier this year, and there was a galaxy of extremely high-powered eminent or politically important speakers. I was not a speaker, Deputy. I will just put one or 2 quotations from the comments made at that conference, because if this is what these eminent people are saying, then maybe we should take this seriously as well. Professor Beddington is the chief scientist for the U.K. Government. He covered other areas, but he covered energy and climate change, and he said about climate change that the temperature may rise 2 degrees centigrade, but it might be one or it might be 3. "There is uncertainty", he said: "Therefore we should apply the precautionary principle", and in this case that means knowing what might happen and assessing the likelihoods of the different possible outcomes. He further pointed out, in case there may be some doubt, that

China is building 59 new reservoirs to store the water from melting glaciers; 59 new reservoirs, and some of those are underground. The Chinese are remarkable in their approach to these matters. “Some Arctic ice may be gone by 2030. This would create feedback. Extremely serious” were his words. “Some Arctic ice may be gone by 2030.” This is not me; this is not some wild environmentalist; this is the chief scientist for the U.K. Government. Sea acidity is rising, and of course there are huge implications to that on marine organisms and on the food chain. So, those were his comments. That gives Members an idea of the scale of this potential crisis, or this crisis. It is a risk, I would submit, that we should be paying attention to. So, Jonathon Porritt was there. Now, obviously, he is a paid-up member of the Green establishment. He is the chairman of the Sustainable Development Commission, but his words gave no cause for comfort: “The science, i.e. climate change, is constantly moving and the need for action is ever more pressing” he said, and I quote: “There is no refuge for spurious optimism in the way the science is unfolding,” and he is in a position to know how the science is unfolding. He said that the Fourth Assessment Report of the I.P.C.C. (Intergovernmental Panel on Climate Change) talked of the real possibility of a 2 degree centigrade rise and the need for an 80 per cent cut in carbon emissions by 2050, and then he said, which was more shocking: “That was in 2005.” So, there he is talking to a conference in 2009 saying: “That is old information.” Then he went on to describe some of the things that might happen, and if these tipping points are reached, the ghastly consequences. So, you might expect Mr. Porritt to say those things. So, what are the politicians doing? How are they reacting? Well, we had a spokesman for Her Majesty’s Government and we had a spokesman for Her Majesty’s Opposition, and we had Lord Hunt who is the Deputy Leader of the House of Lords, the Minister for Sustainable Development and Energy Innovation at Defra (Department for Environment, Food and Rural Affairs) and the Department for Energy and Climate Change. So, what does this gentleman at the heart of the U.K. Government say? He said: “The temptation is to put the environment in one box, economy in another” which is exactly what we see in the success criteria as drafted. There is one crisis, environment and economy together, hence the need for sustainable development, and then he went on to spell out the Government’s initiatives to meet the challenge. So, that was from one side of the House, and then we also had Baroness Wilcox, Opposition spokesman on energy and climate change. What did she say? If anything, she was more striking than Lord Hunt. In fact, she came over as definitely more striking: “We cannot afford not to go green.” That is a direct quote. “Pulling our world back from the brink of climate-change disaster” is another quote. From Davos, she quoted from the concluding statement of the latest Davos summit: “The move to a low carbon economy can drive the new green economy revolution” and then she described the Conservatives’ initiatives and how they have launched a low-carbon strategy which involves every aspect of the British economy. So, that is where the leading politicians are; that is where the political parties are in the U.K. So, what are the possible impacts on policy for Jersey? Should we be concerned about this matter in little Jersey? Well, I suggest to Members that we should and that is why we need to keep up-to-date with how serious the impacts might be. Already our own T.T.S. (Transport and Technical Services) is spending £1 million a year, we are told, on sea defences, on raising them, on getting ready for sea-level rise. The data informing that expenditure comes from, I think, it was Hadley Research Centre, or it might have been the Met. Office, I forget the exact reference; but they are getting data from a reliable source to inform those decisions about how far to go with our sea defences. What about the ash pits down at La Collette? Are they high enough? I believe, I think I remember rightly, that they are situated, as they were told to be situated by the planning permit, one metre above high water, or above presumably the highest high water. Is that enough? What are the consequences if it turns out not to be enough? What about new planning permits? Are they not affected by the rise in sea level? That is just the issue of sea level, which is a sub-issue of climate change. Members may have seen the front page of the *Independent* a few days ago. It had a call from the Doctors’ Associations from the developed world. The leaders of I think it was 17 countries, Doctors’ Associations witness, i.e. the B.M.A. (British Medical Association) in Britain, issuing a statement about the health risks of climate change, and begging the world’s leaders to do something serious in Copenhagen and come to a real

binding agreement to cut carbon. Those health risks included some which are relevant to Jersey. We yesterday were told that we might have to find £5 million for H1N1. What would happen if certain diseases moved north, as they are already doing? What will happen if vectors of diseases, like mosquitoes move north? These are just the matters that affect Jersey directly. There is also of course the dislocation caused by climate change across the globe, migration and the possible impacts indirectly on Jersey. So, that is climate change. We need to assess what is going to happen, what is coming at us, and we need to be sure that we are ready. Peak oil. Oil production. Peak oil means that the suggestion is that the production of oil has reached its peak. From now on, the amount of oil available to be extracted is going to go down, or is already on the downward path. Now, oil is clearly a finite resource. We knew that all along. So this had to happen. Peak oil had to happen. The debate is not if it is going to happen, but when, and perhaps it has already happened. The consensus among the experts is that it is now; the plateau is now. It is a wobbly plateau, but there is no going back. Now, the Council of Ministers argue that this is an area where there is a wide range of views, and I quote. Now, the debate is not about, as I have just said, whether, but when. Last year the Chief Economist of the I.E.A. (International Energy Authority), which has been taking a fairly conservative view on this matter, said: "Well, you know, there will be plenty of oil. We do not have to worry too much," gave an interview to George Monbiot, and you can see the video on YouTube. His name is Mr. Birol, and he said that for the first time the I.E.A. had done a study of oil, field by field, and that was, I think, in 2007. That was a fairly shocking admission that up to then it had all been desktop; all had been based on what the oil companies said, or what the Government said. They did a study, field by field, and the conclusion was that oil production is in decline in I think all but 4 countries. The evidence is with us: the volatility. People who look at what the oil price is doing notice that as soon as there are the first green shoots of what is called recovery, then the oil price goes up, and that is what is likely to happen, if we are talking about the likelihood of this: that is what is likely to happen if and when the upturn might come. If people remember what happened when the oil price went up 2 years ago to astonishing levels, or what was considered astonishing levels, I seem to remember headlines in the *Daily Telegraph* saying: "Motoring in Britain down by ..." It was some fantastic percentage; it was 20 or 30 per cent, and that was an immediate impact of high oil prices, and that is the point, is it not? Will we be ready for these impacts? Will we have seen it coming? Will we have the best possible estimate of the likely impacts? Of course there is going to be immediate policy impacts on transport, on building regulations, on insulation, on all the things that, you know, are fairly obviously connected with peak oil. But the implications go further than that. Agriculture depends on oil worldwide. What happens when the price of basic food goes up worldwide? What are the implications of that for Jersey's food security? So, are we going to have information on these major issues, or are we going to govern effectively blindfold in this important area? Are we going to be competent or incompetent in the technical sense: competent to do the job, or incompetent because we do not have the information? What can the public reasonably expect? In conclusion, I will simply look at the comments of the Council of Ministers, because obviously one needs to do that. It does appear to me to be not really adequate. The first comment they make is: "The amendment would require the Chief Minister's Department to also provide specialist environmental advice." That is not what I am asking now, is it? It is not in my amendment that the Chief Minister's Department provides specialist environmental advice. My amendment says that a criterion of having good information is that we have adequate information in the area of peak oil and climate change and how that would affect policies and programmes across the Island, and how that would affect Islanders. So, I am not asking for what they say I am asking for. So, let us clear that up. It is just a matter of, do we take this seriously and do we have that criterion in place? Then they say that the Planning and Environment Department is committed by the Strategic Plan to produce an annual report covering environmental issues. Quite so; and that report would include, in my view, peak oil and climate change, or it could be a separate report. But the important thing to note is that it is not in the environment box. It goes way beyond the environment box, as Lord Hunt pointed out. It is one crisis. You cannot separate the economy and the environment, and of

course you cannot, because all our economic activity, all life depends, of course, on the environment. Now, then the Council of Ministers go on to say that there would be significant resource implications: "It is considered that this would entail at least one new member of staff, with the necessary professional and scientific knowledge." Well, no, in fact. It would not involve having an extra member of staff, and I believe the Council of Ministers are shroud-waving when they say that. I believe that you could have 2 views, for instance, on peak oil, one from the Oil Drum Collective and one from BP, if you like. The chief officer of Economic Development, favours their view on peak oil. You could have a spread of views delivered on a consultancy basis for not many thousands of pounds. It is very important. I agree that it might not be an appropriate use of one person's time to collate the information which would probably take 2 weeks at a point in time to say: "This is the current position on climate change. This is the current position on peak oil." I beg Members to realise just how important these 2 issues are. We cannot bury our heads in the sand like a bunch of ostriches. We have to know what is coming over the horizon, and I therefore think that, as a criterion, we need this criterion to make sure that we do get this information in a correct manner.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

3.1.1 Senator S.C. Ferguson:

I really cannot let that go unchallenged. I think the Council of Ministers should be supported in their rejection of this amendment. It is quite reprehensible of us to spend money on obtaining such information. I am quite happy to ensure we are insulating houses. This is good for hot or cold temperatures. It is equally good for us to reduce our dependence on fossil fuels, because of the possibility that prices may rise. But to require us to spend extra money on providing information when we should be concentrating on improving agriculture, improving the quality of housing, looking after the less well off and so on is, I am afraid, nonsense. The science of global warming, sorry, climate change, is not settled. I have spoken on this before, and Members know my scientific views. To reprise: Arctic ice is increasing, sea levels are rising at a rate of about 6 inches every 100 years. The health risks: 25,000 old people die in a cold winter, 3,500 die in a hot summer. You know, who is for having some warm weather? There used to be malarial mosquitoes in Europe until they were wiped out by D.D.T. (Dichlorodiphenyltrichloroethane). Furthermore, the science of the formation of oil is not settled, either. The recent drilling of a 35,000 foot well, and that does not include the 4,000 feet under sea level, by a major oil company in the Gulf of Mexico has raised doubts in the mind of western geologists that oil is of an organic origin. I understand that there are no fossil dinosaurs at 35,000 feet. It raised the doubts in the minds of western geologists, but the Russians have never thought that oil was of an organic origin, and they are one of the major oil producers now; number 2 in the world, I think. The term for this is abiotic. For the conspiracy theorists, you could say that the oil companies have a vested interest in keeping prices of oil high. I maintain that we should be prudent, and rather than expend our limited resources on something which may or may not happen, frankly I have every confidence in the ingenuity of man, and especially engineers, to cope with all these problems. In the meantime we should concentrate on turning our hand to what is more important: making sure that we have well-insulated, energy-efficient houses, sufficient food, transportation strategies that reduce pollution; in fact, doing the things we can do rather than generate extra reports which are just pieces of paper. I can think of much more constructive ways to spend the best part of £100,000. I ask Members to reject this amendment. **[Approbation]**

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

Business planning. It is really about the wise use of resources, and I am not convinced by the Deputy of St. Mary's argument at this stage, that what is being suggested does represent a wise use of resources, in particular, if the upshot of accepting this particular amendment is that scarce

resources will be taken from the Environment and Planning Department, whose job it is to provide the very information that the Deputy is calling for. Members, if they not done so already, should read and re-read page 28 of the Business Plan where it sets out some of the responsibilities of Planning and Environment in determining the strategies and policies that this House, in it supporting to play our part for climate change, energy, peak oil and all the rest of it. If we have a look under Objective 1, item 2, for example, work towards a low carbon economy including an energy policy which is well on its way, promoting carbon offset schemes, developing best practice relating to reduction to greenhouse gas emissions from agriculture. Because Planning and Environment want to do it? No, because it is intimately bound up with the questions that must be in all our minds should climate change become worse than it is at the moment. If we go down we have got development of an air quality strategy. This House has decided on at least 2 occasions that air quality is absolutely vital and that legislation should be brought to this House as soon as possible in order to be able to control the emissions from vehicles, from incinerators, from the back ends of cows or the front ends of cows and a whole host of other sources. But what happens if the monies are not available and the priorities are skewed in such a way that those resources do not become available in order for Planning and Environment to carry out its important work? This I fear is the very real possibility of supporting the Deputy of St. Mary today. It is referred to in the comments from the Council of Ministers and the Deputy failed to indicate - although he did try to explain himself out of a hole - that there were no knock-on financial considerations to be taken into account. These reports were going to be written by the little green leprechauns that sit on all of the environmental supporters' shoulders at no cost. But it is just not true. So if we have to consider diverting £70,000 to £90,000, it may end up as more because as we all know ... and it is not just Members who have been in this House for a long period of time. It is all of us, I fear, who understand that when we begin to set out responsibilities for departments, it does not just stop with one job. One job becomes 2 and 3 and 5 and 10. Before we know it we have whole departments beavering away duplicating things. In fact, one could almost say that the duplication has already begun because if we read the comment schedule prepared by the Council of Ministers and the Greffier, we do have a duplication of the second paragraph. How much did that cost? What is the climate impact of writing that paragraph twice? How much oil has been expended in writing those words in the way they have been written, twice instead of once? I think the right place for this work to be undertaken is quite clearly through the Planning and Environment Department. Instead of putting an amendment to determine success criteria within the responsibilities of the Council of Ministers, I think that those responsibilities should be sharpened up - if indeed the Deputy of St. Mary thinks that they are too blunt - within the Planning and Environment section. That would have been the better place for his amendment, should Members think that it was necessary. A couple of words on climate change and peak oil, in particular peak oil. Senator Ferguson sits on the other side of this House and sometimes Members think she is probably on the other side of the planet as well in some of the comments she comes forward with. But in some respects from the articles that are appearing on peak oil, there is a grain of truth. I worked for a spell within the oil industry and peak oil is not about oil just running out. It is about the easy oil and about the difficulties of production. All our reservoirs operate like a bottle of champagne. When you open the cork, the gases bubble to the surface and they push the oil and a whole stack of other things towards the drilled hole that is in the ground. But that pressure difference only exists for a fairly short period of time. It might well be several years but that is short in the lifetime of the well. What happens is that by primary methods which are mainly pressure driven maybe 20 per cent of the oil that is available within the reservoir is produced. Since the 1960s there has been a lot of technological advance in order to stimulate the oil reservoirs in order to produce more of the oil that is available beneath the ground. But overall if you do look at not just the desktop studies but the other reports from the oil reservoir producing companies themselves, they all admit that they have only recovered around about a third of the reserves that are known. So what happens? Well, technology improves, prices go up, prices stimulate further research which means that more clever ways of generating the oil from the ground become invented or discovered and the resources are

extracted to a greater degree. Really the debate is not settled at this stage. From the reports I have been reading, the indication is that perhaps it would be more realistic instead of supposing that oil will only ever be able to be recovered at a third, that perhaps 50 per cent or maybe even two-thirds might be recoverable. What about the bigger picture? The bigger picture is that the oil will probably run out at some point in time. But the Deputy of St. Mary is right in saying we do not know what that time is. It is certainly not going to be next year. It is certainly not going to be before the next elections so we can all sit easy. It is probably not going to be for most Members' lifetimes. But that does not for me mean that we should be ignoring the wise use of any resources; not just oil but all resources: water, food, soil. That goes back to my view of what the Planning and Environment's role is within the Council of Ministers and within the States Chamber. It is to bring forward a set of strategies and policies which will guarantee as far as possible a wise use of all of those resources. I think that if I am going to ask for extra monies - which indeed is the hidden part of the Deputy of St. Mary's proposition - then I would wish to see that those resources are firmly placed within the Planning Department. The proposition as worded will not do this and I think must be rejected at least for this year on those grounds. Perhaps the Deputy of St. Mary should with his environmental hat on and the Environment Scrutiny Panel hold discussions with the Planning and Environment Department and other departments before the budgeting process and the business planning process next year in order to determine whether or not a sharpening of the resolve of the strategic and policy planning within the Planning and Environment Department should be committed to. I think we should not take too much more time in firmly rejecting this amendment and reconsidering perhaps next year in a better shape or form.

3.1.3 Deputy M. Tadier of St. Brelade:

I believe that Senator Ferguson may have solved the issue of oil shortages herself because if she buries her head a little further in the sand she may end up striking oil herself and Jersey will have all its problems resolved. I would like to seek a point of clarification at this point from the Deputy of St. Mary because I have noticed at the back of his proposition it says that there are no financial or manpower implications for amendment 1, if I have read that correctly. If that is the case and if that is true then surely we are debating something which we do not need to be because there seems to be an opinion in the House that this will cost money. I would like to ask the Deputy perhaps now if he would, how much is it likely to cost, if anything, so that we can have a more informed debate. I would like to continue after that.

The Bailiff:

I think it is for the Deputy to respond at the end, Deputy.

Deputy M. Tadier:

Fair enough. I thought it might be useful for Members, given that if we get the information at the end obviously it is no use to us but fair enough. Let us take the next point then. Interesting to hear the argument about conspiracy over there because it sounds like many people who agree with Senator Ferguson ... and there seem to be a lot of people from all the foot stamping seem to think that the worries about the environment and climate change is some kind of left wing conspiracy to stop consumerism. I do not think that is the case because we have scientists of all political persuasions telling us the same thing and it is only prudent I believe to listen to that advice when they do give it. What we are being asked to do here and what the Deputy is asking for is that quality and availability of advice on the impacts of climate change and peak oil on all States policies and programmes be made available. I think the contention here is whether that falls to the Chief Minister's Department or whether it falls to Environment and Planning or indeed the scrutiny that is related to that. I think we are splitting hairs to a certain extent, but there is good reason I believe why it should come under the remit of the Chief Minister's Department. I am sure that the Deputy of St. Mary will go into that in further detail in his summing up. But what I would suggest is that it does have implications on many levels for Jersey in its international standing, its

reputation, insofar as if we end up getting flooded and we become an Atlantis then we will not have any kind of industry, whether it be finance or tourism. But we do also have international obligations, like any responsible jurisdiction in the world, to make sure that we meet targets on climate change. That quite clearly would come under the Chief Minister's Department I believe. I think that there is a bit of splitting hairs going on about that. I would be interested to hear in the summing up about the financial implications and it would seem they are moderate. We know that there is a very real issue of climate change. I think the timing of it in one sense is academic because if peak oil is running out, it does not matter in one sense if it is 10, 20 or 50 years' time. It is good that we deal with it as soon as we can and nip the problem in the bud. There is no point in saving a problem up for future generations. It may well be that I will be one of those people but it may well be our children or grandchildren. I was interested to hear some informed opinion from my colleague, Deputy Duhamel. I was interested to hear that there may be more oil than we thought but surely if that is the case then climate change is even more of a problem because if we are burning more oil then there are going to be more CO2 emissions. That worries me even more. If there is more oil, it is going to create more emissions. There is going to be more likelihood of climate change coming quicker than we thought. Lastly, I would be interested to hear from the Dean on this. I believe that it is an ethical and moral issue and I would like to hear what the church has to say on it. I believe that Christians believe that the earth was given to human beings to be stewards and that we were put in the Garden of Eden, as the allegory goes, to be stewards and to look after the planet and that when we were kicked out of Garden of Eden, our garden just got that little bit bigger. So I would like to hear some clear direction from the Dean, if he is so minded to give it, on what is essentially an ethical and a moral issue.

Senator S.C. Ferguson:

A point of clarification, I think. The financial details are contained in the Council of Ministers' comments on the amendment.

3.1.4 Deputy R.G. Le Hérisier of St. Saviour:

I think this debate must be one of those that send the public absolutely around the bend, as well as ourselves obviously. I think all this dancing on the head of a pin as to who is responsible and as to who is not is very unfortunate. I would have thought that the Planning and Environment Department with, it has to be said, a fairly large environmental division would be pleased to contribute to policy making at the centre. We should not be arguing who should do it and who should not. The second point I would make, there is not a Jersey approach or there is not a Jersey philosophy of climate change. Obviously we have to receive wisdom and learning and interpret it from other sources, as indeed the proposer said. I do get the impression in order to set up unrealistic enemies so to speak, some people are suggesting that the Business Plan should contain some kind of massive philosophical treatise with the Jersey view on climate change. Clearly it cannot do that. Given that this is, it has to be said, a bit of a moving target and it is a very difficult one for the layperson to make sense of as to what the science is in this regard, I would have thought that we would receive wisdom. We would receive, quite frankly, mixed views from different sources. At the moment we are not carrying out a detailed analysis of the use of every bit of oil within the States system but we are trying to get the debate going. Insofar as the wisdom or the learning is settled, we are trying to apply it to States policy. In my view, we are making a mountain out of a molehill. I think the Deputy of St. Mary is quite right to alert us to this as a very important emerging issue. I would have thought it is not beyond the wit of both the Environment Department and the Chief Minister's Department to give them the kind of caveat I have mentioned to make some intelligent comments on the matter and to feed it into policy making.

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

If I just may latch on to the element of climate change with regard to this amendment. T.T.S. retained consultants to keep us abreast of scientific advice, knowledge and wisdom, as the previous

speaker referred to, regarding climate change and the effects it may have on the Island. The consultants are HR Wallingford, well known in this field and used by many authorities throughout the world. We are aware of the outcomes of the latest Copenhagen summit and will of course respond after peer reviews have taken place and on the advice of experts. Scientific advice is a bit of a curious thing. I think those who have dealt with it will understand that scientists have a lot of different views. While we must take on board the comments that are made, it is important that they are properly considered by other scientists in peer review so we have the right answers from where we can make decisions. The department that I administer is already doing this. I feel that what the Deputy is proposing will simply be a duplication of the areas which we are already covering. While understanding the direction from which the Deputy comes, I would suggest to Members that it is a duplication and, therefore, would suggest that the amendment be rejected.

3.1.6 Deputy J.M. Maçon of St. Saviour:

Just very quickly. I, like Senator Ferguson, did oppose the amendment in the Strategic Plan by the Deputy of St. Mary for the reasons of costs because I believe there is a wealth of knowledge. I believe there are plenty of other governments and other organisations that are producing such information that Jersey really does not need to be producing this. I will be consistent and I will oppose this. However, I feel that if other Members felt that we should be producing a report on climate change, therefore, that should be factored into policy making and will be consistent, and I would expect other Members to be doing so.

3.1.7 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

My colleague, the Solicitor General, felt that he could leave the Chamber because he did not think there would be too many legal points in these things. Seeing some of the amendments, I felt I ought to stay just in case. Deputy Tadier is quite right. From the Christian and the Jewish and indeed the Islamic traditions, stewardship of the planet is seen by religious people as a God given imperative. That is absolutely clear and there is no doubt about that at all. My concerns ... the questions I have that I hope the Deputy of St. Mary ... I found his speech to be, if he will not mind me saying this, quite the best speech I have heard him make since he joined this Chamber, both in construction and in persuasiveness. But I think there are 3 things I would like him to address in his summing up that would help Members. The first is 3 countries. He quoted the statistics on the number of reservoirs being built by China. I do not have it to hand but I am aware of the very high statistic of coal fuelled power stations being built by China and the horrendous effect that will have on climate change. The other 2 countries I would mention, the one I know quite well and love a lot is the country of India where the population is set in the next few years to exceed that of China. The way in which that industrialisation continues and the way in which their energy resources are met will have immense impact. The third of course is the United States because whether we like it or not the policies of that country do drive so much thinking, at least in the Western world. It seems to me that if the British Isles are to have impact on climate change, it is not simply a matter of what we do internally but also what pressure is brought to bear on the United Kingdom and its representation of us abroad in a global solution to a global issue. The second thing I would want to ask is it seems to me that getting the facts - and I have hardly a scientific thought in my brain - is absolutely important because any policy that does not take all the facts available into account is clearly deficient. My question, and I think what I hear Deputy Le Hérissier saying very helpfully, is one of methodology. What is the best way - the most efficient - because we are stewards of other people's money and effective because simply producing paper reports does not really get us terribly far. What is the most efficient and effective way of getting this information into the policy making stream? I do not know the answer but I put it as a question on the table. The third thing, Deputy Tadier has opened the door for me so let me do it like this. There is a long stream again in Judeo-Christian and Islamic tradition of the importance of the prophetic. I do not mean this in terms of fortune telling and future telling. I do mean this in the way of having individuals who are like small pebbles in your shoe: uncomfortable but who sometimes have good things to inform us of. I

think that when, for example, the Deputy of St. Mary or when comments come to us from Environment Scrutiny and Deputy Duhamel then we do have to listen to that uncomfortable voice. Not always agree and certainly not always say it has got it sewn up financially but accept those insights with all their uncomfortableness. I cannot remember the wonderful gizmo he had sitting on his shoulder that was green but it sounded ... in the same way - if I may look across to Senator Ferguson who very kindly often gives me one-to-one economics lessons which I enjoy immensely - that one takes seriously the insights and input, equally uncomfortably sometimes, of those whose expertise is financial. So it is an absolute commitment but the question I think is about the right methodology of getting those facts into the decision making stream.

3.1.8 Senator A. Breckon:

I do not have any problem supporting this. I listened to what Deputy Duhamel said and also the Constable of St. Brelade. It seems to be that some of the information and the advice is already there. I think saying that we need a number of people to do this and gather this, I think, is a red herring that is put there as a block to doing this. What it is asking for is quality and availability of advice. I would suggest that we are not going to send somebody around the world to gather this. This information now is available by technology. Somebody can go on the internet, register with a number of sites including the ones that might be considered a bit cranky and extreme about views on this, that and the other, gather the information and somebody needs to assimilate that and make sense of it. But I would suggest that there are people working within departments, either T.T.S. or Environment, who could do this and in fact may already be doing some of it. I think all the Deputy of St. Mary is doing is putting this down as an objective so that at some time in the future he can refer back to this and say we are supposed to be doing this because it is convenient to say if we dig a bit deeper or pump a bit harder we can get more resources out. But then there have been questions. I think there was a film on when the oil runs out or what happens when the oil runs out? So there are issues that if we are thinking locally and doing things then we are acting globally. I think that has been said before. I do not think this is rocket science but there are people who have some extreme views about what may or may not happen in the future. But what we are asking to do is the quality and availability of advice. Some of that can be dismissed as the loony element or whatever but at the same time people have a view, an opinion that that could happen. Somebody needs to get this into the middle and make sense of it. Then if it does affect things like sea defences then we are adequately planning to cope for that in strategic plans and whatever else because there is a cost to it. It is not just about that. It is about other things as well. I think the Deputy of St. Mary is to be commended for seeking to do this because, as Deputy Le Hérissier said, we might be on the head of a pin here I think. But where is the other opportunity for an individual Member to do this? I do not think this could be subject of a full blown States debate so the idea is ... and I know what the Chief Minister said before, sometimes strategic debates and business plans have tended to go literally all over the place about cycling through the countryside and cream teas, and all sorts of subjects. But I think with this I think the Deputy of St. Mary is giving this some focus and I can support it because it is there and he or any other Member can quite rightly say in the not too distant future, who is doing this? Is it T.T.S.? Is it Environment? Put them together and I do not think you need another person. As I said, that is a red herring. For those reasons I will be supporting this amendment.

3.1.9 Deputy T.M. Pitman of St. Helier:

I can be very short, as I hope continues through the day. I must really just echo the speeches of both Deputies Tadier and Le Hérissier and of Senator Breckon too and add only that for many of the public hearing such amendments have to be debated because they have been opposed by the Council of Ministers, do us as a Government no favours at all in my view. It has to be said, I am afraid, that as a consequence we run the risk yet again of people coming to the conclusion that opposition to what is effectively common sense and simply striving to look after our and our children's best interests in the long term, it will lead people to conclude yet again, and perhaps

wrongly, that with some of these amendments... and when they are opposed it does come down to who brings them. I think that is a really negative thing for a government. All I really want to conclude with is saying that I will support this because I always support common sense and it does not matter where it comes from: left, right, centre, green, global warming deniers, whatever. The Deputy of St. Mary is asking us effectively to set down a marker and I see no problem with that and I would urge everyone to support him.

3.1.10 Deputy C.F. Labey of Grouville:

Just very briefly. Senator Ferguson's speech reminded me of what somebody said to me a few years ago: global warming cannot be happening because they still wear fur coats in Russia. **[Laughter]** I will be supporting the Deputy of St. Mary's proposal amendment because I think what he is doing is just putting this subject on the agenda. He is highlighting it and we should be thinking about it. He is not asking us to reinvent the wheel and to go out and do all this research ourselves. There are experts out there that will do that and are doing that already. But what he is suggesting is we put it on the agenda. What if the price of oil becomes unacceptably high? How are we going to struggle? We get all our food in on the boats. What fuels the boats? These are just things to be considered. We have to open our eyes and think how our Island, how we, are going to deal with it if and when it happens. Between Transport and Technical Services and the Environment Department, I think they need to have a can do attitude rather than nothing to do with us.

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

I use a French phrase, it is *deja vu*. I think we had a very similar debate at extreme length on the Strategic Plan where once again Ministers, and the Chief Minister in particular, opposed what has been described by my colleague on my right as common sense. Or are we to follow the line of Senator Ferguson and deny that global warming is an issue and that peak oil is an issue and will be increasingly an issue that we as a society must address? Or shall we stick our heads in the sand like ostriches and pretend that it is not an issue for us; we can escape unscathed from global change? Because that is simply all that is being asked. To put it, what effectively is common sense, into a Business Plan so that we inform ourselves fully and accept a criterion - I do like a man that can use criterion - that is valid for today and tomorrow. It seems to me that not very long ago the champion of those words "global warming", of those issues, global warming and even peak oil, were sitting directly behind the Deputy of St. Mary, now is currently the Assistant Minister in Environment and appears to have forgotten those issues and appears to have taken them down the ladder of priorities so that he feels we do not even have to put these sorts of words, this criterion, the quality and availability of advice on the impact of climate change and peak oil, on States policies and programmes. What are we doing here? I urge the Chief Minister - and I believe he wishes to speak in the very near future; I have seen him tapping on the light - to change his mind and accept this amendment so that we can get on to some really serious issues and we do not repeat the sad experience **[Laughter]** ... of course by serious I meant contentious **[Laughter]**, genuinely contentious issues that we need to debate and we may need to debate at length. Otherwise we are going to repeat the experience of the Strategic Plan. Please, Chief Minister, reconsider this opposition.

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

I hope Members will indulge me if I relate a short story to them. In my very brief stint as an Assistant Minister at Health and Social Services, I was invited along with other Assistant Ministers to attend a full blown Council of Ministers meeting at the 9th Floor, Cyril Le Marquand House. We were discussing at that time Deputy Martin's proposal for the Ann Court site, that it not be converted to a car park. The Chief Minister very kindly allowed the Assistant Ministers gathered there to ask questions about this. When it came to my turn, I turned to the Minister for Planning and Environment and said: "Minister, can you confirm that this is good town planning to allow the

building of a car park on this site?” He almost said: “Hallelujah, at last someone is asking the sort of question that needs to be asked.” He said: “I have been telling the Council of Ministers for a long time now that, no, this is not good town planning and what I want to introduce or what I want to prepare is a masterplan for the north of town.” From that meeting at lunchtime, there was a meeting in the evening called I believe by Deputy Martin at the Town Hall to discuss the Ann Court issue. All of a sudden, lo and behold, everyone was saying we should have a masterplan. So it came about, I think, because I asked this question at the Council of Ministers’ meeting, a masterplan for the north of town, whether we agree with it or not. I am disappointed to read in the Council of Ministers’ comments that they make no reference at all to the fact that one of their Ministers who has spoken today pays a firm of consultants to deliver information which the Deputy of St. Mary is asking for in his amendment today. What happens at these Council of Ministers meetings? What do they talk about? What do they decide? Surely when they were looking at this amendment, it must have been simple for them to say does anyone gather this information now. Lo and behold, yes, T.T.S. do. I have just asked the Minister. He is unable to advise me at the moment at what cost it is to his department. Nevertheless, can we please adopt a let us do attitude. Not we can do but let us do. Let us be positive. For goodness sake, let us get out there and when amendments are brought ... it makes no difference to me who brings an amendment or a proposition. I read it, I take it for face value, I judge it on what it is proposing. Disappointing that we get a negative response from the Chief Minister on this. The job is already being done. Can we not share resources, share reports? Come on, let us have some dialogue between departments. The Planning Department we know produces a report every year by the Director of Environment covering environmental issues. It would be interesting to know whether in fact they were aware that T.T.S. have commissioned consultants to prepare information along these lines. It is quite frustrating to have to listen to all of this and then be told by a Minister that the information is within the public domain almost at T.T.S. I am going to support this and I would urge others to do the same. We have heard that the Deputy is laying down a marker for future reference and I think it is one that definitely needs to be supported.

3.1.13 Senator T.A. Le Sueur:

I think picking up from the Constable of St. Lawrence and the Deputy of Grouville. The Constable of St. Lawrence says laying down a marker. The Deputy of Grouville says putting the subject on the agenda. Members should be well aware that the subject already is on the agenda. It was on the agenda in the Strategic Plan and is on the agenda, if Members care to look, within the objectives of the Planning and Environment Department. There is no question of anyone ignoring the implications of peak oil or climate change. But I do think we are in danger of misusing this opportunity we have once a year in debating the Business Plan and focusing on what the Business Plan says. It is sometimes depressing to have to read the words in a proposition. It is far easier just to go and take what we might like to think they say. But the words of a Business Plan are particularly important. I go back to very first principles of what the proposition says. It is to approve the summary key objectives and success criteria. So what is the purpose of a success criterion? The purpose to me of a success criterion must be does it deliver the objective. Does it help us to measure that objective? We then say, what is the objective which the Deputy of St. Mary is seeking to review? The objective he is seeking to review is on page 13 of the plan. Decision making improved. Fine. Debate better informed. Great. Through the provision of accurate and timely professional advice on major issues but it is limited to economic and statistical advice and information on major issues, and that is there for a very good reason. Because these are the Chief Minister’s objectives and the Chief Minister has a responsibility for the Economics Unit and the Chief Minister has a responsibility for the Statistics Unit. Responsibility for the environment rests with the Minister for Planning and Environment, and as the Assistant Environment Minister has already said, if one turns to page 28 of their objectives, there one will see quite clearly in their success criteria: “Initiating development of a climate change adaptation and mitigation strategy. Introduction of an integrated energy policy to assess whether the Island’s resources can be a

sustainable source of energy and ensuring that the Island has an affordable and sustainable energy supply.” The issues being raised by the Deputy of St. Mary are already being addressed where they should be, in the objectives of the Minister for Planning and Environment. But I go back to the purpose of this. This is to give us quality, professional advice. I welcome quality, professional advice wherever it comes from. I was slightly taken aback by the words of the Deputy of St. Mary, if I have written them down correctly. He said we do not need any additional staff because we could pick up a range of views expressed by many people and have them assessed by a consultant. Firstly, by saying “assessed by a consultant” certainly implies to me financial obligations and financial impacts which are potentially unknown, but I do know about consultants that once you start employing them, they create work and they build. So I have no doubt that there are financial implications of some degree or other. But then he says a spread of views. I think this is the difficulty. There are indeed a whole range of views. I do not want to propose policies based on views. Just as Scrutiny Panels want to assess facts, I want to access facts and I want to present policies based on facts. That factual information, that accurate and timely professional advice, does come at a cost. One can argue that that cost is a justified cost. I would just urge Members at the start of this potentially long session debating the Business Plan to be very careful about incurring additional costs without compensating savings elsewhere. It used to be a tradition in the Business Plan debates that any additional cost proposals were matched by additional savings. We seem to have got away from that this year a little bit and just ignored the fact that we are potentially incurring additional costs. I believe that the objectives of the Deputy of St. Mary are perfectly well meaning. Certainly I and my fellow Ministers are not dismissing the relevance of peak oil and climate change. We are just saying that this is the wrong amendment in the wrong place to deliver what we want it to deliver, which is to be aware of the implications of that. The wording of the amendment is very precise. It also says it should reflect the availability and advice on the impacts on all States policies and programmes. That is a tremendously wide remit; all States policies. We have to look at the effect of climate change on the education policies, on the housing policies. Yes, we certainly do but that will mean a considerable amount of advice needs to be produced, a considerable number of facts need to be ascertained. If anyone suggests to me that that can be done with no resource implications then they have got a better magic wand than I have. In reality, although this amendment is well meaning, it is misplaced and we should not approve a proposition or approve an amendment simply because it appears to be well meaning.

3.1.14 Deputy D.J. De Sousa of St. Helier:

I was not going to speak but after the Connétable of St. Lawrence I felt I needed to. What we are being asked to do here is insert a success criterion for the quality and availability of advice on the impacts of climate change and peak oil to all States policies and programmes. The Chief Minister has just stood up and said that the basic criterion of this is already in the plan. So what is the objection to accepting this amendment? For goodness sake, let us put this to rest and just accept this.

3.1.15 Senator S. Syvret:

It is a bit like Groundhog Day listening to these kinds of debates. We have had the kind of contrarian position from Senator Ferguson, suggesting that there is plenty of oil in the ground. Lots and lots more of it in fact. We do not need to worry about it. Then going on to suggest that oil is not even an organic product; a product of organic decay over the millennia. We have had a speech just from the Chief Minister in which he has tried to suggest that there is no need to have this amendment from the Deputy of St. Mary because we have kind of committed to looking at these issues in other ways and in other parts of the States planning and procedures apparatus. If that was the case, why then the huge reluctance? Why then the immense difficulty in accepting what is a perfectly sensible, straightforward and very, very necessary amendment? Peak oil may appear to be a rather tedious subject for some Members who may not fully understand the importance of it. But there is a very, very powerful case that can be made for peak oil having occurred and peak oil

being largely the key driving force behind the recent global economic collapse. In fact that is precisely what is predicted by peak oil theory. Energy costs go up and up and up dramatically as you get that crossing point in human development whereby the supply has started to be outstripped by the demand and the consequential dramatic increase in costs has a huge impact on the viability of economic activity of all kinds. The theory has it that you get this great spike in prices as demand becomes overstretched. It causes an economic downturn, serious recessions, depressions even because the demand destruction has occurred. People are not using as much energy any more, thus the price of energy, the price of oil predominantly falls back down again. Then the economy starts to pick up maybe after 2 or 3 years. Then of course the price of oil begins to ramp up dramatically quickly again and you get the same effect; this dramatic oscillation between demand for energy and world economic collapse. This is exactly what experts have been predicting for decades in some cases. It is what is called the bumpy plateau of production and consequent economic activity. We are in that now. To try and indicate how important this subject is to Members; there may quite easily come a time within a few years - within 10 years - where a lot of the foodstuffs we currently take for granted when we walk up and down the packed supermarket shelves, just will not be there any more. We basically as a species effectively eat oil, so dependent are we on the use of oil, both in terms of energy and as for making things like fertilisers and pesticides. A whole raft of issues. There is ample evidence out there for those who wish to find it concerning world oil supply and the likely impact it is going to have on our society. While of course in these kinds of debates you can always find contrarian, minority views of the kind that Senator Ferguson refers to and indeed that she represents but I strongly contest her view that the point she put forward, the position she was adopting, was scientific and rational because it was not. It was a rather desperate attempt that we see from the Senator quite often to twist and bend and compress the "science" into a kind of shape and a framework that will fit into her political ideology. Good science, real science, simply does not work in that way. "Facts is facts, son", as the saying goes. The facts in this case are that the meta analysis of a vast range of different estimates and assessments of global oil production and its future path has only one clear, unambiguous outcome and that is oil supply has plateaued. There is an argument you may find some may say that it has not quite peaked yet. It may peak in 2 or 3 years' time. But even that is an increasingly unsustainable position. The meta analysis suggests that the world all liquids peak production occurred in July 2008. There may be some demand destruction rebound from that should the economy pick up but that is going to be of very little help to society. The thing about peak oil and the impact of it is that it was all predicted. Not by some kind of lunatic, communist, environmentalist kind of characters who wanted to destroy Western consumerist society. It was identified and described by people like M. King Hubbard, an American oil geologist who worked for the oil companies. He predicted the peak of U.S. (United States) oil production and he also got pretty accurate in his prediction of world peak oil production. There has been no credible science to debunk both his work and the work of many others following him. Senator Ferguson referred to some other discoveries of oil that happened. Yes, there are other discoveries but there are a number of problems with simply holding that out as a solution to the oil crisis; issues that the Senator did not address. The fact is humanity has plainly used around half of all of the world's available oil. That is oil in all its descriptions: high quality liquids, light sweet crude, heavier crudes, the whole total planetary inventory. The half that we have used so far represents the cheapest, best quality, easiest to access, easiest to obtain oil. Now we are getting into territory where we are having to do things like invest in immensely expensive and difficult drilling projects in huge, deep waters that are unreliable and indeed have to require all kinds of advanced extraction techniques such as frasing(?) and a whole range of other issues. It may be that some additional oil supplies are out there to be found but it only becomes economically viable for oil companies to make the necessary capital investment in extracting those previously untapped oil wells when the price of energy is astronomically high. When the price of oil was really rapidly increasing a couple of years ago, there was a tremendous drive towards serious upfront investment by oil companies to create new oil rigs, new refineries, to invest in the drilling of new areas. However, all of that fell by the wayside now because of the global economic collapse. Thus, even

if a few wells are able to be brought on stream to add to global supply in the future, it is going to take a long time and it is going to be very, very expensive. Another factor that Senator Ferguson did not address when she spoke was again the scientific fact of energy returned over energy invested. When it first became widespread and common to drill for oil 100 or so years ago, the oil that was extracted from the ground had an energy returned over energy invested ratio of about 100 to 1. That is, for every unit of energy you expended on extracting the oil, you would get 100 units of energy from that activity. Today the best and easiest to access oil wells produce an energy return over energy invested of, if you are lucky, 1 to 20. When you start looking at some of the types of potential oil sources that are spoken about as potential cures for these issues such as Canadian coal sands - for example, tar sands - again the energy returned over energy invested becomes very, very, very poor indeed. It is quite remarkable and I have not even bothered and I probably will not for the time being to address the question of climate change and the other aspects of the Deputy's amendment. But let no Member of this Assembly be in any doubt as to the importance of this issue. Any society, any government that is not very, very clear-sighted and fully aware and well informed about such things as peak oil and what it is going to mean for our society and indeed climate change, any government that fails to put that kind of information, that kind of input, that kind of knowledge at the heart of its strategic and business planning, any government who does not do that is a government that is failing its community. It would be appalling if the Deputy's amendment were to be rejected.

3.1.16 Senator P.F.C. Ozouf:

I do not inhabit any of the outlying views of this particular green debate. I certainly am not a member of the Green Party but I agree with some of their approaches to life. I am afraid that I do not subscribe entirely to Senator Ferguson's ... in fact I do not subscribe at all I think to Senator Ferguson's view of the world. I have been persuaded of the need to have a middle ground, of the need for all governments to be realistic, to be thoughtful and to be caring about their environment. I think the Environment Department, now under the leadership of the Assistant Minister in Environment, is doing a good job in ensuring that environmental decisions are factored into most States decisions in a realistic, in a persuasive but moreover in an affordable way. I think that we need to continue a middle ground in this matter. But I think that we need to be honest about the resource constraints that we have. This amendment will cost in the region, as is set out in the Chief Minister's comment, £70,000 to £90,000. It will add a significant burden and I think that is unrealistic compared to the other priorities we have. But that does not mean to say that I do not support the need for the Environment Department to do their job and, importantly, Scrutiny to be scrutinising States policies with a view for the peak oil and other concerns that people have. I urge Members to reject the amendment.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Deputy of St. Mary to reply.

3.1.17 The Deputy of St. Mary:

Thank you to all who contributed to the debate, particularly those who supported the amendment but also to those who did not. It has been I think a very good and constructive look at the issues. I am going to try and address the main points. Forgive me if I simply do not mention what one particular Member said or whatever. I think my starting point is probably the money. £70,000 to £90,000 is a figure pulled out of a hat. It simply is a red herring. I am not suggesting and in fact the amendment makes no mention of a person. The amendment is about having a criterion. A criterion does not of itself cost money. It is quite intriguing that the Council of Ministers, as many speakers pointed out, are unable to accept an amendment which simply says that we want to evaluate the quality and the timeliness and so on of information on a critical pair of issues to Members, to the Ministers and to the public. I do add the public in this because obviously any report would also be available to the public. There is possibly a gap in awareness due to the gap in

awareness inside the House so we do need to address that as well. I said that a criterion does not cost money so why is the Council of Ministers not accepting this? It is because they do not want the criterion because they do not want to do the work that the criterion would measure. This is the problem. Although we have agreed that that work be done in the Strategic Plan, when it comes to it and up I get and say: "Well, let us measure the quality of the information", suddenly the drawbridge goes down, suddenly the shutters are shut. We must not evaluate this information even though we have pledged ourselves to have this information. It is interesting to compare that with the attitude to economic advice which we will have as a success criterion. We will look at the quality and availability of the economic advice and we do indeed get extensive economic advice from different sources and this is right and proper. But the environment is not an add-on. It is not a mythical extra. The environment underpins the economy. The economy, as I think Herman Daly once said - the master of quotes is not with us - is a wholly-owned subsidiary of the environment. Put another way, God gave us stewardship over the earth. It is the same thing in different words. That might be a bit challenging for the Dean but there you go, that is the way I see it. That word stewardship and what it implies, when you look at it and relate it to policy and economics and environment, that is what it means. The economy depends on the environment. Here I am saying let us have a criterion to evaluate this information. So the money I believe is a red herring. I am not asking for an extra person. It is quite clearly not in my amendment. What I am asking for is a first step. I think the Dean put his finger on that. I am afraid I will not answer the other couple of points. I will have a private conversation, if I may, about the other 3 countries and so on. It is not quite relevant to this debate. But the interesting thing that the Dean said for this debate was he challenged us to think what is the best way, what is the most efficient and effective way to get this information into the policy making stream. We were advised by, I think, the last speaker - the Minister for Treasury and Resources - that the environment does indeed get included in decision making. But we heard from a previous speaker that it was news to the Council of Ministers that they might consider these issues when talking about a new car park. So there is a disconnect there. I am suggesting that this step that I am asking for, which is only a criterion for an action that we have already pledged to, is a first step. It will go places but it is at this stage a first step. We need to take it because otherwise we will be governing to some extent in the dark; certainly in the dark as regards these 2 issues. Another point that people have raised or have shown - they have not raised it; they have shown it - is that in various places in government there is support for this notion of evaluating climate change and peak oil. Support in the form of the fact that we already do it. That T.T.S. already do it. They already have a consultant to advise in particular on sea levels but perhaps more widely. We do not know. What I am saying - and I think Deputy Le Hérisier and others pointed this out very cogently - is let us do it. Let us find a way of making this work. All I am asking for is a criterion and that criterion to be located in the Chief Minister's Department because that is where it should be. I will come on to that. But the point I am making now is that T.T.S. spoke basically in support of this. They say we take advice in these areas. The Assistant Minister for the Environment made a plea for Planning and Environment to have more clout basically, for these issues to have a higher priority and he questioned whether this was perhaps the right first step. But, frankly, it is the only first step on offer. We also heard the Chief Minister pointing out the effect of climate change might have to be considered on all policies such as education. Yes, indeed. How are young people to be prepared for a future that may be very, very different from the one we have now? I was interested to see in the paper about the recent Red Cross initiative where young people will learn about resilience and how they cope with disasters and humanitarian issues. That is the sort of issue that might be fed into the education area. Housing: what are the impacts on housing? The Chief Minister spelt them out. He made the case for me. He made the case for having this work done and, therefore, for evaluating it properly. All I am asking for is that the evaluation be done. If the score at the end of the year is zero because there was not any advice, it was not available and, therefore it had quality zero then that at least is an evaluation. But at the moment we have no tool for saying have we done this or not. As I pointed out, T.T.S. are already doing some of this work. Finally, the consequences of not addressing this are so risky. It is not about whether Senator

Ferguson is right or Senator Syvret is right or the Deputy of St. Mary is right. That is not what this is about. It is about risk. It is about leading our people in a safe and sensible way. It is about taking on board the possible risks and being aware of what they are, where they are coming from and how we need to react. So I do commend this amendment to the House.

The Bailiff:

The appel is called for then in relation to the amendment of the Deputy of St. Mary, Amendment 17, paragraph 1. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 20		CONTRE: 27		ABSTAIN: 0
Senator S. Syvret		Senator T.A. Le Sueur		
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. Helier		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator T.J. Le Main		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy R.G. Le Hérisier (S)		Senator S.C. Ferguson		
Deputy J.B. Fox (H)		Senator A.J.D. Maclean		
Deputy G.P. Southern (H)		Senator B.I. Le Marquand		
Deputy of Grouville		Connétable of Trinity		
Deputy of St. Peter		Connétable of Grouville		
Deputy P.V.F. Le Claire (H)		Connétable of St. Brelade		
Deputy S. Pitman (H)		Connétable of St. John		
Deputy M. Tadier (B)		Connétable of St. Saviour		
Deputy of St. Mary		Connétable of St. Clement		
Deputy T.M. Pitman (H)		Connétable of St. Peter		
Deputy A.T. Dupré (C)		Connétable of St. Mary		
Deputy T.A. Vallois (S)		Deputy R.C. Duhamel (S)		
Deputy M.R. Higgins (H)		Deputy of St. Ouen		
Deputy A.K.F. Green (H)		Deputy J.A. Hilton (H)		
Deputy D. De Sousa (H)		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy E.J. Noel (L)		
		Deputy J.M. Maçon (S)		

4. Draft Annual Business Plan 2010 (P.117/2009): seventeenth amendment (P.117/2009 (Amd. 17)) (paragraph 2)

The Bailiff:

Very well then, we move on next to the Seventeenth Amendment of the Deputy of St. Mary, paragraph 2. I will ask the Greffier to read the proposition.

The Greffier of the States:

Seventeenth Amendment, number 2, page 2, paragraph (a)(i): after the words “report pages 11 to 13” insert the words “except within Objective 7 on page 13 in success criterion (iii), after the words ‘front line services’ insert the words ‘whilst ensuring that our public services are delivered in a way which is effective, fair and in keeping with the States’ environmental and social objectives’.”

The Bailiff:

Chief Minister, is this one that you are going to be accepting or rejecting?

Senator T.A. Le Sueur:

No, Sir, we are quite prepared to accept this amendment.

The Bailiff:

Very well. Deputy of St. Mary, would you wish to propose that amendment?

The Deputy of St. Mary:

The one about the management ...

The Bailiff:

No, this is your Seventeenth Amendment, paragraph 2, adding a set criterion after objective 7.

The Deputy of St. Mary:

Yes, thank you, Sir. Yes, to take all 3 together presumably because that addition of these words applies to ...

The Bailiff:

I think because it comes from a different part, we will take this one. I am sure the next one will be very short.

4.1 The Deputy of St. Mary:

Okay, right. Yes, I just noticed as I went through the Business Plan this word of minimising management and I took objection to that. The Council of Ministers have accepted that. I also noted that in other departments, apart from the 3 that we are concerned with, a more humane, if you like, set of priorities and objectives and success criteria with regard to staff and resources were set out in other departments and different ones from department to department. One is talking about staff development. One is talking about fulfilling the objectives of the department and so on. This is merely tidying up. I am very glad that the Council of Ministers have accepted this amendment and I move the amendment.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on the amendment? All those in favour of adopting the amendment, kindly show. **[Interruption]** The appel is asked for then in relation to paragraph 2 of the Seventeenth Amendment of the Deputy of St. Mary. I ask Members to return to their seats and the Greffier will open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator A. Breckon				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				

Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Greffier of the States:

Senator Shenton voted contre.

The Deputy of St. Mary:

This is, Sir, a fairly serious issue.

The Bailiff:

He clearly is not here so we will record him as not having voted contre.

Senator B.I. Le Marquand:

Sir, there is a danger, is there not, that he voted contre vote on the previous vote and he is not here and, therefore, the vote would not have been 20 to 28. It would have been 20 to 27.

The Bailiff:

Greffier, can we go back to see what Senator Shenton was recorded as voting on the previous one? Yes, Senator Shenton was recorded as voting contre on the previous one so I think clearly he was not here. It was the papers sitting on it apparently. So we must amend that and the vote is, therefore, one less vote contre.

The Deputy of St. Mary:

On a point of order, Sir, this is a fairly serious issue and I just wonder what can be done and how fast it can be done about this. I would feel the same if it was my vote going off.

The Bailiff:

The Greffier is going to ask the engineers to look at the matter as soon as possible to see whether the buttons are sufficiently flush. The plan apparently was that they should not be capable of being pressed by things being just placed there. It seems that is not necessarily working. But this matter will be looked into.

Deputy M. Tadier:

Can I just ask that maybe some of the recent votes also be looked at because I know we had a tied vote of 22 to 22 not so long ago and that has very serious implications?

The Bailiff:

It is difficult to know who was in the Assembly at the time after this length of time. In other words, it would be very difficult I would have thought to know whether a Member was in fact in the Chamber. When the matter is picked up immediately as now, we are all able to see that a particular Member is not here and, therefore, cannot possibly have been voting.

5. Draft Annual Business Plan 2010 (P.117/2009): seventeenth amendment (P.117/2009 (Amd. 17)) (paragraph 3)

The Bailiff:

Very well, so we come next to paragraph 3 of the Seventeenth Amendment by the Deputy of St. Mary which is in identical form but I will, nevertheless, ask the Greffier to read the amendment.

The Greffier of the States:

Seventeenth Amendment, number 3: after the words “report pages 14 to 16” insert the words “except within Objective 11 on page 16 in success criterion (iii), after the words ‘front line services- insert the words ‘whilst ensuring that our public services are delivered in a way which is effective, fair and in keeping with the States’ environmental and social objectives’.”

The Bailiff:

Are you going to accept this one as well, Chief Minister? Yes.

5.1 The Deputy of St. Mary:

I propose this amendment. **[Approbation]**

The Bailiff:

Is it seconded? **[Seconded]**

The Deputy of St. Mary:

And I will not beat that again. **[Laughter]**

The Bailiff:

Does any Member wish to speak? All those in favour of adopting the amendment, kindly show. **[Interruption]** The appel is called for then in relation to paragraph 3 of the amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 40		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Senator T.J. Le Main		
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Peter				

Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

6. Draft Annual Business Plan 2010 (P.117/2009): sixteenth amendment (P.117/2009 (Amd. 16)) (paragraph 1)

The Bailiff:

Very well. Then we come next to Amendment 16, paragraph 1, lodged by the Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the amendment.

The Greffier of the States:

Amendment 16, number 1, page 2, paragraph (a)(iii): after the words “report pages 17 to 20,” insert the words “except that in Objective 2 on page 18, after success criterion (viii) there shall be inserted a new success criterion (ix) as follows: ‘(ix) Review and report on the options available for the Island’s secondary education system by April 2010, in order to ensure it is fit for purpose and cost-effective’.”

The Bailiff:

Chief Minister, are we going to accept this one? Very well.

6.1 Deputy R.G. Le Hérisier (Chairman, Education and Home Affairs Scrutiny Panel):

I will say a few words. Every year, as we know, at about this time there is always an article in the local press as to the excellent results from our secondary schools. Be that as it may and indeed congratulations are in order, the fact remains we have a system designed I suppose by a committee which has produced a camel. It works in a funny sort of way but we have a massive lopsided secondary system which has a massive number of fee paying schools and fee paying students. It puts enormous pressure on the remaining secondary schools, as the Minister knows, and it also has an effect on Highlands College. The rational way out of it, which of course is never really the way,

is to set up a much more rationalised secondary school system, at the apex of which is a 6 form college. But greater minds than mine have collapsed of that idea. Lots of them collapsed about 12, 15 years ago. I know the Minister has a very strong concern about the balance between academic and vocational in the secondary sector. We really have to look at it and we really have to revisit the idea after the bloodbath, as I said, I think of about 12 to 15 years ago when secondary education was reviewed but sadly it totally broke apart because of vested interests. That is what this about. I think we have the Minister's and certainly the Council's support. I move the proposition.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

6.1.1 Deputy J.G. Reed of St. Ouen:

Just very briefly. I do fully recognise a need to periodically review the activities of the department to ensure that they are fit for purpose, which is why my department is already in the process of considering the provision of education across the Island. This will form just one part of a current set of reviews that are taking place. I would just like to add and ask Members to note that the comments being made at the completion of this review would be in June rather than April because of the timescale involved in having an effective review and ensuring that everybody and all parties are engaged in the process.

6.1.2 Deputy G.P. Southern:

I, too, second, if you like, this particular approach. The key phrasing I think is "cost effective" because, like it or not, nowhere else in the U.K. in a town with a population of approximately 90,000 would you see such a plethora of secondary and post-16 education institutions, each with their own costs, each with their own staffing, in order to deliver a package of educational achievement which, albeit of a high standard, is, nevertheless, probably the most expensive it could possibly be for the size of the Island. Nowhere else would you see effectively 6 forms with a tertiary college alongside. So 6 institutions delivering post-16 education and training. Nowhere else, I believe, would you see such a high proportion of students effectively creamed off the system, double-creamed, treble-creamed from the system: those that go to the U.K. for expensive private education, those that stay in the Island for fee paying and less expensive education, those that are creamed off at 14 to Hautlieu. Effectively if one were - and the word was used - a rational creature possibly from Mars visiting the Island to assess the effectiveness of what we do with our young people post-11 and post-16, I think any Martian would have a sharp intake of breath, a shake of the head and walk sadly away in terms of efficiency. At this time when we are told time and time and time again that value for money and efficiency are the criteria which are driving the current Council of Ministers as the thing and cost savings, it is long overdue that we have a look at this from the perspective of is this truly a cost effective mechanism for delivering what we want to achieve and are there not better, simpler, more cost effective ways of delivering it which could in theory produce enormous savings. I will be supporting this wholeheartedly.

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

The reference to what became known as the big education debate was some years ago. I declare an interest as I was very much involved with it because I strongly believe in equal opportunities for everybody. Yes, there will be reviews, there have been reviews and there are constant reviews for it. But this is not just a money thing. This is about quality of education. There are numerous different types of education from the fee paying sector, the private sector, the non fee paying sector and there is higher education and tertiary and all the other including the other key areas which are not just academic. It is to provide a good education for all our students in the Island of whatever age, nationality or creed. It is also very important that we have a high education in this Island because we require it for the workplace. We require the best opportunities for our young people to be able to fulfil the quality of lives, not only for them, their families but also for the residents of the

Island. This is not just a simple amendment. In itself I do not suppose it will do much harm. I will not support it because I do not think that taking things piecemeal is appropriate. This is something that needs to be looked in balance and it has got to be looked at properly. I do not perceive that this is a money thing. This is about traditions of the Island. It is about vision that was taken 50-odd years ago. It also is about the changing needs of the Island. That is far more important than just a little add on to a Business Plan.

6.1.4 The Deputy of St. John:

I think the previous speaker is absolutely right. When I came into the House in 1994 I was involved in the big education debate at the time. We had an awful lot of consultation. Yes, these things do need reviewing and some 15 years later these things need to be looked at. But the most important thing is choice. It is up to a family what they want to do best for their children. I always insisted that if at all possible I would give my children the best education I could afford and it is exactly what I did. One for all does not necessarily fit everybody. I think we need choice. As the previous speaker says, the Island has got a number of traditions. I would hate to think that this is another one that people are going to try and whittle away. Therefore, although I am supporting this because any review ... and I will support a fellow member of Scrutiny on this. I am pleased the Minister is accepting this. But at the same time things need to be said that one does not necessarily fit all.

6.1.5 Senator P.F. Routier:

On a very similar theme, I think it is vitally important that this review does take place and I will be supporting it. But the idea that perhaps some may have of just having one type of secondary education to cover the whole of the Island population I think is taking things to an extreme. I believe there should be the opportunity for choice for parents, and even I would put a marker down to ensure that there is the possibility of still having the involvement of church schools because the church schools do provide a choice for parents. If they do want to have their children brought up in an environment with certain principles which have come through, through churches, I believe that should still be possible.

6.1.6 Deputy M. Tadier:

I will just comment briefly. I think this is clearly something which will be supported by everyone. I just wanted to comment very briefly on the element of choice. Of course it is good to have choice within the system but one of the ironies perhaps is that because we have got so many separate and even disparate colleges and sixth forms that we are getting to a position whereby certain subjects are being dropped so we have a lack of choice in the subjects that are being offered. I can certainly speak from a linguist point of view that I know even when I was back at school I think it was 12 years ago now at Hautlieu, and throughout all the sixth forms German was a very niche subject. There were 4 of us who did it for A level but even then we were drafting people in from the other colleges. I believe that German has been dropped in many schools so you do not even have the choice of subjects. I think that there is certainly a valid reason to go for a review to see if certain colleges can be perhaps integrated. That does not mean of course that we are going to be getting rid of choice. The other point is, and I was quite keen to listen to the Deputy of St. John that he wanted to have the best education for his children, no matter what cost. Presumably every parent or every guardian in Jersey wants the best education for their children whether they pay for it themselves or not. They will via taxes anyway so it should not be down to cost. It should not be just for those who can afford a good education. We want a good education system right across the board, ideally so it does not matter where you send your children because you know if you send them to the local school they will get a good enough education, just as good if you send them to one right across the Island which may or may not be fee paying. I think this does need our support. I think we need to be open-minded and hopefully this review will give tangible benefits.

6.1.7 Deputy A.K.F. Green of St. Helier:

I would just like to pick up on a couple of points. Obviously the Council of Ministers and indeed the E.S.C. (Education, Sport and Culture) Ministerial team wholeheartedly support this amendment. Why would we reject an amendment which is supporting something that we commissioned as a Ministerial team some months ago? We fully recognise the need to periodically review the activities of the department to ensure that they are fit for purpose, which is why the department is in the process of considering the provision of education across the Island. There is much that is good with the current system. There is always room for improvement which can be made to ensure: (1) that we get value for money but just as importantly that we meet the needs and aspirations today of all the young people. Because something was right 50 years ago does not mean that it is right today. The challenge for our education system is to better reflect the value of vocational skills at the same level as academic skills and achievement. This is important if we are to enable each individual - and it is each individual; every child is important - to fulfil and develop to their full potential to ensure that businesses can access a diverse and well-skilled workforce. This review of our secondary education system has been commissioned to ensure that we meet the needs of all our students, as I said. Part of that review rightly focuses on vocational training and whether this should be available at 14, ensuring that at 16 when young people are looking for apprenticeships they are industry-ready; that is, equipped with good basic skills that employers need. Other work is already underway to ensure how effective our social inclusion policies are, especially focusing on the support provided for individuals with special or additional needs. In the light of the work already carried by the Education, Sport and Culture Department, we fully support this amendment although we will ask Members to accept that there may be practical difficulties finishing in April and we might need slightly longer.

6.1.8 Deputy A.T. Dupre of St. Clement:

I just wanted to point out that clearly students do go to other colleges to do their A levels so that there is not duplication in subjects. A lot of children go to different colleges to do their A levels. All the schools are not all doing the same courses.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Deputy Le Hérisssier to reply.

6.1.9 Deputy R.G. Le Hérisssier:

I thank the Members. There are some very interesting points raised. There is no doubt referring, for example, to Deputy Fox and the Deputy of St. John that it will be a very good contentious issue as it should be. It is long overdue. I thank the Minister and his staff and I thank all Members for speaking. Thank you.

The Bailiff:

Would all those in favour of adopting the amendment, kindly show?

Deputy M. Tadier:

Can we have the appel please?

The Bailiff:

Yes, the appel is called for in relation to the Amendment 16, paragraph 1, lodged by the Education and Home Affairs Scrutiny Panel. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 41		CONTRE: 0		ABSTAIN: 1
Senator T.A. Le Sueur				Deputy J.B. Fox (H)
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				

Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

7. Draft Annual Business Plan 2010 (P.117/2009): sixteenth amendment (P.117/2009 (Amd. 16)) (paragraph 2)

The Bailiff:

Very well, then we move on to paragraph 2 of the Sixteenth Amendment lodged by the Education and Home Affairs Scrutiny Panel. I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

On page 2, paragraph (a)(iii), after the words “Report pages 17 to 20” insert the words “except that in success criterion (v) of Objective 8 on page 19, after the words ‘monitored and reviewed’, insert the words ‘with a fully costed plan showing the total cost of implementation, prepared and presented to the States by April 2010’.”

The Bailiff:

Chief Minister, is this a matter you will be accepting or not?

Senator T.A. Le Sueur:

Yes, we will be.

The Bailiff:

Very well. Deputy?

7.1 Deputy R.G. Le Hérissier (Chairman, Education and Home Affairs Scrutiny Panel):

Just a brief word. I think - I used to get it wrong - but I think it was Himmler who said: "Whenever I hear the word culture I reach for my gun." What the panel was very concerned about is the drift in the field of culture. We are very impressed at the work that was done by the previous Assistant Minister, and is now being done, but there is no doubt when I asked a key player in the sector: "To what extent have you implemented the plan?" I was told: "We have implemented it to the extent that the things that cost no money have been implemented, but the rest have not." It is not a popular topic. At the best of times it requires a lot of political fighting and pushing and so forth and obviously in the current environment it is an even tougher proposition. But there are issues. We have all seen the scaffolding - I hope we have - at St. James', for example. We all know the issues to do with the property management side of culture, but it was a major policy adopted by the States a few years ago. Our panel is of the view that there were never any figures put to it, therefore it was not a proper debate. There were lots of well-meaning sentiments that were expressed, and continue to be expressed. This is to get the debate moving. Thank you.

The Bailiff:

Does any Member second it? [**Seconded**] Does any Member wish to speak on the amendment?
The Deputy of St. John.

7.1.1 The Deputy of St. John:

Culture comes in a number of different guises. I can think back not so many years ago when we did the renovations of the Opera House. Guarantees by this House were given that it would be fully funded. But annually from there on, since they took it after the repairs had been done and the place was re-opened, there has been a shortfall on many occasions. Although the Minister of the day - or the President of the day in relation to the Opera House - had made guarantees, because he was the vice-president at the Treasury at the time, but as soon as he left things started going downhill and we had difficulty in getting the funding or, sorry, the Opera House had difficulty. Then of course we see our money is being spent with the Heritage Trust, of which I was a trustee in the early days, and it hurts me to think that there has not been a legal eye looking at certain expenses within certain areas in recent times. Given that we saw the purchase of a private company; I am talking about the Dukws to Elizabeth Castle, at great expense to the taxpayer, out of funding for culture. It is of concern that we take something out of the private sector and take it under our wing, and then all of a sudden we have a shortfall in the department. Somebody within Treasury needs to have a legal eye within these trusts that we put in place - these quangos, I suppose we must call them - because unless we are keeping an eye on it, that is where things go awry. As I said, the Opera House in the early days, there was a shortage of funding. With Heritage that is a totally different scenario. I sincerely hope that the Treasury is taking all this on board or the Minister for Treasury and Resources is taking all this on board, because I believe that we have got to stop any of these shortfalls, but also stop the money that is going in the wrong directions and not take on liabilities that are ongoing as has happened with these Dukws. With that said, I am supporting this but with those words of caution.

7.1.2 Deputy A.T. Dupre:

Education, Sport and Culture have already committed to review and monitor the implementation of the cultural strategy. The strategy implemented in 2005 has never been properly funded. This means that the funding levels of most of Jersey's major cultural institutions have been set at or not

much above the minimum amount necessary for their survival. This message has been repeated over the years until now, when we commissioned a report from the Comptroller and Auditor General. This report should be in our possession shortly and our review will therefore be ready to be presented to the States by April 2010. We are working closely with the Minister for Treasury and Resources and the Minister for Economic Development to identify the level of financial support that is required by all cultural organisations to whom we are fully committed. We are in the planning process of our next cultural conference, which will take place in November, and I hope that all Members will attend to show their support. Thank you.

The Deputy of St. Mary:

I just wanted clarification. I missed it. Did the Council of Ministers say they were supporting this?

The Bailiff:

Yes. Does anyone wish to speak? Senator Ozouf.

7.1.3 Senator P.F.C. Ozouf:

I will be very brief, because perhaps we will deal with the other objectives later on in the debate about the important issues that are facing the Treasury and the need to restructure it. What I will say to the Deputy of St. John is, while I fully accept that there is a need for the Treasury to have perhaps a greater leadership role in terms of financial management, financial management is simply not only for the Treasury. We have to lead and we have to set standards for all States bodies and all grant-funded bodies. I accept the challenge of dealing with that but every Member of this Assembly, every public sector worker and every recipient of a grant of public money also has the obligation and, if I may say, responsibility to ensure proper financial management and good value for money.

7.1.4 Deputy T.M. Pitman:

I will be equally short and sweet, to reiterate that our panel really welcomes the Amendment's acceptance by the Chief Minister and, equally, to echo Deputy Lewis' praise for the former Assistant Minister with responsibility in this area, the Deputy of Grouville. I think that she did some great work. It is surely a fact that not a single Member, not even those not in the Chamber, could logically oppose and vote against this, so I would urge everyone to support it. Thank you.

The Bailiff:

Does any other Member wish to speak? Deputy of St. Mary, you have already had a go.

7.1.5 The Deputy of St. Mary:

No, that was just a clarification to know whether ... [**Members: Oh!**] I needed to know whether the C.O.M. (Council of Ministers) were in favour of this, so that is fine. I just wanted to pick up on 2 things really. One is, well, it is the same point. It is one point, which is that this is about the importance of culture. It is about presenting to the States the fully costed cultural programme for our cultural strategy and I just want to make a comment on what the Deputy of St. John said, because I really do take issue with this resurrection of the Dukws issue, if I may call them the old canards. You know, we can get stuck and bogged down with firing arrows at the Jersey Heritage Trust for perhaps making a mistake, or perhaps they have been misled or whatever it was, but really I do not think that this is what this amendment is about. It is about the overall picture, and I am sorry to have a go, but there you go. It is about the overall importance of culture and heritage to Islanders and I do think that it is vital for our wellbeing. If we underestimate the importance of culture, what on earth is life about? This is one of the pillars that makes life worth living, so I do commend this amendment.

The Bailiff:

Does any Member wish to speak? Very well, I call then Deputy Le Hérissier to reply.

7.1.6 Deputy R.G. Le Hérisier:

Yes, I am grateful to the Deputy of St. Mary. It is about culture, although I do see the Deputy of St. John's concerns because many of the big players in the cultural side, the Opera House obviously, St. James', the Arts Centre; they are coming up with the same complaints, like there has been a maintenance backlog, *et cetera*, and the day of judgment will come, so to speak. I think this is long overdue. There have been a lot of well-meaning sentiments expressed. We now need to see the figures attached to the plan and we can start having a real debate. Thank you, I move the appel.

The Bailiff:

Very well, the appel is asked for in relation to paragraph 2 of the Sixteenth Amendment lodged by the Education and Home Affairs Scrutiny Panel. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 41	CONTRE: 0	ABSTAIN: 0
Senator T.A. Le Sueur		
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator T.J. Le Main		
Senator S.C. Ferguson		
Senator A.J.D. Maclean		
Senator B.I. Le Marquand		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. John		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisier (S)		
Deputy J.B. Fox (H)		
Deputy of St. Ouen		
Deputy of St. Peter		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy S. Pitman (H)		
Deputy K.C. Lewis (S)		
Deputy I.J. Gorst (C)		
Deputy of St. John		
Deputy M. Tadier (B)		
Deputy of St. Mary		
Deputy T.M. Pitman (H)		
Deputy A.T. Dupré (C)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy M.R. Higgins (H)		
Deputy A.K.F. Green (H)		
Deputy D. De Sousa (H)		

8. Draft Annual Business Plan 2010 (P.117/2009): sixteenth amendment (P.117/2009 (Amd. 16)) (paragraph 3)

The Bailiff:

So we come next to paragraph 3 of the Sixteenth Amendment, also lodged by the Education and Home Affairs Scrutiny Panel. I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

On page 2, paragraph (a)(iii), after the words “report pages 17 to 20” insert the words “except that in Objective 9 on page 20, after success criterion (vii), there should be inserted a new success criterion (viii) as follows: ‘(viii) Review of management structure of E.S.C. Department undertaken by April 2010 to ensure it is fit for purpose and cost effective’.”

The Bailiff:

Will you be accepting this one, Chief Minister?

Senator T.A. Le Sueur:

Yes.

The Bailiff:

Thank you.

8.1 Deputy R.G. Le Hérisier (Chairman, Education and Home Affairs Scrutiny Panel):

There is a slight worry in the comments because, while the Chief Minister has graciously accepted it, we do want the process obviously to be subject to a form of external review. Now how that is done ... whether it will, I should not think it need cost a lot of money. We can have people, for example, from other jurisdictions. I think this is an exercise that should be done in every major department of the States. I think politically we are making a big mistake trying to load a lot of the cuts on the frontline, or apparently on the frontline and/or the lower paid workers, and I think it is important, in a sense to share the misery. It is important that we are up to speed with our structures of management and that we are looking at them a lot more carefully. There is certainly a view out there - I am not saying it has infected Education - that we are building up this incredibly expensive senior cadre of the civil service, which is going to be very difficult to sustain, depending on what economic future awaits us after Panorama last night, or whatever. I really think it is important. I am pleased that the Minister has graciously accepted it. He sees it as ongoing, but there must be, I repeat, that external review. That was the panel’s strong view. You cannot have incestuous, in the best sense of the term, incestuous management reviews.

The Bailiff:

Does any Member second it? [**Seconded**] Does any Member wish to speak on the amendment?
The Deputy of St. John?

8.1.1 The Deputy of St. John:

Yes. I cannot let this one pass, given that any review, I think, should start from the very top, starting with the Minister. Given that I have raised issues to do with up-lighting on Victoria College umpteen times in this House and he has done sweet nothing about it, I believe that where the environment is concerned damage is being done and the Minister turns a blind eye. Therefore, I was so pleased when I heard the proposer of this particular item mention that it should be from outside, because I think they should be looking at the Ministerial role as well. He is not “hands on”, which I would not expect him to be, but he is not on the ball and until he is I am going to keep on at him in this Chamber. He is going to have an opportunity to respond in a moment, I am sure,

[Laughter] but I am going to be ... I know, he sits behind me, so it is difficult to be prodding him from behind, but can he please take it on board, by saying it today to be on *Hansard* and we can refer to it in the future? Minister, will you and your officers and staff please, at the very sharp point, get on to the ball and give those people at the very bottom who do all the work - whether it is grounds-men, whether it is school teachers and the like - give them the support they need but make sure that the funding goes in the right direction and that we are not wasting money on lighting buildings all night? Thank you.

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

I will maybe intervene before the Minister stands up and we have an un-cultural and un-parliamentary exchange. The Deputy of St. John is a lot leaner and meaner since he has returned to the States Assembly. [Laughter] I do think the Minister is willing to take on board issues. I do think he is a progressive, so I do hope that the Deputy of St. John will try a different approach and maybe get more with honey than he will with vinegar. Just a quick point on this well thought through proposition brought by the Scrutiny Panel of Education and Home Affairs - which really should be mirrored by other Scrutiny Panels - we should have environmental audits for all of the departments. We should have all kinds of audits for what we are doing and I just rose to give a very quick analogy of one of the experiences that I had. I do not want to belittle Education, Sport and Culture because I do believe there is a very large amount of good people in that different breadth of organisation, but I am wondering - and it is a question really to the proposer - will this include the administrative support that the management structure receives? An interesting story was told to me by somebody that was temping in a secretarial position, listening to Radio Jersey, who participated in a Radio Jersey talk-in show and sent an email saying: "Yes, I completely agree. We sit up here all day long twiddling our thumbs with nothing to do," and immediately the Director of Education sent an email around all the secretaries asking: "Who was that?" So, he had obviously been listening to the radio himself. I am wondering whether I am not, based upon that analogy that I was told about, whether or not there is going to be an examination in this work, and the Chief Minister might want to comment, about the level of support that the management structure has as well?

8.1.3 Deputy S. Pitman of St. Helier:

I will be supporting this proposition because, having worked in the Youth Service, I had brought an issue in past years about the management structure in the Youth Service. The fact that there are 5 effective managers to 13 professionals, so that is something that I feel unnecessary and it does need to be looked at. I only hope that after the review, if recommendations are carried out, something is done about this so we do not see another report, another review just put on the shelf. Thank you.

8.1.4 Deputy A.K.F. Green:

Of course, at E.S.C. we will welcome this amendment. I find it a little strange though that we have heard 3 amendments of work that is already underway within the department. That said, people will know that I have worked in other departments and I think the management structure and the administration support structure of E.S.C. will compare well against many other departments that I have worked in. The Council of Ministers has, as I have said, previously agreed with the Minister for E.S.C. that there is to be a comprehensive spending review across the whole department, and part of that will include the management structure. We need, obviously, to have the right level of management and administrative support to ensure that the department runs effectively, but I believe that the E.S.C. structure will compare well against other departments, as I said. But, it is right that this work is done. It is right that we have a structure that is fit for the ever-evolving department, and I can certainly say without having discussed it with the Minister, if recommendations come out of that independent management review, then they will be followed through. Thank you.

8.1.5 The Deputy of St. Ouen:

I do like the Deputy Rondel.

The Bailiff:

The Deputy of St. John.

The Deputy of St. Ouen:

Sorry, the Deputy of St. John. He is full of admiration and praise for the efforts of many States Members, unless that is, that they tend to disagree with his particular view. [Laughter] I am more than happy for my actions and the rest of my management team to be held to account and indeed it is absolutely right and appropriate that it is done. I would like to point out that while being responsible for the department, I have made it my business to look in general at the management structure of the department, and the one thing that has been clear to me is that, certainly with the senior management, there has been a reduction which followed the retirement of the past Chief Officer who has never been replaced. That is also perhaps a weakness that exists within the department and I believe that was highlighted by the Comptroller and Auditor General in one of the reports that he produced last year. However, saying all of that, I am pleased that the Deputy promotes an external review because I believe there is no other way of conducting this type of review. However, the Deputy chose not to recognise that there are indeed financial implications linked to this and as such, again, I just want to flag that up as a point that States Members must remember. This will have a cost, and again if it is to be carried out we will be required to prioritise funds within our existing budget to meet this cost. I believe it is the right priority to have I hasten to add, but I do just want to acknowledge the fact and hopefully the Deputy will, as well, that this is an issue that needs to be dealt with in a proper manner.

The Deputy of St. Mary:

Can I ask for a point of clarification because I was confused by what the Minister said? At one point he was saying that there is a review, or there is a review ongoing and then he is saying that this will have cost implications to do a review, so I am not clear whether a review is in train, or whether it is not in train, or whether this will be a different review.

The Deputy of St. Ouen:

There are a number of reviews taking part at the moment. This particular one is going to be linked and will be linked to the overall spending review that is being promoted and put forward by the department. Clearly there are phases and only so much that any department can handle with regard to reviews. As you clearly already know, we have got a number of projects ongoing and as such those are in train. This is one of the areas, as we develop our strategic plan for the department, that will be dealt with and hence the reason why the comment is made, that this is one of the areas that has already been identified that needs to be looked at.

8.1.6 The Deputy of St. Mary:

I thank the Minister for that clarification. A couple of points; one, I just want to emphasise what the proposer said, that there is an issue out there about the staffing levels and so on within departments and I know this because I - I would not say frequently - but I sometimes get the comment: "Your Dad used to run Education with half a dozen people up at Pier Road" you see, and I have this problem when you go to Highlands and there are rather more than half a dozen people than there used to be at Pier Road. So, I am phased by that question and it was alluded to in a letter to the paper by John Boothman as well, where he challenged Education to say where is the productivity? Why are there all these people, when there did not use to be? Now I am not in the business of bashing the civil service, as people well know, and the world is more complex, there are more people and there are more schools so clearly the situation is different, but I do think we need to be sure that we have the right level of administration, the right level of support. It may be that all the work being done needs to be done, and it may be that the structure is appropriate, but we do need to know. That is why I asked for clarification, because it appears from what the Minister said

that one of the reviews is looking at the fundamental spending aspect of his department. That is fine. You know, that is to do with how the education service is delivered, but it is not actually about his department itself which is what this review that we are talking about in this amendment is about. I do want clarification from the proposer and maybe from others who know, whether the acceptance by the Council of Ministers is an acceptance of an external review, or whether it is an acceptance of an in-house review? They are very, very different and I think the proposer has made a very good case for it being externally driven and external for obvious reasons, so I would welcome clarification of that, but in the main I support this amendment.

8.1.7 Deputy J.M. Maçon:

I am not sure whether to raise this point or not, but I will say it all the same. When you review management there are people who decide who will be favourable for a promotion, who will keep their job and who will be made redundant. When you review a management structure there should definitely be an opportunity for those who are managed to be able to state what they feel, the ability for whistle-blowers in order to comment. That is why I am grateful to the Deputy of St. Mary for raising the point about the need for an external review, so that those who do have issues which they feel need to be raised, have the ability to do so. I will leave it at that. I will be supporting this amendment.

8.1.8 Deputy J.B. Fox:

Compared with 6 years ago, the management structure at Education, Sport and Culture is like walking around in the Marie Celeste, because in the main it has all been decentralised and there is much more “hands-on” than there used to be. There are assistant directors that have not been replaced and others as well, but it does not hurt to have the constant reviews which happen in education anyway. I think there are a couple of points that I should stand up for as the previous Force Crime Prevention Officer, States of Jersey Police. The Deputy of St. John targets one particular area which is lighting. Lighting has a security value and one must not assume if you switch off the lights that it saves you money, because if you look at alternative security you will probably find it costs 10 times more than that, to put great big fences around or barbed tape and all sorts of horrible things where people can get injured. It also can act as a way to enhance the feel of the Island. **[Interruption]** If you get an important building like Elizabeth Castle on the cultural side, or Victoria College on the education side, they are prominent buildings that enhance the Island to the visitors and the locals alike. So, there is merit in both arguments but do not just look at it as a way of saving money, because that is not necessarily the case.

The Deputy of St. John:

Will you give way, please?

Deputy J.B. Fox:

Certainly.

The Deputy of St. John:

The speaker is mentioning the security of lighting. Well, given that we have got up-lighting on that building instead of down-lighting, so if there is anyone around they would have to be up on top of the building before you would see them. I understand that his background, as he has told us on many occasions, is a former police officer in security and whatever ...

The Bailiff:

The clarification of what you are seeking, Deputy.

The Deputy of St. John:

What good is there, unless you are searching the roof, on up-lighting when, that is the problem that I have been on about, at 3.00 a.m. or 4.00 a.m. in the morning. Down-lighting is a big difference. Can he explain the difference in security, please?

Deputy J.B. Fox:

Yes, I can do. Up-lighting also has a deterrent value, especially when it is overlooking flat roofs and other accessible slanted roofs. It acts as a deterrent especially to would-be young vandals and believe you me, it works. Does that answer the clarification?

The Bailiff:

Right. . Deputy Trevor Pitman.

The Deputy of St. John:

No, not really.

Deputy J.B. Fox:

Sorry, can I just continue?

The Bailiff:

Well, no. You said you had finished, Deputy, did you not?

Deputy J.B. Fox:

Well, if I had, Mr. Pitman would probably have liked me to carry on, because I am going to talk about the aspects of the Youth Service which I was responsible for.

The Bailiff:

If I misunderstood, I am sorry. I thought you had finished but you were giving way to the ... very well.

Deputy J.B. Fox:

I was giving way to the particular point, but I felt that giving way before you had finished that particular point was not wholly practical. From the Youth Service point of view Deputy Shona Pitman was talking about the supervision and named 5 persons that have been appointed over the years. That is correct. She is also quite right, there is a greater need for additional officers that run our various centres and drop-in cafes, *et cetera*, but there is also a need for a greater volunteer force. But to do that you have to have the safeguards, you have to have the training. We now have, with the full support of the Comité des Connétables, youth officers, volunteers and otherwise in, I think, probably 95 per cent of the Parishes, if not now 100 per cent of the Parishes - bearing in mind I am no longer an Assistant Minister with that particular responsibility - but it does require that we have the safeguards for, not only of our young people, but for the people that run these centres. So, there is a need for - in police force terms - sergeants and inspectors, and there is a need for these people; they do complement. But certainly the supervisors that Deputy Pitman is talking about are and were designed to remain on the front line; to support the front line workers and to assist them and the volunteers, *et cetera*. I think that is all I wish to say on that particular precise point. Thank you.

8.1.9 Deputy T.M. Pitman:

I am sure it is wise words of wisdom when Deputy Fox warns that if you turn the lights off you do not know what you are going to wake up to. I will be very brief, again, as I am managing to do today. I would just add as a former professional within E.S.C. it has to be said that I was a staff representative and on one occasion asked what research had been undertaken before we committed to a very, very expensive management structure. The research that was done was nothing. Absolutely. There was zero research, there could be no justification and the present structure could

not be justified anywhere within the U.K.; that is a fact. Even if it could, and it is not an attack on people who are there now who all do a good job, as I say, it would just not be accepted within the U.K.: 5 managers to 13 professional staff; 13 professional staff who supervise all of those below them. I am sure Deputy S. Pitman, who is not in the room, was certainly not attacking the Youth Service after all. Not only has she worked within it but it is largely down to her efforts as a politician that the support staff is largely much improved. I fully, obviously, support this call for a review as I am vice-chair of the panel, and I would only add that my other concern with the youth is that it has now been moved under the Director for Sport, which may be for justifiable reasons. I do need to seek clarification and perhaps a little more justification on that because youth workers in formal education, which is nevertheless education, it is not about sport.

8.1.10 Connétable L. Norman of St. Clement:

Also, briefly, I cannot help that I have that feeling of *déjà vu* again. I certainly do not want to dampen any enthusiasm for sinking our savings into efficiency because that is something we should be doing, but the truth is we have been here before. We have been here before, not just in Education and in Sport, but every major department is involved in this. They have all had major service reviews - I cannot remember how many years ago, not that many but obviously enough for the majority of Members to be talking about it - by external bodies, external consultants and so on. Every single one of those - every single one of those - in every department, without sectionalising, came up with the same conclusion: all the departments were under-funded, under-resourced and under-staffed. The consultants and the independent people who came to see these departments, to look at these departments and examine these departments could not believe the amount of work they could have in those departments with the resources and staff that they had. So please do not be fooled, States, that we are going to make a lot of efficiencies and a lot of savings because that is not going to happen. As I say, all those reviews were carried out by external bodies. What will happen, we will get the same sort of report saying how wonderful Education, Sport and Culture is - of course, they will have to justify their fees, these outside consultants, so there will be some minor suggestions - but no significant savings will be made and what it will do is give the Minister the ammunition to come back and say: "Look, these consultants have told us we are under-funded, under-staffed, under-resourced, you are going to have to give me some more money." I am sorry to put a damper on this but this is what is going to happen.

8.1.11 Senator P.F.C. Ozouf:

I hate to put a dampener on the views of my colleague to my left but I have to say to him that I do not agree at all that the comprehensive spending review is going to be another rerun of the service level reviews that happened when I started in politics about 10 years ago. This comprehensive spending review is going to concentrate on the 3 big spending departments: Health, Education and Social Security. It is going to be independent; I hope that it is not going to be a rerun of spending tens of thousands of pounds on bringing outside consultants. It is going to be run from the Treasury and the Chief Minister's Department to ensure independence with, of course, the input from the departments themselves who, of course, are going to need to support it and I know that they are going to co-operate in order for the conclusions to be raised. It is going to be challenging; it is going to be, however, fair. I am determined that at the end of it we are simply not going to have a series of Ministers that are going to have in their hands, reports which simply justify spending more money but rather is going to be putting together a series of options, and realistic options, that States Members can have in their decisions of setting budgets, more importantly, the level of taxes that we are going to levy and taxes and charges that will ever be in future. I agree with the Constable of St. Clement, I think there is going to have to be an honest debate about the level of tax and charges and that we are going to have to conduct this review with a degree of realism and honesty with our population. But I can say that it is going to be independent and I certainly hope it is not going to be a rerun of the service reviews which, I have to say, looking back,

I do not think got under the skin of the issues and gave the public and ourselves in this Assembly real choices.

The Bailiff:

Does any other Member wish to speak? I call upon Deputy Le Hérisssier to reply.

8.1.12 Deputy R.G. Le Hérisssier:

A bit more than I was anticipating. Senator Ozouf has given the broad justification and I thank him. I think within that picture that he has given will lie some of the funding resource which, yes, we did not specify in great detail because we certainly did not want a Rolls Royce management review, but we wanted at least some external input and I am hoping that will come from the fundamental spending review. I take the point of Senator Ozouf, if one was to look at those old benchmarking reports which did lead to a lot of cynicism, a large part of the evidence for that report - a larger part than was necessary - came from the people who were interviewed and there was no balance to them. There was nobody asking the hard questions, there was nobody saying: "It is done this way in this jurisdiction; how should we do it in this?" People were simply invited to put in their resource request, they were, in a sense, simply collated and that was presented as the report. It was not a deep, searching report, hence the comments of Senator Ozouf. Regarding lighting, I do not want to go into great detail but presumably one of the issues is: could you have census, for example, and so forth, given that it is a very large, rambling, secluded site? There are all sorts of issues. We were hoping the savings on lighting could have paid for the management consultant but I am not sure **[Interruption]** ... I am not sure whether we would have found a bright spark on that basis. I go back to the Minister's view; he has wholeheartedly supported it, as has his Assistant Minister. The Assistant Minister asks with an implied criticism: "How come you are suggesting things we have already suggested?" Well the reason the panel is doing that is they reviewed all the evidence that we have heard over the last few months from the Minister. They looked at progress in various fields and they looked at key issues and we know the Minister is bedding-in. But the feeling was these were key issues and we wanted to mark them up rather than let the situation just drift. It would have been very wrong had a management review emerged, which was essentially like the old benchmark reviews, it was essentially the internal management of Education saying what they thought was best for Education. So that is why we wanted to ensure it was out in the public domain. I thank the Members; there have been some very good points. I thank Deputy Fox and the Deputies Pitman for their views on the Youth Service, for example. It is quite clear there are serious issues that need to be looked at from both points and I move the amendment.

The Bailiff:

The appel is asked for then in relation to the amendment of the Education and Home Affairs Scrutiny Panel, paragraph 3 of amendment 16. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				

Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

9. Draft Annual Business Plan 2010 (P.117/2009): seventeenth amendment (P.117/2009 Amd.(17)) (paragraph 4)

The Bailiff:

We come next to an amendment of the Deputy of St. Mary of paragraph 4 of the Seventeenth Amendment and I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

On page 2, paragraph (a)(v) after the words “report pages 24 to 25” insert the words: “except that in Objective 6 on page 25, in success criterion (iii), after the words ‘front line services’ insert the words ‘while ensuring that our public services are delivered in a way which is effective, fair and in keeping with the States environmental and social objectives’.”

The Bailiff:

Chief Minister?

Senator T.A. Le Sueur

I am happy to accept this one.

The Bailiff:

Very well. Deputy of St. Mary.

9.1 The Deputy of St. Mary:

I do not think anyone could quarrel with the desire to have our public services delivered in a way which is effective, fair and in keeping with the States environmental and social objectives, so I move this amendment without any attempt to fill the time between now and 12.45 p.m., as I think we can use the minutes better over lunch.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting the amendment kindly show. The appel is asked for in relation to paragraph 4 of the Seventeenth Amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 39		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy J.B. Fox (H)		
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator A. Breckon				
Senator B.I. Le Marquand				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The next matter is not accepted, is that right, Chief Minister?

Senator T.A. Le Sueur

That is correct.

The Bailiff:

The adjournment is proposed and so we will reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

10. Draft Annual Business Plan 2010 (P.117/2009): sixteenth amendment (P.117/2009 Amd.(16)) (paragraph 4)

The Bailiff:

We come next then to paragraph 4 of the Sixteenth Amendment lodged by the Education and Home Affairs Scrutiny Panel and I will ask the Greffier to read the amendment.

The Greffier of the States:

Sixteenth Amendment, Part 4, after the words “report pages 24 to 25”, insert the words: “except that after Objective 6 on page 25 there shall be inserted a new Objective 7 as follows: ‘Objective 7: To take the necessary steps to introduce discrimination legislation by 1st January 2011. Success criteria (i) all necessary legislation debated and approved during 2010, (ii) appropriate training and other practical measures to enable introduction of discrimination legislation undertaken relating to Strategic Plan Priority 8’.”

The Bailiff:

You had already indicated, Chief Minister, this one is to be voted on. Very well, as long as all Members know that. Deputy Le Hérisier.

10.1 Deputy R.G. Le Hérisier (Chairman, Education and Home Affairs Scrutiny Panel):

This is another one of the issues which I know has been preoccupying the Minister for Home Affairs in the great line-up of legislation which he has had to deal with. But our feeling was that we were almost, after many, many years of delay - and I hope this does not become a debate on the worthiness or otherwise of this legislation, including, for example, moving the allotted finance to the prison vote, for example, that was probably the most major hold-up - we thought we were on the brink. Quite frankly, reading through the Council of Minister's comments, I am not at all clear in my mind as to where we are because what we have said is not that every bell and whistle and clause has to be implemented on 1st January 2011; that all necessary legislation is debated and approved during 2010. Apparently, the Minister has managed to get law drafting time where he thought law drafting time did not necessary exist. Secondly, preparatory work had been undertaken during 2010 so that he was ready to press the button for at least bringing the law into being on 1st January 2011. Because we know the Minister is, in this respect, on the side of the angels - as indeed he usually is - the hope here is that we would provide an impetus, because there was a likelihood when we were presented with his whole legislative programme at the beginning of the year, there seemed to be an awful lot of delay and so forth. I know he has worked very hard to get it up to speed but this is one that has literally been hanging around in various incarnations for over 10 years. We were hoping to give him a little bit of impetus and support at the last hurdle, so to speak, even though to some it will look like the first. So I look forward to the Minister untangling

the Council of Minister's comments and, in fact, saying that essentially the law will be ready to be put into place on 1st January 2011. Thank you.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak? Senator Le Marquand.

10.1.1 Senator B.I. Le Marquand:

I had not intended to speak so early in the debate because I prefer to wait later in reply but no one else seems to want to speak. Firstly, I am very grateful to Deputy Le Hérissier for his explanation as to what the words "all necessary legislation" mean because I had construed those words as meaning not only as the law but also each and every one of the 4 main sets of regulations which would be required to fully bring into operation the operation of the law. But now I understand that all that is being asked of myself and my department is that we have the law up and running which, of course, would require to have in place the first set of regulations, because the law cannot operate without at least one set of regulations which will probably, in fact, be those on discrimination on a basis of race. It is not entirely impossible that that target might be achieved. The debate today is mainly about the question as to whether the discrimination law - and the first set of regulations now that I have clarified that - should be promoted and prioritised above other Home Affairs legislation. Home Affairs faces a whole raft of different areas of legislation which it is trying to deal with at the same time, and I am going to start to commence a list of those. Some of them I do not even know the proper name for because they do not yet have a name but I will describe them. We are currently working on, of course, the Sex Offenders Law due to be debated in this House in 2 weeks' time but there will be work after that comes in, both in terms of protocols for information-sharing and also rules of court which I understand from the Deputy Judicial Greffier are currently being worked upon. We are working on vetting and barring legislation. This looks as if it is going to prove to be rather tricky, particularly since the adverse comments which have been made in the U.K. in recent days on what they are attempting to do there. We are, of course not committed as yet to the form of what we do. I am working on a Fire Service Law and Explosives Law. The Attorney General is asking me to work with him on a Bail Law. There is a Criminal Procedure Law, work on which has been going on for a long time, but whether it will ever see the light of day, of course, is another matter. We are still, as you know, working with the 1864 Law. There is the difficult area of knife crime and what we attempt in relation to that. It looks as if I am going to be forced into doing something in relation to what I will call an unlawful parking law because I do not want to call it wheel-clamping law. There are amendments to Part 5 of the P.P.C.E. Law (Police Procedures and Criminal Evidence (Jersey) Law 2003) which need to be dealt with. There is what I call - I never can remember the correct name of it - the law on parole, although I am experiencing certain difficulties about that, as you may be aware, in another context. There is a law, whose name I cannot remember, which is about prisoners being able to serve their sentence in their home country which is a most desirable thing. There are amendments which we are contemplating to the fire safety legislation and particular concerns in relation to multiple-occupation premises, and so on and so forth. Changes to immigration laws which may be forced on us as a result of things like e-Borders and not to mention police authority; setting up law. What I will call for the sake of convenience "other things that the House would ask me to do" laws **[Laughter]** ... a generic term. Discrimination legislation is important legislation but it is also going to be very difficult legislation. It is going to be controversial, both at the law stage and at the regulation stage. My own personal estimation is that there are going to be difficulties at law. Race is perhaps the easiest of the areas that will need to be tackled, although there will still be problems associated with that. If I were to tread a perfectly guided course right down the middle of the views of the Members of this House, then my estimation is that I will face equal opposition both from the right of me and from the left of me on some of these issues. It is that sort of legislation where some will think that it goes too far and others that it does not go far enough. I am being asked to solve all of these issues and to work

on all of these things at the same time. Now if Members of this House are of the view that notwithstanding all these many worthy laws and other matters I am working on, that particular priority should be given and that we should seek to press on and put other things aside for the moment on the discrimination legislation, then so be it. So be it. We can hopefully achieve the law and the first set of regulations by the end of next year. We would need to start employing - and this I think is the really relevant thing - a person to be working on this at some time and that is why, if we are going to be able to do that, we will need to have some money in 2010 which is not currently budgeted and I think, really, is the key issue. If you want this to be a priority then you will need to vote some additional money for this purpose because we have nothing. There are other matters that I think I should warn the House of in advance, although these do not particularly apply to the initial law and to the regulations on race. But it is very apparent to me that the implications of changes, particularly in the areas of gender and disability, are going to be quite massive, both in terms of human resources aspects and also in terms of costs. There is going to be a very real cost. Now, these are matters of justice, these are matters of fairness, ultimately, but Members will need to know that; the changes which are being proposed. That is one of the reasons why I anticipate grave difficulties when I move on to such matters as gender and disability simply because of the cost aspect. To conclude, unless the Members think that this is so urgent that it ought to be given priority above virtually all else that Home Affairs are doing in legislation, I would ask Members to vote against and to allow me to prioritise this as I think is appropriate alongside the other matters which I am currently working on. Thank you.

10.1.2 The Deputy of St. John:

If I could ask the proposer of this one to sit on the fence [**Laughter**] because on this occasion I cannot support him, having been in the past a member of the Home Affairs Committee, as it was then, and knowing the various priorities that the Minister in fact has mentioned. Many of those were waiting for legislation then and they still have not come forward. I understand this is an important one but it is also costly and I do ask - and he will not be getting my support - that the Members listen to the Minister because I am aware that what he is saying is absolutely correct. Therefore, if the proposer could sit on the fence, it would be appreciated.

10.1.3 Deputy J.B. Fox:

I go along with the last 2 speakers. I would just like to remind the Minister that the one thing that the police force does not have is a statutory law on theft, i.e. we still have common law larceny. I think the U.K. have managed about 4 pieces of legislation since then, so he probably needs to add that one to it if we are really not going into the dark ages. Thank you.

The Bailiff:

Does any other Member wish to speak? Deputy of St. Mary and then Deputy of St. Martin.

10.1.4 The Deputy of St. Mary:

Yes, this is a subject which is important to me because I was on the Community Relations Trust for quite a while and this obviously was one of the things we talked about. Now, the first point is that this has been around for quite a while and the first draft, as I understand, exists; it is there. So I am not quite sure about: "This is controversial. This is controversial." A lot of that should have been ironed-out in the various workshops which, I must confess, I did not attend, but others did on behalf of Relations Trust and also from the wider community. So, in theory, this is more advanced than we are being given to understand and it may be less controversial than we are being given to understand; a lot of the work has been done. That is my first point. The second point is that we are being told that if we are to do this it must be given priority above all else. Well this legislation was in the last Strategic Plan. When did Members vote on that? 2006? It was then said it should be taken forward in 2007 and here we are in 2009 talking about 2011. It looks like one of those things that is going to be pushed off and pushed off, a little bit like the tenancy law and the depositor

protection scheme. It should not wait. This really is too important a fundamental drawing of the line in the sand - as one might say, in advance of 3rd October - as far as discrimination is concerned and we should not really regard it as unimportant. The Minister said that gender and disability may be difficult, well maybe they are more difficult than race and age, I do not know. But certainly age discrimination, we do have to tackle that because in the workplace that is important. It is going to be part of the ageing strategy that the people want to work when they are older, like many in this House are working when they are older, and they do not wish to be barred from working when they are older because of age or because employers choose to discriminate against somebody because they are older than somebody else. Again, that cannot wait either. In the comments on page 4, there is a little point I want to make on the financing of this which I do not seem to make sense of, and maybe one of the Council of Ministers can clarify this; maybe the Minister for Treasury and Resources. On page 4 of their comments we read: "The amendment does not identify equivalent savings, offsetting reductions in expenditure or additional funding." My understanding of it is that the proposer has indeed proposed additional funding in the form of increasing the revenue budget but maybe the proposer could clarify that; I do not think those comments are accurate. So to conclude, the Home Affairs backlog is unfortunate but maybe we just have to get on and get those laws into place whether they be larceny or knife crime or, indeed, the Anti-Discrimination Law. Perhaps the most important point is that if we leave the preparatory work which is what the proposer refers to - in fact, I think it is the Scrutiny Panel, is it not - what they are talking about is that if we leave it until the legislation is in place and then we start setting out the mediation and the person and the administration and the tribunal and all that, it will simply be yet more delay. I think what the Scrutiny Panel is saying is that we should be tackling this in parallel and getting things in place so that there is not unnecessary delay down the line with this most important legislation. I commend the amendment to the House.

10.1.5 Deputy F.J. Hill of St. Martin:

I need not say a lot because I am only going to really support what the Deputy of St. Mary said because I really had to counter what the previous 2 speakers - the Deputy of St. John and Deputy Fox - have said. I think this tells us what sort of people we are as a States Assembly. When one looks at the draft Annex, *et cetera*, and one looks at the pages here at the potential law drafting list, when one looks at page 252 there is: "Economic Development. Economic Development. Economic Development. Economic Development" all the way down the page: "Economic Development." Yet when we look at something like discrimination which we should all have a concern for, social justice, here it is hanging around since 2005. I remember the fanfare when all this came in, when we discussed in 2005 how this really was going to be the panacea for all ills, and yet we are just kicking it into touch for another year. Well I would ask Members to think and think twice and certainly give their support to the proposition. Thank you.

10.1.6 Deputy D.J. De Sousa:

I want to follow on basically from the Deputy of St. Mary. It is vital that we stop stalling this legislation any longer. We are told that due to changing demographics that in the future we will probably have to change the age of retirement because of the forecast black hole in 2035. So often as a House we wait to bring legislation until the twelfth hour when it is vital. We have done it with depositor compensation, we have also done it recently as well with a few other laws and it is vital that we stop doing this. It is important that we have current legislation for relevant issues and we should stop stalling now. I will be voting for this.

10.1.7 Deputy T.M. Pitman:

Obviously I will be supporting this as vice-chair of the panel. Discrimination in all its forms needs to be challenged and must be seen to be challenged by government. If anyone doubts the seriousness and urgency of this statement, then I would just flag up the little known fact that during the last election, one thankfully unsuccessful establishment candidate had to be challenged as to

whether he or his supporters could shed any light on the defacement with racist graffiti of another's posters. That is how serious this is. I will say no more, though I would like to. We must send out the right message and we must support this. Thank you.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon Deputy Le Hérisier to reply.

10.1.8 Deputy R.G. Le Hérisier:

I thank the Minister for his very impressive list of pending and developing legislation. We did sit through several Scrutiny Panels where we were exposed to this list, I should add, which has grown bigger and bigger **[Laughter]** and it effectively cut off a lot of discussion. But it has to be said, despite this list - which is clearly keeping the Minister awake 25 hours out of 24 - he has done a very good job because very quickly he has managed to bring forward Sex Offenders, he will be bringing in the light of U.K. experience the vetting and barring legislation, so there is no doubt when there is an imperative that the Minister is showing exemplary speed. I am sure he would wish to have some clarity, because a list like that could depress anybody; of that there is no doubt, unless they have the patience of Job or Solomon. I am sure when he comes to analyse his priorities he will say: "Look, this has been around for over 10 years, this model of one law and 4 technical areas has always been the model." There has, as I understand, been a lot of legal drafting work already done, so I do not quite know why that has become yet another major, major issue. I would ask the Minister in the quietness of his office to think: "Why has this taken so, so long?" Will he collude with yet another delay when he could be on the edge of yet another victory for commonsense as he is with other legislation which he has managed, miraculously, to move forward from this morass of legislation which he is faced with? So I would ask him to bring it forward. On the issue of the costs, he is quite right, I do not know what my panel thinks - maybe I have it wrong - it was the main law plus the first phase that we were after, which is ideal, and I think the old Legislation Advisory Panel had moved it along on that basis. But when we look at the revenue, while I am not mitigating the issue completely, it is the £100,000 which is mentioned here and which he appears to have implicitly supported to get the thing moving to the level we wanted by 2011 and presumably which he wants by 2012. Then the full vote - the other £150,000 - will presumably be fed in at some point from the Council of Ministers. Or he will show astute financial management and indeed survive with the £100,000. There is no doubt that the whole issue of the resource allocation as, for example, with Sex Offenders and perhaps with vetting and barring, could take some closer scrutiny. I am sure when the Minister for Treasury and Resources applies his razor-sharp cost-cutting approach to that, he will undoubtedly be able to retain the essence of the law but not necessarily at the level proposed. So here we have £100,000 mentioned as the basis to launch the whole thing, then all of a sudden I am being told: "Well where are you going to get £250,000 from?" It strikes me it is only modesty that is preventing the Minister from pushing this forward. **[Laughter]** He has talked as if he is on the brink of doing it; there might be a slight hiccup. But he has managed to get law drafting time, we have all that historical material, which by some strange reason appears not to be relevant any more, and here is a law rather like some of the others he deals with that has been around far, far too long. I would ask the House please move it forward. It is not as if we are totally destroying the legislative programme of Home Affairs, we are simply making a readjustment.

The Bailiff:

The appel is called for then in relation to paragraph 4 of the Sixteenth Amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 19		CONTRE: 27		ABSTAIN: 0
Senator S. Syvret		Senator T.A. Le Sueur		
Senator B.E. Shenton		Senator P.F. Routier		
Senator J.L. Perchard		Senator P.F.C. Ozouf		

Senator A. Breckon		Senator T.J. Le Main		
Connétable of St. Helier		Senator S.C. Ferguson		
Connétable of St. Lawrence		Senator A.J.D. Maclean		
Deputy R.C. Duhamel (S)		Senator B.I. Le Marquand		
Deputy of St. Martin		Connétable of Trinity		
Deputy R.G. Le Hérisier (S)		Connétable of Grouville		
Deputy G.P. Southern (H)		Connétable of St. Brelade		
Deputy P.V.F. Le Claire (H)		Connétable of St. John		
Deputy S. Pitman (H)		Connétable of St. Saviour		
Deputy M. Tadier (B)		Connétable of St. Clement		
Deputy of St. Mary		Connétable of St. Peter		
Deputy T.M. Pitman (H)		Connétable of St. Mary		
Deputy M.R. Higgins (H)		Deputy J.B. Fox (H)		
Deputy A.K.F. Green (H)		Deputy of St. Ouen		
Deputy D. De Sousa (H)		Deputy of St. Peter		
Deputy J.M. Maçon (S)		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		

11. Draft Annual Business Plan 2010 (P.117/2009): Seventeenth Amendment (P.117/2009 Amd.(17)) (Paragraph 5)

The Bailiff:

We move next to the Seventeenth Amendment of paragraph 5 lodged by the Deputy of St. Mary and I will ask the Greffier to read the amendment.

The Greffier of the States:

Seventeenth amendment, paragraph 5, after the words “report pages 33 to 34” insert the words: “except that in Objective 1 on page 33, in success criterion (iv) there shall be deleted the following words ‘subject to the approval of Environmental Taxes by the States’.”

The Bailiff:

Chief Minister?

Senator T.A. Le Sueur:

No, I am afraid not.

The Bailiff:

Very well. Deputy of St. Mary.

11.1 The Deputy of St. Mary:

I will be ashamed to be a States Member if this amendment does not go through. I think Members will have a very, very hard time explaining to Islanders if they reject this. I wrote the shortest report I think I have ever written on an amendment or proposal in support of this amendment and I shall read it out as it is so short. What my amendment is: “The Transport and Technical Services Department’s success criterion (iv) in their Objective 1 on page 33” which Members might like to look at because this does depend on the words: “The most harmful elements of the waste stream

(e.g. TVs, electrical goods, end-of-life vehicles)” and I repeat the most harmful elements of the waste stream: “segregated for recycling”, so that is their success criterion: “segregated for recycling” and my emphasis: “subject to the approval of environmental taxes by the States” and on my copy of the Business Plan as I have read that, I have put a very large “no”: “This is quite simply unacceptable. The removal of the most harmful elements from the waste stream is non-negotiable. It does not wait on this Assembly to make up its mind on environmental taxes.” I mentioned this amendment on talkback as being possibly the one that I was most emotional about and I had a call from a member of the public a little while later and her words - and I am using her words because I am quite a quick writer - she said: “I am shocked.” That was her opening and she asked me to explain exactly what the amendment was. Then she said: “That is the intention; it is disgraceful.” Then she said: “What a nerve to word it in such a way.” In other words to say that this essential core function of T.T.S. which is to separate the most hazardous waste from the waste stream before it goes into the incinerator is negotiable, is that it can be made conditional on a future decision of this House which has not even been lodged yet. Then she said: “What goes in controls the types of emissions which come out of the top.” Of course, we were discussing this as we went along: “I get really, really wound up and upset” and then she listed the health problems that her neighbours in her Close had had in the last few years. Words almost fail me when I see T.T.S. or the Council of Ministers writing their success criterion in this way and I beg Members to agree to this amendment. The question of whether this should be funded by environmental taxes in the future is an open one and I am not asking Members to consider that; it is the matter of making this separation of hazardous waste conditional. It is not conditional and I urge Members to support this amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?
The Deputy of St. John.

11.1.1 The Deputy of St. John:

As the Chairman of the Environment Scrutiny Panel, my vice-chairman is absolutely right in what he is saying. It is important that this in fact does go through. Whether or not the Council of Ministers, when they pulled this together, realised what they were doing. I do not know if they realised that if this does not go through, what the implications are because over the years we have seen, and we are seeing all the W.E.E.s (Waste Electrical and Electronic Equipment) - as they call them - going into the incinerator, although much of it now is removed, but some of them still go in there and it is of concern. It is of concern because the fallout from that gets into the ash, *et cetera*, and that has to be dealt with down at La Collette by ash pits and the like. Therefore, if the Members in fact give it some serious thought, over the last 30 years we have been creating a time bomb for the future. It is time now that we realise the responsibilities we have and when I put the question to the Chief Minister yesterday of his views for the environment, I cannot recall his exact words, but he did say he supported the environment. Therefore, I would expect him, in fact, to stand up and support this proposition. I am surprised that he is opposed to it. **[Approbation]** I am really surprised. It is important that we, on Scrutiny, see that the Council of Ministers do not just pay lip service. We want to see some action from them and in their entirety. I sincerely hope all the elected Ministers and their Assistant Ministers support the Deputy of St. Mary.

11.1.2 Senator P.F.C. Ozouf:

May I first of all say I think that all of the Council of Ministers agree with the objective of removing the harmful elements of waste from the Island’s waste stream. That is why it is in the objectives for Transport and Technical Services and that is why I, as Minister for Treasury and Resources, have been working on bringing forward the commensurate income-raising measure which will allow this matter to be dealt with. What the Deputy of St. Mary and his vice-chair, I think, do not agree with is that they simply believe that there should be no commensurate income line in order to pay for this. I need to remind Members that environmental taxes and the

environmental objectives in this Business Plan will, I hope, deliver £500,000 for recycling initiatives, including this area; £500,000 for transport initiatives; and £1 million for insulation improvements. I think that that is spend that should happen and I am prepared and, in fact, am now working on the taxation measures in order to bring it forward. What I think the States must accept is some form of financial discipline. Where there is an additional cost, there must be a commensurate income-raising measure. I am sure the Assistant Minister for Planning and Environment will talk shortly, I hope, on his views of environmental taxes. He has certainly been very helpful at the Council of Ministers in reminding us what environmental taxes should be and I fully accept that in the first instance, the environmental taxes that will be coming forward will be designed as revenue-raising measures and perhaps, more importantly, less significantly in the initial wave of environmental tax so as to change behaviour. What we are looking at is bringing forward environmental taxes which will raise sufficient revenue in order to deal with these environmental objectives. The States, if I may say, must adhere to basic financial discipline but we are not against the spend, we are not against putting money into the environment and, I hope, £2 million of money in the environment. What we are asking the States to do is to accept the principle that there should be a commensurate income line. There is no difference, really, I think, in objectives. I hope in his summing up, the Deputy of St. Mary will say that he too enthusiastically agrees on taxes which are designed to raise money to improve the environment and, in time, further measures of environmental taxes which will further change behaviour. I do not think there is a huge amount of difference between the objectives; it is simply an adherence of financial discipline that I would like to encourage States Members to adhere to.

11.1.3 Deputy P.V.F. Le Claire:

I will address, if I might, the Minister for Treasury and Resources' principle and then move on to a couple of lines of experience. The principle that the Minister for Treasury and Resources has asked us to sign up as the States is an important one. There should be no economic cost without a commensurate increase or recuperation elsewhere. That is what the Minister for Treasury and Resources wants us all to sign up to and I think that is very wise. Unless there is money coming back, then we cannot do it. So then when I look at the comments for the legislation programme at page 262, we talk about the Transport and Technical Services' commitment for rear seat belts and child booster seats. The comments in there say: "Other than some classes for publicising changes to the seat belt legislation, the only possible outlay in resources for the States may be where correct restraints are not fitted in school minibuses [it could be quite significant, seatbelts on buses]. Savings should be made, however, in fewer and less severe injuries arising in crashes, resulting in lower treatment and after-care costs." So there are the savings, there is the principle. Savings can be made resulting in lower treatment and after-care costs with all the types of illnesses that are inflicted in the Island from respiratory illness to some of the highest forms of cancer in the world that are in our society because of unknown quantities of pollutants, whether they be from the incinerator, La Collette, the granite or Cap de la Hague. I was on the Environment Scrutiny Panel for some time and I have always been quite concerned about the emissions even since I was on the Public Services Committee in 1999/2000. If you look at the issues in relation to pollution in Havre des Pas and you ask the head of the Health Department in that area, health protection - I cannot mention his name; I cannot remember his title - but the man I am thinking of his words to me were: "Well we cannot say it is the compost site, for example, because there are so many other pollutants coming from that area, we cannot distinguish it." It is accepted among the health professionals in our employment that there are so many forms of pollutants entering the atmosphere that we are not able to determine, even if we wanted to, even if they were impacting our community in a great way, where they come from. The Constable of St. Helier conducted a survey down at La Collette of all the businesses and of all the employees, and he received back about 100 or so forms from his Health Inspector Department and they all said the same thing: they were all having an adverse effect. The previous Minister for Transport and Technical Services, Deputy de Faye, came to the States at the end of the last budget and asked for another £450,000 to spend on recycling; we voted

it in, God knows where it went. The same old usual principle in relation to money: assign it and then let them spend it as they want and the Minister for Treasury and Resources talks to us about basic principles of financial discipline and management of those finances. Well, fair enough, it is the first term of his office as Finance Minister; let us see him introduce it. When it comes to commensurate income line, I argue quite strongly, if we take out the most harmful - the most harmful - things that are entering the waste stream, if they are removed, then the commensurate savings will be felt and achieved in Health. The Health Department will not have the call upon it to treat the types of diseases and illnesses that we have in our society today. Even if it is a small or marginal reduction, you can keep somebody alive with a grave and serious illness these days through surgical methods and medicinal interventions for a long period of time, costing hundreds of thousands of pounds. Now it should be the Transport and Technical Service's wish to have this on the front of their agenda, much like we heard the Minister for Home Affairs talking about the priorities; this should be the priority for Transport and Technical Services, in my view, not whether or not another bus company gets a few more of this, or another pumping station gets a bit more of that. Get the most polluting forms of damage out of our society. When we did the review on the incinerator, which is another one; we have just spent £100 million plus the £5 million-whatever it is, all of this was meant to be taken into account: "In the future we will be doing this. In the future we will be doing that. In the future we will be doing this" and now we see that we need environmental taxes to introduce this. I am sorry, but it is just not on. You cannot have your cake and eat it too. As Senator Ozouf said, environmental taxes are meant to change behaviour, so if there is something that is changing because there is a tax upon it and the behaviour is wrong, then fundamentally the income will decrease the more the measures start to bite. Like the smoking strategy, it was not very popular when we introduced it, but the subsequent savings more than saw off the loss of revenue from the income from the sale of cigarettes. So, there is a mantra these days: "The wise money; the smart money is on green" and that is where we have to put our money in the future. We have to go environmental. The Council of Ministers are like an old blocked-up dam that the beavers have made in environmental terms and it is bursting at the seams for an environmental change, and there seems to be very, very, very little other than dogma and mantra coming out of the Council of Ministers. There needs to be much, much more. We need to rid this community of the most polluting factors in our society because it is having a huge impact upon the **[Interruption]** ... I am sorry there are snide remarks; that is unfortunate. It is having a huge impact upon society. We have had people submit to us at Scrutiny their fear for the health of their children, fear for their society, fear for taking their children to school because of the areas they are in. I am certainly hoping for all the support from the Deputy of St. Helier, and we have had Deputy Fox standing up before speaking quite rightly about the concerns in his Districts 3 and 4, as have other Deputies about the polluting factors there, bringing independent propositions, championing those areas, the pollutants in the valley, and we certainly do need to address it. In the open public forum in the Town Hall, the Chief Officer was asked by me in Scrutiny: "You have done an audit of the waste stream, did you do it on the black bags? No, we did not; we did it on the bulky waste." So anything that is in a black bag, no matter what it is, gets into the fire. There are modern methods to sort waste. There are innovative ways to sort waste and there are encouraging ways to engage the community to make sure that the waste is separated at source and is not even introduced to the Island in the first instance, let alone ending up in the fires. We can stop it coming into the Island, we can put measures in to stop it coming here, we can reflect on packaging, we can ask the consumer to sort, and we can encourage the consumer to sort. We can provide better facilities as the Transport and Technical Services Department has done and wish to do, if it had received the support for its other service out in the airport. But it is always the same: States are penny wise and pound stupid. I really wholeheartedly agree with the Deputy of St. Mary on this one. If the States cannot support this and have to wait for environmental taxes, which I ... I might be speaking out of turn here because I am not sure what I have seen in confidence and what is not, but I do not think there is any sign of environmental taxes in the near future. I believe the head of the Environment Department is gone now; left the Island. I know that he was quite keen on seeing environmental

taxes introduced and had passed comment on his desire to see that as a real meaningful commitment on behalf of the Council of Ministers in this year's programme and if it was not, he would be really disappointed in Scrutiny. He said that and now he is gone and now we are all tiptoeing around the issue. I do not think there will be environmental taxes because once they look at the economic impacts of environmental taxes they will say: "No, this is a vote loser; let us park that one for now and let us plough on ahead. So, therefore we have ticked the box, we are not sorting waste." Why would they want to sort waste? They do not sort waste today; they did not sort waste yesterday and they will not be sorting waste tomorrow. They did not sort waste last year, they did not sort waste the year before. They did not sort waste 10 years ago and they have known for over a decade that the stuff that they are burning is carcinogenic; the stuff that they are burning is killing people in this Island and they are too focused on other matters or too blind or too lazy to sort the waste or to give us the opportunity of sorting it ourselves. I am sorry; enough is enough. Burst the dam and support the Deputy of St. Mary.

11.1.4 Deputy G.P. Southern:

We are asked by the Minister for Treasury and Resources to consider basic financial discipline and for once I absolutely agree with him. It is indeed the process that we are going through. What we do is we pass this spending - the Business Plan - first and if we decide to spend more and the Chief Minister and his Council of Ministers recommends, then so be it. Somewhere in the stage, either we follow the Council of Ministers' edict and cut something somewhere else or we bite the bullet and at budget stage we say: "We have this much expenditure, we must cover this, we will have to raise some taxes." That is the basic financial discipline that we are engaged on. That is the way the system works. In this case the Minister for Treasury and Resources is saying: "Ah, we need to pay for this, we will need to pay for this. I can see we will need to pay for this. The way to do it is with environmental taxes." The only way to do it is environmental taxes? Perhaps not. The only way to do it is some extra taxation if we are to do this. What the Minister for Treasury and Resources has done - probably not intentionally and not deliberately - is he has given himself a let-out clause: "This will need paying for is what it says." Mark my words we will have to do that when we come to deciding the budget. "I have decided and I am working on it" he says: "that the way to do it is environmental taxes." If the Minister for Treasury and Resources, heaven forefend, should fall under a number 15 bus tonight and be replaced by somebody else who is less keen, will we see those environmental taxes? Perhaps not. If he brings a package of environmental taxes which involve principles that we as a House object to, perhaps those environmental taxes do not get through the House and do not get passed. If that were to happen then we would not be sorting this noxious material, the heavy metals that get into our system, highly dangerous, highly toxic, highly poisonous, from the system because we have decided that this is the way forward. No guarantees. What the Minister has done is he has given himself a get-out clause. The possibility that these things will not be removed from the waste stream and the Deputy of St. Mary was absolutely correct when he said that this is not negotiable; this has to happen. It is not discretionary, it is not dependent on another action yet to be taken and we must not be led by the argument of the Minister for Treasury and Resources, which is an obfuscation. We all want this stuff out of the waste stream. That will mean, inevitably, we have to at some stage pay for that. At this stage we do not have to decide and this will be in the form of an environmental tax. That would be a mistake. That decision that has to be made as to how we pay for it and how much we pay for it in the budget debate and we can do that but do not, do not, do not, please, Members, be misled by this being channelled into this and the only way to do it is with the Treasury and Resources environmental taxes, whatever they may look like when they finally appear, if they finally appear in the appropriate timely manner and in a format that we can accept. So, please, please, if you want this noxious material out of the waste stream, there will be a cost and we can decide how we do that later, that is what we are doing, then please do support this amendment because it is logical and it closes this door that might be open for us not to achieve what we all - including the Minister for Treasury and Resources - want to happen.

11.1.5 Deputy D.J. De Sousa:

We as a government are failing the Island if we do not back this amendment. We have already heard about the health implications involved and you are all aware that recently I was in Southampton Hospital with a very sick relative. I was shocked at the number of Jersey and Guernsey Islanders that are there due to ill health because of cancers and things like that. The Minister for Treasury and Resources has said on many occasions that he is reluctant to introduce new taxes in the current economic downturn and uncertainty. I cannot see why the Council of Ministers cannot see that the wording of the Annual Business Plan in the section of T.T.S. cannot see the logic of supporting this amendment. I hope they will change their mind and, as the proposer has said, this should not be conditional that we have environmental taxes in place in order to implement. I will be supporting this and I hope everybody else will be.

11.1.6 Deputy M. Tadier:

I do not know if I am missing something here but I have been looking through the page which is relevant - page 33 - and at the top we are talking about an objective and then what we are talking about is one of the success criteria here. So, let us just reiterate; the objective which is Objective 1 says: "An improvement in solid waste management and recycling processes" which is fine; I think everyone has signed up to that but I would emphasise that the following points are all success criteria so, when we look at point (iv) which I think is the one in question, it says: "The most harmful element of the waste stream, televisions, et cetera, should be segregated for recycling ..." that is fine and then it goes on to say: "... subject to approval of the environmental taxes by the States." So, surely what we are saying here and it is really the last part which is the rub is: "... subject to approval of the environmental taxes." Are we saying that if the States, for whatever reason, does not agree on environmental taxes then that first part stops being a success criterion? That if we cannot get our heads around green taxes, if it takes a year, 3 years or 5 years, we are simply going to leave all of these harmful elements in the waste stream because that seems to be what is being implied here. Now, first of all, I think the way this is drafted is not very helpful either. We see, and I do not mean to be pedantic here, but there is a semi-colon after "recycling" and then it says: "subject to the approval of environmental taxes" as if the 2 are completely separated and it does not read well at all. It is not clear what this is meaning and I think that may well be because in fact it does not make much sense anyway. But the 2 are effectively conflated issues. If you have green taxes for whatever reason, those would need to be approved on their own merits but I think we are all agreed that you cannot go on leaving television sets to get thrown into the waste stream which are burning toxic metals such as arsenic or mercury or all sorts of nasty elements and chemicals simply getting blurted out there with the smoke. I have friends who come to Jersey and when they learn that we throw things like this into the rubbish they are absolutely appalled and they say: "What, do you really burn television sets and these kinds of things and plastics?" They really cannot believe that we are just ... it does say putting it in the landfills but that is a very blinkered view from the senior Senator there. I mean, it is simply not acceptable to burn these kinds of things anymore. These things have to stop, irrespective of whether we have green taxes or not and I think all of us agree with it. I think the Council of Ministers simply have to say they got this wrong. They have to hold their hands up and say that this amendment is very sensible. It does not close any doors, it does not stop us debating whether we can have green taxes later on or not but what it does say is that whether we do opt for green taxes at some later date, this is essential work that needs to be funded one way or the other so we are conflating the issues here. Earlier on today the Deputy of St. Mary was criticised for what was said to be on the surface a good amendment but it was in the wrong place and I would suggest that this wording here is also in the wrong place. We need to roundly support the amendment. It is a sensible amendment to make and I think that the Council of Ministers should just really have supported it in the first place because they are wasting our time and they are sending the wrong message out to the public.

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

In a sense, and I am grateful to the previous speaker for drawing our attention to the relevant pages, the debate is unnecessary because the third success criteria says: “Long-term sustainable funding route for solid waste identified.” There is clearly a recognition here that we need to find a way of funding a proper solid waste strategy and recycling programme. The unfortunate part of that criterion is the word “long-term” which could lead the Council of Ministers to argue that it does not apply until next year. I would remind Members that we are not talking about the monster that is, as we speak, rising at La Collette above the Ramsar site and the bathing pool; the new incinerator with its wonderful flue gas cleaning technology and so on which, I suppose you could argue could make it okay to burn televisions and rubber tyres and all the plastic we produce. We are not talking about that new incinerator; we are talking about the existing one at Bellozanne which has no flue gas cleaning and which throughout next year will be belching out the toxic fumes that arise from the kind of things that are being talked about today. The most harmful elements of the waste stream throughout next year will continue to come out of Bellozanne and what Members are doing if they reject this amendment is to say that they are only prepared to deal with that if new environmental taxes are brought in, and I think that is irresponsible. I would urge Members to remember, just to think back a few months to the Strategic Plan where as an Assembly we pledged, and I quote what we said: “Jersey has signed up to a number of international agreements to demonstrate that it is a jurisdiction that takes its global and environmental responsibilities seriously. This means that the Island has pledged, in the international arena, that we will continue to reduce CO2 emissions and other forms of pollution and to continue to protect these habitats and species which are of importance to the Island.” Now, if this amendment fails, that part of the Strategic Plan might as well be struck out. It is simply not good enough, as the Deputy of St. Mary said in an excellent opening speech and, without being patronising, I thought the boy from St. Mary is learning. [Laughter] He did not treat us to that 3.5 hour speech which he did when he last dealt with the incinerator; he gave us a short, punchy reminder of our commitments. This is not conditional. We must find the money to take the worst elements out of the waste stream and we must do it for next year. I would remind that the Ministers, and we have not heard from either the Minister for T.T.S. or the Assistant Minister for the Environment, but I would remind them that from January 2010, and this is subject to an upcoming Parish Assembly in St. Helier, we will be taking all of the plastic out of the St. Helier waste stream. That is going to be a lot of plastic and I know the parishioners of St. Helier will not want to see that going up the chimney of Bellozanne. So, I would urge the Council of Ministers to accept this is non-negotiable. We must take the most harmful elements of the waste stream out before it goes up the Bellozanne chimney.

11.1.8 Deputy A.K.F. Green:

The Constable of St. Helier covered most of that which I was going to cover. I was going to take Members’ minds back to November when we did debate the new incinerator. We talked then about the toxic fumes coming out of the current incinerator and perhaps if you were cynical, you might think that we have continued to burn this toxic rubbish that we should have removed; televisions, tyres and such like because it upheld the case for a new incinerator, a much bigger incinerator than we needed and we could have funded this quite easily by putting in an incinerator that was designed at the right size for the rubbish that had been separated out rather than offering to burn Guernsey’s rubbish to fund the new incinerator. This is non-negotiable but I will say one thing about environmental taxes; in principle I do not have a problem with environmental taxes but I would urge caution because what tends to happen with environmental taxes, particularly where there is no real choice, it falls disproportionately on the lower paid again. So, we need to remove the split. We need to remove all that toxic rubbish from the waste stream now. We can do it today; it just needs a Ministerial decision, I would imagine. We do not need to have a great big debate on it. We can remove it now and improve life for the residents of Pomme d’Or Farm, for the residents of Clos de St. Andre, for all those that live in Bellozanne Valley who lived there, not feeling well, many of them, in fear of their lives. I am absolutely disgusted at the inaction of this Assembly.

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

Several of the St. Helier Deputies have already covered a lot of what I wanted to say; certainly Deputy Le Claire and Deputy Southern I believe gave very good speeches. On reflection, I too believe that the Council of Ministers should have accepted this amendment. For too long we have sat in this Assembly and discussed the issues surrounding the incinerator and the sort of stuff that is being burnt in the incinerator and the fall-out for residents mainly in St. Helier. So, for that reason alone and for all the arguments that have been put forward this afternoon, I will support this amendment and I hope the rest of the House do as well, thank you.

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

I fully endorse the amendment and the comments of the Deputy of St. Mary and Deputy Le Claire and all the others who have argued in a similar vein. This House over the years has, in my opinion, been criminally negligent in dealing with a number of public health issues as exemplified by the way that it has not dealt with the burning of waste at Bellozanne and the emission of toxins and dioxins by not operating the chimney at the correct temperatures. I will add, by the way, to the House, that I have asked the Minister for Transport and Technical Services and his officers months ago for details of the temperature readings of the Bellozanne chimney. I took a sample earlier on in the year of information and they were not meeting the required temperature to stop those things causing public health hazards. I have still not received the information for the extended period that I wanted. I would also mention to the House that we do not need to have to go back to previous debates about what was said about the incinerator as we can go back to yesterday's debate. In fact, not even the debate; it was a statement made by the Minister for Treasury and Resources when he said that he was using his powers under the Public Finance Law to purchase vaccines because of the public health need. The public health need applies also to the burning of waste through that chimney and what has happened to the people of St. Helier. [Approbation] So, it should not be linked to environmental taxes. If there was a need, if we need to protect the public, we need to act and therefore I urge Members to reject, sorry, to support the amendment. [Laughter] Thank you.

11.1.11 Deputy R.C. Duhamel:

It always surprises me, the things that we find ourselves discussing when we are supposed to be discussing narrow subjects within the confines of an Annual Business Plan. We are almost straying now to kind of give in to an amused wry smile, no, not too many people saw it, when we have got Members from this House who voted against higher recycling targets when we were discussing the strategy and yet today they are commendably coming forward and suggesting that that is in actual fact what they would like but as part of the Business Plan. We have, unfortunately, within the proposals put forward, an element of inconsistency and there are several inconsistencies and I would like to highlight 2 of them. This Island, through the waste management strategy, has signed up along with T.T.S.'s bidding to recycling no more, I think, than 60 per cent of the waste electricals and other materials that come from televisions and cars and end-of-life vehicles. When I asked in previous debates, the previous Minister for Transport and Technical Services how he intended to dispose of the other 40 per cent, that is assuming that this House does achieve its target, and it is by no means certain that we will because that is a success criterion so we are being judged against it, then he gave an answer to this House, which is part of *Hansard*, that of course I fully realise, as he did, it was going to be burnt. Now, we all know that when we are housekeeping, it does not really make sense to do things in a particular fashion that cost us more to put right in the long-term and yet this is probably what we are suggesting we do. I take some heart that the Business Plan fortunately is only done on a one-year basis and so it does leave opportunities not only for my department or indeed T.T.S.'s department or indeed the Scrutiny Panels to come forward in the intervening period and bring forward proposals to increase their recycling targets for particular materials as indeed we are going to have to do if we are going to fall in line with E.U. (European Union) directives. That is the other inconsistency that we have because we do have the W.E.E.E. (Waste Electrical and Electronic Equipment) directive which covers how an island or jurisdiction deals with this waste of electrical and electronic goods and it is quite key in the

documents that the last thing you do is burn it even if it means that you have to spend prodigious quantities of money to clean up the emissions and certainly to deal with the hazardous flue ash and the bottom ash which, at the moment, is toxic. Why is it toxic? Because at the moment, we are not taking out the metals before we burn them. We are allowing all these materials to go unsorted into the burning stream and then to decide we do not use some of the equipment that we purchased to take out the iron content from the ash, it is not worth very much money because we have burnt it and it is contaminated with other things. If these metals were taken out upfront in a sorting process then, by and large, they are worth much, much more money than they are after they have gone through a burning process with all the capital funds to clean up after the event. I think we have got ourselves into a little bit of a spot of bother because I am not at all sure that if this House is suggesting, when it comes to discussing strategic policies, and suggesting seriously that we are going to uphold waste directives from Europe, it does not really strike me as being sensible to say that we are going to do these things on the one hand and then perhaps suggest that we are not going to do it on the other. The restrictions that are coming through from Europe, if indeed we are going to be wearing our European hats more and more, and I think we might well be, they are going to become even more restrictive. There are certain materials that we are putting, or hoping to put through, or should I say the T.T.S. Department are hoping to put through the burning process, like rubber tyres. The waste directives are beginning to tell us that it is no longer good enough to come forward with the single argument that just because the material that you wish to burn does burn and has a positive calorific value to the burning of other materials that perhaps do not burn very well like wet food, you are not going to be able to do it. So I think, looking ahead, maybe next year, maybe 10 years; I do not know when it is going to come but certainly I think there is going to be a body of opinion that comes to this House to suggest that if the T.T.S. Department are to be commended in proposing that they expand the recycling and the composting and the removal of hazardous elements from the waste stream then indeed we are all going to have to revisit the waste management strategy and to re-establish higher targets. At that point I think the requirement for coming forward with this amendment will disappear. I would also like to speak a little bit on the subject of environmental taxes, as invited to do so by our Minister for Treasury and Resources. Environmental taxes come in lots of different flavours and forms. For me the best type of environmental tax is probably epitomised by what happened mainly from a commercial company, a supermarket suggesting that the Island no longer should be using as many plastic bags to be burnt at a later stage and we perhaps should be adopting better environmental principles in how we carried our goods from the supermarket back home. Now, instead of coming forward with an environmental tax that said that nothing was going to happen until the department, who was ostensibly in charge, could fund it so we needed a revenue stream to fund the thing because we did not want to put the monies aside properly within that department's budget, the supermarket came forward with the suggestion to encourage the public through the suggestion that we would all pay 10 pence or whatever it is at the till in order to discourage people and to encourage them into using their own bags. Within a very, very short period of time human behaviour changed. We all wanted to not save our pennies but save our 10 pennies and we started using different methods for carrying our goods. Now, what the supermarket did not do was to say: "Well, here is a good revenue generating wheeze; I can make another 10 pence per bag so let us have specially printed bags to remind people how well they are doing and whatever." There was no particularly clever revenue generating scheme because that was not the intention. It was a method to discourage people from doing the wrong things and to encourage them for doing the right things and I think that, for me, epitomises the best or all that is best in environmental taxes. Now, unfortunately, what has this got to do with what we are discussing today? Well, I think there is an understanding from Transport and Technical Services and indeed the Treasury that if higher recycling is going to become the norm, it will need to be paid for. But from my way of thinking it does not necessarily have to be paid for by the taxpayer. It does not necessarily have to have a revenue stream that is generated by the creation of environmental taxes which really are taxes with a little green label on them to make them more palatable. It is like sugaring the pill or having something nice after you have some bitter

medicine to take. So, I think the jury in my mind is still out for environmental taxes. We are going to have to have the debate in this House when it comes. We are not there yet but I think there is a whole lot more that we could be doing to encourage the public and to encourage ourselves, that we do mean business in trying to take out these most harmful elements of the waste stream. Now, do not get me wrong, and if we play our cards right, we are suggesting that we will be taking or seeking to take out 60 per cent of what is bad from the waste electricals. At the moment a large body of them are stockpiled at Bellozanne waiting to be exported. The Scrutiny Panel, of which I was a chair, previously managed - along with the assistance of Transport and Technical Services, who agreed it was a good idea, and the Prison Services - to get labour assistance from the inmates to dismantle the television sets. But the materials contained within them are highly valuable. They were talking about gold soldering and things like that and my sources are telling me that once these things are dismantled and put through the grinder to reduce the volume, we are talking getting on for £2,000 per tonne. Admittedly you would need quite a few television sets for a tonne but that is not the point. So, I think, in essence what is being suggested here, which is to strike out within the success criteria that these things only happen, and they are going to happen anyway because we have agreed it, subject to environmental taxes is probably supportable. It is quite interesting to note that there is a difference between 4 and 6 in terms of the objectives. I would have thought that the amendment that is being put forward equally applies to 6 which is calling for improved recycling systems to expand recycling and composting to levels defined in the solid waste strategy model. The model suggested that perhaps 32 per cent was the limit that the Island could aspire to over the next 25 years despite higher limits being aspired to or achieved in other communities and that perhaps if we did really kind of pull all the fingers out, we would maybe get up to 36 per cent. I think we can do a lot better and I think, overall, the negative messages in tying the success criteria to the conditional approval of the environmental taxes is probably in retrospect a little bit short-sighted. I have not made up my mind which way I vote. I think I am walking on eggs at the moment but I think, all in all, we should not put all our eggs into one basket. I will leave it there.

11.1.12 Deputy J.B. Fox:

A lot has already been said which has already been said by other town Deputies especially on this particular subject. I would just like to remind the House that we are not just talking about the district that I and 3 others represent and the Constable of the Parish; we are talking about virtually the whole Island because at the moment the discharge from the Bellozanne plant has got great big clouds - if you look at the map of discharge - that covers huge sections of the Island, which is one reason why it should have been closed down in 1996 but was not for obvious reasons. We had no other alternative but if he was alive today, Mr. Wally Battrick rang me up to tell me: "Go and look at the school car park at Fort d'Auvergne; it is raining." He was not talking about the weather; he was talking about the outflow one Sunday morning from the discharge of Bellozanne. Now, I understood from my fellow Deputy of the day - the Minister for T.T.S. - that in fact T.T.S. had stopped putting in these wheezes into the incinerator and tyres, *et cetera*. So I do not know what has changed but, as far as I am aware, these things do not go in any more so I do not know why we are discussing this, to be honest with you, except for the end user cars. Well, the end-user cars at the moment end up again in the Valley but at the scrap metal... where elements of which are stripped out of them for re-use and recycle and then the rest end up in great big trucks that go periodically down to the harbour and they are exported. So, again, I think that what we are talking about here is an element that is already happening, not to the *n*th degree, I will agree, because that is why we are waiting for a new incinerator. One of the problems seems to be is what I am going to be suffering in the Amendment 9 that I am bringing forward is that the States previously have budgeted or have agreed a process of action and subsequently or there at the time have budgeted but subsequently those budgets have been cut in order to release money for cut-backs in certain years, like the 2010 budget. So it is not a fact that people are putting in for extra; what they are trying to do is to restore that which was already there so that we can make these improvements for the communities that we live in. Now, I know that Senator Le Main is proposing to have

environmental taxes brought in that will be ring-fenced to provide the resources for all sorts of things like hopper bus services, *et cetera* and other things and that will be coming up presumably some time during this week and these are all important things. But for this particular amendment that is proposed today, I do not see why the Council of Ministers is opposing it because most of it has already been taken out. I can see the desire to encourage us to want to have environmental taxes. I am sure the public do not want us to put any in at the moment because I thought we had promised not to put any taxes until 2012 because of G.S.T. (Goods and Services Tax) if we kept it at 3 per cent but I am told that in fact that was an exception. There is always an exception to every rule, is there not? That was environmental taxes. There are other ways, as we have already heard, of achieving an end result. No one thing provides a solution and today I shall vote for this amendment because I think it is important that we carry on with the improvement and find alternative ways of achieving the proposed end result that the Council of Ministers are seeking to achieve. Thank you.

11.1.13 Deputy T.M. Pitman:

We seem to be drifting to longer and longer speeches. Maybe it is fatigue; repeating the same points. Again, I will really do my best to resist that. As Members can probably tell by the paltry size of my beard I am not a fully qualified green but the logic of what the Deputy is asking us I think is blindingly obvious, certainly to me. I will certainly be supporting it. Again, perhaps I am getting mellow in my old age but I really have to commend my fellow St. Helier No. 1 Deputy Le Claire on the very lucid points he made in his speech. To the people of St. Helier No. 1 and 3 and 4 and indeed as Deputy Fox has said; the people of St. Helier and beyond, this really cannot wait. Deputy Southern's speech too, on an issue as important as this it simply cannot be allowed to hinge on subjectivity and discretion. To suggest otherwise, as the Council of Ministers are, in reality for some reason, suggesting, I find very shocking given the likely consequences. The question for us is surely are we serious about the environment or not? Do not, I say, just trust engineers to put things right in the future; we must act now as we are the Government now, are we not? Perhaps I can hammer home a very serious point with a joke, although perhaps it will not be worth it. They do not seem to be going down very well but Ted Vibert once said to me, and I am sure many of you have heard this before that politicians start green, quickly turn yellow and end up rotten. It is worthy of Deputy Le Hérisssier, I know. Well, now I would say that we really must support the Deputy of St. Mary in whatever stage we are at in the rotting, ripening process we have got to turn back to green very quickly. I support the Deputy of St. Mary 100 per cent. I cannot stress the importance of going along with this highly enough. We have got to look to the long-term and the bigger picture. Please do support this. Thank you.

11.1.14 Deputy S. Pitman:

In the aims of the Health and Social Services Department, their stated aim is to improve the health and social wellbeing of the population of Jersey through the provision of high quality services. To suggest that we should have to wait to approve environmental taxes to remove harmful elements from our waste stream makes this statement absolutely meaningless. Is the Council of Ministers saying to the people of Jersey that money comes before your health? I would just like to bring it home to Members the experience of somebody who has suffered pollution, just to bring some more seriousness to this debate. A few weeks ago I met somebody at a party who told me... I asked him if he was working and he told me he has not been working for 13 years. He was a very healthy man who was employed to be a diver and he used to swim around the Waterfront area. One day he got ill and for years he visited and saw doctors and consultants and they could not work out what he had. He was bedridden almost for 13 years. It was only in the last few years that he was diagnosed with metal poisoning which he suspects was down to when he was swimming around the Waterfront. So, this issue is serious and it is affecting people and we may not hear about it so much... well, we have from the La Collette site but it is very serious and I praise the Deputy of St. Mary for noticing this in the Business Plan. I feel it is a shame that when he opens his mouth on

environmental issues - and also Senator Syvret - that we see a lot of heads going down and moans and groans from this side of the Chamber because these issues are extremely serious in this day and age. All of this talk of not spending monies now from the Council of Ministers due to the apparently high cost should be set against long-term savings and improved health by spending that money.

11.1.15 Senator J.L. Perchard:

I have heard Senator Ozouf and he has often been quoted in his capacity as Minister for Treasury and Resources saying at his Chamber lunches and his I.O.D. (Institute of Directors) conferences and generally, when he is presenting himself to the media and delivering the Government's policy: "There will be no new taxes on my watch." He has said it many times; I think he has said it in this House. Well, if that is the case, we have got 2 and a half years where, contrary to what Deputy Fox has said, of burning waste electrical equipment and such in the incinerator, spewing out filthy, toxic air that our health professionals have said must stop immediately and I want to hear from the Minister for Health and Social Services on this. If the Minister for Health and Social Services is supporting her colleagues on the Council of Ministers, I think she must consider her position. The stuff that is coming out of Bellozanne chimney as a result of burning this foul waste equipment is carcinogenic and is doing our population unknown and unimaginable damage. May I remind you and Members of this House; throat, neck and head cancer, lung cancer in Jersey is higher than anywhere in the Western world; certainly higher than similar populations like Jersey. We live in the English Channel where there is fresh air and a fresh breeze yet levels of throat, neck and head cancer are immeasurably high. I see Deputy Noel shaking his head. I am looking forward to hearing him defend, spewing out filth into the atmosphere, over the people of his Parish and over the people of St. Helier and over the people of St. John and, depending where the wind is, over the whole Island. It is not about economics, it has been said this is not about economics; it is about prioritisation. In the comments from Transport and Technical Services, they say: "Transport and Technical Services does not have the funding to deliver the full recycling strategy in line with the approved solid waste strategy." That is the fault of this House, I understand that but they do have the resources to remove waste electrical equipment from the incineration stream. It is a matter of prioritisation. They have chosen to spend, next year, £3 million on resurfacing the Esplanade. I say, Minister, get your priorities right [**Approbation**], remove this rubbish from the waste stream and leave the Esplanade go another year or 2. It is wrong for you to suggest that we must keep burning this filth. Sir, sorry, I immediately returned to addressing you when you reminded me. It is wrong for the Council of Ministers and the Minister to possibly suggest that we can continue a day further. This must stop. It must stop at once and any Member of this House who tries to justify continuing to burn this filth; cadmium, lead, pouring up the chimney and people inhaling it, it just makes no sense. This must stop straight away. I ask the Council of Ministers now, before this debate goes any further, just to concede this proposition and accept that the Deputy has got this one right. [**Approbation**]

Senator P.F.C. Ozouf:

On a point of clarification, I do not often stand up, but the Senator did say that I had said that there would be no new taxes until 2012. He must please correct that and should have said that there is one exception to that and that is environmental taxes. I have said it on numerous occasions and I would ask him to retract his statement.

Senator J.L. Perchard:

On the information I have just received from the Minister, I will retract the statement but I was not aware of that until now.

11.1.16 Senator T.A. Le Sueur:

Several Members must be wondering whether the Council of Ministers were wise in seeking to oppose this amendment. Certainly opposition to this amendment does not come from any sense of failure to accept the requirement to remove hazardous waste from the waste stream, and indeed I am sure that in due course the Minister for Transport and Technical Services will explain just what is being done at the present time to remove such waste from the waste stream. One needs to be quite clear about why the Business Plan was worded the way it was and why the Council of Ministers chose to approve this seemingly helpful amendment. I go back to a comment made by Deputy Southern who is no longer here in this Chamber, but I think it has been expressed also by other Members that now we debate, at this time of the year, our spending in the Business Plan debate and in December we will discuss the revenue measures to meet those spending obligations and very often we seem to forget that there is and there has to be a connection between those 2 events. As Deputy Southern implied, there is no such thing as a free lunch. [Laughter] Maybe there is at the moment. We have to accept that any services come at a cost and that is why I suggest that the Constable of St. Helier, when he said we should look back a few months, I suggest to Members that we look back about 9 months to a time when I know several newer Members of the States were not in the Chamber because that was the time when we were discussing an environmental strategy. I would remind Members that last year we agreed to vote £2 million towards environmental initiatives. They included transport initiatives, they included home insulation grants and they included half a million pounds for recycling purposes to achieve necessary improvements to the waste stream. I am grateful to Deputy Fox for reminding us of what is happening; that much of that hazardous waste which used to be in the waste stream is now being taken out and that I think we can all say is a move for the better. It was a move achieved because last year we approved the spending of that money and we approved the voting of that money but, although I do not have the minutes to hand, that money was voted for one year only and, with the condition, I think Senator Cohen has set out the condition that if we wanted to maintain that situation, we had to maintain a revenue stream, an environmental tax stream to fund it. I am sure that the Minister for Treasury and Resources is as committed as I am and other Ministers are to continue to fund that. I am therefore equally sure that we will come forward with environmental tax measures in order that these initiatives can be funded. So, why did the Business Plan contain those strange words: "Subject to the approval of environmental taxes by the States" which the Deputy of St. Mary wants to take out? They were put in there to remind Members that there is no way of getting something for nothing. We agreed last year to fund recycling initiatives and we agreed to continue to do that if we agreed to fund environmental taxes. This reminds us of that obligation. We often have short memories in this House and we forget what we decided last December. This reminds us that we said we will continue to fund recycling and we will find environmental taxes in order to do that, and to do other highly environmentally beneficial activities as well but that is why the message is there. It is not there to suggest that the Council of Ministers is not committed to recycling initiatives. Yes, we are. We would like to do more. If we could get more revenue to do more, I am sure the Minister for Transport and Technical Services would love to do more as well. So, I would like to dispel any suggestion that we are trying to be obstructive to the idea of improving the environment. We are not. What this is saying to Members quite clearly is reminding them, in the absence of a link with the budget, reminding them of the commitment that this House made 9 months ago to find new environmental taxes to maintain this very valuable improvement to the services we deliver.

Deputy G.P. Southern:

Could I ask a point of clarification? Could the Minister suggest whether, in accepting this amendment, there is anything to prevent the introduction of environmental taxes?

Senator T.A. Le Sueur:

No, there is not. I say it is there as a reminder.

11.1.17 Senator S. Syvret:

This has been a fascinating debate and I was listening to it as I was working on the computer, and I listened with great interest to the speech of Deputy Duhamel who does not know what way he is going to vote and I could not help but think what effect it has upon people when they change sides and join the Executive. Deputy Duhamel in days gone by would have been at the very, very forefront of supporting this kind of amendment. It is quite interesting that we are having this debate today and there is a comment piece in the *Guardian* by George Monbiot, the award winning environmental journalist and writer and the article is headed: "From toxic waste to toxic asset; the same people always get dumped on" and I was struck by some of the similarities of the situations he describes in this article to some of the impacts we are considering today. There has of course been this internationally noted scandal of the dumping of toxic waste in developing countries and the resultant appalling impact upon peoples' health. Monbiot goes on to describe a number of other similar issues that happen all the time, every week. It just so happens that we have just got to hear about this particular one. But describing the disposal of the West's waste electronic products, he describes, I will just quote a bit of what he says: "Much of it lands in West Africa. An investigation by the *Mail on Sunday* found computers, which once belonged to the N.H.S. (National Health System), being broken up and burnt by children on Ghanaian rubbish dumps. They were trying to extract copper and aluminium by burning off the plastics, with the result that they were inhaling lead, cadmium, dioxins, furans, brominated flame retardants; and tests in another of the world's great fly tips, Guiyu, in China, show that 80 per cent of the children of that city have dangerous levels of lead in their blood." Now, I am sure Members are appalled at that and think: "Well, thank heavens we are in a respectable, responsible, advanced, economically prosperous Western society. This kind of thing happens in developing countries. It is terrible but we do not have that here." Well, we do. We have got a kind of cosmetic process on it. The rubbish trucks, the incinerator at Bellozanne Valley, the chimney. We do not have the children there burning the old computers themselves but the fact is we, out of sheer irresponsibility and short-termism are burning things like old computers, televisions, waste electronic goods and all of these kinds of toxins; furans, dioxins, P.C.B.s (polychlorinated biphenals), cadmium, nickel, lead, arsenic, mercury, all kinds of things come spewing out of the top of that incinerator chimney stack and descend on the surrounding areas. Areas which include 3 schools, a variety of housing estates and a whole load of other highly densely populated areas, and I could pretty much guarantee you that if a widespread blood and body fat survey were to be undertaken of the children that go to schools such as Haute Vallee and areas like that, you would find they were contaminated with lead, with cadmium, with arsenic, with dioxins, with furans. So, it sounds terrible when it is happening in a third world country but it is happening here and it is happening here because we are being grossly irresponsible and it may be inconvenient to the Council of Ministers, it may be inconvenient to the States and the Assembly, but sooner or later we have got to start grasping these issues. Burning electronic goods - old electronic goods - is absolutely repugnant. It is completely unacceptable from any kind of environmental or ethical consideration. The fact that we are doing this and not making a serious effort to stop it, and knowing full well that the result of pollutants, elevated levels of pollutants are descending on schools, frankly is disgraceful. It is disgusting and it is a shame on the reputation of this Assembly. The toxins that are in those products are numerous and very, very hazardous. That much is well documented; it is not even disputable. But I want to just ask Members to view this from another perspective. You know, a lot of things go wrong with public administration in Jersey. There are a lot of serious errors and failings of all kinds. I will not go into them now but I think the reason these things happen is because there are no effective checks and balances in Jersey. We are effectively omnipotent. I would like to point out to Members that if we were a full member of the European Union, the incinerator at Bellozanne would have been shut down 14 years ago. It would have been closed. It would have been illegal to operate the Bellozanne incinerator 14 years ago in any full E.U. member state. But even setting aside that E.U. regulation, a local authority similar to us, behaving in this way; operating these kinds of incinerators in the U.K. would be prosecuted. We would be prosecuted. The authority would find itself in court. The environment agency would be bringing criminal sanctions to bear on the

authority in question. Now, that kind of thing does not very often happen in Jersey, unfortunately. I could probably list about 15 different things that States departments ought to have been prosecuted for. But I want Members to just think about that. What we are doing here, with this waste stream, would simply be illegal in the United Kingdom and we are failing to address it. We are failing to properly regulate it and properly police ourselves. I have to say I did agree very much with the speech of Senator Perchard. He was absolutely right and I do not think Members could mistake he and I for necessarily sharing a great range of political views but, nevertheless, I think it is indicative of just how obvious and how right and how straightforward this question, this issue, is. That there can be such understanding and agreement on it across what one might describe as a fairly broad stretch of the political spectrum. I also agree with him that, frankly, if the Minister for Health and Social Services does not support this amendment - and I do not think it is good enough for her to just not vote in it or be out of the Chamber or something - if the Minister does not support this amendment, frankly she really will have to consider her position. **[Approbation]** A lot of people like to emphasise Jersey's ability to be self governing, to look after our own affairs, to be responsible, to be law abiding, to be a competent little mini State. Indeed some people we hear even talk about us moving to full independence, not a view I share, but nevertheless that is a view some people hold. If we cannot even get something as fundamental as this correct, as no longer burning toxin-laden electronic equipment, with the resultant fumes and toxins spewing out over a school, then I think we are a very, very, very long way away from remotely being a community capable of responsibly governing itself.

11.1.18 The Connétable of St. Brelade:

I think my opening remark must be to correct many Members' misapprehension. We do not, in Jersey, burn waste electricals and Members are welcome to come and see them stockpiled in great numbers. Not only at Warwick Farm, at Mont à l'Abbé, but also down at Bellozanne and it is quite amazing the hundreds of television sets and computers that are languishing up there, waiting for sufficient numbers and waiting for funding for us to be able to ship them away. The issue is that once numbers are accumulated they are put on wagons - lorries - put on a ship and taken to a properly accredited U.K. plant where they are disposed of at a cost. So we have the storage cost here, we have loading costs, we have the transportation cost to the U.K. by ship, we have the ongoing transportation from the U.K. port to the plant and the gate fees at the plant. We worked that out to roughly £10 a television set in broad terms. I would not condone any exportation of any equipment or any waste goods from the Island to third world countries, that would be certainly against all my philosophies.

Senator J.L. Perchard:

On that point of order could I just ask the Minister then to explain, if he would, on page 33, Objective 1(iv). Having heard what he just said, and when he reassured us just a moment ago that waste electrical equipment is removed from the waste stream already, why then does the success criteria perhaps contradict what he has just said? Because we are not currently funding that by environmental taxes, so how will he continue to do that?

The Connétable of St. Brelade:

The Minister for Treasury and Resources alluded to short term funding being given to the department last year. This is not the case and what I seek is a continued funding stream, that is what is missing. We lurch from pillar to post on this and quite clearly burning of waste electricals is, as all Members have indicated, unacceptable. Speaking from an operational point of view - and I am splitting the operational off from the political because I think it is very important - the long term funding source is absolutely necessary. Clearly, as life goes on, there are more and more instances of this nature that come through, in fact it is quite interesting, we are seeing now the bulge of the larger televisions starting to, I suppose, peak and it will be reducing down to the one or 2 flat screen ones coming through, and now we are seeing computers coming through. We have

experienced a situation in the last year whereby recycling rates have gone down. Transport costs have increased and in order to maintain the promised recycling rates of ... well, we are at 30 per cent, I would like to achieve 36 per cent and more. In order to achieve those sort of rates my department needs a confirmed funding stream. The public are keen to participate, I am keen to encourage them and, in accord with the Deputy of St. Mary's aspirations, I must have the funding to deal with the product of this because I cannot strip other areas of the department which are already stripped to the bone. Like it or not, environmental tax, or some variation of environmental tax, is an inevitable consequence of the high recycling rates and low market values that we are suffering at the moment. I think what we need to get is to the achievable and in order to get to the speedy and achievable - and I think speed is of the essence because the money is running out, we need to get on with this - it strikes me that environmental taxes are the swiftest way forward and this is, quite frankly, why this clause has been put in the Council of Ministers comment, so that we can get it on stream rapidly and moving along as we should be. The Constable of St. Helier referred to the fact that the Parish were hoping to export plastics through to probably France. He is not yet at this stage, he has struggled to get this moving along and, quite frankly, Transport and Technical Services cannot work on that basis. We have waste coming in to Bellozanne on a regular daily basis and we have to ensure that it can be exported and dealt with all the time, every day. The quickest way, as I have pointed out, really in my view, is to develop some form of environmental taxes which the Minister for Treasury and Resources has promised to do and I feel that the proposition is only serving to frustrate the speed in which I can develop this policy. I think any negligence which has been alluded to by certain Members is really down to delay, or encouraging delay, and procrastination, which has been the case with our solid waste strategy over the last few years. Mention was made of separation by Deputy Le Claire and the fact that this did not take place, clearly separation does take place and we do tend to try and encourage separation to take place by the public and this they very clearly do to a large extent. We have not got the M.R.F. (Materials Recovery Facility) facility that several areas in the U.K. tend to have, principally because it is a very labour intensive process and we do not think it would work over here. There are, however, technological improvements going on all the time with this and the department continually monitors this so that we can improve the situations as the product becomes technically available. I would urge Members not to get too swept up by emotion on this, but look at the practical, operational aspects which the department has to deal with and has to deal with in short term. Mention was made about air and water quality. Air and water quality are regularly tested in the Island by independent regulators and I am quite satisfied that the regulators perform those tasks in an adequate manner to safeguard the health of the population of the Island. I think that suggestions put forward by several Members are simply political scaremongering. In simplistic terms, I would ask Members to allow me to access a funding stream without delay. Some form of environmental tax seems to me the best way of achieving this and I do not think that the Deputy's proposition will help and I think Members will support me in continuing this program rather more by rejecting the amendment.

Deputy G.P. Southern:

Sir, may I ask a point of clarification from that speaker as well? When the Minister says the amendment serves to frustrate the rapid solution to his problem, does he envisage in some way that it prevents the adoption of environmental taxes? Or, how does he see it?

The Connétable of St. Brelade:

I consider that the environmental taxes as suggested in the Business Plan are a logical route to follow through. There is not any other identified funding stream at this present moment of time and the fact that the Minister for Treasury and Resources has indicated that he will consider those taxes strikes me as the quickest way forward.

Deputy P.V.F. Le Claire:

Could I ask a point of clarification from the Minister, Sir? Within this Business Plan we are debating today, the rationale for the changes in relation to rear seat belts and child booster seats, as I outlined in my speech, which the Minister has responsibility for, the rationale for doing that and the costs that were offset from that are spelt out quite clearly in the comments as overall savings due to the fact that we will not happen to be caring for people after road crashes etc. Why is that rationale not carried over into this debate? Why is that rationale, that there will be overall savings ...

The Bailiff:

I am sorry, it sounds remarkably like a speech, Deputy, rather than a clarification?

Deputy P.V.F. Le Claire:

It certainly was disguised as a point ... I was trying my hardest, Sir.

11.1.19 Senator P.F. Routier:

I am really grateful to the Minister for Transport and Technical Services clearing the air just from these comments he has just made. Because I was totally confused because over the last few years I have been taking stuff - televisions and electrical goods - up to Bellozanne to be separated out, put them in a different place and then I have heard in the debate today that all these things were going in the incinerator and being burnt and creating lots and lots of problems for the community. Well, that is what I have heard today. I mean that is certainly... and I will keep going, I am so pleased that the Minister has reassured us that that is not what is happening. Earlier on in the debate I was going to support this amendment, but now what I have heard from the Connétable, the Minister for Transport and Technical Services, I can see that the way forward for this now is to support the Minister in progressing along the way for introducing environmental tax. It can certainly be achieved at this coming budget time, so we can have the funding in place for next year, hopefully the Minister for Treasury and Resources will reassure me of that. But I have to say I am reassured that we are not burning these because the scaremongering that has gone on this afternoon about burning this electrical waste has been horrendous. I am now reassured and I am prepared to reject this amendment and support the Minister.

Deputy D.J. De Sousa:

Sorry Sir, can I just have a point of clarification please?

The Bailiff:

Yes, if it is a point of clarification.

Deputy D.J. De Sousa:

It is. The Chief Minister has assured us that this proposition is not going to stop the taxes and the last speaker is almost implying that we need to back something else. The proposition is clear, it is about the fact that it is only going to go ahead if we have the taxes. The proposition is about taking that out and the Chief Minister has assured us that if this is taken up it still will not stop the debate on the taxes. So I feel you are misleading us because you are saying that we should ...

The Bailiff:

Deputy, you are going wrong on 2 respects. First of all, it is not a point of clarification and, secondly, you are not speaking through the Chair. But otherwise, you are all right. **[Laughter]** Does any other Member wish to speak?

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

I am surprised with Deputy Southern, normally he wishes to introduce taxes and spend. **[Laughter]** However, we are not far apart on this issue. We are not far apart at all on this issue. In fact the Council of Ministers have been quite honest and open in their reasoning for this. The

reason for such a recycling spend to be linked to new environmental taxes is to ensure those taxes are introduced, as previously agreed by this House, and that is to ensure that there is a sustainable forward funding for recycling measures. It is not to avoid separating our waste. It appears that some Members are eagerly backtracking on the decisions that they made some 9 or 10 months ago. I had a recent consultation out with the public on this issue and the public want the future spend linked to environmental taxes. One final point of clarification that I would like to bring up, and it is a matter raised by Senator Perchard, and that the neck and throat cancers that are of a higher instance in Jersey is not down to Bellozanne. It is down to, if you read the papers, it is down to alcohol and smoking. I urge Members to reject this amendment.

Senator S. Syvret

A point of clarification, could I just ask the previous speaker, does he agree that the aetiology of cancers are multifaceted and have numerous causes [**Approbation**] and that, yes smoking, yes alcohol, indeed do cause such things as throat and lung cancers, but also so do toxic fumes from incinerators?

Deputy E.J. Noel:

I agree with Senator Syvret and on a personal note I lived for 10 years at Pomme D'or Farm and extremely close to the Bellozanne facility and I am as healthy a 46 year-old as there is any.

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

This has unfortunately been a very difficult debate and I am not certain that the Council of Ministers and the mover of this amendment are far apart. I believe that every Member in this House wishes to see the waste separation, wishes to see the recycling, it is my understanding that the Council of Ministers wished to be open and honest and link a secure long term funding to allow that work to go on. Let us not forget that, as the Minister said, short term funding was made available. This is to allow secure long term funding to ensure that that work can be enhanced and broadened. It was suggested in the Business Plan that that will be linked to environmental taxes, the mover of this proposition is saying no, he wishes for that work to go on whether there is a revenue stream to fund it or not. Deputy Southern, in also quite an open and honest comment, said that he felt that we should deal with raising the revenue in the budget, and I do not believe that he ruled out raising of environmental taxes or any other tax to fund this piece of work. Senator Perchard said that he felt - I hope I understood him correctly - that the Minister should reprioritise his existing spending so that perhaps the work roads were not maintained. It is only a fortnight ago that another Member in this House was saying that we should be finding more money and the roads should be higher priority than they are. That is for the Minister obviously, together with this House, to decide what those priorities should be. I believe that we are in agreement, Members will decide themselves whether they wish to say yes we should go forward and look at environmental taxes to fund this. I personally will be supporting that approach but what I am clearly supporting is that this work goes ahead. If Members support the Deputy of St. Mary they will be saying yes, this work should go ahead, but we are not yet certain quite how we should secure the long term funding. I do not believe that that is sustainable, Members. If they are not prepared to address that today they will have to address it in the budget debates. So they would, in effect, simply be putting off that decision or an indication to the Minister and to the Minister for Treasury and Resources of how they are going to secure this funding for the long term. Thank you.

Senator J.L. Perchard:

Can I ask the previous speaker for a point of clarification on his interpretation of the amendment and how he just portrayed that to us? Again, I draw his attention to the guts of it, page 33(iv) Objective 1, and does he interpret that success criteria as I do and that, without environmental taxes, the harmful electrical goods would not be segregated from the waste stream and that they only will be segregated if we introduce environmental taxes?

Deputy I.J. Gorst:

Perhaps I am misinterpreting the success criteria, but that certainly is not my understanding. If one looks at the comments of the Council of Ministers and the Minister himself, those elements are already being taken out of the waste stream. He pointed us to geographies around the Island where they are being stored waiting for transportation. For appropriate disposal routes in the future what we are asking for here, and what is being suggested, is that we can put these procedures on a sound income stream footing to ensure that it was not just a short term decision of this House in the past, but it does take place sustainably in the long term, which is what I believe that everybody in this House hopes to see and desires.

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

It is not every day that I agree with Deputy Fox, but today I do. He cut straight to the chase. As the Minister has stated before, computers do not go in to the energy from waste plant, neither do TVs, DVDs, video recorders, whatever. People often say to me: "What is growing now up at Warwick Farm?" and I can say what is growing at Warwick Farm, apart from the plants, is televisions. They are on pallets, they are shrink-wrapped, they are stored and they are awaiting to be sent to the U.K. subject to funding. There is also a large storage room down in Bellozanne. I am aware of Senator Syvret's comments regarding things ending up on a rubbish tip in Nigeria, this has been checked out with our officers and we are assured that all our televisions, videos, DVDs, go to a very reputable recycling firm in the United Kingdom. We live here, the Minister and I live here, all of T.T.S. and the entire crew and family live here. We breathe the same air, we drink the same water, we are not going to do anything to damage our environment. When the Minister and I were elected, or should I say when the Minister was elected and he appointed me as Assistant Minister, we developed a policy of open door to all States Members. I have shown many States Members around the Bellozanne unit, also Warwick Farm, and that offer is still open. If anybody would like to come down I would be more than happy to show them around the pile, or mountain, of televisions waiting to go to the United Kingdom and that offer is still open.

11.1.23 Connétable J. Gallichan of St. Mary:

It has been a long time coming but I am extremely delighted that the Deputy of St. Mary and I seem to agree eye to eye on this one. My reason for that is maybe not purely in accordance with what the Deputy is aiming for, but simply because I am not, so far, convinced by all the talk of environmental taxes that I have heard. I am much more of a carrot person than a stick person and, like Deputy Green before me, although I have got very broad support for the principles of environmental taxes, I still am concerned that they do impact unfairly on certain sections of society. Until I am sure that we have alternatives in place to polluting policies that everybody has access to, I am not sure that I can automatically give my support to the, as yet unknown, environmental taxes. If, when it comes to the vote on those, I cannot support them and if by some chance I am in the majority, I do not want that to be a reason for not doing what we do now and segregating. Simply, the bald fact is - and here I agree with Deputy Southern - if we do not do environmental taxes we will have to find another way to do it, but we have to do it and, as I see it, the Deputy of St. Mary's amendment takes away the uncertainty. I accept what Deputy Gorst said before, he does not read it that way but, as far as I read it, by removing those few words we are saying that we will still have to segregate, and to do that implicitly we will have to fund it one way or another and if it is environmental taxes that I can sign up to, all well and good. I hope that I can support them when they come but at the moment, not having seen them, not having seen the sustainable travel and transport policy, not understanding whether extra car impôt, or whatever, will affect the people who have no access to a bus service, then I cannot say that I will. So, for that reason, I wholeheartedly am going to support this amendment. **[Approbation]** However, I would like to say that one thing that comes up several times in debates recently and one thing I really do not like and I feel like it is time to say sometimes people stand up and they take the floor and they say if x does not support this their position is untenable. I believe that not one person in this House makes a decision on how

they vote without giving it serious thought, without applying it to their own principles and I think that we should allow people the freedom of choice. This is a democracy, we must learn to respect the opinions and the views of other Members and hope that they are based on fact and I hope other Members will bear that in mind. Thank you.

11.1.24 Deputy J.M. Maçon:

I will not cover any of the other points that have already been raised. However, I will raise one thing about green taxes. May I remind Members that at the last Fiscal Policy Panel presentation, a favourite of the Minister for Treasury and Resources, I did ask the panel, should the States be looking at introducing any new taxes? A resounding no came from the panel. Now we are put in a situation whereby if we do not support the Deputy of St. Mary's proposal the Minister for Transport and Technical Services will have to say that we have to start burning televisions, electrical goods and vehicles because we do not have the funding to separate them out. That in turn will lead to the health issues which Senator Perchard and others have raised. So, effectively we are put in the situation whereby we are being asked to say we approve of environmental taxes because we have to because of the health reasons associated with them if we do not follow through. I personally also have an issue which the Constable of St. Mary and Deputy Green have raised about carrot and stick and also what Deputy Le Claire said about environmental taxes are there to change behaviour, not to generate revenue. The idea is by changing behaviours you are therefore cancelling out the bad behaviours and therefore you will receive no revenue from those taxes. I will be supporting the Deputy of St. Mary. Thank you.

The Bailiff:

Does any other Member wish to speak? Very well, then I call upon the Deputy of St. Mary's reply.

11.1.25 The Deputy of St. Mary:

That is quite a difficult debate to respond to but I notice now that we have a new way of sitting on the fence and it is called walking on eggs. So that is interesting and I hope that that particular Member will come on-side in the end. First of all I want to touch on this issue of scaremongering because that is very important and I cannot allow that to go unchallenged and of course it is a matter of credibility, is it not? I do disassociate myself from some of the comments that have been made on certain aspects of the health risks and, however, I do not remember saying that harmful waste was being burnt at Bellozanne, and I am not sure I remember anyone else saying that, in terms of hazardous waste, the waste that we are talking about in this amendment. But I did note the Chief Minister in his comments - and this is what makes people confused - the Chief Minister said, and I quote roughly but I think I got it right: "Much of the hazardous waste stream is now being taken out as a result of the environmental package agreed 9 months ago." Now, the implication of that is that much of the hazardous waste stream was not being taken out before. Now it may be that it was, I personally believed that it was. I personally believed that it is some years now since TVs and waste electricals went in to the incinerator, I am seeing shaking heads so I do not know. But the point is that that does not affect the result of this amendment. The point is there is uncertainty and what I want to do with this amendment is to end that uncertainty, and there is uncertainty, and I do have to take issue with Deputy Gorst when he says that this is in some way ambiguous. The way it reads now is that the success criterion is the most harmful elements of the waste stream segregated for recycling. We all agree with that, that is what we want to see T.T.S. do and then, subject to the removal of environmental taxes by the States. So it is being made conditional. Conditional on something that may not be approved as several Members pointed out, including my Constable, and quite rightly. We may not like elements of the package; we may find technical problems that we do not like with these environmental taxes; we may, as Deputy Green pointed out and I think the Constable of St. Mary also, that there may be issues of equity around how the environmental taxes are planned and targeted and how they impact on different income groups. So there are many forms of environmental taxes, and that is why that issue must be kept separate, the

conditionality is unacceptable. I personally have no quarrel with pollution taxes and there are moves afoot, by the way, to change the name because we are not taxing the environment, we are taxing pollution and, as somebody pointed out correctly, if we succeed then the taxes will yield nothing because the pollution will cease. But the aim is to cut pollution, it is not necessarily to raise money for this or that and Members may remember that we approved in the Strategic Plan... and I do remind you of what the Corporate Services Scrutiny Panel said and what the Chief Minister himself said in his introductory remarks, this follows through from the Strategic Plan, the Business Plan. In the Strategic Plan we took out: "introduce a range of environmental taxes to fund environmental initiatives at their current levels." The reason we took that out was precisely this debate. It was to avoid me having to stand here and bore you for another 5 minutes, but that is what you are going to get because the whole debate has been slightly odd. It has been useful but it has been slightly odd. What we put in instead of that was: "Investigate the introduction of environmental taxes or charges as part of the pursuit of environmental objectives as set out in priority 13 which is protect and enhance our natural and built environment." That is the correct use of environmental taxes, they are pollution taxes, they are designed to affect behaviour, they also yield an income which may, and probably should, be used for environmental purposes. But that whole debate is for another day. What matters now is what is coming or what would come out of Bellozanne's chimney if this amendment is not accepted, and the fact is we will not know. Another issue referenced, funding and taxation has been raised about long term funding. The Minister said he needs a long term guarantee - of course he does - and we need long term funding for solid waste is another of the criteria, and to sort that out. But, again, this cannot wait for that. There are other funding possibilities; there is better recovery and more money from that; there is entry taxation on goods so that you have an end-of-life duty imposed at entry, which I know that T.T.S. are working on; and there is the fiscal stimulus package which, by the way, would employ more people in waste separation and recovery and so on than it would by resurfacing Victoria Avenue which, as I understand it, is highly capital-intensive and therefore would yield fewer jobs. But that is by the by, that whole debate is for another day. So that is what I want to say on environmental taxes, I just wanted to make that position clear. This is not about that, it is about conditionality, do we wait for an uncertain outcome of a future debate to take damaging, hazardous waste out of the waste stream? Savings: this is an important point, it was first raised by Deputy Le Claire; others mentioned it. There are savings to be made; there are health savings, of course there are. That is part of what we offset against the cost of doing this. There are savings to be made with recovery and sorting. We have had some obfuscation but I think I have mentioned that about the waste stream and what is in it and what is not. So just one or 2 points that I would like to reiterate, I will just pick them out because they were spot on. Deputy Higgins said: "Public health need applies to the people of St. Helier. This is a public health issue and it applies now." Deputy Fox interestingly asked: "What has changed? Why the conditionality?" It is putting back money that was already there. We have already been doing this, we have been told we have already been doing it so, clearly, we should continue doing it and we cannot make it conditional. Deputy Duhamel made a very interesting point about the criteria and I would like to refer Members to page 33, and he pointed out something very interesting. He said: "Why did the Deputy of St. Mary not bring the same amendment with reference to sub paragraph (vi)?" Sub paragraph (iv), the one I am talking about now - we are talking about - is taking out the most harmful elements of the waste stream and (vi): "Improve recycling system to expand recycling and composting to levels defined in the solid waste strategy model, subject to environmental taxes." I did not bring that amendment. Why did I not bring that amendment? Because if composting has to wait a year, it has to wait, but this cannot wait and, in my view, it should not wait. The most harmful will be removed, that is what the situation will be if this amendment goes through; the most harmful of waste will be removed from the waste stream. That is the success criteria as it should be, it is not subject to whether the States agrees to environmental taxes down the line. To conclude, it certainly would be immoral if we do not back this amendment. Maybe a legal way can be found to make that morality into a legal question. There is no mistake, this wording in here is completely beyond the pale, it puts the States

in a position which I believe is indefensible and it is wilfully contributing to endangering the health of the public because we would have to wait for a condition that may not happen. So I beg Members to support this amendment.

The Bailiff:

The appel is called for then in relation to paragraph 5 of the Seventeenth Amendment lodged by the Deputy of St. Mary. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 35		CONTRE: 13		ABSTAIN: 0
Senator S. Syvret		Senator T.A. Le Sueur		
Senator B.E. Shenton		Senator P.F. Routier		
Senator J.L. Perchard		Senator P.F.C. Ozouf		
Senator A. Breckon		Senator T.J. Le Main		
Senator S.C. Ferguson		Senator A.J.D. Maclean		
Senator B.I. Le Marquand		Connétable of Grouville		
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of Trinity		Connétable of St. Peter		
Connétable of St. John		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Saviour		Deputy of Trinity		
Connétable of St. Clement		Deputy K.C. Lewis (S)		
Connétable of St. Lawrence		Deputy I.J. Gorst (C)		
Connétable of St. Mary		Deputy E.J. Noel (L)		
Deputy R.C. Duhamel (S)		Senator T.A. Le Sueur		
Deputy of St. Martin		Senator P.F. Routier		
Deputy R.G. Le Hérisier (S)		Senator P.F.C. Ozouf		
Deputy J.B. Fox (H)		Senator T.J. Le Main		
Deputy G.P. Southern (H)		Senator A.J.D. Maclean		
Deputy of St. Ouen		Connétable of Grouville		
Deputy of Grouville		Connétable of St. Brelade		
Deputy of St. Peter		Connétable of St. Peter		
Deputy J.A. Hilton (H)		Deputy J.A.N. Le Fondré (L)		
Deputy P.V.F. Le Claire (H)		Deputy of Trinity		
Deputy S.S.P.A. Power (B)		Deputy K.C. Lewis (S)		
Deputy S. Pitman (H)		Deputy I.J. Gorst (C)		
Deputy of St. John		Deputy E.J. Noel (L)		
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

12. Draft Annual Business Plan 2010 (P.117/2009): fourth amendment (P.117/2009 (Amd. 4)) (paragraph 2)

The Bailiff:

Very well. Then we move on to the Fourth Amendment, paragraph 2, lodged by Senator Ferguson and I will ask the Greffier to read the amendment.

The Greffier of the States:

Fourth amendment, paragraph 2, after the words “report pages 35 to 38” insert the words “except after Objective 6 on page 36 there should be a new Objective 7 as follows: ‘Objective 7, transparency and accountability in relation to grants. Success criteria (i) all organisations receiving grants in the States submit their accounts to be published as a report to the States subject to a *de minimis* limit, with the name of the account only to be published for organisations receiving a grant of £5,000 or more or where the grant represents more than 50 per cent of the total income of the organisation; (ii) a full list of all grants, including all amounts made by each department, is included as an appendix to the annual accounts of the States and listed by department with no *de minimis* level for this listing’.”

The Bailiff:

Now, before asking Senator Ferguson to propose this amendment, this is a matter where the Chief Minister has lodged an amendment to the amendment. That, under the relevant statute, can be brought, although it has been brought less than 14 days, provided that the States agree. So Chief Minister I think it is right that Members should know from the beginning of the debate on Senator Ferguson’s amendment whether there is going to be a debate on the amendment to the amendment. So Chief Minister do you wish to?

Senator T.A. Le Sueur:

Quite rightly Sir. So perhaps it would be best for me to start by proposing that we allow the amendment which I lodged on the 21st September to be debated at this sitting, notwithstanding it had not been lodged for 14 days in accordance with Article 11 of the Finances Law. So I make that proposition.

The Bailiff:

Is that proposition seconded? [**Seconded**] Does anybody wish to speak on that?

Senator A. Breckon:

I wonder if I could ask the Chief Minister to explain exactly why he wants it debated. He said proceedings but he has not said anything at all about what it is about. [**Approbation**]

The Bailiff:

I see, yes.

Senator T.A. Le Sueur:

I would be happy to elaborate. This is a matter of trying to work together in conjunction with the proposer of the amendment, Senator Ferguson, and it is with her knowledge and consent that I bring this amendment to refine and improve upon the very good proposition amendment she had brought and make that even better. So I think it would be helpful to be able to debate both matters at the same time in the same sitting and for that reason I have made this proposition.

The Bailiff:

Very well. Does anyone wish to say anything?

Deputy D.J. De Sousa:

I just feel that there is one rule for some Members and one rule for another. In the last sitting we were debating on reform and Members were ridiculed for getting things in late and they were not allowed to debate theirs until the time. I feel we should have the same rule for all Members and we should not debate this until the time.

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

Could I just have clarification, could Senator Ferguson tell us whether she accepts this amendment?

Senator S.C. Ferguson:

Yes, in actual fact we had a certain amount of to-ing and fro-ing discussing my amendment because there had to be a way to deal with certain areas where there may be confidentiality and codes of practice and so on. There was also the problem that we really did not want to pull in individuals who also would have been covered by this. Education give grants to a considerable number of individuals and one alternative was to have an incredibly long series of exceptions and that does not really make for a good legislation or a good rule and so there was, as I say, a certain amount of ice packs on heads and so on as we thought about it and this came up as the best compromise. Because of that I am quite happy to accept it but it did take a certain amount of time.

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

Just to perhaps assist Deputy De Sousa, is if the Deputy looks at the amendment brought by the Chief Minister on page 3, hopefully I will be corrected if I have got this wrong but this is my interpretation certainly, is that her reference to different rules for different Members is it is different laws that we are applying here. The Deputy of St. Mary's proposition was rejected under Standing Orders because it was not considered to be of sufficient importance to the interest of the Island whereas this amendment is brought under the Public Finances (Jersey) Law, which was approved by the States at the time, to allow debates on the Business Plan and because of the nature of the way States Members lodged amendments, the Chief Minister will only get fairly short notice on various propositions and amendments that are brought to the Business Plan and, therefore, this particular part of the law allows him - particularly the Chief Minister - to bring, an amendment to a proposition to basically make it acceptable as withstanding. So it is not a case of the same criteria being applied differently to different Members, it is 2 different circumstances.

The Bailiff:

Yes, very well. Do you wish to reply Chief Minister?

Senator T.A. Le Sueur:

I am happy with the explanation that Deputy Le Fondré has given and I think now that Deputy De Sousa understands the situation I hope she will understand why I am bringing this and I maintain a proposition.

The Bailiff:

All those in favour of adopting the proposition kindly show. Those against. The proposition is adopted, so we will take the amendment of the Chief Minister and I think there has already been some indication that the amendment to the amendment will be accepted and then, Chief Minister, will you then be accepting the amendment?

Senator T.A. Le Sueur:

Yes, Sir, I will. [Laughter]

The Bailiff:

Just to help Members as to where we are going. Very well then.

The Deputy of St. Mary:

Can I raise a point of order? It is just that Deputy Higgins, sitting on my left, feels he cannot take part of this debate because he is conflicted. He is a grant receiving body, or something.

The Bailiff:

Very well. So he has declared an interest and left?

Senator P.F. Routier:

I would imagine there is quite a few of us who are involved with various voluntary organisations outside of the House which it might... we might be inquisitive, I think, if the number of people who do... I declare an interest but I do not consider that there is any need to leave the Assembly.

The Bailiff:

If Members are simply members of one or more charitable bodies which are now, under this, going to have to submit their accounts, I do not see that is a personal interest that requires Members to withdraw.

12.1 Senator S.C. Ferguson:

It is a bit like a line dance. This is, again, a simple proposition. The first part requires that the accounts of all bodies receiving grants from States departments should be published in the format of a report to the States. I have applied the *de minimis* limits which have been established as guidelines of the Comptroller and Auditor General in the Public Finances Law and the supporting Orders. As Members will have gathered, there have been one or 2 problems regarding this. Education makes grants to individuals and it is, obviously, not possible to require individuals to submit accounts and it will be totally inequitable and unreasonable to insist on this. Because of the way the Law and the Order are worded, we found that it would be possible that this amendment would inappropriately catch individuals, as I have said, and certain companies receiving grants and this was one of the reasons I agreed with the amendments. Social Security has an excellent record of publishing the accounts for the organisations for which they are responsible. At Economic Development, the Tourism Development Fund publishes an income and expenditure statement. It is buried at the end of its report but it is there and it is available on the website. I would expect, however, to see some accounting for Jersey Enterprise, and for many of the organisations which it supports, and I would also expect to see the accounts of many of the organisations supported by Health, Education, Home Affairs and so forth. We give out about £40 million a year in grants so I felt there should be more transparency regarding these. What I envisage is that the accounts be published as a report to the States, which means they will not be on expensive paper and there will not be vast printing costs. This would be a particular advantage to the smaller organisations who want to demonstrate their accountability and gain a wider public recognition but do not want to spend vast sums of money printing and circulating accounts. Those people that I have spoken with are enthusiastic as they can see the financial advantage. Under part 2, the detailed list of grants will be published as a list with the annual accounts of the States. This will just be the name and the grant, the amount of the grant and the purpose for which they received it. This complies with G.A.A.P. (Generally Accepted Accounting Principles). Where the beneficiary is an individual, the name will be anonymised. Items such as companies, agricultural loans which are subject to the various codes will be listed by amount but will be subject to the restrictions in the amendment and will be anonymised. I think it is essential that we should make the information more widely available to the taxpayer. By putting accounts in the formats of reports and tying the list to the annual accounts, we are making the details easily accessible to all members of the public and we will improve accountability and allow the taxpayer an overview of how his money is spent. Because it is the taxpayers' money and, as I have said before, it is a sum approaching £40 million which is real money in anybody's language. I ask Members to support the amendment and I make the proposition.

The Bailiff:

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

13. Draft Annual Business Plan 2010 (P.117/2009): fourth amendment (P.117/2009 (Amd. 4)) (paragraph 2) - amendment

The Bailiff:

Then as already indicated, there is an amendment to the amendment lodged by the Chief Minister so I will ask the Greffier to read that amendment.

The Greffier of the States:

(1) In paragraph 2 of the amending paragraph 1, after the words “total income of the organisation” add the words “except where to do so would breach confidentiality agreements, codes of practice or legislation such as data protection legislation.” (2) In paragraph 2 in the amending paragraph 2, after the words “with no *de minimis* level for listing” add the words “except where to do so would breach confidentiality agreements, codes of practice or legislation such as data protection legislation.”

13.1 Senator T.A. Le Sueur (The Chief Minister):

As Senator Ferguson has already indicated, this amendment is brought with her knowledge and blessing and it is really meant to improve the workability of the arrangements and, particularly, to facilitate arrangements with respect of very small operations and personal grants. The general principles of the Senator’s proposal are fully supported by myself and my Council of Ministers and we just believe this is an improved way of delivering the objective which she has clearly set out in her proposition and with which I have every support. I do not intend to go on at length. The comment is very straightforward but I would say it also does, I think, make life a little bit easier for some of the treasurers in some of these bodies, and if we can make their lives a little bit easier at a time when it is difficult to find people to do those sorts of jobs I am happy to do so provided it does not compromise the public’s right to knowledge of what is going on. So with those few words, I propose the amendment.

The Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment?

13.1.1 Deputy R.G. Le Hérisier:

I wonder if the Chief Minister could give us an absolute promise that in terms of protecting confidentiality, we are looking, essentially, at small bodies because, obviously, it is going to look very anomalous if large bodies who tend to receive large grants do not have this fact publicised.

13.1.2 Senator A. Breckon:

First of all I would like to declare a non-pecuniary interest in that I am chairman of the Jersey Consumer Council and it does receive a grant from Economic Development and, as such, we do account for that on a regular basis. It is not that I want to address at the moment. Last year I was asked to go along to a charitable organisation who were struggling a bit to raise funds and they are addressing some of the problems that we have in society with mental health and I would describe them as willing volunteers but certainly not accountants. But the work they were doing, it was hard to measure the effect but there were people who were having problems who were coming out of their own homes and engaging in various activities and they were doing that fairly cost-effectively. But I think, to be honest, they would be absolutely terrified of having to produce a report and accounts. They are a small organisation, probably survive on £10,000 or around the margin, but then they would seek somebody to support them to do this if they must do it. I do not even think they have a computer or access to one because that is not what they are about and it worries me if we are drilling down to this level ... it is all right accounting for everything, but what happens if this organisation said: “Well, this is beyond us. We need an accountant. We cannot pay somebody to audit stuff” and as the Chief Minister has just mentioned ...

The Bailiff:

Senator, I am sorry to interrupt but is this not more appropriate to the amendment of Senator Ferguson rather than the Chief Minister’s amendment which is merely to do with the confidentiality?

Senator A. Breckon:

Forgive me, sir. I thought it was as amended. I thought it had been accepted as amended.

The Bailiff:

No, unless it happened so quickly that I missed it. No, we are still on the Chief Minister’s amendment at the moment. Does any other Member wish to speak on the Chief Minister’s amendment? Do you wish to reply, Chief Minister?

13.1.3 Senator T.A. Le Sueur:

Only briefly. Certainly, the intention is primarily focused on these smaller bodies rather than the larger organisations to which the Deputy refers. On the other hand, if the code of practice or if the data protection legislation applies to a larger body, then I am afraid the legislation has to override any particular general principles we may have here. I do not know of any situation where large bodies would be caught by those constraints but if we had a body - I cannot think of at the moment and the Deputy may be able to think of one himself but I certainly cannot - which would have confidentiality legislation built into the terms of the grant and the States were aware of that confidentiality, then we would be contravening our existing decision and we could not allow that to happen. That I think is more of a hypothetical situation than the reality. So I take the Deputy’s point but I am reluctant to give promises which might break the law. If you would be prepared to accept a limited promise, I would be satisfied to give that undertaking and I maintain the amendment.

The Bailiff:

Would all those in favour of the amendment to the amendment kindly show. Those against. Do you wish for the appel? The appel is called for in relation to the amendment of the Chief Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 33		CONTRE: 3		ABSTAIN: 0
Senator T.A. Le Sueur		Senator A. Breckon		
Senator P.F. Routier		Deputy T.M. Pitman (H)		
Senator P.F.C. Ozouf		Deputy D. De Sousa (H)		
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				

Deputy I.J. Gorst (C)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

14. Draft Annual Business Plan 2010 (P.117/2009): fourth amendment (P.117/2009 (Amd. 4)) (paragraph 2) - as amended

The Bailiff:

Very well. Then we return to the debate upon Senator Ferguson's amendment as amended, Senator Breckon.

14.1 Senator A. Breckon:

I will not repeat what I said but, again, just to recap slightly, it is difficult already ... a number of organisations are really run by 4, 5, 6 people and if we put pressure on and hurdles and hoops and all sorts of reporting things, then it could well be a problem for those organisations that are, indeed, very small. What it is for them, it is a serious diversion from what they want to do. They are not accountants. They are not lawyers. What does all this stuff mean? Are we doing it right? Sometimes they produce their accounts by hand, really, that is what they do, receipts and stuff like that. They are not into modern practices and procedures. I am sure as Senator Ferguson is aware, that following the funding issue from the Battle of Flowers where it was questioned about the pound for pound funding and how that happened, there are now "tick boxes" for many organisations, quarterly reporting, funding on a quarterly basis, you have to have procedures for cheques, who sees them, how many days do you bank them. There is all sorts of red tape wrapped up in this lot so somebody - and I am not sure if Senator Ferguson had a look - should really have a look at what organisations have to do already. Now, it is okay for us. I have seen a report on the Health and Safety Executive 2008 whatever it may be or the Childcare Trust. There are people in those organisations that can do that but for many smaller ones that some of us might not even have heard of, then this is a difficult task, even, I would say, a daunting task and it is something they have a fear of and it could be that some organisations might well say: "Well, let us not get involved now if there is data protection and there is something else and we have to do this. Who do we get? Treasurer of the States? Hang on, you know, we just want to have our little club on a Tuesday afternoon or a Thursday night. We do not want to become involved with all this officialdom and red tape." And that is where we are. Now, I am not saying they should not account for it but, surely, if they are funded from Health or from Economic Development or Education, then to that department and to that Minister, if any of us want to get that information then I think we can ask for it and we can do it in a number of ways. But we can do it in a way that I do not think is hitting people over the head which I think this is. I think this is a step too far and it is drilling too far down because many people who are involved with these organisations do not want this level of officialdom. For example, they might be raising money from raffles or car boot sales or something like that and then some of this stuff is cash, somebody has it and banked it. What sort of process and procedures are going to have to be put in place to drill down to do all this and I would suggest for those people, this could become a nightmare that they do not want and we have a very real danger, I believe, of having people who are doing this good work, they will just walk away. I think that could happen. I do know some of the people involved and they are sincere in what they are doing but they are not accountants, they are not going to produce balance sheets and produce this in 4 or 5 different ways. There are packages available that go on to computers that you can do all this but then who is going to spend the time doing that if they are a small organisation? Again, it is a problem getting - as the Chief Minister touched on - the volunteers. So I, having said that, will not

be supporting this because I think it is a step too far. Yes, we need to have accountability but I am really worried about drilling down this far and getting people who are doing the good work walking away and saying: "Well, this is officialdom. It has really gone mad."

14.2 Deputy D.J. De Sousa:

I have to say that Senator Breckon has raised a very good point here. There are an awful lot of small organisations that would be adversely affected by this amendment. If Senator Ferguson were to maybe slightly change the wording, that is, that the department that provides the revenue would do the accounting, maybe I could change my mind but the worry is that a lot of small organisations, if this amendment is passed, will just stop because they will be overrun with red tape and bureaucracy. A lot of them are volunteers that give up their time and do a really valuable job and this is why I will not be backing this amendment.

14.3 Senator J.L. Perchard:

Briefly, I think before the States gets carried away with the sentiment and the well expressed sentiment of Senator Breckon and Deputy De Sousa, I think one should put this in perspective. The proposition is quite clear. It asks for a set of accounts for organisations in receipt of over £5,000 per annum from the States: not audited accounts, a set of accounts that we all do even on a domestic level, profit and loss and simple accounts which if individuals or groups are in receipt of taxpayers' money, I think we must expect that. I go further. I think we must know what we are getting for the money. You cannot just give a grant of in excess of £5,000 to a well-intentioned group without having some sort of service level agreement. We have to know what we are buying for the money. This is a first step and I think it is a step that will help those charities and organisations that are doing good out there that the States wants to support. It will help them focus on really what they are trying to deliver, what they are trying to achieve, and I think it would be very prudent particularly, as the newest member of P.A.C. (Public Accounts Committee) if I did not support this and I will be supporting it wholeheartedly.

14.4 Deputy R.G. Le Hérissier:

I have had some of the ground taken from under me by Senator Perchard who has put it very well. I had a slight conversion on the road to Damascus and St. Brelade. When I was involved in the Charities Law and, as we know, when people like Deputy Gorst are still involved, there was a mighty battle then which was, in a sense, based around the issues that Senator Breckon has brought. Now, we lost in a sense that battle because it was acknowledged that there were going to be requirements placed upon the charities and, of course, a lot of those requirements are about the very thing Senator Perchard is mentioning; budgets and so forth. Having, in a sense, made the concession at that point, but tried to make it in a way which is acceptable to the charities so they do not meet the very obstacles that Senator Breckon has mentioned, and there was a good fight put up and I think we did manage to achieve some fairly good compromises in that regard. I am like Senator Perchard, I think this is public money. We have to see where it is going and it would seem very strange that a voluntary body does not produce for its own members and its own clients its own set of accounts. It would seem enormously strange that they pocket £5,000 plus and there is some kind of vague answerability for it which is subsumed by the fact that they are doing good works and, therefore, they will not be subject to detail. I think most of them accept they have to do it and a lot will depend upon us not to provide the heavy hand of bureaucracy. I would hope there would be some kind of perhaps *pro forma* which they could submit, for example, so that they were not compelled ... people often, as accountants, to somehow engineer a set of accounts but it would be very, very strange if that set of accounts did not already exist. Very strange indeed. So to that extent, I do support it but I hope in the way that the Charities Law hopefully will be implemented, there will be a light touch, particularly with the smaller bodies because I think everybody expects at this stage that it is the larger bodies who are going to be subject at this point to the greater scrutiny because there are some massive grants being given. One of the issues I will be very interested in,

when culture was raised, for example, I know that the sports side have a very good grants system going. There is a very good system of grants to the sports side and I would like to see how that is balanced out, other than the grants for building, so to speak, how that is balanced out to the cultural side who I know have from time to time told me they would like to emulate the sports grants side, for example, and it would be very good to get that material out. The other thing is, I wonder if the Senator could tell us ... I was staggered it was £40 million. I know there are some very big players there, like Family Nursing and the Battle of Britain and so forth and the sports clubs. I wonder if she could tell us how this £40 million is, broadly speaking, distributed because it does look an incredibly large sum.

14.5 Deputy I.J. Gorst:

I am pleased to follow Deputy Le Hérissier and Senator Perchard. I do not altogether share the concern of Senator Breckon. I understand the issues that he is trying to raise. However, as the other 2 speakers have said, I believe that even in the instance of the charitable organisations that Senator Breckon paid a visit to, I am sure there is some handwritten records of accounts. So it might surprise Members if I say that unfortunately from my perspective it does not always require an accountant to prepare a set of accounts and those individuals I have no doubt will be keeping records quite simply of the ins and outs and any assets that they have. I suspect that the departments, if they are issuing grants to that level, might even already help them with simple, basic accounting. I believe that probably finance functions within departments would lend a willing hand to help any small organisations that are receiving grants from that particular department if they were struggling with their accounting function, even along the lines of producing a *pro forma* as Deputy Le Hérissier has said. It is important that these organisations continue to have confidence and instil confidence and one of the ways in which they can do that is by preparing accounts not only for the States who might be offering grants to them but also for external donors so that they know where the money is going, and it is being used for the purpose that they are requesting it for in the first instance. As we have seen in the international arena, accountability and proper accounting is rising up the agenda. So it is in the third sector and in the charitable sectors and that is only appropriate providing of course that it is appropriate to the size of organisations. But I believe that is at the heart of what Senator Ferguson is proposing here and I hope that she will just touch on this as she sums up to say that: “Yes, very basic accounts would be acceptable.” Her amendment says “accounts” not necessarily U.K. G.A.A.P. accounts but simple ins and outs.

14.6 The Connétable of St. Saviour:

Very briefly, as a Parish we do give some charitable grants and it is Parish money and, therefore, we require to see accounts. We have not had a problem with this. I think we are probably making more of this than is necessary. If there is some small organisation that requires help, yes, it should be given but I do not think that is going to be a common occurrence. This is States money and I think we should deal with it in the same way as we look after our Parish funds.

14.7 Deputy A.E. Pryke of Trinity:

I just really want to endorse what the other Members have said and I shall be brief but just a couple of points. Before I became Minister for Health and Social Services I was chairman of quite a few charitable organisations and I felt it was not only as being chair, it was my responsibility then to make sure that any grant that I received, whether it was from Health or Education, was properly audited and the accounts showed the ins and outs as well. Being now on the other foot, I think it is even more important. It has been said this is public money and I would like to think that all the charitable organisations do a good job and we should thank them for that and, yes, if any charitable organisation who have funds from Health and Social Services, if they do have a problem with the accounts I know my officers would be very supportive with helping them. I know of no organisation that does at this point. We do have service level agreements with quite a lot of

organisations and every support. But also, if they do produce accounts, it also can add weight to them needing more funds in the future. So that is very much of a plus point there, too.

14.8 Connétable J.L.S. Gallichan of Trinity:

Yes, the Connétable of St. Saviour has stolen my thunder but I would say that as a Parish authority we do not give the amounts to charity as the States do but even then we would not give to any charity unless we had received a set of their accounts. We are not over the top on this. Basically, there are some charities that have quite a lot of funds and you say: “Well, we could help other charities by having a set of accounts” but if we do not have accounts, how on earth can we decide where it should go?

14.9 The Deputy of St. Ouen:

Just very briefly, I would like Senator Ferguson in her summing up please just to elaborate a little bit on the second part of Objective 7 with the amended proposals because, basically, I have one major concern. My department, as has been mentioned already, provides a certain sum of money to sports associations, youth clubs, culture organisations and individuals, and I am not particularly concerned about those sums over £5,000. I am more concerned about the many, many, many groups and individuals who receive sums of £500 to perhaps £1,500 at this level. I am struggling to understand what is required or what will be covered by part 2 when it seeks to introduce a full list of grants and who might that cover. The total amount that we currently provide for sporting associations through the Sports Council is just over £200,000 but this is spread very, very, very thinly across the wide range of organisations. I just wonder is that felt necessary to identify all of those different individuals or groups or is it sufficient to just describe the whole amount?

14.10 Senator P.F.C. Ozouf:

I do not want to at all disagree with any of the Connétables but I would respectfully submit this is slightly different. This is not simply about seeing the accounts. The amendment that is before the Assembly is about publishing the accounts in the public domain. I am not saying that that is something to not support Senator Ferguson on, I just think we need to be absolutely clear that it is different. I am very surprised to hear some of the opponents to this. Some of the Members of this Assembly who I have heard on previous debates have been the models of freedom of information, which require absolute transparency in terms of Government decision making. So I think they should search their consciences and reconcile their apparent opposition to what Senator Ferguson is suggesting, which I support, with their views on freedom of information. Just as we are trying to improve financial management in the States, so must we improve the financial management, I am afraid, of some of the organisations that are in receipt of grants. I think people will be surprised about the extent to which grants are given but it is right that this is done entirely transparently. I accept that there is going to be a burden. This is not going to be a burden for the Treasury. This is going to be a burden for the departments that are going to have to deal with that. But just as they are handing out those resources to individual grant funded bodies, so they are going to have to assist them with accounts. I do not think it should be complicated. I do think this is a step forward in terms of transparency.

14.11 Senator B.E. Shenton:

Back in 2006, the C.A.G. (Comptroller and Auditor General) produced a report on the Battle of Flowers failings with the awarding of a grant. There are 2 criteria when a grant is awarded because this is taxpayers’ money. You would need a formal specification of the purpose of the grant and also you would need to provide proof that the grant was spent where it was deemed to have been spent. It is of some concern, therefore, as chairman of P.A.C., that there are organisations that cannot prove, by the sound of things, that the money was spent where it should have been spent. This topic is on the radar of the P.A.C. and we will be picking different grant holders at random to check that the procedures have been followed and the grant has been spent where it should have

been spent. So I would just put a plea out to any organisations where their records are not very good for whatever reason, that their records do have to be quite good. You do have to prove that the money is spent on the item that you received the grant for. This is taxpayers' money and you have to make sure your records are in order and it is of great concern that Senator Breckon has made the speech he has.

14.12 Deputy A.T. Dupre:

I just wonder if the proposer would be able to tell us, are we going to have to list every student who receives a grant from Education?

14.13 The Deputy of St. Mary:

I want to make a few points just very briefly. I totally agree with the importance of transparency and several people have mentioned that and Deputy Gorst explained the reasons; confidence on behalf of the public in a charity and confidence, of course, in the States as a grant-giving body, but I do just want to underline the importance of the charitable sector and I think it is very important that we send out that message also. I will be referring to that later on when we come to debate the main paragraph (a). It would, indeed, be sad if there was any negative impact on charities, as Senator Breckon mentioned, as a result of this move. I, personally, am not sure there would be but I think it is really, really important that there is not a negative impact because of the importance of the charitable sector to life in the Island and, indeed, beyond. The charities exist to do a job. They do not exist to create accounts and I would like an assurance from the Chief Minister ... I am not sure, I missed what the Minister for Treasury and Resources said. Maybe the assurance was there already but I would like an assurance from the Chief Minister that departments, particularly - obviously - grant-giving departments will give assistance when asked in this matter because bookkeeping is easy for those who know but utterly opaque to those who do not. So I just want that assurance that this will not negatively impact on the charitable sectors and that they will be given the help that they need to get on with what they are trying to do.

14.14 Senator T.A. Le Sueur:

All departments are anxious to engage the services of the voluntary sector to deliver their objectives and within reason they will assist those organisations in any way they can. But there is no substitute, I think, for the organisations having proper record keeping and being responsible for their own affairs. So I hope that reassures the Deputy of the willingness of the departments to assist in these matters.

The Greffier of the States (in the Chair):

I call upon Senator Ferguson to reply.

14.15 Senator S.C. Ferguson:

Before I start I would reassure Deputy Le Hérissier that Treasury and Resources would be happy to supply the Deputy with a broad breakdown of where the £40 million is allocated. I think the main comments were really with regard to placing an undue burden on individuals. Well, individuals are not going to be covered, and on small charities. I think you need to take a step back. If you are registered as a charity, that is because you want the privileges of a charitable position and the privilege of being in a charitable position is that you do not pay tax. So you have to bear that in mind, I think. For instance in the United Kingdom, anyone who registers as a charity is required to prepare some form of accounts and I am not sure that the small charities over here do not have to prepare a simple "where got/where gone," a simple income and expenditure statement for the Comptroller of Income Tax just so that he knows that everything is above board. But one of the reasons I put the *de minimis* limits in my proposition was to protect the very small charities. You do not need expensive audited accounts. We have already had assurances that the departments will help. It was suggested that a simple *pro forma* for small charities could be produced. All accountancy firms do a certain amount of small charity accounts *pro bono*, or you can find yourself

a retired accountant. They are all out there. There are means of doing it without spending money, but I think the main thing is that there are *de minimis* limits and just a simple “where got/where gone” statement will do for a small organisation. Deputy Breckon mentioned checklists but those are for departmental controls and it may be that the Public Accounts Committee may want to look at the efficacy of these. Getting the information at the moment is so fragmented. I was surprised at the total we were talking about. I would have been able to reconcile easily £20-£26 million but when it went up to nearly £40 million I was a little taken aback. I will just answer the points that were made. I have answered Deputy Le Hérisier. Deputy Gorst asked if I would answer his question. I am terribly sorry, I missed his question.

Deputy I.J. Gorst:

I believe that the Senator has already answered her question. Request is complete.

Senator S.C. Ferguson:

As far as the Deputy of St. Ouen goes, I would expect for the very small amounts there to be some form of abrogation and most definitely individuals will not be included but under G.A.A.P, departments must publish a list of grants. I thank everybody else who has spoken. I agree with Deputy of St. Mary’s comments on the charitable sector but I would reiterate that if you want the benefit of tax free income you must account for expenditure but I think everybody is going to help with the smaller charities. I thank everybody who has spoken and ask for the appel.

The Greffier of the States (in the Chair):

The appel is called for.

The Connétable of St. Mary:

I wonder if I might just ask ... I know we were talking about charities then, it seemed to me ... I know my hearing may be going but I thought I heard a mobile phone from that area of the Chambers and I wondered if, as we were talking about charities, somebody might like to own up and cough up.

The Greffier of the States (in the Chair):

I think it may have come from higher up than the Members’ seats. Shall we welcome the interest shown by young people in our proceedings? [**Approbation**] Very well, the vote is for or against the Fourth Amendment, as amended by the amendment of Chief Minister. The Greffier will open the voting.

POUR: 44		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Senator A. Breckon		
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				

Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Greffier of the States (in the Chair):

I wonder if Members would find this a convenient time to adjourn? If I can just draw Members' attention to a number of matters that have been circulated. The Minister for Treasury and Resources has lodged the Draft Currency Notes (Variation and Maximum Amounts of Issue) (Jersey) Regulations - P.152. There was an amendment in the name of the Minister for Transport and Technical Services to the proposition of Deputy Le Claire relating to wheel clamping; and there are comments which have been circulated from the Economic Affairs Scrutiny Panel relating to the Business Plan together with 2 reports. The report the Minister for Treasury and Resources referred to yesterday on H1N1 influenza pandemic funding - that has formally been presented to the Assembly - R105; and R106, States of Jersey Law: Delegation of Functions - the Assistant Minister, presented by the Minister for Transport and Technical Services. The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT