

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 20th OCTOBER 2009

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

QUESTIONS

1. Written Questions

1.1 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE AVERAGE WAGE IN THE ISLAND:

Question

Would the Chief Minister provide figures in relation to the average pay in the Island for those in the following wage bands –

Average pay for those earning £0 - £80,000

Average pay for those earning £80,000.01 and above

Answer

As at June 2009, it is estimated that:

- the median average earned income for individuals earning less than £80,000 per annum was approximately £30,000 per annum on a full-time equivalent basis;
- the median average earned income for individuals earning more than £80,000 per annum was about £100,000 per annum on a full-time equivalent basis.

1.2 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TOTAL TAX TAKE IN JERSEY:

Question

Will the Minister provide a detailed breakdown of the total tax take in Jersey, showing the amounts paid by the various sectors of taxpayers, including businesses and those paying under '20 means 20'?

Answer

£ million

Trading companies	119
Investment companies	34
International business companies	67
Individuals in employment (marginal rate)	66
Individuals in employment (standard 20% rate)	136
Sole traders / trading partnerships (marginal rate)	4
Sole traders / trading partnerships (standard 20% rate)	23
Investment holders / pensioners (marginal rate)	9

Investment holders / pensioners (standard 20% rate) 22

Total tax collected to date for 2007 year of assessment 480

1.3 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE TOTAL AMOUNT PAID IN INCOME SUPPORT FOR THE LAST 12 MONTHS:

Question

Would the Minister advise the Assembly of the total amount paid in Income Support for the last 12 months, and indicate how much has been paid in relation to additional benefits such as cold weather payments and GST offset?

Answer

For the purpose of my response I have taken the 12 month period to 30th September 2009.

For this period, £82,170,000 has been expended against Income Support. This total includes residential care and transition benefits. The total also includes £379,000 for cold weather payments.

GST Bonus is a separate benefit not included within Income Support and £350,000 has been expended in the same 12 month period.

1.4 DEPUTY T.A. VALLOIS OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING A DETAILED BREAKDOWN OF THE FUNDS ALLOCATED TO EACH AREA OF HEALTH AND SOCIAL SERVICES FOR THE YEAR 2009:

Question

Could the Minister provide a detailed breakdown of the funds allocated to each area of Health and Social Services for the year 2009 and advise the current position of each of these areas in respect of :-

- (a) the amount the area is underfunded.
- (b) the amount of Manpower actually required to undertake jobs in the departments (meaning the amount of people needed to provide a standard level of service which does not impinge on employees' lives and wellbeing).
- (c) the amount of Manpower currently available in departments.

Answer

The funds allocated to each area of Health and Social Services are shown in Appendix I.

It is difficult to respond in detail to the question without a comprehensive analysis of existing services and cost pressures. For this reason, the Minister welcomes the proposed Comprehensive

Spending Review (CSR) which should serve to answer section (a) and also section (b) in part. In relation to section (c) the manpower allocation is shown in Appendix II.

Whilst the proposed CSR may identify areas requiring investment across the service, it is already evident that nursing requires urgent investment. This has been identified through the Nurse Staffing Review, undertaken over a 2 year period and covering 35 in-patient areas.

It is anticipated that there will be a phased programme of investment over the next 3 years. The total cost of this will be £3.2m and £1.8m has been identified for phase one of the programme which will begin in January 2010. Further work needs to be undertaken in some specialised areas and similar pieces of work are planned to enable a full understating of staffing requirements for other professional groups.

As of the beginning of October 2009, there were approximately 120 FTE vacant posts from a total workforce of 2437.

Appendix I

Net Expenditure - Service Analysis				
2008 Estimate		2009 Gross Revenue Expenditure	2009 Income	2009 Net Revenue Expenditure
£		£	£	£
	<u>Public Health Services</u>			
893,700	Public Health Medicine	694,727	(3,041)	691,686
1,020,900	Clinical Public Health Services	969,208	(97,102)	872,106
1,206,000	Health Protection	1,323,951	(179,526)	1,144,424
1,194,300	Health Improvement	1,191,682	(22,531)	1,169,152
	<u>Medical Services</u>			
6,868,100	Medical Specialties	9,719,233	(690,100)	9,029,132
2,716,900	Paediatrics	3,642,458	(174,840)	3,467,619
1,594,300	Renal Services	1,602,975	(77,708)	1,525,267
1,511,600	Outpatient Services	1,672,143	(72,085)	1,600,058
7,188,500	Medical Wards	7,996,081	(815,119)	7,180,962
3,319,100	Accident and Emergency	3,481,720	(459,916)	3,021,804
4,085,600	Assessment and Rehabilitation for Older People	3,424,824	(195,747)	3,229,077
11,885,200	Continuing Care for Older	16,749,242	(3,951,044)	12,798,198

	People			
7,926,100	Pathology	8,759,560	(355,070)	8,404,490
1,940,200	Pharmacy	2,173,654	(167,028)	2,006,625
4,041,200	Therapy Services	4,498,411	(86,590)	4,411,821
	<u>Surgical Services</u>			
14,597,800	Surgical Specialties	17,279,325	(299,072)	16,980,253
5,454,900	Obstetrics and Gynaecology	6,780,240	(337,648)	6,442,592
7,592,900	Theatres	8,783,491	(1,653,745)	7,129,746
10,821,800	Surgical Wards	10,114,519	(1,234,443)	8,880,075
432,700	Private Patients Wards	2,500,843	(2,007,178)	493,665
3,334,600	Physiotherapy	3,548,368	(164,241)	3,384,127
3,247,000	Radiology and Diagnostic Imaging	4,612,624	(1,574,183)	3,038,441
	<u>Mental Health Services</u>			
1,330,300	Alcohol and Drugs Service	1,593,209	(392,651)	1,200,558
9,106,700	Adult Mental Health Service	10,587,788	(365,209)	10,222,579
927,400	Child and Adolescent Mental Health Services	956,095	(13,922)	942,173
6,417,700	Elderly Mental Illness Services	7,163,354	(1,144,183)	6,019,172
	<u>Social Services</u>			
8,454,300	Children's Services	9,111,636	(213,682)	8,897,954
3,943,600	Adult Social Services	4,108,009	(83,077)	4,024,932
9,649,000	Special Needs Services	10,360,679	(291,145)	10,069,534
	<u>Ambulance Services</u>			
4,451,900	Ambulance	4,635,940	(52,316)	4,583,624
747,200	Patient Transport	749,939	(11,885)	738,053
£147,901,500	Net Revenue Expenditure	£170,785,928	(£17,186,028)	£153,599,900

Appendix II

Health and Social Services

Note - Corporate Departments, Management and Support Posts across H&SS includes Estates, Engineering, Maintenance and Hotel and Catering Services, etc., across all areas.

1.5 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE EXCLUSION OF THE MAGISTRATE DESIGNATE FROM COURT DUTIES:

Question

Given that the Magistrate Designate has been excluded from Court duties for a considerable time, could members be told of the costs involved in this exclusion and advised when, or if, the matter will be resolved to enable him to fulfil his role?

Answer

The additional costs incurred to date (covering the period from 1st July 2008 to 30th September 2009) as a result of the current exclusion of the Magistrate Designate from Court duties are £88,320.00.

I am unable to provide further information about an individual case at this time but can assure the Deputy that the matter is under active consideration. This is not an employment contract which is subject to the States Employment Board and the Employment (Jersey) Law, 2003.

1.6 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE INVOLVEMENT OF POLICE OFFICERS FROM OUTSIDE THE ISLAND IN A RECENT DRUGS CASE IN THE ROYAL COURT:

Question

During the recent drugs case in the Royal Court how many of the police officers involved were from outside forces involved in the protection of witnesses and other duties in the Island and who paid them to be here, where were they housed and at what cost to date?

Answer

It is not policy for the police to disclose details around operational policing requirements; however mutual aid arrangements were called upon to assist in the provision of additional firearms cover in support of local officers. At any one time eight officers were deployed from UK forces on a rotation basis.

The estimated cost to date is £96,000, including accommodation at local hotels, at £60 per officer per night, which has been charged to the Police budget.

There will be further security issues in respect of the forthcoming sentencing of the convicted men to take place in early December, and thereafter any potential appeal, which will have a financial impact which has not been included in the above estimate.

1.7 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE DEPLOYMENT OF U.K. POLICE OFFICERS IN THE

VICINITY OF THE STATES CHAMBER AND STATES MEMBERS' AREA DURING A RECENT DRUGS TRIAL IN THE ROYAL COURT:

Question

Why was it considered necessary to deploy UK police officers in the vicinity of the States Chamber and States members' area within the States building, rather than local police officers?

Answer

Staff were deployed in the States building on a rotational basis in pairs, based on operational requirements and each comprising a UK firearms officer and a States of Jersey Police firearms officer.

At no time was any UK officer alone in the States building.

1.8 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE NUMBER OF OFFICERS LEAVING THE STATES OF JERSEY POLICE BEFORE REACHING RETIREMENT AGE OVER THE LAST FIVE YEARS:

Question

Can the Minister inform the Assembly of the number of police officers who have left the States of Jersey Police before reaching retirement age over the last five years and would he submit a gender and age breakdown?

Answer

The earliest retirement age is 50 years. The second retirement age is 55 years, which may be extended annually by the Chief Officer.

Due to changes to computer systems in October 2007, it is not possible to readily access data prior to that date.

However, the figures for the two years from 1st October 2007 to 30th September 2009 are as follows:

A total of 15 Police Officers left the States of Jersey Police prior to their earliest retirement date. Of these there were 13 males and 2 females. The age breakdown is as follows:

Age	Male	Female
25-29	2	2
30-34	3	0
35-39	3	0
40-44	2	0
45-49	3	0

1.9 SENATOR J.L. PERCHARD OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE ALLOCATIONS MADE TO DATE FROM THE ECONOMIC STIMULUS PACKAGE:

Question

Will the Minister provide details of all the agreed allocations made to date from the Economic Stimulus Package?

Answer

All allocations from the Economic Stimulus Package are made by ministerial decision and are publicly available with their accompanying reports. To date the agreed allocations are:

Ministerial Decision Reference	Department	Projects	£
MD-TR-2009-0110	TTS	Design spend on projects in provisional programme	200,000
MD-TR-2009-0130	Treasury	Programme Management costs - estimate included in provisional programme	200,000
MD-TR-2009-0131	ESC	Up to 100 additional places at Highlands (first academic year), Careers Strengthening annual cost new adviser and first tranche training allocation, Advance to Work (Youth Training) annual cost staff including 3 mentors (sufficient for 45 participants) and IT set up	924,200
MD-TR-2009-0135	Social Security	Citizens Advice Bureau grant for debt counselling and mortgage arrears protocol	50,300
MD-TR-2009-0133	EDD	First tranche of funding for various initiatives to support businesses	500,000
MD-TR-2009-0141	EDD	States Apprenticeships Scheme	972,750
MD-TR-2009-0143	TTS	Promenade and Cycle Track	337,000
MD-TR-2009-0132	Social Security	Transitional relief from HIE to Income Support - extension of 100% support	1,440,000
MD-TR-2009-0142	Jersey Harbours	Design spend on St Aubins Pier project	70,000
MD-TR-2009-0153	TTS	Victoria Avenue Phase 2 - Fiscal Stimulus contribution to construction cost	1,143,452
MD-TR-2009-0154	TTS	Drainage and highways projects - pre-tender costs of design and professional fees	263,000
MD-TR-2009-0161	Housing	Planning spend for Housing Backlog Maintenance programme	133,200

Total of approved allocations to Departments – “Green Lights”	6,233,902
Provisional “amber light” approvals	40,575,985
TOTAL PROVISIONAL PROGRAMME	46,809,887

1.10 DEPUTY J.A. MARTIN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF A 2 PER CENT PAY AWARD ACROSS THE VARIOUS PUBLIC SECTOR GRADES:

Question

Would the Chief Minister provide a detailed breakdown of the impact of a 2% pay award across the various public sector grades?

Answer

Following the tabling of this question, it is understood that Deputy Martin confirmed to the States Greffe that she was only interested in the effect of an increase of 2.0% to the pay scales of Manual Workers and Civil Servants.

In accordance with this clarification of the Deputy’s question, the pay scales attached show the effect of an increase of 2% on the pay of:

- Manual Workers; and,
- Civil Servants.

The Deputy is asked to note that the pay of Manual Workers is shown as weekly pay and thus the increases shown as a result of a 2% increase are weekly increases, whilst the pay of Civil Servants is shown as an annual salary and thus the increases shown as a result of a 2% increase are annual increases.

STATES OF JERSEY - CIVIL SERVICE PAY

The table below shows the effect of a theoretical increase of 2.0% on basic rates of pay of Civil Servants

Pay Code Grade Current Rates Implementation of Annual

(with effect from 1/6/08) a theoretical increase of Increase

2.00%

CS01 00 0 1/0	£16,530	£16,861	£331
CS01 01 0 1/1	£17,097	£17,439	£342
CS01 02 0 1/2	£17,677	£18,031	£354
CS01 03 0 1/3	£18,280	£18,646	£366
CS02 00 0 2/0	£18,280	£18,646	£366
CS02 01 0 2/1	£18,440	£18,809	£369

CS02 02 0 2/2 £18,607 **£18,979** £372
CS02 03 0 2/3 £18,765 **£19,140** £375
CS03 00 0 3/0 £18,765 **£19,140** £375
CS03 01 0 3/1 £19,375 **£19,763** £388
CS03 02 0 3/2 £20,004 **£20,404** £400
CS03 03 0 3/3 £20,650 **£21,063** £413
CS04 00 0 4/0 £20,650 **£21,063** £413
CS04 01 0 4/1 £21,361 **£21,788** £427
CS04 02 0 4/2 £22,084 **£22,526** £442
CS04 03 0 4/3 £22,839 **£23,296** £457
CS05 00 0 5/0 £22,839 **£23,296** £457
CS05 01 0 5/1 £23,622 **£24,094** £472
CS05 02 0 5/2 £24,428 **£24,917** £489
CS05 03 0 5/3 £25,264 **£25,769** £505
CS06 00 0 6/0 £25,264 **£25,769** £505
CS06 01 0 6/1 £26,126 **£26,649** £523
CS06 02 0 6/2 £27,016 **£27,556** £540
CS06 03 0 6/3 £27,938 **£28,497** £559
CS07 00 0 7/0 £27,938 **£28,497** £559
CS07 01 0 7/1 £29,066 **£29,647** £581
CS07 02 0 7/2 £30,235 **£30,840** £605
CS07 03 0 7/3 £31,455 **£32,084** £629
CS08 00 0 8/0 £31,455 **£32,084** £629
CS08 01 0 8/1 £32,799 **£33,455** £656
CS08 02 0 8/2 £34,199 **£34,883** £684
CS08 03 0 8/3 £35,658 **£36,371** £713
CS09 00 0 9/0 £35,658 **£36,371** £713
CS09 01 0 9/1 £37,454 **£38,203** £749
CS09 02 0 9/2 £39,344 **£40,131** £787
CS09 03 0 9/3 £41,324 **£42,150** £826

MANUAL WORKERS' PAY

The table below shows the effect of a theoretical increase of 2.0% on basic rates of pay of

Manual Workers

Manual Worker Pay

Current **Implementation of Weekly**

MIMS PAY Weekly Rate **a theoretical increase Increase**

GRADE CODE w/e/f 01/06/08 **2.00%**

1/0 MW01 00 0 £374.73 **£382.22 £7.49**

1/1 MW01 01 0 £381.47 **£389.10 £7.63**

1/2 MW01 02 0 £388.16 **£395.92 £7.76**

1/3 MW01 03 0 £394.91 **£402.81 £7.90**

2/0 MW02 00 0 £394.91 **£402.81 £7.90**

2/1 MW02 01 0 £401.61 **£409.64 £8.03**

2/2 MW02 02 0 £408.33 **£416.50 £8.17**

2/3 MW02 03 0 £415.06 **£423.36 £8.30**

3/0 MW03 00 0 £415.06 **£423.36 £8.30**

3/1 MW03 01 0 £421.77 **£430.21 £8.44**

3/2 MW03 02 0 £428.49 **£437.06 £8.57**

3/3 MW03 03 0 £435.19 **£443.89 £8.70**

4/0 MW04 00 0 £436.91 **£445.65 £8.74**

4/1 MW04 01 0 £445.30 **£454.21 £8.91**

4/2 MW04 02 0 £453.71 **£462.78 £9.07**

4/3 MW04 03 0 £462.13 **£471.37 £9.24**

5/0 MW05 00 0 £462.13 **£471.37 £9.24**

5/1 MW05 01 0 £470.50 **£479.91 £9.41**

5/2 MW05 02 0 £480.61 **£490.22 £9.61**

5/3 MW05 03 0 £490.67 **£500.48 £9.81**

6/0 MW06 00 0 £500.76 **£510.78 £10.02**

6/1 MW06 01 0 £510.84 **£521.06 £10.22**

6/2 MW06 02 0 £520.92 **£531.34 £10.42**

6/3 MW06 03 0 £531.03 **£541.65 £10.62**

7/0 MW07 00 0 £531.03 **£541.65 £10.62**

7/1 MW07 01 0 £541.09 **£551.91 £10.82**

7/2 MW07 02 0 £552.84 **£563.90 £11.06**

7/3 MW07 03 0 £564.63 **£575.92 £11.29**

8/0 MW08 00 0 £552.84 **£563.90 £11.06**

8/1 MW08 01 0 £564.63 **£575.92 £11.29**

8/2 MW08 02 0 £576.36 **£587.89 £11.53**

8/3 MW08 03 0 £588.13 **£599.89 £11.76**

8/4 MW08 04 0 £599.89 **£611.89 £12.00**

8/5 (C/Hand) MW08 05 0 £611.65 **£623.88 £12.23**

8/6 (C/Hand)* MW08 06 0 £653.15 **£666.21 £13.06**

*with increased managerial responsibility

1.11 SENATOR J.L. PERCHARD OF THE CHIEF MINISTER REGARDING THE EXTENSION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD TO JERSEY:

Question

When does the Chief Minister expect that he will be in a position to formally request the U.K. to extend their ratification of the United Nations Convention on the Rights of the Child to Jersey?

Answer

It is impossible to give a precise answer to this question.

Before Jersey requests the ratification of any international convention or such an agreement is extended, a thorough analysis is carried out into the legislative, policy and resource requirements to determine whether Jersey is compliant with the international obligations and what changes may be required to achieve compliance.

This is essential to ensure that, if the convention was extended, the United Kingdom Government would not be held to be in default of its international obligations on behalf of Jersey.

The United Nations Convention on the Rights of the Child requires cross-departmental implementation, and a detailed matrix of the convention obligations and compliance is currently being undertaken by the Education, Sport and Culture; Health and Social Services; Home Affairs; Probation and Law Officers Departments.

There is a considerable amount of work still to be carried out but, on the basis of the initial analysis so far, it appears that there may be a need to introduce new primary and subordinate legislation, to review certain policies and to make provision for some significant additional resource commitments. Some of this is currently in progress, but the timetable for all the changes is not yet certain.

1.12 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE COST OF THE U.K.'S CENTRAL OFFICE FOR INFORMATION'S PRESS LIAISON SERVICES DURING A RECENT DRUGS CASE IN THE ROYAL COURT:

Question

How much has it cost to date for the U.K.'s Central Office for Information (COI) to provide press liaison services to the media in respect of the recent drugs case in the Royal Court?

Will the Minister provide full details of all sums paid to the COI for the provision of such services from 1st January 2008 to date, including the costs apportioned for the historic child abuse trials?

Will the Minister explain why press liaison services are being provided by a UK agency for the current trial when the States of Jersey Police employs a full time press liaison officer? Can the Minister advise whether the States police press officer is precluded from or unable to provide the service to the media in the current trial?

Will the Minister provide a full breakdown of all press liaison costs for the current trial when it is concluded?

Answer

The Home Affairs Minister/Department and the States of Jersey Police have not employed the services of the UK's Central Office for Information. The Minister believes that the Court system has done so, but the Minister is not responsible for the Court system, and so it is not appropriate for him to answer on their behalf.

1.13 SENATOR B.E. SHENTON OF H.M. ATTORNEY GENERAL REGARDING AN ESTIMATE OF THE TOTAL PROSECUTION COSTS IN RESPECT OF THE RECENT CONVICTION OF CURTIS WARREN AND ASSOCIATES:

Question

Can the Attorney General give an estimate of the total prosecution costs in respect of the recent conviction of Curtis Warren and associates?

Can the Attorney General advise whether the defendants paid for their own defence costs or whether these costs were covered under the legal aid system?

Given that the legal aid system is normally financed by local law firms, can the Attorney General advise whether the taxpayer contributed to the defence costs in this case, and if so, give an estimate of the sums spent and, also advise under what criteria legal aid was authorised given the indicated substantial wealth of one of the defendants?

Answer

The external prosecution costs have been £1,002,500 over the period 2007 to date.

My understanding is that the six defendants applied for and were granted legal aid. The defence costs were borne in part by the lawyers personally in the sense that they gave of their time either at no cost or at a lower than market rate and in part by the legal aid vote administered through the Judicial Greffier. The total defence costs to date charged to the legal aid vote were, I believe, in the sum of approximately £1,200,000.

I have asked the Judicial Greffier for the details to enable me to provide members with the facts, and have been advised as follows:

“LEGAL AID SCHEME

1. The Legal Aid Scheme in Jersey is administered by the Bâtonnier, the head of the local Bar, and most duties under the scheme are delegated to the Acting Bâtonnier. The Legal Aid Scheme is not statutory and has developed out of the obligations placed upon the legal profession, who are bound by their oath, to represent “*veuves, pauvres, orphelins et personnes indefendues.*” The scope of the scheme has over the years extended well beyond the obligation to represent “widows, the poor, orphans and the undefended”.
2. The system is now set out in the 2005 Legal Aid Guidelines of the Law Society of Jersey, containing detailed rules as to the availability of legal aid, the financial criteria for the granting of legal aid and the general administration of the Legal Aid Scheme.
3. The discretion as to whether to grant a legal aid certificate rests exclusively with the Bâtonnier (in practice, by delegation, the Acting Bâtonnier).

STATUTORY PROVISIONS

4. Under the provisions of the Costs in Criminal Cases (Jersey) Law 1961 the costs of a defendant for whom a lawyer has been appointed under the Legal Aid Scheme are paid from public funds where the defendant is acquitted. Payment is also made from public funds for a legally-aided defendant in connection with an appeal from the Magistrate’s Court to the Royal Court and an appeal from the Royal Court to the Court of Appeal under the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949 and 1961 Law respectively, irrespective of the outcome of the appeal.
5. In the case of payment in relation to appeals an hourly rate specified by the Court is applied, these currently equate to hourly rates of £141 (£137) for an advocate who is salaried to £175 (£169) for an advocate who is a partner. (The figures in brackets represent the hourly rate in force between 1st June 2008 and 31st May 2009.)

The costs of an acquitted legally-aided defendant are not limited to the contribution (if any) that the defendant would be expected to pay his or her lawyer under the Legal Aid Scheme administered by the Bâtonnier.

LEGAL AID VOTE

6. The Legal Aid Vote is the fund administered by the Judicial Greffe from which necessary disbursements incurred by lawyers acting under the Legal Aid Scheme are paid. In a limited number of exceptional cases (of which there have been approximately 12 in the past 10 to 15 years) lawyers’ fees in respect of particularly onerous legal aid cases are also paid from this fund. The basis of payment has changed over the years but nowadays payment is generally made (a) only after lawyers have completed at least 60 hours unpaid work, (b) at the legal aid rate fixed by the Court in connection with Legal Aid Appeals in criminal cases and (c) is subject to an informal taxation (or assessment).

The Legal Aid Vote also bears the costs of Court appointed *amicus curiae*. The hourly rates paid to a court appointed *amicus* are negotiated on a case-by-case basis but generally range from the external Crown Advocates’ rate (£267) to a discounted commercial rate.

THE PRESENT CASE

The Deputy Judicial Greffier was satisfied this was a serious case which raised complex legal and other issues and would necessarily involve exceptional demands on the time of the lawyers appointed by the Bâtonnier under the Legal Aid Scheme. In short, the case would represent an unduly onerous legal aid burden for the appointed lawyers.

The Deputy Judicial Greffier entered into correspondence with the advocate appointed to act for the defendant Warren and obtained an affidavit from the defendant testifying that all his assets had been frozen in the United Kingdom by the English authorities pursuant to a request made by the Dutch authorities.

The Deputy Judicial Greffier also took into consideration potential human rights implications and other policy considerations including the likelihood of the Court appointing an *amicus* in the event that a defendant was not represented.

During the course of the pre-trial applications and appeals new lawyers were appointed by the Bâtonnier to certain defendants.

The total payments to eight lawyers who have acted for the six defendants, and to the lawyer appointed by the Royal Court and the Court of Appeal as *amicus curiae* when the defendant Warren was without legal representation, amount to approximately £1.2m. In this particular case the lawyers also agreed to limit the basis on which costs would be claimed should the defendants be acquitted and the lawyers awarded costs under the 1961 Law.

The figure includes all disbursements claimed in relation to foreign law advice and expert opinion required by the legal aid lawyers.

The Deputy Judicial Greffier welcomes the fact that there is Ministerial discussion with the Law Society in connection with potential reforms of the Legal Aid Scheme.”

I add to this that the Island is bound in law to ensure that accused persons have a fair trial. In appropriate cases, this means ensuring that legal representation – not, as is sometimes said, legal representation of the accused’s choice – is available to the accused. At the same time, the position must be fair to the counsel involved, and the present scheme is intended to tread a path through these principles.

It should also be said that defence counsel have to be and be seen to be independent in their defence of the accused. One should expect them therefore to take all points which professionally ought to be taken. It is known that there are issues to be discussed with the profession, and like the Deputy Judicial Greffier, I welcome the fact that there is Ministerial discussion with the Law Society on this matter.

1.14 SENATOR B.E. SHENTON OF THE MINISTER FOR HOME AFFAIRS REGARDING AN ESTIMATE FOR THE TOTAL COST TO HIS DEPARTMENT IN RESPECT OF THE SURVEILLANCE, ARREST AND CONVICTION OF CURTIS WARREN AND ASSOCIATES:

Question

Can the Minister give an estimate for the total cost to his Department in respect of the surveillance, arrest, and conviction of Curtis Warren and associates?

Answer

Since the commencement of the Police operation in 2007 the estimated cost to date to the Home Affairs Department for the surveillance, arrest, security and subsequent conviction of Curtis Warren and associates amounts to £964,500.

There remain ongoing security matters in respect of the forthcoming sentencing of the convicted men to take place in early December, and thereafter any potential appeal, which will have a financial impact which has not been included in the above estimate. It is not policy for the police to disclose details around operational policing requirements.

1.15 SENATOR B.E. SHENTON OF THE CHIEF MINISTER REGARDING THE WATERFRONT ENTERPRISE BOARD'S OWNERSHIP OF THE WATERFRONT CAR PARK:

Question

Given that P.40/1997 was passed on the condition that the Waterfront car park and associated revenue would be passed back to the States on completion, can the Chief Minister explain under what authority the Waterfront Enterprise Board retained ownership, under what authority the persons that took this decision acted, and what the total gross revenue of the car park has been to date?

Answer

Attached to P.40/1997 is the Financial Administrative Agreement between the Finance and Economics Committee of the States of Jersey and the Waterfront Enterprise Board Limited which states:-

“Upon completion of the Waterfront development, WEB will return the assets to the States of Jersey. This return of assets will be deemed to represent an “in specie” payment to the States to cancel its share investment in WEB”.

This agreement was subsequently varied by P.45/2002 which agreed:-

“that the Waterfront Enterprise Board Limited should be permitted to retain any capital receipts from the sale, leasing or sub-leasing of any of the areas of land for the purpose of funding further infrastructure work in order to complete the St. Helier Waterfront development as agreed with the Planning and Environment Committee, and, thereafter to allocate any surplus receipts to the sinking fund established by the Finance and Economics Committee to meet the cost of the company's share capital.”

Under P.45/2002 the States approved the sale of various freehold and long (150 years) leasehold sites to WEB for nominal sums. The approval of this proposition resulted in the Waterfront car park being transferred to WEB on a long (150 year) lease.

Set out below is the car park income for the period 2000 to 2008. The car park cannot be taken in isolation as there are running costs associated with the Waterfront estate (including the public open space and public gardens above the Waterfront car park) and these costs are also detailed below together with the net profit/loss:-

	2000	2001	2002	2003	2004	2005	2006	2007	2008
	£	£	£	£	£	£	£	£	£
Car Park income	59,557	196,497	239,184	94,556	178,074	268,414	295,741	337,804	497,674
Estate costs	(274,682)	(323,146)	(400,340)	(403,243)	(550,109)	(568,693)	(440,109)	(457,905)	(439,764)
Profit/(loss)	(215,125)	(126,649)	(201,156)	(308,687)	(372,035)	(300,279)	(144,368)	(120,101)	57,910

Cumulatively therefore, WEB has received £2.168million in revenue from the Waterfront car park. Against this WEB has spent £3.858million in maintaining the waterfront estate which includes Les Jardins de la Mer park, the Steam Clock & gardens, Waterfront car park gardens, promenades, waterfront road network, waterfront street lighting and landscaping on La Route de Port Elizabeth so the company's net position is a loss of £1.69million.

WEB will continue to maintain these assets until the Waterfront development is complete. The majority of these assets are not revenue generating and carry an annual maintenance liability. These ongoing annual maintenance costs have been assisted by Waterfront car park revenues which WEB could have not otherwise funded.

On completion of the West of Albert developments, the Waterfront roads, promenades, parks and landscaping will be transferred to either the Public or the Parish and the Waterfront car park will be returned to the States of Jersey.

1.16 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING FOREIGN REGISTERED VEHICLES IN THE ISLAND:

Question

Given the number of foreign registered vehicles on our roads, what measures, if any, would the Minister consider implementing to strengthen the Motor Vehicle International Circulation (Jersey) Law 1953 to ensure that all persons working in Jersey and businesses operating in the Island have Jersey registered vehicles?

Answer

The relevant legislation is in place to meet the requirements of International Conventions, in particular, the United Nations Convention on Road Traffic agreed in Geneva, in 1949. Article 1 of the Convention states:-

"1. While reserving its jurisdiction over the use of its own roads, each Contracting State agrees to the use of its roads for international traffic under the conditions set out in this Convention.

2. *No Contracting State shall be required to extend the benefit of the provisions of this Convention to any motor vehicle or trailer, or to any driver having remained within its territory for a continuous period exceeding one year.*”

Countries that are signatories to the Convention will have similar legislation in their jurisdiction.

Currently, all persons working in Jersey who have a permanent contract, a contract that extends beyond 12 months, have resided in Jersey for more than 12 months or expect to reside in Jersey for more than 12 months are required to obtain a Jersey driving licence and register any motor vehicle he/she has imported to Jersey. Similarly, companies operating in Jersey unless providing relatively short term services using vehicles operated by non-Jersey based staff who have brought these vehicles to the Island, should register company vehicles.

The Convention and supporting International Circulation legislation were promoted, among other things, to permit free movement of temporary visiting drivers and vehicles between jurisdictions. Latitude to restrict movement is therefore limited and would be likely to lead to reciprocal restrictions being imposed on Jersey drivers and vehicles circulating in other jurisdictions. This would create problems for Jersey businesses operating in the UK and Europe, students and other Jersey residents who travel abroad for limited periods of time.

1.17 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE INSTALLATION OF AN ELECTRONIC BARRIER/GATE ON THE ALBERT QUAY:

Question

Following a meeting I organised between residents, Harbours, the Police and his Assistant Minister, could the Minister advise what progress, if any, has been made with regard to installing a manned, electronic barrier/gate at Albert Quay to prevent unauthorised cars and motorbikes causing a nuisance to residents late at night and will he give an indication of when this will finally be in place?

Answer

In consultation with the Resident’s Association and port users, a planning application was submitted in September to install a gate system at the entrance to the port. The electronic barrier will be manned at peak times.

The planning process is currently underway and notices are on display to this effect. If approved, the lead in time for delivery of the gates will then be a further 12 to 15 weeks. Subject to planning approval, work on installation will commence in the New Year.

1.18 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING MINISTERS AND ASSISTANT MINISTERS’ EXPENSES CLAIMS:

Question

Will the Chief Minister clarify how many Ministers and Assistant Ministers are currently claiming both their expense allowance and having their Blackberry bills paid; further still, what the total amount of these bills are for the year from December 2008 to October 2009?

Answer

I can confirm that eighteen Ministers and Assistant Ministers are claiming both their expense allowance of £3,650 per annum and having their States supplied Blackberry bills paid.

The total amount for the States supplied Blackberry bills for the period December 2008 to October 2009 is £6,920.51.

1.19 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE ALLOCATED AREAS FOR STATES MEMBERS AT PIER ROAD CAR PARK:

Question

Given that since election I have only managed to find a spot within the allocated areas for States Members at Pier Road on three occasions; yet know that over that period most floors above the seventh have not once been full to even half capacity, would the Minister provide statistics illustrating up to what extent capacity at Pier Road is regularly taken.

What consideration, if any, would the Minister give to moving all Members' parking to Pier Road or Green Street?

Answer

Pier Road is the one long stay car park in St Helier that regularly has spaces available with about 300 free spaces at 9.00am although this reduces to about 200 by 2.00pm. The spare capacity in Pier Road has been taken into account in assessing the requirement for replacement spaces when Esplanade Square is developed and will also be important when other car parks, such as Gas Place, are taken out of the parking stock, be it for a short term or longer.

Pier Road currently caters for those States members not allocated spaces in the preferred car parks of Snow Hill and Sand Street which are situated within easier reach of the States Chamber and other States offices. Green Street does not have spare capacity and is often full by 9.00am. I would have no issue with allocating all States members spaces in Pier Road, excepting for those members who have difficulty walking that distance, as it will free up valuable spaces in two very well used shoppers car parks.

1.20 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE SUMMER STUDENT INTERNSHIP SCHEME:

Question

Would the Minister advise –

- (a) how many students applied for a place on the Summer student internship scheme;
- (b) how many of these were successful;
- (c) how many successful applicants were from Hautlieu, Jersey College for Girls, Victoria College, De La Salle, Beaulieu, Highlands, Le Rocquier, Haute Vallée, Les Quennevais and Grainville;

- (d) whether selection is purely down to the employers or is this impacted to any degree by who sends out the students' CVs?

Answer

The internship scheme is for current undergraduate students and is run by the Economic Development Department. Students can apply by sending in their CV's.

- a) 149 students applied for the scheme.
- b) 21 students subsequently withdrew their applications because they found employment through other means.
- c) 80 students were successful in gaining internships, representing 63% of students who applied.
- d) As students are currently in higher education, no record is kept of their place of secondary education.
- e) Recruitment decisions rest with the employers, following an initial short listing of candidates by Jersey Enterprise. This short listing is based on the following criteria:
 - the dates students are available to work;
 - placement duration as set out by employer;
 - skills and experience required as set out on the registration form;
 - the students' skills, interests and experience as stated on their CVs and application forms.

From this shortlist, employers interview and select the student they wish to recruit.

In some instances, where a student has made a direct approach, employers have selected independently.

1.21 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING REDUNDANCIES IN THE PRIVATE SECTOR:

Question

Will the Minister inform members what data he has on the number of redundancies that have been declared by employers in the private sector –

- (a) in 2008
- (b) in 2009 to date

and state how such data is gathered?

Will he further advise what these figures, taken in conjunction with the overall employment figures, indicate about the depth and duration of the recession?

Answer

Employers

There is currently no requirement for employers to notify the Department of redundancies.

However, the Employment (Amendment no.5) (Jersey) Law introduces a number of legal rights regarding redundancy into existing employment legislation. This amendment was approved by the States on 1st April 2009 (P.27) and is due to be in force next year. Article 60N states:

“60N Notifying the Minister

- (1) An employer proposing to dismiss as redundant 6 or more employees within a period of 90 days or less shall notify the Minister in writing of that proposal before giving notice to terminate an employee’s contract of employment in respect of any of those dismissals, and at least 30 days before the first of those dismissals takes effect.”

Employees

There is no legal requirement for individuals to register with the Social Security Department if they are made redundant. There are two reasons why individuals would choose to register with the Department when they have been made redundant. A redundant employee can apply for unemployment credits. These credits are used to maintain the contribution record of the individual whilst they are not working. Credits are not available to those who accept voluntary redundancy packages.

Individuals will also register if they require Income Support to supplement their household income. There are a number of eligibility conditions for income support, including residence in Jersey for at least 5 years.

Not all individuals will register with the Department – for example, if the redundant employee finds new employment in a relatively short period of time, they may not need unemployment credits. If they have a partner still in work, they may not qualify for Income Support.

Taking these factors into consideration, 307 individuals registered with the Department during 2008 following redundancy. Until 14/10/2009, 617 individuals have registered for the same reason so far in 2009. These total may include some individuals who have experienced more than one redundancy – each period of redundancy (in excess of 7 days) is counted in these figures.

Analysis

These figures alone tell us very little regarding either the depth or likely duration of the recession.

The figures give us a retrospective view of the numbers of people registering as having been made redundant, but far from a complete view of the total number of individuals actively seeking work, given the voluntary nature of the registration process in Jersey. There is no way currently of knowing how many other people - not registering - there are looking for work for example, therefore redundancy figures only indicate the behaviour of a certain set of companies, actively cutting their workforce at any point in time.

Representing only a snapshot in time, and giving no indication of the extent of job creation in the economy, redundancy figures therefore cannot be used either to comment on where the economy is in terms of the overall cycle, or alternatively forecast for how much further into the future, any economic downturn might continue.

When combined with the other information on labour market performance – that employment and vacancies are down in the year to June, those actively seeking work has increased (as has the length of time they are out of work) there is a consistent picture of a weakening labour market. Although the labour market tends to be a lagging indicator of economic performance the trends overall are

consistent with the economic outlook forecast by the Economics Unit earlier in the year of a two year downturn with real GVA falling -4% in 2009 and -2% in 2010.

1.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE IMPACT OF THE WITHDRAWAL OF TRANSITION PAYMENTS ON INCOME SUPPORT LEVELS:

Question

Will the Minister give members further information on the impact of the withdrawal of transition payments on Income Support levels on families, especially on the accommodation component (the replacement for rent rebate/abatement) following the refusal of the Minister for Housing to do so when asked on 30th June this year?

Answer

Following an oral question from Deputy de Sousa to the Minister for Housing on the now-defunct rent rebate scheme on 30th June, Deputy Southern requested information from the Minister for Housing on the Income Support system. As the Minister for Housing has no responsibility for Income Support, he was unable to provide that information.

Detailed information on protected (transitional) payments was provided to Deputy Southern on 16th June in the answer to written question 4590. Since that time, I can now confirm that protected payments will remain in force at their current rate of 100% until 30th September 2010, following the approval by the Minister for Treasury and Resources, of the Economic Stimulus bid made earlier this year.

The accommodation component is an element of the Income Support system and the phased removal of protected payments will have no impact on the entitlement of families to the accommodation component.

1.23 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING REPRESENTATION ON THE STEERING GROUP FOR THE FISCAL STRATEGY REVIEW:

Question

Will the Minister consider wider representation and involvement of members on the Steering Group for the Fiscal Strategy Review announced on 9th October 2009?

Answer

Yes.

1.24 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WORKING HOURS AMONGST HEALTH AND SOCIAL SERVICES PROFESSIONALS:

Question

Given that in her response to my written question of 6th October 2009, the Minister stated that “she had no evidence of professionals working in excess of 100 hours per week due to staff shortages”, will the Minister inform members what data she has of working hours amongst Health and Social professionals and, if none, will she undertake to conduct an investigation of actual working hours by her staff and report the findings to members within 6 weeks?

Will the Minister state why the EU working time directive (EUWTD) is not currently under consideration by the Sustainable Hospital Project for those other than trainee doctors and state whether she will now place reconsideration of the EUWTD on her agenda?

Answer

Data is held on all Health and Social Services staff in relation to their contracted hours and the overtime that they may have worked for a given period. It is from this source that it is technically possible to ascertain the length of the working week for given individuals. It should, however, be noted that this would be a complicated task that would require significant resources to undertake.

The rotas for Trainee Doctors are compliant with the European Working Time Directive (EWTD) as this group of staff is employed on a rotational programme that is managed by the Wessex Deanery. It is a requirement for participation in this rotation that all relevant rotas are compliant with the EWTD.

All other staff, including non-trainee Doctors, Nurses and those Professions Allied to Medicine, are employed by the States Employment Board. Working hours for these staff are compliant with Jersey Employment Law. There is currently no legal requirement in Jersey to comply with the EWTD for these staff groups.

The Sustainable Hospital Project has explored issues in relation to the potential implementation of EWTD compliant rotas for medical staff, other than trainee doctors. It identified that such a move would require the recruitment of a significant number of additional doctors and this would incur very significant resource implications. Furthermore the recruitment of additional doctors would potentially dilute the content of their jobs to such an extent as to make them less attractive to good calibre recruits and would also reduce the training opportunities that they would otherwise be exposed to.

1.25 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING APPRENTICESHIPS OVER THE PAST 5 YEARS IN THE PRIVATE AND PUBLIC SECTORS:

Question

Will the Minister give members data on the numbers and funding of apprenticeships over the past 5 years in the private and public sectors, as he undertook to do on 13th July 2009?

Answer

The Apprenticeship scheme currently falls under the remit of the Economic Development Department. However, as one of the Ministers responsible for the Skills Executive, I can provide the following information:

Year	Number of Apprenticeships
2004-2005	112

2005-2006	106
2006-2007	109
2007-2008	57
2008-2009	48
2009-2010	45*

* As applications are accepted until 1st April 2010 (for the 2009/2010 academic year) numbers may be higher.

The cost of the scheme is approximately £2000 per apprentice per year.

1.26 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING RGE CRITERIA BUILT INTO THE REGULATION OF UNDERTAKINGS AND DEVELOPMENT LAW AT ITS INCEPTION ON 1ST JANUARY 1974:

Question

Following from the Minister's written answer on 6th October 2009, can he inform members of the criteria which were built into the Regulation of Undertakings Law at its inception on 1st January 1974?

Answer

The Regulation of Undertakings and Developments (Jersey) Law, 1973, at its inception, stated:

"In deciding whether to grant a licence, to impose conditions, or to refuse to grant a licence, the Committee shall have particular regard to the economic situation of the Island"

1.27 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROGRESSIVENESS IUN THE TAX AND BENEFIT SYSTEM:

Question

Could the Minister advise what studies, if any, have been done to investigate the exact progressiveness in the tax and benefit system and where these studies may be found?

Answer

As part of the previous Fiscal Strategy review there was a great deal of research done on the tax system and alternative policy options. It is all available on the Treasury and Resources website at <http://www.gov.je/TreasuryResources/Tax/TaxProposals>. In particular the document *P44 Fiscal Strategy Report and Proposition* contains detailed distributional analysis of the tax system in appendix 1.

1.28 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE CALL-OUT RATES FOR TRANSPORT AND TECHNICAL SERVICES STAFF:

Question

What are the call out rates for Transport and Technical Services staff to attend incidents such as roadside spills and how are these rates calculated?

Answer

Transport and Technical Services call out rates are as follows

Week day call out during normal working hours – (Monday to Thursday From 06.00hrs till 16.00hrs and Friday from 06.00hrs till 13.00hrs)

Standard Charge £ 128.00

The standard charge is based on 2 hours for 2 men plus a vehicle.

Week day call out outside of normal working hours – (Monday to Thursday from 16.00hrs till 06.00hrs and Friday from 13.00hrs till 24.00hrs)

Standard Charge £ 330.00

The standard charge is based on a minimum call out of 4 hours for 2 men and a vehicle based on the standard overtime rate of time and a half

Weekend call out – (Friday from 24.00hrs until 06.00hrs Monday)

Standard Charge £ 440.00 (minimum call out 4 hours)

The standard charge is based on a minimum call out of 4 hours for 2 men and a vehicle based on the standard overtime rate of double time

The minimum four hour call out for out of hours and weekend attendance is determined by the Manual Workers Joint Council - Constitution and Schedule of Wages and Working Conditions.

1.29 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE NUMBER OF STUDENTS NOT COMPETENT IN LITERACY AND NUMERACY SKILLS:

Question

What was the actual number per school (also expressed as a percentage of the year entry) of students entering the 11-14 secondary schools this last September who were not adjudged competent in literacy and numeracy skills?

Answer

National Curriculum Level 4, based on teacher assessment, is the expected level of attainment for pupils completing their primary education. In July 2009:

72% achieved level 4 and above in English – 28% achieved below this

73% achieved level 4 and above in Mathematics – 27% achieved below this

These results are broadly in line with a normally distributed population.

The numbers and percentage of pupils entering the four 11-16 secondary schools with levels of attainment which are below level 4 were as follows:

School	English		Mathematics	
	No. of Pupils	% of Total Year Entry	No. of Pupils	% of Total Year Entry
Grainville	47	4.5%	43	4.1%
Haute Vallée	70	6.7%	59	5.7%
Le Rocquier	70	6.7%	67	6.5%
Les Quennevais	51	4.9%	52	5%

These figures include pupils with additional and special needs who are fully integrated into secondary education in accordance with the department's policy for inclusion.

Additional Information:

41% of 2009 secondary intake entered fee-paying schools.

All pupils entering Victoria College and JCG achieved Level 4 or above in English and Mathematics.

1.30 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE QUALIFICATIONS AND EXPERIENCE OF HER ASSISTANT MINISTERS:

Question

Would the Minister inform States Members what qualifications and experience her Assistant Ministers possess, which led to her decision to choose them for this role?

Answer

I am delighted to have this opportunity to publicly express the confidence that I have in both of my Assistant Ministers. One of my first tasks, upon being elected as Minister for Health and Social Services, was to ensure that I secured a broad and balanced Ministerial team that could work with me on a number of important tasks.

I was delighted that Deputy Judy Martin was prepared to continue the excellent work that she had already begun, under my immediate predecessor, in bringing strong and effective Political leadership to Social Services and the Children's' services in particular. Deputy Martin is an experienced and well respected member of this House and I continue to be impressed with her grasp of the often complex issues that are involved in leading this important element of our business in a time of change and transition. Furthermore she has real rapport with this important client group and an understanding of many of the challenges that they can face and her ability to represent them is a real asset to my Ministerial team.

In choosing Deputy Edward Noel as my other Assistant Minister I was keen to exploit his business skills and experience gained before he was elected to the House last autumn. He has a professional background ideally suited to meeting some of the very considerable challenges that my team face in securing and effectively managing the resources that will continue to be required to deliver the services that Islanders have come to expect and often require.

Deputy Noel also serves as Assistant Minister, Treasury and Resources, and the importance of the link that this provides between the largest spending department and the centre cannot be over-emphasized. Deputy Noel, notwithstanding his business acumen, also has a real understanding of the issues that many ordinary people face. His commitment to caring can best be exemplified by the first hand involvement that he and his wife have maintained in the local fostering service.

1.31 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE QUALIFICATIONS AND EXPERIENCE OF HIS ASSISTANT MINISTERS:

Question

Would the Minister inform States Members what qualifications and experience his Assistant Ministers possess, which led to his decision to choose them for this role?

Answer

Senator Paul Routier and Constable (formerly Senator) Len Norman are probably the most experienced members who I could have chosen to be my Assistant Ministers.

They have both served as Presidents of Committees and Senator Routier was a former Minister of Social Security.

I am delighted that they have both proven to be committed Assistant Ministers who have discharged their responsibilities with considerable expertise.

If the Deputy would like to know their full educational qualifications and business experience then she might like to contact them directly.

1.32 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE QUALIFICATIONS AND EXPERIENCE OF HIS ASSISTANT MINISTERS:

Question

Would the Minister inform States Members what qualifications and experience his Assistant Minister possesses, which led to his decision to choose her for this role?

Answer

As the Deputy is aware an individual requires no formal educational qualifications or practical experience in order to run for or be elected to political office.

The appointment or election to other offices within government can be based upon a variety of factors – not least of which might be a natural interest in a particular field.

My Assistant Minister has a lifetime's experience within the caring sector, both hands on and in management roles. This made her an ideal choice as my Assistant Minister at Social Security and I take this opportunity to thank her for her hard work and support.

Should the Deputy wish to know my Assistant Ministers' educational qualifications and details of her varied work experience then I suggest she contact her directly.

1.33 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE QUALIFICATIONS AND EXPERIENCE OF HIS ASSISTANT MINISTERS:

Question

Would the Minister inform States Members what qualifications and experience his Assistant Ministers possess, which led to his decision to choose them for this role?

Answer

Part of the selection process included interviewing all members who had declared an interest for the position of assistant minister. The final decision was difficult due to the high calibre and ability of all applicants.

Deputy Green and Deputy Dupré possess very good people skills and a wealth of experience in dealing with and understanding the needs of all members of our society. This is essential as their primary role is to liaise with the many individuals and organisations the department represents.

Their different backgrounds and knowledge compliment one another and, although their views may differ, they are more than capable of sharing the duties a Minister is required to carry out.

In particular, Deputy Anne Dupré has knowledge of the Arts whilst Deputy Andrew Green has much experience a wide variety of work involving young people including those with special needs.

The key to a successful Ministerial Team is the ability to work together and as such both Deputies meet this criterion.

1.34 THE CONNÉTABLE OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE TOTAL NUMBER OF LOST MAN HOURS, BY DEPARTMENT, AS THE RESULT OF ALL SICKNESS ABSENCES FOR THE YEARS 2004 TO 2008 INCLUSIVE:

Question

Would the Chief Minister advise the Assembly of the total number of lost man hours, by Department, as the result of all sickness absence (to include self certification, if and where applicable, of less than three days) for the years 2004 to 2008 inclusive.

In each case, please identify:

- a) the number of man hours lost per employee group;
- b) the total (actual) financial cost per Department to cover all payments for every sickness absence (including any self certification of less than three days);

- c) the total (actual) financial cost per Department of overtime paid or temporary staff employed to cover those employees with continuous sickness absence of more than 12 weeks?"

Answer

- Unfortunately, the department only has up to date information for 2008 onwards. From 2004 until October 2007 (the implementation date for HRIS) data was held on many separate systems. From October 2007, HRIS was populated with sickness absence data and the first full year of data was therefore 2008, however we have been able to produce sickness data for the periods 1st July 2007 – 30th June 2008 and 1st July 2008 – 30th June 2009 as shown below.

Question

In each case, please identify:

- a) the number of man hours lost per employee group:

Answer

In total:

1st July 07 – 30th June 08 = 390,807 hours lost

1st July 08 – 30th June 09 = 397,047 hours lost

States of Jersey

Sickness Absence Reporting by Department

From Date 01/07/07 To 30/06/08

	Core Actual FTE	Total Sick Hours	Total Sickness Days	% Rate	Sick Average
	30/06/2009				Sick Days
Chief Minister's Department	182.7	6998.2	945.7	2.3	5.2
Economic Development	63.5	1469.8	198.5	1.4	3.1
Jersey Airport	183.5	10794.7	1422.9	3.5	7.8
Jersey Harbours	90.0	2857.5	380.9	1.9	4.2
Education, Sport & Culture	1494.6	64591.4	10253.5	3.3	6.9
Health & Social Services	2231.2	164883.3	21996.2	4.4	9.9

Home Affairs	653.0	46289.3	5697.0	3.9	8.7
Housing	59.2	6137.9	813.2	6.1	13.7
Planning and Environment	116.3	6468.0	873.7	3.3	7.5
Social Security	130.2	9356.7	1262.9	4.3	9.7
Transport and Technical Services	461.9	46102.9	6056.7	5.8	13.1
Jersey Car Parks	22.0	3962.2	522.0	10.5	23.7
Jersey Fleet Management	23.0	1257.6	165.6	3.2	7.2
Treasury and Resources	236.0	11510.1	1555.4	2.9	6.6
States Assembly	29.5	2007.8	271.3	4.1	9.2
Non Ministerial States Funded	168.0	6120.2	827.0	2.2	4.9
Non Min SFB-Overseas Aid	1.2	0.0	0.0	0.0	0.0
Grand Total	6145.7	390807.6	53242.3	3.9	8.7

S States of Jersey

Sickness Absence Reporting by Department

From Date 01/07/08 To 30/06/09

	Core FTE	Actual Total Sick Hours	Total Sickness Days	% Sick Rate	Average Sick Days
Chief Minister's Department	191.4	9874.8	1333.6	3.1	7.0
Economic Development	65.4	1640.6	221.5	1.5	3.4
Jersey Airport	185.4	10386.7	1359.8	3.3	7.3
Jersey Harbours	86.7	8144.6	1081.3	5.5	12.5
Education, Sport & Culture	1509.1	69439.9	10955.0	3.5	7.3
Health & Social Services	2243.3	170423.8	22744.5	4.5	10.1
Home Affairs	674.6	42102.8	5172.5	3.5	7.7
Housing	37.6	2451.0	328.7	3.9	8.7
Planning and Environment	117.4	4927.3	665.8	2.5	5.7

Social Security	128.6	6630.6	895.8	3.1	7.0
Transport and Technical Services	490.8	46721.2	6131.7	5.5	12.5
Jersey Car Parks	21.0	2792.4	367.8	7.7	17.5
Jersey Fleet Management	23.0	1287.1	169.4	3.2	7.4
Treasury and Resources	235.6	11078.4	1497.1	2.8	6.4
States Assembly	30.8	1114.5	150.6	2.2	4.9
Non Ministerial States Funded	164.4	8032.0	1085.3	2.9	6.6
Non Min SFB-Overseas Aid	1.4	0.0	0.0	0.0	0.0
Grand Total	6206.3	397047.5	54160.5	3.9	8.7

SOJ Sickness Absence Data				
	01 July 07 - 30 June 08		01 July 08 - 30 June 09	
Public Sector Total absence for all SOJ Paygroups including the groups listed below				
	3.9%	8.7	3.9%	8.7
Uniformed services figures				
Prison	5.7%	12.9	3.0%	7.0
Police	3.6%	8.1	3.8%	8.6
Fire	3.4%	5.9	3.3%	5.8
Average	4.2%	9.0	3.4%	7.1
Other main groups				
Manual workers	5.9%	13.4	5.6%	12.6

Civil Servants	3.1%	7.0	3.2%	7.2
Teachers	3.2%	6.3	3.4%	6.7
Average	4.1%	8.9	4.0%	8.8

Benchmark data

CIPD 2009 Annual Survey report	% Time Lost	Average no. of days
UK Public sector	4.3	9.7
UK All sectors	3.3	7.4
UK Manuals Public Sector	5.1	12.1
UK CIVIL SERVICE (last web published data 2006/07)	4.1	9.3

Question

- b) the total (actual) financial cost per Department to cover all payments for every sickness absence (including any self certification of less than three days);

Answer:

The department does not have the information available in the format requested. As there are numerous pay groups with many different grades within each pay group, the system does not directly cost certificated sickness against individuals pay. To provide accurate costs for sickness would require manual intervention and a separate calculation made against every employee. If the Connetable specifically requires this information, it can be produced but it will require several days work for the HR and Payroll staff to perform the calculations.

Question

- c) the total (actual) financial cost per Department of overtime paid or temporary staff employed to cover those employees with continuous sickness absence of more than 12 weeks?"

Answer:

The information requested is not available without an individual review of every employee who has been off work for more than 12 weeks. This would be a significant piece of work and very time consuming.

I would like to invite the Connétable of St Lawrence to meet with HR staff to understand how sickness absence is currently managed throughout the States and seek to address any remaining issues that lie behind the question. Absence data needs to be seen in context. The fact that the States computer system does not make it easy to obtain states-wide reports does not mean that the issue of capturing absence data and more importantly, managing the people is not being done appropriately. Both the HR team and departmental management actively manage sickness throughout the States. We are aware that stated levels of absence are considered high but in overall comparison are slightly better than the UK Public Sector. It is recognised that there is still room for improvement and we are trying to reduce absence wherever possible for example, the States of Jersey operates a partial return to work scheme. This scheme enables an employee to safely return to work earlier than otherwise expected on a rehabilitation basis and under the guidance of the Occupational Health Department.

2. Oral Questions

The Bailiff:

So then coming to Oral Questions, the first question is one which Deputy De Sousa will ask of the Minister for Treasury and Resources. Deputy De Sousa.

2.1 Deputy D.J. De Sousa of St. Helier of the Minister for Treasury and Resources regarding the use of the Economic Stimulus Package to employ local companies where appropriate:

Can the Minister inform the House how much of the economic stimulus package is being spent by departments that will use U.K. (United Kingdom) companies to carry out the work and will he confirm whether this is the case in respect of the cycle path along the Esplanade?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

To date a number of contracts have been let through departments with an element of funding from the economic stimulus package and to date this figure is around £1.8 million. The tender process for others is underway with an allocation of approximately £5 million for other civil engineering projects, £8 million for Housing and a further amount for urgent property maintenance in the States of Jersey. The cycle track works involves only local companies and the local labour force. The labour is in fact from the Transport and Technical Services Department and it is the materials which have been sourced from a variety of local companies that have been funded from the fiscal stimulus fund. To answer the question about U.K. companies, we do not discriminate against U.K. companies versus local companies; we do discriminate against the use and the component of local labour. The only successful supplier so far that has been U.K. registered is a company which has been successfully operating in Jersey for many years and fulfils the criteria of being targeted for any fiscal stimulus money. The purpose of the fiscal stimulus money is to secure jobs for local people by requiring companies to employ local labour to carry out the work and any other subcontractors are under the same obligation.

The Bailiff:

Deputy De Sousa, do you wish to ask a supplementary?

Deputy D.J. De Sousa:

Can I come back at the end, please?

The Bailiff:

Yes, certainly. Deputy Southern.

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

Will the Minister state why so little of these funds have been released so far and here we are in October 2009 when he made such a fuss about the non-timely nature of taking money from the Stabilisation Fund for the town park?

Senator P.F.C. Ozouf:

The question related specifically to Deputy De Sousa's questions in relation to one cycle track. What I can say - and the Deputy knows - is that money has been released for skills and training; that there are approximately 122 students at Highlands who are now undergoing skills training that otherwise would be unemployed. There is also the number of people that are benefiting from the 'Advance to Work' programme in addition to States apprenticeships which are now underway, and which I had the pleasure of meeting 2 young people at the hospital a few days ago. Money is being spent, it is being spent in a timely way, and it is over the next few months where I expect there to be a downturn in the construction industry where we will see the full benefit of the fiscal stimulus funding.

2.1.2 Deputy P.J. Rondel of St. John:

We are seeing at the moment contractors coming in from the United Kingdom. I will refer to one specific site which everyone sees daily which is Victoria Avenue. Within that site we are seeing U.K.-registered JCBs and other types of vehicles within that particular site. Can the Minister say is it right that U.K. companies coming over here, taking work away from local contractors and then bringing in their own machinery also where we have an abundance of this machinery on-Island ...

The Bailiff:

Concisely, if you please, Deputy.

The Deputy of St. John:

... is it right that a U.K. company can be employed in this way?

Senator P.F.C. Ozouf:

I asked exactly the same question when I inspected the work - because I am taking a close interest in the fiscal stimulus money - and the Minister and I both saw 3 U.K.-registered vehicles in relation to the company that had been let for the work on Victoria Avenue. What I can say to the Deputy is that the use of U.K. vehicles is different from the staff. A number of vehicles, of which there are 2 passenger vehicles, have been used to bring and to carry out the works. All of the work has been carried out by local people in accordance with the Regulation of Undertakings and Development licence. So I can assure the Deputy that this is using local labour, however, the company is bringing in plant and machinery that is necessary to carry out the extensive work over the winter months.

2.1.3 The Deputy of St. John:

May I follow that with a supplementary? Given that some of the machinery is being imported from the U.K. and we have machinery on-Island that could do that work, can the Minister please explain?

Senator P.F.C. Ozouf:

I am not knowledgeable about the individual contract and the individual decisions. There were 4 companies that were tendered for the project. Two of the companies are entirely local companies, 2 of them are Jersey companies with U.K. parents. They will be bringing in machinery in order to carry out that work and that work is being carried out competitively. The purpose of the fiscal stimulus money is to secure local jobs and that is what we are trying to do. If there is some U.K. machinery that is being brought in, that is because there is a clear cost advantage in so doing and I would want to, I hope, agree with the Deputy that we would not want to be sending out

protectionist messages that we are somehow going to be securing only local supplies and keeping prices high.

The Bailiff:

Deputy Southern and then a final question from Deputy De Sousa.

2.1.4 Deputy G.P. Southern:

Since the Minister has gone on to talk about the Skills Executive and the number of apprenticeships, will he state whether the economic stimulus money is replacing money that should have been spent anyway on apprenticeships and other skills training courses? Under his leadership in 2006 the number of apprenticeships reduced by over half under his guidance at E.D. (Economic Development).

Senator P.F.C. Ozouf:

I think the Deputy is wrong. I, in my previous incarnation as Minister for Economic Development, together with the Minister for Education, Sport and Culture, set up the Skills Executive. We set up for the first time a Skills Board which brought on board employers and set a path of a joined-up government approach with Social Security to sort out skills. All the investment that has been made into skills and into apprenticeship training is additional over and above, and I would have thought that there would be wide agreement of the House that that is exactly what we should be doing in terms of the economic downturn.

2.1.5 Deputy G.P. Southern:

If I may, a supplementary; he has accused me of being wrong when in fact I have an answer in front of me from the Minister for Education, Sport and Culture stating clearly that the number of apprenticeships in 2006 and 2007 under his leadership at E.D. went down from 109 to 57. Money has been stopped being spent on apprenticeships and is being replaced by money from the Stabilisation Fund when it should already have been there and he has reduced spending on apprenticeships.

Senator P.F.C. Ozouf:

I think the Deputy is using his opportunity in question time to cast aspersions on previous decisions which are wrong. The apprenticeships programme that is currently being put in place is a reflection of the downturn in the job market. He may well be referring to a period of time when the Island enjoyed full employment and a very different economic time. I would also point out to the Deputy that apprenticeships are not the sole preserve of the Economic Development Department, past or present.

2.1.6 Deputy D.J. De Sousa:

The Minister said that the purpose of the stimulation package is to improve local employment in the current economic downturn. What checks and balances does he and his department have apart from the Regulation of Undertakings and Development to guarantee that the local labour is being used and not that of U.K. companies?

Senator P.F.C. Ozouf:

The Deputy asks a very good question and the practical tool is the use, as she says, of the Regulation of Undertakings and Development and the communication between the fiscal stimulus team and the Treasury team are working in close co-operation. More than that, the Treasury have a programme manager who is monitoring each of the fiscal stimulus team to ensure, not only the undertakings that the companies are giving when applying for their Regulation of Undertakings and Development licences, but there are also checks going on in relation to the individual projects. So, it is a requirement of the licence, there is ongoing supervision and if she wants to come in and see a

programme manager and understand how we are following that up, we would welcome her in the department.

The Bailiff:

Very well then, we will move on then to the next question which Deputy Le Fondré will ask of the President of the Chairmen's Committee.

2.2 Deputy J.A.N. Le Fondré of St. Lawrence of the President of the Chairmen's Committee regarding travel and entertainment expenses incurred by the Public Accounts Committee and the Scrutiny Panels in 2009:

Would the President undertake to produce a brief annual report setting out all travel and entertainment expenses incurred by the Public Accounts Committee and the Scrutiny Panels for 2009 and annually thereafter to mirror the report that is now published annually by the Chief Minister in relation to the expenses of Ministers and Assistant Ministers?

Senator B.E. Shenton (President, Chairmen's Committee):

Yes, we shall ensure that this is done.

2.2.1 Deputy M. Tadier of St. Brelade:

Will the Chairman be ensuring that information is still provided to the public for the added value provided by Scrutiny to transparent and open government and the role it plays to achieve this?

Senator B.E. Shenton:

Yes, we will be looking at the annual report of the panels to make sure that all the information is in there.

2.2.2 The Deputy of St. John:

Would the Chairman not agree that Scrutiny and P.P.C. (Privileges and Procedures Committee) always have an open book policy and, therefore, in doing so - unlike some of the Ministries - we are more than welcome to be scrutinised? **[Laughter]**

Senator B.E. Shenton:

I would certainly agree with the Member.

The Bailiff:

I thought it was just Ministers who bowled friendly balls at each other. **[Laughter]** It appears Scrutiny have acquired this art as well. Very well, we then move on to question 3 which the Deputy of Grouville will ask of the Minister for Social Security.

2.3 Deputy C.F. Labey of Grouville of the Minister for Social Security regarding a recent cash fraud committed by a couple receiving Long Term Incapacity benefit:

Following the Social Security cash fraud recently committed by a couple, could the Minister confirm under what circumstances would a cheque of over £40,000 be issued without more than one person from his department approving it, what action was taken against the responsible person or persons and whether the department was aware the couple had a bank account outside of the Island when agreement was given to give a long-term incapacity benefit?

Deputy I.J. Gorst of St. Clement (The Minister for Social Security):

The department has standard procedures in place to confirm eligibility and accuracy of payments. However, in particular, there are yet further controls in respect of all payments over £1,000. These

procedures require a second person - that is a different person to the one authorising the claim - to validate the payment. In this case the person checking the payment failed to identify the error. The States of Jersey has clearly-defined policies for handling employee performance. Actions were taken in respect of this employee. L.T.I.A. (Long Term Incapacity Allowance) is a contributory benefit paid from the Social Security Scheme which means it is not a means-tested benefit, and so claimants are not required to provide proof of income or all bank accounts either in Jersey or outside the Island other than in respect of the account details needed to process the payment.

2.3.1 The Deputy of Grouville:

A supplementary? Has any check been made with the Income Tax Office as to whether the income on the foreign bank account has been declared in Jersey for tax purposes?

Deputy I.J. Gorst:

The answer to that question is I am not aware of any check having been made. The Deputy will be aware that as part of my Business Plan in 2010 it is proposed that Social Security work more closely with the Income Tax Department. We are not certain exactly what information sharing will take place there but they are issues which need to be addressed. I would, however, say that this information is now in the public domain and I suspect that employees of the Income Tax Department, as my employees do, from time to time review cases that they see in the public domain which they may have received information about from simply a newspaper report. While I cannot speak on behalf of the Minister for Treasury and Resources, I suspect that his employees might have seen this information and be checking the income tax declaration of these individuals. Thank you.

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

Would the Minister say whether he believes that his department's ability to detect a fraud in income support payments is as good as, worse than or better than the system that was operated by the Parishes when they had responsibility for administering welfare?

Deputy I.J. Gorst:

Of course, I should say this was a question about L.T.I.A. and not income support; they are very different benefits and fraud detection operates in a different way across those benefits. As the Connétable will be aware, the biggest fraud detection process that we go through in regard to income support is the gatekeeper controls that we have. While that might have been unpopular with some members of the public, that involves analysing source documentation, including bank accounts. I do not think it is for me to say whether the process is improved or not because I am not fully *au fait* with the process that was in place prior to taking office in Social Security.

2.3.3 The Connétable of St. Helier:

Can I ask a supplementary? I am particularly interested to know whether the Minister receives regular reports, as I used to do, about the ability of his department to collect money back from people who have obtained it fraudulently and whether he believes enough measures are in place.

Deputy I.J. Gorst:

Yes, I do receive reports of fraud cases and investigations that are ongoing in my department. Since coming to office I have been pushing for an enhanced risk strategy which we are putting in place. One of the issues is, in this particular instance, it was human error. We had the computer controls in place, we had the processes in place but, unfortunately, sometimes when one has a most unusual payment as this was, the human mind does not expect to pick it up. I understand that in this case when the individual was doing the review, they did pick up other smaller amounts which one might expect to have been picked up but this larger amount was so unexpected that it was not picked up. However, as I have said, disciplinary procedures have taken place in this particular instance.

The Deputy of St. John:

My question has been asked, thank you.

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

The Minister has referred to human error, what measures has he put in place to ensure that this human error will not happen again?

Deputy I.J. Gorst:

I wish I could live in a world where I could eliminate human error. Unfortunately, it is not possible and I cannot stand here today and say that no members of my department, nor myself, will succumb to human error in the future. It is part of a computer-based process when an amount over a certain threshold is generated by the computer, then it is thrown out of the system, an exemption report, and that requires human intervention. At that point, I and the department can give all the training in the world; they can have 2, 4, 6 eyes looking at it, but inevitably it is impossible to eliminate human error in its entirety. Thank you.

The Bailiff:

I see Deputy Southern next and then Deputy Tadier and then a final question from the Deputy of Grouville.

2.3.5 Deputy G.P. Southern:

Will the Minister not accept that the far larger problem is not one of deliberate fraud on the part of claimants but one of accidental overpayments by the department and this accounts for far more money going into people's pockets incorrectly than does deliberate fraud?

Deputy I.J. Gorst:

I do not want to get into a political argument about the size of fraud. The Deputy uses an emotive word there. He used a word about overpayment which I would not want to say. Unfortunately, the department does not always receive the information in the first instance, other information comes to light which may have resulted in overpayments which need to be re-claimed. Sorry, I have forgotten what the first part of his question was.

2.3.6 Deputy G.P. Southern:

Will the Minister agree to come to the House and explain to Members how many payments are made in error through the department's error rather than fraud?

Deputy I.J. Gorst:

As I said, I do not wish to get into a political argument here. Errors are made, sometimes they are on the part of the department and they are rectified; sometimes they are on the part of the individual that submits the information.

2.3.7 Deputy M. Tadier:

Curiously, the question is also about overpayments and the Minister will be aware that this week in the U.K. there was a ruling that members of the public who have been overpaid with Social Security - or whatever the equivalent benefit is in the U.K. - do not have to pay that money back. What is the policy in Jersey regarding overpayments which Social Security may have made in the past and continues to make?

Deputy I.J. Gorst:

There is a general presumption in that if the overpayment was a result of information which was not forthcoming from the individual then that is claimed back. If it was as the result of a department, then we look more leniently upon that.

The Bailiff:

A final question, the Deputy of Grouville.

2.3.8 The Deputy of Grouville:

Could the Minister confirm when we might expect the destruction of the silo working so that the Income Tax Department, Social Security and, indeed, Education, Sport and Culture can work more closely together for the benefit of the Island and when we could expect a whistle-blowing policy?

Deputy I.J. Gorst:

As I said earlier, the closer working together between my department and Income Tax is part of my 2010 Business Plan, so I hope that that will be in operation during the course of the coming year. With regard to the States-wide whistle-blowing policy, I believe that there is a policy in place but I also believe that ... I seem to have a recollection in the back of my mind, and I could be incorrect here, that the States Employment Board are reviewing that to make sure that it is fit for purpose going forward.

The Bailiff:

We come next to a question which Deputy Maçon will ask of the Chief Minister.

2.4 Deputy J.M. Maçon of St. Saviour of the Chief Minister regarding the involvement of the Isle of Man in negotiations with the E.U:

Will the Chief Minister seek to bring in the Isle of Man when negotiating with the European Union, as has been done with Guernsey, and, if not, why not?

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

Yes, I can confirm that both at Ministerial and officer level we are doing everything possible to work as close together with each of the Crown Dependencies on this matter. We do not negotiate directly with the E.U. (European Union). The United Kingdom is responsible for our interest at E.U. Code Group meetings. However, by talking to key E.U. Member States, we hope to gain a better understanding of their guiding principles while explaining to them our position.

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

With assurances of E.U. compliance and Zero/Ten strategy now revealed as little more than wishful thinking, would the Minister not concede that such a far tighter joint approach as Deputy Maçon recommends would have been highly beneficial?

Senator T.A. Le Sueur:

The basic premise of Deputy Pitman's question is debateable anyway but certainly in the proposal as far as arrangements for new corporate tax arrangements, commonly known as Zero/Ten, the 3 Islands did work together and have very similar arrangements. They are only a matter of detail but the basic principles of a zero rate and a 10 per cent rate were common to all 3 Islands.

2.4.2 Deputy G.P. Southern:

Will the Chief Minister explain to Members why on 6th July 2005 in a statement to the media the then President of the Finance and Economics Committee, a certain Senator Le Sueur, stated clearly: "My committee has ensured that its proposals comply with the E.U. code on business taxation", why did he make that statement back in 2005?

Senator T.A. Le Sueur:

The statement that was made was in respect of a comment by E.C.O.F.I.N. (The Council of Economics and Finance Ministers of the European Union) where it was stated that both the zero

rate and the 10 per cent rate met the objectives commonly known as “rollback” of the harmful tax measures outlined in 2002. For that reason I was quite prepared to make that commitment.

2.4.3 Deputy G.P. Southern:

Is the Chief Minister prepared to come to the House with a letter clearly stating that from E.C.O.F.I.N., because I believe that never happened?

Senator T.A. Le Sueur:

E.C.O.F.I.N. does not issue letters like that; it is done in a different way but the statement was nonetheless clearly made.

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

I know for certain on many occasions I asked whether or not this Zero/Ten issue was a compliance issue that had been approved, and the Chief Minister had confirmed to this Assembly that it was compliant as we move forwards into a new tax structure. Having just stated this morning in his answer to the first question that we do not negotiate directly with the European Union, can he please outline for us now for our satisfaction how we can ensure that his information to us is watertight, where will it come from, so that we know that information that he is presenting to the States Assembly is guaranteed before we make any more changes to our tax structure?

Senator T.A. Le Sueur:

I do not think we can ever expect to get 100 per cent guarantees in the way that the Deputy and maybe other Members would like. What we can get is clear indications and those indications clearly showed at the time that the zero rate and the 10 per cent rate were acceptable methods of achieving what was commonly known as the need for rollback. But times have changed and we have to accept that as times change views change and Jersey has to be prepared to move with the times as well.

2.4.5 Deputy P.V.F. Le Claire:

I appreciate the answer that the Chief Minister gave me and I appreciate that times have changed. What I would like to know as an elected representative for this Island, and I am sure my colleagues in the States would also like to know, is when the message comes back that it is compliant or it is not compliant, who gives that message, how is it delivered and who is the final arbiter on these things? Is it the United Kingdom Government and if so, if we cannot negotiate with the European Union on our own, at what time does he envisage that we will be able to?

Senator T.A. Le Sueur:

The European Union works by consensus rather than any final arbitration. The United Kingdom represents our interests at such meetings and we get feedback from the meetings of the general sense of Member States. But feelings change from time to time; the feelings that we received from Member States at the time we brought in Zero/Ten was very favourable, it is now less favourable and we have to react to that changed situation.

2.4.6 Deputy R.G. Le Hérissier of St. Saviour:

Could the Chief Minister define in relation to E.C.O.F.I.N. what is meant “in a different way”?

Senator T.A. Le Sueur:

Sorry, I need a bit of explanation; in a different way with regards to what?

Deputy R.G. Le Hérissier:

The Chief Minister mentioned that E.C.O.F.I.N. does not write letters, it communicates in a different way. [Laughter]

Senator T.A. Le Sueur:

As I say, it is a consensual arrangement and it is the expressions of consensus which individual Member States pick up, and in our case it is the United Kingdom that picks them on our behalf that get transmitted back to us. So it is inevitably going to be a question of just interpreting people's views rather than anything written down in hard and fast legislation. It makes life a bit more difficult for us, but in the normal course of events one can live with that as one has lived with it for years. In the present situation, I think given the different economic climate, some Member States are now becoming a bit more concerned about certain aspects; primarily that of the need to move towards greater tax harmonisation.

2.4.7 Deputy R.G. Le Hérissier:

A supplementary, if I may. Is the Chief Minister saying that rather like the choice of a Pope he awaits the white smoke? [Laughter] How does he determine what message is coming from E.C.O.F.I.N.?

Senator T.A. Le Sueur:

White smoke has the advantage of giving a definite answer. This is, I am afraid, an ongoing situation where we are going to have to just react to changing market situations, do what is best for the Island at any particular time. What was best for the Island in 2006 was to move towards Zero/Ten. What would be best in 2016 is a different matter which we will have to resolve over the years to come.

2.4.8 Deputy M. Tadier:

I was going to ask the question to the Chief Minister whether he regrets not listening to the sceptical and informed voices which warned him before that this would not be compliant but I will not ask that; I suspect that may come later during question time. My question is simply to pick up on 2 things that the Chief Minister said in his response: firstly that we do not deal directly with the E.U., it is done through the U.K., and then slightly after that: the U.K. represents our interests. Can the Chief Minister inform the House whether the situation is changing, or it has changed, and whether we can still rely on the U.K. to represent our interests in Europe or will we have to fend for ourselves from now on?

Senator T.A. Le Sueur:

I believe that the United Kingdom would be very sympathetic to our needs and provided we demonstrate our continued compliance with international standards, obligations and best practice, they will continue to reflect those interests in negotiations they have on our behalf with the E.U.

2.4.9 Deputy M. Tadier:

I would simply say that that is not what is being reported and it sounds like we are getting mixed messages, and I believe it may have even come from the Chief Minister's own mouth, that we can no longer rely on the U.K. and that we are having to negotiate our own position from now on in the E.U. Can the Minister perhaps reconfirm?

Senator T.A. Le Sueur:

I think some Members may be looking for alliance in the same way as they look for legislation or words of comfort. The United Kingdom is inevitably in a difficult situation having to represent both our interests and those of its own country. To the extent that they can do that on our behalf, they will continue to do that to the best of their ability and I have confidence, having had discussions recently with the Financial Secretary to the Treasury, of their goodwill and co-operation, provided we equally maintain our good international standards and our commitment to move with the current economic climate.

The Bailiff:

The Deputy of St. John, then the Deputy of Grouville and a final question from Deputy Maçon.

2.4.10 The Deputy of St. John:

Given the Minister's answer regarding E.C.O.F.I.N., would the Minister agree that he did not read the U.K. messages correctly and this being the case, is it not time that the Minister started looking seriously at full independence for the Island?

Senator T.A. Le Sueur:

I did read the message fully and correctly. I do not believe it is time to consider independence; I believe it is a far different situation. What we have to do is to continue to be good international players, maintain up-to-date, modern, reputable standards and show the rest of the world that we are capable of delivering on those standards.

2.4.11 The Deputy of St. John:

Given the Minister mentions good standards, can it be right that we find ourselves in the position that we do today, given the Chief Minister, who was the Minister for Treasury and Resources of the day, and the agreements that he believes we had signed up to, to do with our tax arrangements, is it right that the Minister is not reading the messages correctly?

Senator T.A. Le Sueur:

When messages change you have to read the current message. The message has changed; I am reading the current message and I read the message back in 2006.

2.4.12 The Deputy of Grouville:

Would it be fair to say that Jersey has complied with the letter of the law but not the essence of the law?

Senator T.A. Le Sueur:

It is always easier to comply with something which is down in writing and certainly tax law over the years has been based on clarity on legislation and understanding so that all parties know their obligations. In a situation like this where nothing is written and one has to do it on the basis of understanding, it becomes far more difficult. Certainly, I am convinced, based on the wording coming out back in 2006, that we did comply with the letter of the law to the extent that there was a law; it was not a law, but we did comply with what was set out at that time. But what has changed, as I tried to indicate, is the spirit which is a far more difficult thing to understand, and certainly as a former tax practitioner, it is very difficult to deal with tax arrangements based simply on feelings which can change from year to year.

2.4.13 The Deputy of Grouville:

Can I ask a supplementary? What would the Minister say is the spirit of the law now?

Senator T.A. Le Sueur:

I think I understand the Deputy's question even though I am reminded there is no law. It is very difficult to understand the spirit, particularly when you are dealing at third hand. That is why I wanted to work more closely with key European countries so that I can get a better idea of their feelings now and in the future. We have to plan not only for what is right for us today but what may be emerging views in the years to come. That is why I wanted to seek greater understanding with the E.U. countries recognising that we will not be able to deal with them directly.

The Bailiff:

A final question from Deputy Maçon.

2.4.14 Deputy J.M. Maçon:

While I welcome the move for all Crown Dependencies to work together, if we do not have the backing and support of the U.K., is any communication with the E.U. States futile? What efforts is the Chief Minister making to get the full backing of the United Kingdom?

Senator T.A. Le Sueur:

I repeat, I believe I have the full backing of the United Kingdom as demonstrated in the meetings I had last week at Her Majesty's Treasury. We will continue to do that and we, equally, will need to continue to demonstrate our resolve to meet good international standards, meet good international practice and comply with good standards of regulation. Those standards have been amply validated by external sources and we will need to continue to do that work for years to come.

The Bailiff:

We come next to a question which Deputy Power will ask of the Minister for Economic Development.

2.5 Deputy S. Power of St. Brelade of the Minister for Economic Development regarding the perception of the Regulation of Undertakings and Development (Jersey) Law 1973 as a barrier to economic growth:

What measures, if any, is the Minister proposing to ensure that the Regulation of Undertakings and Development (Jersey) Law 1973 is not regarded in certain sectors as a barrier to economic growth, economic diversification and are not an unnecessary intrusion by the States into the affairs of private business and companies?

Senator A.J.H. Maclean (The Minister for Economic Development):

This matter has recently been the subject of wide and detailed consultation, the results of which will be reported before the end of November. As part of that process, the Chamber of Commerce and other business organisations have submitted in-depth responses which are also currently being analysed. This Assembly has maintained for a number of years that controls over immigration are important in a small Island, a subject that will be debated again next year with a new Migration Policy. For now, the Regulation of Undertakings and Development Law and the Housing Law are the vital elements of those controls and if used proportionately and in a measured way they can, and have, supported economic growth and diversity. As to the question of intrusion, it is perfectly common for jurisdictions to restrict the ability of migrants to come and work. Our task is to make sure we do so in a fair and an open manner. Thank you.

2.5.1 Deputy S. Power:

If I may be allowed to ask a supplementary. All the supplementary evidence since 1974 points to the fact that the Regulation of Undertakings and Development Law has had little or no effect or impact on the numbers in work and, in turn, the overall population of Jersey, would the Minister not agree?

Senator A.J.H. Maclean:

No, I would not agree. I think the law is a very valuable tool that we have in our armoury in order to ensure that we can control, where necessary, immigration, and also protect local jobs. The important factor is to ensure that the way in which the law is handled ensures a fair and level playing field for all businesses in all sectors and that is what we attempt to achieve.

2.5.2 Deputy D.J. De Sousa:

Since the law was introduced in the 1970s, what, if any, measures have the Minister and his department made to make sure that this law is human rights-compliant?

Senator A.J.H. Maclean:

As far as I am concerned, the law is human rights-compliant and I have no information to lead me to believe that that is not the case.

The Bailiff:

Deputy Southern and then a final question from Deputy Power.

2.5.3 Deputy G.P. Southern:

Is it not the case that, in fact, in order to comply with the Employment Law currently in place in Jersey, the rules were changed to reduce the number of temporary (j) categories involved coming to the Island?

Senator A.J.H. Maclean:

I am not aware of a change to the number of (j) categories. Each business is assessed on its own individual merits as far as applications for (j) category licences are concerned.

2.5.4 Deputy G.P. Southern:

Is it not the case that there has been a policy change to institute a greater number of permanent (j) categories rather than temporary (j) categories, 3 or 5 years, as was in the past?

Senator A.J.H. Maclean:

The way in which the law is applied changes on a regular basis depending on the economic conditions that prevail at any particular time, and that is perfectly natural as one would expect it should be. It is a continually moving feast that has to be managed carefully.

The Bailiff:

A final question, Deputy Power.

2.5.5 Deputy S. Power:

The Minister referred to migration control and housing, I wonder could the Minister reply or answer the question: how can the Minister for Housing and the Housing Department control migration if the Population and Migration Office is outside their control?

Senator A.J.H. Maclean:

I think, as the Deputy is an Assistant Minister at Housing, perhaps he would have a clearer understanding of this particular issue, so I do not feel that I should add anything further to it other than to say the Migration Policy is something that is being brought forward. It has been out to consultation, the consultation is now closed and the law will be brought to the States for debate next year when he and other Members will have plenty of opportunity to discuss the matter in more depth. Thank you.

The Bailiff:

We come next to a question which Senator Shenton will ask of the Minister for Treasury and Resources.

2.6 Senator B.E. Shenton of the Minister for Treasury and Resources regarding the estimated total cost to the taxpayer in respect of the recent conviction of Curtis Warren and associates:

Can the Minister advise the estimated total cost to the taxpayer in respect of the recent conviction of Curtis Warren and Associates?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

I would refer the Senator and the Assembly to questions 13 and 14 which are written questions that the Senator has asked the Minister for Home Affairs and the Attorney General. I will just preface those answers by saying that as far as the Home Affairs Department is concerned, they report a total spend to date of £964,500 but there are potentially further security matters in relation to the sentencing and, therefore, potentially any appeals. It is the policy of the police not to disclose details around the operational policing requirements. As far as the costs incurred by the Law Officers and Judicial Greffe, the Attorney General has answered that the external prosecution costs have amounted to £1,002,500 and there has been £1.2 million costs on legal aid for the defendants. There are additional costs that have been incurred by the Law Officers which the Attorney General and I will work out at some point in the next few weeks when the matter has been finally concluded.

2.6.1 Senator B.E. Shenton:

Does the Minister for Treasury and Resources agree that the legal aid system needs review so that we can have more certainty over costs and ensure a better balance in terms of quality of representation for all members of the public?

Senator P.F.C. Ozouf:

I believe that the reform of the legal aid system is something which is going to need to be done, and I had discussions yesterday with the Home Affairs Minister about his views on the whole issue of the legal aid system. All I would say to the Senator is that the current arrangements for legal aid are serving the Island well and it should be remembered that indeed most of the legal aid work is carried out by lawyers in the Island and, in my experience, to a very high quality level by lawyers that are called to the Jersey Bar. Reforms may be required but I am concerned that reforms that are proposed by some people will have a significant cost on taxpayers.

2.6.2 Senator J.L. Perchard:

Could the Minister for Treasury and Resources advise the Assembly whether there will be any effort made on behalf of the States of Jersey to recover court and case costs against the convicted 5? Could he advise the Assembly of whether there will be an effort to recover court and case costs?

The Bailiff:

I have to say, Senator, I think we are trespassing into the area ... this sentencing has not yet taken place and that would be a matter related to sentencing, I would have thought.

Senator P.F.C. Ozouf:

Thank you for that direction. I was going to answer yes, but as appropriate.

2.6.3 The Deputy of Grouville:

Could the Minister confirm what checks are in place to review the worldwide assets of applicants of legal aid?

Senator P.F.C. Ozouf:

I am not directly responsible for the decisions in relation to the legal aid. The Attorney General has set out to the Assembly a very full answer to the way in which the court decides on who is entitled to have legal aid paid for in prosecutions. Clearly, those are important questions which I am not, at present, able to answer the Deputy as it does not fall directly within my responsibility. But as I have said, I think this is something that should be reviewed and it would be inappropriate to make any comments about any court case which is yet to be determined, as you have said, so I would prefer not to speculate on the particular case in point.

2.6.4 The Deputy of Grouville:

I was not necessarily talking about this particular court case; I was talking about in general. I have knowledge of applicants of legal aid who have worldwide assets - houses in Tuscany, all the rest of it - and have been successful in being granted legal aid.

Senator P.F.C. Ozouf:

Well, I think the Deputy's question is separated out into the question of whether or not there are exceptional cases which are set out in the Attorney General's answer where the legal aid bill is charged to court and case costs. There is the separate issue of whether or not the individuals who are entitled to legal aid then get a bill from the firm that represents them, or from the lawyer that represents them. As far as I am aware, there are appropriate checks and controls put in place in these exceptional circumstances, and they are exceptional when those that are prosecuted get legal aid paid for by court and case costs. These are exceptional, and checks and balances, as far as I am concerned, as far as I have been advised, are made.

The Bailiff:

A final question, Senator? Very well then, we will come to the next question which the Deputy of St. John will ask of the Minister for Transport and Technical Services.

2.7 The Deputy of St. John of the Minister for Transport and Technical Services regarding parking in front of the States Building:

Given that the States closed the Royal Court Road in order to stop parking in front of the States Building, what action, if any, is the Minister proposing to take to reduce the number of vehicles which have taken to parking on the paved area in the Royal Square, and in particular the media vans with satellite dishes parked for days in the centre of the Square?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

The administration of the Royal Square is undertaken by the Connétable of St. Helier but in the spirit of co-operation and joint workings and by the leave of the Connétable I will just add a few words. Anybody or company wishing to use the Square, or park vehicles in it, must get the permission of the Connétable. My department regularly polices the Royal Square and will book any vehicles which are parked there that Parking Control has not been informed have permission. The Connétable did advise me that permission was given for the media vehicles in question, however, his Roads Committee is considering maybe the placing of bollards at the access points.

2.7.1 The Deputy of St. John:

Given the west end of the Royal Square is regularly used by vehicles, some servicing this building, the residents within the area obviously need to be serviced from the extinguished road, but will the Minister take it back to his department and the Roads Committee of St. Helier that when we extinguished this road some 10, 15 years ago, the idea was to have a quiet area outside this building, not to see vehicles parked there on a regular basis?

The Connétable of St. Brelade:

Yes.

The Bailiff:

Very well, then we will move on to the next question which Deputy Martin will ask of the Chief Minister.

2.8 Deputy J.A. Martin of St. Helier of the Chief Minister regarding the Criminal Offences (Jersey) Law 2009:

Just for your information, I have put the Hansard report of the debate in question on Members' desks. Can the Minister confirm that the Assembly was fully advised when debating P.7/2007 - now enacted as the Criminal Offences (Jersey) Law 2009 - that this law would limit the right to trial by jury in Jersey and, can he detail which crimes would have been able to have a jury trial before this law was passed and those which will now have to be heard by Jurats?

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

This is rather a complex question and I think it would be sensible to take the parts of the question in reverse order. So the short answer to the second part of the question is that before the Criminal Offences (Jersey) Law came into force, all offences such as conspiracies, attempts or incitements to commit statutory offences, known as inchoate offences, and offences such as aiding, abetting, counselling or procuring a commission of some statutory offences, known as accomplice offences, would have been tried before a jury. Now, those offences are all tried by Jurats in the same way as the principal or completed statutory offence to which they relate because this removed the anomaly that existed whereby completed offences were tried before Jurats but incomplete forms for the same offence were tried before juries. For example, a charge of importation of a controlled drug, being a statutory offence, would be heard by Jurats, but a charge of conspiracy to import a controlled drug, being a common law offence, would be tried by a jury. This meant that there was one form of trial for the completed offence and a different form of trial for conspiring, attempting or inciting that offence and that seems anomalous. As to the first part of the question, the 2009 law was approved by this Assembly on 27th February 2007 and as Hansard shows it was approved without a great deal of discussion, although there was a 2-page explanatory note and report accompanying the proposition. So the proposition contained a number of provisions relating to statutory offences and was supported by that report. In the report it said that the mode of trial in respect of any such accomplice or inchoate offence was the same as for the statutory offence which related. It also stated in the report that inchoate and accomplice offences may be charged as offences of customary law, even though the principal offences to which they relate may be statutory offences. As I say, it is very legalistic but a review of Hansard shows that only one question was asked of a rapporteur and no questioning was raised about the methods or mode of trial.

2.8.1 Deputy J.A. Martin:

Yes, I think that is exactly my point; this is not a debate about the rights of jury versus Jurat trials. Does the Chief Minister not agree if the States had been fully informed in plain English what this law absolutely meant in 2007, reading the rapporteur's interpretation - in fact it is reasonably simple to understand - we have just in fact taken away the right of jury trial to many, many people? I have an email from the A.G. (Attorney General) confirming that the trial of Curtis Warren would not now be able to be heard by a jury. Rightly or wrongly, there was no discussion in this House, it was put to us in legalese, as the Chief Minister said, and the debate was never had. Can the Minister confirm was this intentional, or it just slipped under the radar so there was no debate? It is a massive issue.

Senator T.A. Le Sueur:

Well, clearly, a debate was had and it was up to Members at the time of the debate to raise whatever issues they felt inclined. I accept, reading the legislation, it is written in complex language, and all the more reason, therefore, that if Members had concern about that, they should have asked questions at the time. But certainly it was fully debated. It is very difficult to write complex legislation in plain, simple English. I am sure if only that could be done it would be done, but legislation has to be clear and understood and also has to reflect the terms of the principal legislation to which it relates. So, I would simply say to the Deputy that while it was complex legislation, those Members who had questions on it should have raised those questions at the time and not 2 and a half years later.

2.8.2 Deputy G.P. Southern:

Does the Chief Minister not agree that is facetious to blame the Memebers of this House? Was he aware of the implications of this particular law on the right to trial by jury, and did he or his Ministers or a President of the time not have a duty to report accurately to the House the long-term implications for the right to trial by jury in this case?

Senator T.A. Le Sueur:

I think the fact that this matter was debated and reported in a question of one page meant that it did not feature very highly on anyone's radar but nonetheless it is the duty of any Member with a concern on these matters to investigate them properly. Our duty in the States is to pass legislation and it is up to us to make sure that we know implications of legislation which we are passing.

2.8.3 Deputy G.P. Southern:

Does the Chief Minister accept that passing legislation may be done by fair means or foul and that in this case the fair means were not pursued fully? Did the Ministers or Presidents of the time fully understand the law that they were bringing to this House and its implications for a right to trial by jury, and if they did, did they not have a duty to inform the House that these implications were there?

Senator T.A. Le Sueur:

I resent the implication that this House passes legislation by fair means or foul. It passes legislation by fair means in an open government [**Interruption**] ...

The Bailiff:

Deputy, let the Chief Minister answer without interrupting.

Senator T.A. Le Sueur:

Every Member has the opportunity to debate and ask questions. As to how it is presented, it is a matter for the rapporteur at the time to decide how best to present the legislation, and if Members at the time feel uneasy about the way it was presented, it is for them to say so. I believe that this legislation should have been understood by those concerned but what it does, as I have clearly tried to outline, is to remove an anomaly whereby some offences were tried in one way and very similar offences were tried in a different way.

The Bailiff:

Deputy Martin, do you want a final question? I am sorry, I have seen Deputy Le Hérissier.

2.8.4 Deputy R.G. Le Hérissier:

Would the Chief Minister not acknowledge that this demonstrates yet again - and we are all to blame - the need, on occasions like this, for proper legislative scrutiny? Would he not further acknowledge, while it appears to be a restriction of jury trial, of course, we still have a dual system: some trials by Jurat; some trials by jury?

Senator T.A. Le Sueur:

Certainly, I would not disagree with the need to make sure that any legislation we pass has been properly scrutinised and I hope that would be a responsibility, not only of a Scrutiny Panel, but of every Member. Certainly, in this particular case, as the report in Hansard shows, it was offered to the Scrutiny Panel at the time to review; they chose not to. That is their choice but it does not obviate the need of every Member in passing legislation to understand what they are doing.

The Bailiff:

Deputy Martin, do you wish to have a final question?

2.8.5 Deputy J.A. Martin:

Yes, the final question is: does the Chief Minister have any idea why it took over 2 and a half years to come back from Privy Council because I am told that is an exceptional amount of time? I think, obviously, they have a problem. It says right at the beginning in 2007: "This is human rights-compliant." I am not sure if it is.

Senator T.A. Le Sueur:

I cannot speak for the time it takes legislation to come back from Privy Council or to be registered. All I can say is that the law is now registered and has no doubt therefore been accepted by Privy Council as acceptable.

Deputy R.G. Le Hérisier:

Could the Attorney General clarify its human rights compliancy?

The Bailiff:

No, sorry, this is a question to the Chief Minister; not a debate.

Senator T.A. Le Sueur:

I can simply say that a statement was made at the time that it was compliant.

The Bailiff:

We come then to a question which the Deputy of St. Martin will ask of the Chief Minister.

2.9 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the introduction of Inheritance legislation:

Given that on 31st March 2009, in answer to my question asking why legislation in respect of inheritance had not been lodged, the Chief Minister stated that the draft legislation was on the Legislation Advisory Panel's agenda for its May meeting and he would advise Members of the outcome of the panel's discussions. Will the Minister inform Members of the outcome and when the legislation will be lodged?

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

The Assistant Minister, Deputy Le Fondré is Chairman of the Legislation Advisory Panel and I would ask that he act as rapporteur to this question.

Deputy J.A.N. Le Fondré (Assistant to the Chief Minister - rapporteur):

As noted in the responses to a number of questions in the past, consultation was still not finalised with certain bodies at the end of the term of office of the previous Advisory Panel. From initial views taken just before the summer recess, apparently further work is still required on technical aspects of the wider law. However, equally, the panel is not happy with the time it has taken to resolve the matter concerning illegitimate children and has therefore decided to split its work into 2 phases; one dealing with the comparatively easy matter of illegitimate children and the other to continue to look at the detailed aspects of the wider proposals. This was discussed again yesterday and we believe we can recommend lodging this part of the law very soon and hopefully before the end of the year.

2.9.1 The Deputy of St. Martin:

Is the Assistant Minister aware that the present situation is not human rights compliant and it does raise serious issues about human rights compliance?

Deputy J.A.N. Le Fondré:

As I said, we felt that the whole delay on certainly the illegitimate children's side, which is one of the main drivers behind the changes, is unacceptable and that is why we are focusing on that to get that as a significant issue sorted as soon as we can.

2.9.2 The Deputy of St. Martin:

Could I just seek an assurance from the Assistant Minister? Could he give the House some indication as to how soon this legislation will come? How soon is how soon?

Deputy J.A.N. Le Fondré:

We had 2, in legal terms, relatively minor matters that we considered yesterday. I am hoping that in 2 weeks' time when we are meeting solely to consider the matter, we will have a final draft which we can then recommend to the Chief Minister for lodging. However, I will obviously caveat that with making sure that we are happy with the final draft but our intention certainly is to get it lodged before Christmas.

2.9.3 Deputy R.G. Le Hérisier:

I wonder if the Chairman could inform the House whether this matter was referred to his Committee, as indeed might be the law we have just discussed? It was referred to his Committee because of questions about its human rights compliancy. If so, could he tell us how the agenda of the Committee is generally formed?

Deputy J.A.N. Le Fondré:

As I said, it was a piece of legislation that has been inherited by the panel from previous panels so I cannot clarify as to the origin of it but it is obviously something that has been on our list. We consider it extremely important and it is at the top of our list and will remain there until it is cleared.

The Bailiff:

We come to a question which Senator Ferguson will ask of the Minister for Economic Development, Senator.

2.10 Senator S.C. Ferguson of the Minister for Economic Development regarding the provision of allotments:

What is the progress on the provision of allotments?

Senator A.J.H. Maclean (The Minister for Economic Development):

If I may, could I ask my Assistant Minister, Constable Norman, to answer this question?

Connétable L. Norman of St. Clement (Assistant Minister for Economic Development - rapporteur):

The Allotment Working Group has now submitted to me its final report and it is a thorough and excellent piece of work. We are now moving on to the implementation stage of the recommendations contained in that report, part of which I hope will be the development of Field 195 at Les Creux, St. Brelade, which is in public ownership because that has had planning permission for allotments done 5 or 6 years ago but the scheme was dropped. We will be looking for planning permission for that and hopefully that will become a flagship and a benchmark project to the benefit of the Island and in particular the residents of St. Brelade.

2.10.1 Senator S.C. Ferguson:

The proposals in the report, a copy of which I have here, require a simple organisation, a start-up loan and subsequent self-financing similar to something like the St. Brelade's Bowling Club and the report contains realistic costings. Why is the Assistant Minister referring the project to an

established organisation in the Island to obtain research into resourcing, particularly when field 195 is shovel ready with planning permission as a pilot project?

The Connétable of St. Clement:

When we are dealing with public money, which we would in this case, I think we all have a duty to make sure that we have the best value and the most appropriate administration available. The working group did, not unanimously, recommend the setting up of a new quango called the Jersey Allotment Board, which would have paid officials. That is still an option but I am looking at other options to see if there are organisations or administrations already in existence which can carry out the work that this Allotment Board would have done, providing better value to the community and therefore keeping the costs of providing allotments to the public at the lowest amount possible.

2.10.2 Senator S.C. Ferguson:

The Minister is aware that the seed corn, not the grant, the seed corn for this project is something in the order of £40,000. Is the Minister aware that the current costs of the Country Gardens Scheme, run by an established group, costs the holder £200 a year and requires, in addition, membership of the overall group, while a simple allotment association, as recommended, would cost members £100 a year and still be self-financing?

The Connétable of St. Clement:

Those figures do not stack up. If you take purely the figures in the Working Group report, you would need something like 1,000 allotments for it to break even and that simply is not going to happen. I think the Country Gardens Scheme, which has been run but the R.J.A. and H.S. (Royal Jersey Agricultural and Horticultural Society) is an excellent project. It provides good value to those who have taken advantage of them, as can be seen by the very speedy way that they were taken up by the R.J.A. and H.S. members.

Senator S.C. Ferguson:

Why then ...

The Bailiff:

No, I am sorry, Senator, I think you have had a few. I will come back to you at the end. The Deputy of St. John.

2.10.3 The Deputy of St. John:

Is the Minister telling Members that the group that had been looking into this particular subject for so long - and they are in fact all within the agricultural and horticultural industry - have only found one field, given that I am having reports from across the Island that people require allotments? We are now coming into the second winter, when you have to prepare your land for planting in the spring and yet he has only come up with one field? Will he confirm that the people who carry this work out for him are all in the agricultural industry therefore they are not really interested in seeing allotments?

The Connétable of St. Clement:

No, that is not true. The Working Group comprised of a number of independent people; individuals from the R.J.A. and H.S., the Jersey Organic Association and indeed the Jersey Farmers' Union. We wanted a broad church. Sorry, I do not think the Deputy is very well. He seems to be having some sort of fit. [Laughter] They have done a truly excellent job and there are a number of sites which can be identified. The important thing is to get one site - a flagship site - working and up and running as a benchmark and an example for future developments. We have a number of sites. I can think of one in Trinity, another one in St. Clement, which the Minister for Planning and Environment wants to build upon; there are a number of sites. What we need to do is to get this right. We are talking about public money and it is a relatively new venture for Jersey. We need to

get it right and if we can get one benchmark, flagship project up and running in the relatively short term, it will help other sites to be developed in the future. Of course, if there are other sites and private individuals want to use their land for this purpose, they are perfectly entitled to do so. They do not have to wait for the States to make a decision on this.

2.10.4 The Deputy of St. John:

Can I come back on that, please? So, the Minister is telling us that the group comes from a wide spectrum, given that the majority of them are all in agriculture in one form or another and they are in fact creating a protectionism situation for their own members? Is the Minister telling this House that we need a flagship area in the first instance, given that R.J.A. and H.S. have already been running one in St. Lawrence for 2 years, or coming up for 2 years, is that not sufficient? Is it that the real answer is that most of the Parishes do not want to see huts and the like within allotments and thereby they are standing on it, for want of a better word, or sitting on it? Would the Minister look at using Anderson shelters within allotments which are buried within the ground and can be quite easily covered with soil and therefore they could be planted over the top? The Minister needs to be looking wider than his current scope.

The Connétable of St. Clement:

The Deputy is making assumptions which simply are not true. I believe, and my experience is that the Constables in general are supportive of such initiatives as allotment schemes and certainly the Planning Department have been very supportive and helpful. I think we have got a wonderful opportunity here and instead of being negative about it we should be positive and look forward to a bright future in this area.

2.10.5 Deputy D.J. De Sousa:

The Connétable mentioned a field in St. Brelade; have any areas been identified in and around St. Helier and, if not, why not? If they have; how many?

The Connétable of St. Clement:

I cannot recall any being specifically noted in the report in the vicinity of St. Helier but clearly it is obvious to me that what we want is areas near the urban conurbations because we do not want people travelling out to the country to look after things. I mean I can think of one or 2 in St. Clement, as I mentioned before and I am sure there are others in St. Helier but what I want to do is not be running before we can walk. Let us make sure we get the administration right, let us make sure we get the pricing right, let us make sure we get the technology right, so that we can develop the scheme bit by bit. Do not try and do everything at once; have a flagship benchmark scheme and then build it on from there.

2.10.6 Deputy D.J. De Sousa:

It is okay that we take our time and do it properly but most of the concentration of accommodation is in St. Helier. Most people do not have gardens or anywhere where they can grow anything. I have been contacted by a large number of people that would like to see it in St. Helier. It is important that we have it in St. Helier, so surely it should have started in St. Helier and not St. Brelade.

The Connétable of St. Clement:

The Deputy makes a very valid point. The advantage of the St. Brelade project of course is that the land is already in public ownership, it has had planning permission in the past to be used for this purpose and of course we cannot pretend; there are a lot of people living in St. Brelade as well as in St. Helier who would welcome this facility. Personally, if the Deputy can help me identify some sites in St. Helier, yes, let us go for them.

2.10.7 Deputy R.G. Le Hérissier:

Would the rapporteur refute the slur upon the R.J.A. and H.S. by the Deputy of St. John that they are a protectionist body given that they do not usually plough their own furrow? [Laughter] Would he not say that they have pioneered the use of allotments and have been much more outward looking than other bodies?

The Connétable of St. Clement:

The Deputy is absolutely right. They have been pioneers in this field in recent times and they should be congratulated on the efforts that they have made.

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

If the rapporteur does not hurry up there will not be any sites left in St. Helier because we will have accommodated the extra 7,000 people on those sites. [Approbation] But my question is I am just puzzled, this report is referred to and I am not aware that it has come to Members and it would be very nice if I could have sight of it, thank you. That is a question, by the way.

The Connétable of St. Clement:

The report was a report to me by the Working Group. It is about 2.5 inches thick with all its appendices but I am quite happy to let the Deputy and anybody else who wants to have a photocopy of the executive summary made available to them.

2.10.9 The Deputy of St. Mary:

I do not want an executive summary only; I might wish to go into the full document and I would like a reference and is that possible, so I can look at it on the web? If he says it is 2.5 inches thick, I would rather not have it but I would like to be able to see it. It is an important matter for my constituents anyway.

The Connétable of St. Clement:

The full document, there is but one copy of the 2.5 inch thick document, would be available at the Howard Davis Farm for any Member to inspect, by appointment, with the appropriate officer.

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

The Constable asked Deputy De Sousa whether she knew of any land that is available in St. Helier for allotments. May I suggest that he might like to consider Field 1248 at La Pouquelaye [Laughter] which was refused for housing last week? In the middle of a built-up area, it may be that he might like to look at that and consult with residents of La Pouquelaye to see whether it would be suitable. Thank you.

The Connétable of St. Clement:

I do hope that my role as allotment star is not going to put me in the position of having to be the anti-planning Minister as well.

2.10.11 Senator S.C. Ferguson:

The Minister has rubbished the estimates which were based on real quotations. Has he queried the validity of these with the group and as a corollary to that, can he not arrange to have the whole report published electronically for all Members to see? [Approbation]

The Connétable of St. Clement:

I have not rubbished or criticised any of the work of the Working Group. In fact, I have complimented them most sincerely on an excellent piece of work. I do not know what the technological arrangement would be to have the full report put on the web but I will certainly make investigations into that.

2.10.12 Senator S.C. Ferguson:

The Minister has not answered my question. Will he query the validity of the estimates; the financial estimates, with the Working Group to reassure himself that his 1,000 allotment break-even figure was plucked from the air?

The Connétable of St. Clement:

Nothing plucked from the air; it is a matter of simple mathematics. If you multiply a certain amount of income by a certain number of allotments, or you divide the cost of this Allotment Board by the amount collected, you come up with a number. It is simple mathematics; it is not a matter of challenging or validating.

The Bailiff:

Very well, then we come to a question which Deputy Lewis will ask of the Minister for Home Affairs.

2.11 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding hand-held lasers:

Will the Minister, in consultation with the Minister for Economic Development be seeking to ban the new powerful handheld green lasers that have a distance of over 25,000 feet and could be a danger to aircraft and shipping? If not, why not?

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

The answer to the question is probably. [Laughter] I have the power to control the importation of goods by adding them to the Customs and Excise Import and Export Control Order. There are various classes of laser pens and the problem appears to arise in class 3 and above. Class one and 2 seems to have acceptable usage such as on white boards or things like that that point things out. Class 3 seems to have a very limited legitimate use which apparently is that of highlighting stars at night. However, the most serious issue in my view is that the law needs to be improved in relation to criminal offences for misuse in relation to aircraft. There is a new offence shortly to be created in the U.K. of directing or shining any light at any aircraft in flight so as to dazzle or distract the pilot or the aircraft and my view is that we will need to have that extended if we can to Jersey so we have the equivalent in Jersey.

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

I would just like to ask the Minister, before we go into bringing in new laws, how many instances have there been of laser pens being directed at aeroplanes? Have there been any prosecutions? Thank you.

Senator B.I. Le Marquand:

I have figures on that and to date there have been 250 instances in the U.K. of lasers against aircraft in flight and there have been some prosecutions including one fellow recently where someone was sent to prison for 4 months for persistently shining a light at a helicopter pilot. In Jersey so far we have had 2 incidents reported and one of them was last month.

2.11.2 Deputy K.C. Lewis:

I thank the Minister for his reply and encouraging remarks. Of course, as the Minister is aware, I was not referring to the earlier red laser pens which have a nuisance value but more so the green new class 3 laser pens that can light up a cockpit of an aircraft at up to 25,000 feet, strike a match at 6 feet and burst a balloon at 6 feet after a few seconds. It can destroy the human eye irreparably after 5 seconds. This is an important bit of legislation and I would urge the Minister to bring it forward as soon as possible, does the Minister not agree?

Senator B.I. Le Marquand:

In the light of the further information I have received, I can now update my original answer to very probably.

The Bailiff:

We come next to a question which Deputy Southern will ask of the Chief Minister.

2.12 Deputy G.P. Southern of the Chief Minister regarding the Zero/Ten fiscal strategy:

Will the Chief Minister explain to Members what aspects of his Zero/Ten fiscal strategy have been called into question by H.M. Treasury or other authorities as not compliant with the E.U. code on business taxation and will he state whether the look-through proposals for taxing local non-finance businesses are the subject of particular attention?

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

Discussions with the Financial Secretary to the Treasury have been focused around changing international norms for taxation. There have been no technical discussions on the look-through proposals, nor indeed any other elements of the Jersey business tax system. In respect of the code, the report of the Code of Conduct Group to the E.C.O.F.I.N. Council on 28th November 2006 states, and I quote: "The U.K. delegation, recalling the Code Group report dated 26th November 2002 explained that with the introduction of a standard rate of tax for all Isle of Man companies of zero per cent and a higher rate of 10 per cent on 2 closely defined types of business, the Isle of Man's 6 harmful measures were all repealed or revoked. This was accepted as constituting the roll-back of the harmful regimes." It is this record that has always given me the satisfaction of knowing that we have met the form of the code and I still believe that to be the case. However, it is clear that the major changes in the world economy have caused the E.U. member states to review their general position in relation to the underlying principles of the code. It is for this reason that I have had discussions with the U.K. and the other Crown Dependencies in order to ensure that we are ready and able to respond positively to changes as they become more formed. It is therefore a much broader question of the spirit of being a good neighbour which includes not just whether our tax structure could be considered to be inimical to the interests of competition across Europe but also the reciprocal commitment of other European states on such matters as the recognition of equivalence, market access and double taxation agreements with the Crown Dependencies. Jersey must always be prepared to respond to changing circumstances and we will work as closely as possible with the other Crown Dependencies, the U.K. and European Union member states to ensure that our regulatory and tax regimes are viable and competitive and are supported by our European neighbours. I believe that this will ensure that we retain our leading position as an offshore finance centre and thereby continue to support the well-being of all Islanders.

2.12.1 Deputy G.P. Southern:

Does the Chief Minister accept the findings of the Scrutiny Panel back in 2005 where it suggests that the oral evidence received from Senator Le Sueur discussed the roll-back section of the code and the standstill section of the code and committed itself that it would not introduce any new laws which offended the code? Does the provision of look-through which has now gone through the States offend that code and will he take it back?

Senator T.A. Le Sueur:

The short answer is that I have no indication at all that look-through offends the code but, as the Deputy well knows, the whole of our fiscal strategy is under review and that and all other aspects will be looked at. Clearly it is likely that we will move from the current arrangements but I am not at this stage in a position to give any indication or suggestion even of what changes might be made. That would be a matter, ultimately, for the Members of this House to decide for themselves.

2.12.2 Deputy T.M. Pitman:

Given that in an earlier answer, the Chief Minister appeared to tell us that confirmation of Zero/Ten's compliancy was indicated not by letter, as most of us would have expected, but on something far more vague and perhaps tenuous. Could he explain to the House why he has not listened to individuals such as Senator Syvret and Deputy Southern who had real reservations about this and planned seriously to introduce alternative tax measures that would ultimately ensure Joe Average is not hit in the pocket yet again?

Senator T.A. Le Sueur:

Compliance was not achieved by letter but, as far as I am concerned, I place far more reliance on the comments of the Code of Conduct Group of E.C.O.F.I.N. which I have just quoted, than the views of Members of this Assembly whose views, while I recognise them, are simply one aspect. The statements in the E.C.O.F.I.N. comment that Zero/Ten was accepted as constituting the roll-back of harmful regimes, although not in legislation was, as far as I am concerned, an adequate and satisfactory report for my purposes in believing that the proposals that we made were the right ones to take forward. The Deputy also made a comment in the end that it puts an additional burden on Island residents. I would point out to him, as I pointed out to Members who were in the States at that time that failing to move to Zero/Ten would have put a far more significant burden on Island residents.

2.12.3 The Deputy of Grouville:

Would the Chief Minister agree that the tax structure we have in place at the moment discriminates against locals and against local businesses and we have since lost many of our larger building firms which have arranged their affairs offshore?

Senator T.A. Le Sueur:

Businesses come and go for a variety of reasons; not simply taxation. It could be just lack of continuity among the family or a good offer or a whole variety of reasons. The fact that our tax structure does have some anomalies in it is a question which I know was being addressed by myself and the current Minister for Treasury and Resources, primarily in relation to the trading companies operating in Jersey and that will continue to be a matter for discussion. As the Deputy and Members are no doubt well aware it was looked at once again by a scrutiny panel earlier this year and I believe that the Minister for Treasury and Resources may well have comments to make about that in the forthcoming budget.

2.12.4 Deputy D.J. De Sousa:

Does the Minister not now consider that now is the appropriate time to have a full and transparent inquiry into all taxation and including a look into progressive and fairer taxation for all at the earliest opportunity and reporting back to the House on the findings?

Senator T.A. Le Sueur:

Yes, in fact it is not just now that is the time, but it is back in August that the Treasury announced a full review of our tax system which I am sure will be a transparent process in which all Members and members of the public will be invited to contribute. So I believe that will enable the Island to continue, as it still does now, to have a progressive tax system but I do not want to go back into the arguments we have had for years about how progressive a tax system it is. All I would say is it is under review and the principles and the outcome of that review will be discussed fully, I am sure, by all Members.

2.12.5 Deputy D.J. De Sousa:

Just a quick supplementary; will that include 1(1)(k)s as well?

Senator T.A. Le Sueur:

It is not my review; it is the Minister for Treasury and Resources' review but I believe he is making it as broad as possible and I am sure that any representations about 1(1)(k)s or any other elements of taxation, current or possible potential sources of revenue will be considered and reported to this House.

2.12.6 Deputy G.P. Southern:

Does the Chief Minister now pay any heed to the warnings of the adviser to the Scrutiny Panel in 2005 who stated clearly that: "Any system that breaks down that divide for a selected group of shareholders defined solely on the basis of their residence appears to create a ring fence. When that ring fence acts to the detriment of resident-owned companies to ensure the protection of domestic revenues, as is undoubtedly the case in the proposed look-through tax in Jersey, then it is apparent that the E.U. code has been broken." Does he not now agree, in hindsight, with that advice he received in 2005?

Senator T.A. Le Sueur:

No, I listened to views from a variety of people and at the end of the day I make recommendations and this House agrees proposals based on advice from a variety of people. One has to balance different views and certainly I do recognise advice from that quarter just as I also recognise other advice from different quarters pointing me in different ways. There is no simple solution and never one answer. What we proposed in 2005 was, I believe, the appropriate solution at that time. It has stood the Island well. It has maintained our position as a pre-eminent finance centre in the world [Approbation] and I believe that we can be proud of the way we have reflected the changing circumstances at that time and I hope we will continue to reflect those changing circumstances in the current review and the outcomes that we deliver from that.

2.12.7 Deputy G.P. Southern:

A final supplementary if I may; the Chief Minister has made many references to changes in attitude and changes in circumstances. Will he list for the House what those changes are in order that we can understand why the problem is where it is?

Senator T.A. Le Sueur:

A change in attitude is a very subjective thing and I would be in no position to voice individuals' views when I have not heard those views firsthand. Certainly, as far as the economic situation is concerned it is quite clear to me and I am sure clear to all Members the different economic situation that we face now compared with that we were facing in 2006. If the Member wants fuller details of that, I think he can simply read the financial press for the last 12 months.

The Bailiff:

We come to a question which Deputy Trevor Pitman will ask of the Minister for Health and Social Services.

2.13 Deputy T.M. Pitman of the Minister for Health and Social Services regarding nursing staff working back-to-back day and night shifts:

Will the Minister advise whether on occasion nursing staff have had to work a night shift straight after the completion of their day shift? If so, does she consider this to be good or satisfactory health and safety practice and would she further advise whether any such individual would be supported by the department in event of an accident or tragedy occurring as a result?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

I am not aware of any instances whereby nursing staff employed by my department have had to work a night shift straight after completion of their day shift, however I am personally aware of

instances whereby nursing staff have been extremely flexible in supporting the service in times of sudden staff shortages, to their credit and very much appreciated at maintaining central services. Extended additional shift requests are only made after all other avenues have been exhausted such as seeking bank or agency staff and most typically this occurs because of sickness. This may involve a nurse either extending their shift for a period of a few hours or going home to rest and return later in the day. All extra hours undertaken by staff are negotiated with their manager. To my knowledge no nurse is forced to work hours beyond those which they choose to do. Nursing staff who work extra hours can do so on the bank, as overtime, or claim time owing. I do not consider the practice of nursing staff working a night shift straight after the completion of their day shift a good or satisfactory health and safety practice. I cannot condone it. I support the practice of minimum rest periods and assure the Deputy that Health and Social Services Department staff managers work hard to support their staff at all times and even more so in times when the service is under great pressure. My department would always support staff working flexibly within the service and in the event of an unfortunate accident or a tragedy occurring as a result of an instance the Deputy describes, the organisation would support the individual. This liability, however, cannot extend to additional duties and agency work they may perform for other organisations in the private sector. Lastly, I must add that members of staff themselves have a professional responsibility under the code of the Nursing and Midwifery Council to ensure that they are fit for practice each time they come on duty.

2.13.1 Deputy T.M. Pitman:

A supplementary? Thank you. Had the Minister attended the meeting with staff representatives but only 10 States Members did attend, I have to say that she might have learnt that this information was given direct by a health employee that this has indeed happened; the night shift, straight after a day shift. In light of that can the Minister give us assurances that this will not happen again in future?

The Deputy of Trinity:

I am not aware, as I said, of any incidents with nursing staff and if the Deputy has that information, I would appreciate it.

2.13.2 Deputy G.P. Southern:

In the written answer in question 24 today, the Minister suggested or stated that data is held on all Health and Social Services staff in relation to contracted hours and the overtime they may have worked in a given period but she says it would require significant resources to undertake a survey to find out how many hours are being worked. Will she undertake to do so because I believe it is a vital issue of health and safety?

The Deputy of Trinity:

I am concerned and, as I said in my answer, I cannot condone it. I am very much aware that nurses have worked extra hours. This is in negotiation with their manager and that is very important. Also, I stress, under their code of practice, they have to show that they are fit for duty.

2.13.3 Deputy G.P. Southern:

Will the Minister come to the House with the research that defines the depth of this problem?

The Deputy of Trinity:

Just to confirm, I am not too sure what the Deputy requires; the problem that is occurring with nurses working night shift and then day shift? Was that what he is asking me to do?

Deputy G.P. Southern:

What I am seeking to do is to obtain the figures which indicate the extent to which long working hours are the current practice among staff employed by the Minister for Health and Social Services

today. She says she has the data but it requires some effort in order to organise that data to state the extent of the problem; long working hours. Will she come to the House with the data that can define the size of this problem?

The Deputy of Trinity:

We know that there is a problem with staff working long hours and that is the most important thing, with the Business Plan, with the amendments to get extra funds for the staff to get more nurses. I do not understand what that would achieve.

The Bailiff:

I am sorry but we need to move on. Do you want a final question, Deputy Pitman? The Deputy of St. Martin then, if Deputy Pitman is not going to.

2.13.4 The Deputy of St. Martin:

All I was going to ask the Minister was that surely these figures are collated by the managers and all the managers have to do is put them together. Surely it should not take a lot of extra work.

The Deputy of Trinity:

As I said in my written answer, a significant resource would be needed but the most important thing is that the managers ... all overtime is worked in negotiation with the managers and they either have that paid as overtime or as time owed in lieu. I am not aware, as I said, of anybody working those hours but if the Deputy knows anything different then I will be pleased to know about it.

The Bailiff:

We move next to a question which Deputy Power will ask of the Minister for Transport and Technical Services.

2.14 Deputy S. Power of the Minister for Transport and Technical Services regarding an increase in glass waste being included in mixed domestic refuse deposited at the incinerator at Bellozanne:

Can the Minister confirm whether his department has noticed an increase in glass bottles and general glass waste being included in mixed domestic refuse deposited at the incinerator at Bellozanne? If so, does he consider that this is a result of the withdrawal of some glass disposal bins by the Parish of St. Helier?

The Connétable of St. Brelade (The Minister for Transport and Technical Services):

There is currently no empirical measurement of levels of glass mixed in with Parish refuse deliveries. The staff team in the energy from waste tipping hall do regularly report that quantities of glass can be heard in loads tipped and we continue our efforts to raise awareness to the importance of the segregation of glass and other recyclables. Perhaps a more tangible measure of any fluctuations is glass arriving for recycling which is measured in detail for each Parish. Figures for total glass delivered to the La Collette aggregates recycling facility have risen steadily for the last 4 years. In 2007 it was 7,719 tonnes and in 2008 it was 8,490 tonnes. Looking specifically at the Parish of St. Helier the service collected an average of 107 tonnes per month in 2007 and 114 tonnes per month last year. The monthly average so far this year is 109 tonnes, not showing any significant difference. There is therefore no evidence based on the statistics available that a change in the collection system has had an impact on the quality of glass collected. However, I have spoken to the Connétable of St. Helier on this matter and I am advised that the Housing Officer from the Deputy's department has agreed to look at providing a glass bin for the residents at Convent Court as well as screening for a Eurobin store in the new low rise premises. In fact, they have agreed to put a bottle bank and 2 x 1,100 litre Eurobins on the site and they will assess the low

rise for a couple of weeks after the removal of Val Plaisant so really I think it is partly in the hands of the Deputy's own department to help on this and certainly my department in conjunction with the Parish of St. Helier will do all we can to ensure that as much recycling is done as possible.

The Bailiff:

Deputy, do you wish to follow up?

2.14.1 Deputy S. Power:

Just one supplementary; the reason I asked the question is that every month for the last 4 months at the Age Concern Clinic at Windsor House some elderly residents of St. Helier have come to me saying that they have issues with the disposal of glass waste and it has not been made easy by the withdrawal of the glass bins. The department is working with the Constable of St. Helier and T.T.S. (Transport and Technical Services) but it appears to be a widespread problem more than Convent Court and would the Minister be prepared to work with the Department and with the Constable to alleviate this problem with the elderly? Thank you.

The Connétable of St. Brelade:

As always.

2.14.2 Deputy D.J. De Sousa:

Can the Minister inform the House as to whether he will get together with all the necessary departments involved, as I was contacted over the weekend by concerned residents living in the low rise area of Convent Court about the possibility of having a large number of bins at the back area of where they are living?

The Connétable of St. Brelade:

Once again, I would be pleased to co-operate with all parties.

2.14.3 The Connétable of St. Helier:

I note the questioner added to his question when he read it, because it is misleading, he refers in his question to the withdrawal of glass disposal bins by the Parish of St. Helier and he inserted the word "some" and I am pleased that he has corrected that. Would he acknowledge that he has had nothing but quick reactions from my staff and they have done everything possible to alleviate this particular problem and there is every reason to hope that a similar approach will be faced in other areas?

Deputy S. Power:

Yes.

The Bailiff:

We come next to the question which the Deputy of St. John will ask of the Minister for Transport and Technical Services.

2.15 The Deputy of St. John of the Minister for Transport and Technical Services regarding the servicing of non-States owned vehicles by the Transport and Technical Services Engineering Section:

Would the Minister confirm whether the Transport and Technical Services Engineering Section is servicing non-States owned vehicles, using States equipment and tools at a charge-out price of £34 per hour and no G.S.T. (Goods and Services Tax)? If so, can he advise whether this fee is at the bottom, middle or top end of garage servicing charges across the Island? How is offering this subsidised service fair to the private sector garages and businesses?

The Connétable of St. Brelade (The Minister for Transport and Technical Services):

I can confirm that the Jersey fleet management section of T.T.S. only services the vehicle fleets of governmental organisations. These include other States departments and some Parishes, specifically the Parish of St. Ouen and the Parish of St. Saviour on a regular basis and the Parish of St. Brelade and the Parish of St. Mary on an occasional basis. This work is charged at the cost recovery labour rate of £33.85. G.S.T. is not applicable to invoices sent between States departments nor for the work carried out by States departments on behalf of Parishes. This rate covers full direct labour payroll costs and workshop and management overheads. With regard to equivalent hourly rates in the private sector, it would be fair to say that the T.T.S. charge-out rate is at the bottom compared with garage servicing charges within the Island, which is as expected as it is set to recover operating costs rather than make a profit. States departments carry out various rechargeable works on behalf of Parishes at cost recovery rates which all helps keep the governmental and thereby the public cost through Parish rates as low as possible.

2.15.1 The Deputy of St. John:

Is the Minister aware that the private sector also services Parish vehicles and where this happens, is it right to have a competitive rate or, at the very bottom end of the sector when charging out because this appears to be double-standards?

The Connétable of St. Brelade:

I am sure we can arrange to charge more if the Deputy wishes.

The Bailiff:

We will move next to a question which Deputy Southern will ask of the Minister for Housing.

2.16 Deputy G.P. Southern of the Minister for Housing regarding the conclusions reached by Professor Whitehead in her report relating to Housing in the Island:

Does the Minister concur with the conclusions reached by Professor Whitehead in her report that the States objectives of increasing owner occupation are unlikely to be realised and if so, what measures, if any, does he have under consideration to address this issue?

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

No, I do not agree that Professor Whitehead presents a view anywhere near as simply as the Deputy suggests. In her report at page 43 the Professor quite clearly says that her analysis suggests that an increase in home ownership is an ambition which is unlikely to be realised. However, in the following paragraph she goes on to say that the only practical way to increase owner occupation in Jersey is to ease the restrictions on new housing supply so that the price inflation is moderated. Other policies are unlikely to be successful if this fundamental issue is not addressed. Earlier in her report at page 36 she says: "Given the income distribution within the social sector it is probably better to try to meet the government's objective of achieving higher levels of ownership occupation mainly from the private renter sector where there are a larger number of households with reasonably stable incomes from employment. Some trust tenants may also be able to afford to become owner occupiers." I believe that this is telling us that we must first and foremost make homes available to stabilise prices and we must then widen the range of affordable or intermediate housing products to make home ownership as feasible as possible for as many people as possible. I would suggest that we have an opportunity soon to do something about this when we debate the new Island Plan which is presently out for consultation. In that Island Plan the Minister for Planning and Environment, as well as introducing sites for development, is proposing to deliver a significant number of affordable homes, homes which can - depending on prevailing need - be for rental and for purchase. In addition, my department has recently established an Affordable Housing Task Group, a group which cuts across those States departments with a part to play in the

provision of housing and is also made up of parties from the private housing sector. This group is actively investigating what alternative, affordable and immediate housing products might be available to assist those who aspire to home ownership. One final point worth mentioning, that since the approval of the department's Property Plan we have already created 104 new home owners, all of whom were States tenants and of course they have successfully seen through over 40 home owner homes at La Providence.

2.16.1 Deputy G.P. Southern:

I thank the Minister for finally addressing the problem of supply and demand which he has been denying for the past 10 years. Does he not accept that his policies have been responsible for the situation today where the cost of a house is now 15 to 17 times the average wage in this Island, thus rendering home ownership absolutely impossible for the majority of people?

Senator T.J. Le Main:

What a load of erroneous garbage. Quite honestly, the Minister for Housing cannot build or provide one unit of accommodation; it is the Planning role to do that. We are working very hard with the Minister for Planning and Environment who is under extreme pressure from not only Members of this Assembly but from the general public of the need to keep all green field sites. There is no question about it; the only way to moderate and to contain prices and perhaps reduce prices is to put more into the market place. That is very difficult in a small island like Jersey and I concur very much with the Minister for Planning and Environment in that we must try to develop off green field sites but more on commercial sites and brown field sites and the town area.

The Bailiff:

We move on to the next question which Deputy Pitman will ask of the Minister for Health and Social Services.

2.17 Deputy T.M. Pitman of the Minister for Health and Social Services regarding retention of nursing staff:

Despite the recent £1 million voted to her department to improve recruitment, would the Minister inform the Assembly whether the current problem facing nursing is not in fact one of recruitment but retention as a result of pay awards failing to keep pace with Jersey's high cost of living?

The Deputy of Trinity (Minister for Health and Social Services):

For clarity, the additional £1.1 million investment is needed to increase the nursing staffing levels in key areas across the service. The money will be invested in nurse posts across critical care, accident and emergency, medical and surgical wards and the children's ward. This much needed investment is to start to bring nursing staffing levels up to a level that meets the demand. Good staffing levels play an important role, not only providing a safe level of care but also in our ability to recruit and retain staff. The impact of this investment will mean better levels of staffing and hence a predicted improvement in the recruitment of nurses and a reduction in nurses leaving. The reason nurses leave Jersey are many and complex. We offer exit interviews to all our staff to try and ascertain their reasons for leaving the organisation. Findings from these interviews demonstrate a range of reasons, including moving to be nearer to family, accommodation issues both in Jersey and I stress also in the U.K., childcare costs, lack of extended family support and promotion, for example. In relation to the question linked with pay awards, I am not in a position to answer that question as it is a matter for the States Employment Board.

2.17.1 Deputy T.M. Pitman:

In light of what the Minister has just told the House, will she really not concede that as pay has in real terms fallen behind that of the U.K. that this is a major, major reason for nurses leaving and

recruiting staff, admirable as that is, and needed as that is, it will have no other impact than to put off matters for a matter of months?

The Deputy of Trinity:

As I have said, the issues are many and they are very complex. It is not just one thing. It is a multitude of things, like accommodation, both over here and in the U.K. because nurses who are coming over here perhaps cannot sell their house in the U.K. or perhaps cannot rent them. The area of accommodation I know has been discussed with the Minister for Housing and he is very supportive. So, just to stress, there is not just one issue.

2.17.2 Deputy A.E. Jeune of St. Brelade:

Just listening to the Minister's answer there, did I hear correctly that the monies that have been awarded are to be used for the general and acute area? Would the Minister confirm that she is satisfied with the staffing levels in terms of the elderly and psychiatry?

The Deputy of Trinity:

There are all areas and in the nursing staff review they identified 35 areas across the service but these ones I mentioned are the first tranche which is high priority because they are in an acute setting.

2.17.3 Deputy G.P. Southern:

Will the Minister come to the House with a comprehensive, quantitative and anonymised version of the reasons for nurses leaving the profession, as she currently has them?

The Deputy of Trinity:

I think I have done that many times. As I have said in my question, they are childcare costs, accommodation costs and also the costs of accommodation that the people may leave in the U.K. What has come out just fairly recently is that somebody wanted to come over here but their partner was in a good job in the U.K. and, because of the job market in the U.K., they felt it was important to stay put for job security.

2.17.4 Deputy G.P. Southern:

I repeat my question again; will the Minister come to the House with information which will enable this House to judge whether measures being taken to improve recruitment and retention are successful, including some form of summary document which summarises the reasons for nurses leaving in some sort of quantitative way? Furthermore, I am glad to see that she refers ...

The Bailiff:

That was your question, Deputy.

The Deputy of Trinity:

I can do but for the last 5 weeks I have been saying the same thing; that they are complex but, if the Deputy wants that, then that is fine; I shall do a brief report.

2.17.5 Deputy D.J. De Sousa:

The Minister recently informed Scrutiny that there were problems with retention and engagement of staff in the nursing line and she felt that a good amount of that was through the cost of accommodation and the cost of living and childcare in Jersey. Does she feel that anything has changed in the short space of time that will enable her to be able to employ more nursing staff and retain the nursing staff as to accommodation, childcare costs and the cost of living in Jersey?

The Deputy of Trinity:

Again, I stress that it is complex and it is not just one issue. What has made a tremendous difference is the States support of the extra £1.1 million and the investment over 3 years. After the States support I did go around most of the wards in the hospital and they were very appreciative, also saying that it will help them enormously. As regarding the other issues, I have forgotten what the question was now.

The Bailiff:

That is it. Very well, Deputy Pitman, do you want to ask the final question?

2.17.6 Deputy T.M. Pitman:

Just a quick one; could the Minister just confirm that when she has this money in place for additional recruitment, and that is working, will she then come back to the House and provide figures so that the House can see how matters have improved on staffing levels and safety levels?

The Deputy of Trinity:

So, it is in addition to the other report that Deputy Southern wanted. Yes, but I also say that the nurses have been under tremendous pressure and I would ...

The Bailiff:

I think it is either yes or it is no, Minister.

The Deputy of Trinity:

Sorry.

The Bailiff:

We come then to a question which Deputy De Sousa will ask of the Minister for Economic Development.

2.18 Deputy D.J. De Sousa of the Minister for Economic Development regarding efforts to encourage utilities to reduce prices when the rate at which they purchased the relevant commodities went down:

Can the Minister inform the Assembly what steps, if any, he is taking to request utilities to reduce prices when the rate at which they purchase the relevant commodity goes down?

Senator A.J.H. Maclean (Minister for Economic Development):

The utility companies are generally recognised as being those that deliver electricity, gas or water. The Water (Jersey) Law 1972 is the responsibility of the Minister for Planning and Environment whereas the Jersey Gas Company (Jersey) Law 1989 refers to the Minister for Transport and Technical Services. The Electricity (Jersey) Law 1937 does refer to the Minister for Economic Development and I have had a number of meetings with the board of the J.E.C. (Jersey Electricity Company) to discuss pricing and I also undertook a review that was presented to the States recently. The J.E.C. has already announced that it will reduce prices for a number of reasons, including its ability to capitalise on falling wholesale electricity costs. It has also been able to reduce its prices as a result of tactical purchasing and cost control within its business. This has included savings made by generating more electricity locally because of the low oil prices earlier this year. Changes to prices have to occur as part of a seasonally adjusted structural review rather than haphazardly but where these do occur, I agree with the Deputy that utility companies should make every effort to pass on these savings to their customers. Thank you.

2.18.1 Deputy D.J. De Sousa:

The answer to the question has been very useful because I did not realise that different Ministries had responsibility for the different utilities. Thank you for that. What steps, if any, will the Minister be taking to bring any regulations to try and enforce utilities to be fairer in their pricing?

Senator A.J.H. Maclean:

Currently we have a position where we had the Jersey Competition and Regulatory Authority who could, in the instance of a proven case of abuse, for example, of dominant position, investigate a utility's actions. There is also the opportunity for the Consumer Council to look into pricing structures that they feel are unfair or unjust. Outside of that, in Guernsey there is the Office of Utility Regulation and there are some discussions afoot to consider whether or not pan-Channel Islands regulation of utilities and indeed pan-Channel Islands regulatory functions such as sharing the J.C.R.A. (Jersey Competition and Regulatory Authority) has some merit. So those discussions are ongoing.

2.18.2 Deputy R.G. Le Hérissier:

Would the Minister confirm whether or not he has taken a stand on the issue of cross-subsidisation, for example, in the Electricity Company? Is the electricity generation and delivery side a freestanding and separate unit of the company or are there subsidies given to other aspects of its work from that unit?

Senator A.J.H. Maclean:

I am certainly not aware of cross-subsidy within the Jersey Electricity Company or indeed other companies that the States has a shareholding in. It would be a matter for the Jersey Competition and Regulatory Authority to investigate, should any cases arise or be brought to their attention in this regard.

The Bailiff:

Do you wish to ask the final question, Deputy De Sousa? You do not have to.

Deputy D.J. De Sousa:

No, not really. Just to say that in light of the fact that I was trying to raise issues around gas so I will bring questions back to the T.T.S. Minister.

The Bailiff:

Very well. Then we come finally to a question which the Deputy of St. Martin will ask of the Minister for Health and Social Services.

2.19 The Deputy of St. Martin of the Minister for Health and Social Services regarding the advancement of an initiative publicising information about prostate cancer and the establishment of a bowel screening programme:

Will the Minister inform Members what action, if any, has been taken to advance an initiative publicising information about prostate cancer to encourage men over a certain age to see their G.P. (General Practitioner) and the establishment of a bowel screening programme as outlined in response to an oral question on 3rd June 2008 by the former Minister for Health and Social Services?

The Deputy of Trinity (The Minister for Health and Social Services):

The National Screening Committee U.K. whose advice we follow does not recommend screening for prostate cancer. The search for a suitable test has been pursued by researchers in some depth due to the importance of prostate cancer as a relatively common cancer. This search has to date been unsuccessful. Recent articles do not recommended the P.S.A. (Prostate Specific Antigen) level test as a basis for a screening programme due to giving rise to relatively frequent false

positives and false negative results which can lead to unnecessary investigations and treatment or false reassurances respectively. In her annual report of 2008 *Our Island Our Health*, the Medical Officer of Health recommended that men who wish to consider P.S.A. testing should seek advice with regard to its benefits and limitations from their G.P. It still remains my intention to offer bowel colorectal screening to men and women aged 50 to 69 as soon as it is feasibly possible.

2.19.1 The Deputy of St. Martin:

I am grateful for the Minister's answer but really it tells us nothing and did not really answer the question. I have had the answer before that the Minister has given us. But what I was given assurance in June last year by the former Minister was that an initiative would be taken to ensure that there was much more publicity given about the problem, made aware to people over the age of 50. Also a bowel screening programme would be taking place. That was June of last year. I was asking the Minister what initiatives have been taken to advance that promise.

The Deputy of Trinity:

The Jersey Colorectal Screening Implementation Group has prepared a positive plan to introduce bowel screening but there are unfortunately some limiting factors which are the capacity in endoscopy units and the funding for a screening programme and a lack of a population database, of which you would invite cohorts of Islanders to take part to call them and to recall. I would not want to see any screening programme set up which cannot be sustained over many years. Regarding the P.S.A. levels, unfortunately researchers are still trying to find something. If there was something that did come out from the National Screening Committee, we would look at thinking of doing it. But I take the point publicity is very important and I take this opportunity to thank individuals of our Island who are prepared to come forward and talk openly about their experiences. I would like to applaud their approach. It is only through that personal approach that it raises the awareness and hopefully men would listen to their advice and their experiences and visit their G.P.

2.19.2 Deputy P.V.F. Le Claire:

I wonder if I might stretch just a little. Having identified and diagnosed correctly incidents of cancer, whether it be for this particular set or other sets, is the Minister for Health and Social Services confident that patients who have been diagnosed are going to receive timely care in this Island under the current constraints of her budgets? Is there any opportunity for those who feel that their care is not being taken care of as quickly as they would need or like it to be, is there any opportunity for them to go to other countries like France to receive that care under the current arrangements?

The Deputy of Trinity:

Yes, there is. If you talk about the P.S.A. levels, once they have been diagnosed from the G.P., the G.P. makes a referral to the appropriate consultants and it goes on from there. We do have a very good oncology department. They are working very hard and they are busy. As I said before, the links to Southampton and other areas on the U.K. is important. As regarding France, it is very difficult for me to comment because each patient's needs and each patient's treatment is individual.

Deputy P.V.F. Le Claire:

Can I please, Sir, just ...

The Bailiff:

I am sorry, Deputy, I think we have run out of time.

3. Questions to Ministers Without Notice - The Housing Minister

The Bailiff:

Very well. We move on next to questions to Ministers without notice. The first period is to the Minister for Housing.

3.1 Deputy T.M. Pitman:

I obviously looked very keen there, Sir. This is a genuine question not an accusation for my very good friend, the Housing Minister. Fully accepting the observation of Professor Whitehead that Housing has been significantly understaffed, does the Minister, nevertheless, feel that any degree of responsibility for what has been described as a failing service that should be broken up lies with the Minister himself?

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

May I make it quite clear there is not a failing service within the Housing Department? I make that quite clear. But under the current policies of this Assembly, the Housing Department are adequately staffed at the present time. The original staff 18 months or 2 years ago, we had about 85 staff. We are down to just under 40 under the current policies of this Assembly. We are working very, very well. Professor Whitehead was quite clear that she was very impressed with the current administration and managership of the Housing Department and the issue about not being fit for purpose was the current policies applying to the funding and other issues and regulation otherwise. But otherwise the Housing Department, as I say, is adequately staffed and very lean and working very hard.

3.2 Deputy G.P. Southern:

Can the Minister explain to Members why he chose the terms of reference he did which look at reform of administration and management in the Housing Department when, in fact, the big problem is the basic funding for repairs and refurbishment which he in his decade has failed to keep up to date with?

Senator T.J. Le Main:

Absolute rubbish. Again this is a total ... I am not going to be rude to the Deputy but quite honestly [Aside] ... do you want me to [Laughter]? The issue is quite clear that the Housing Minister has worked in conjunction with this Assembly and with other Ministers and other presidents before that. I have had a joint working approach in regard to the fiscal challenges being presented to this Assembly over the last few years. To say that it is my fault that we are where we are now is absolutely not true. The issue is I have worked with other Members and this Assembly. It is this Assembly that has given me the policies to work within the parameters of what I am at the moment. We have known for a long time that the funding is a short term basis. This property plan sell off is a 10 year plan. But we know very well that the property plan will only deliver and make our stock acceptable over a period of time.

The Bailiff:

I think a concise answer if you would, Minister.

3.2.1 Deputy G.P. Southern:

Does the Housing Minister deny that he has been in charge of housing policy for the past decade and that this House has confirmed policies that he himself has brought to this House for confirmation? That is all this House is responsible for. Does the Minister accept any responsibility whatsoever for housing policy in this Island?

Senator T.J. Le Main:

I accept any responsibility for the housing policies approved by this Assembly. If I may say that any policies that have been worked out by the Housing Minister and his team have come to this

Assembly and it is this Assembly that have either supported or otherwise those policies, including Deputy Southern.

3.3 Deputy D. J. De Sousa:

Can the Minister please inform Members how in the current economic situation and the fact that mortgage lenders are now requiring I believe at present 15 per cent deposit, how his department will endeavour, as has been promoted by Housing, to help tenants to own their own homes, as at present it does not seem very realistic?

Senator T.J. Le Main:

That is not correct. We have one lender currently lending 100 per cent on homes that are being purchased by tenants. On a regular basis we meet up with banks and lenders. In fact there are 4 lenders at the moment that are lending in particular on 100 per cent on the properties for tenants to purchase that they occupy.

3.4 Senator S.C. Ferguson:

Will the Minister be considering the various suggestions for restructuring of the Housing Department, such as changing it into a trading organisation? Which ones is he looking at and why?

Senator T.J. Le Main:

I will be looking at all the recommendations in the Whitehead Report. In fact, I will not be looking at them in any depth until Members of this Assembly have come back with their observations and views on the matter and the public consultation is completed after 3 months. But, yes, I very much intend to work with Members and in fact work with the Housing Scrutiny Panel in realising what hopefully will be some good recommendations to come back for policies that will be sustainable for the future.

3.5 The Deputy of St. Martin:

Some time ago the States supported Housing proposals to sell off a number of States properties within its portfolio. Will the Minister give us some idea, some indication, of the percentage of homes sold to date and the revenue brought in? In light of the recent review, will he now be reconsidering the proposed suggestion to sell off more States properties or States housing properties?

Senator T.J. Le Main:

Yes, I have the figures with me somewhere.

Male Speaker:

Sir, are you adding this on for extra time, these stoppages?

The Bailiff:

Minister, I think you must either say you will come back with the information or ...

Senator T.J. Le Main:

Yes, I will come back in a minute, Sir.

3.6 The Deputy of St. John:

Historically the Island had an excellent States loan scheme. Will the Minister be looking at that scheme with a view to reviewing it in such a way that it can be made workable in this day and age so that young people in fact can have help from the centre to fund new homes instead of having to rely on a not very helpful private sector?

Senator T.J. Le Main:

Yes, we have asked the Treasury Minister as part of his investigations that he look into this. But I have to say that the issue is quite clear that if you wanted to set up a States loan system again you would really need hundreds of millions of pounds to satisfy the demand that would be out there. Up to now all the investigations that have taken place have shown that the mortgage market - the private lender - is much more competitive and able to deal with this. But we are looking all the time at ways and means of being able to assist first home buyers, particularly States loans.

3.7 Deputy K.C. Lewis:

Regarding housing maintenance, would the Minister be approving of an idea maybe that if there are States tenants who are able and willing to maintain their own homes, that they could be given rent credits in exchange?

Senator T.J. Le Main:

I would certainly be prepared to investigate any Member's suggestion. I am not sure of the viability of that but I would be very happy to pass that message on to my officers for consideration. May I come back to the question that was asked before by the Deputy of St. Martin? We have sold a total of 190 individual units which include 16 units sold on the open market. The value of the deferred payment bonds that we have got at the moment is £5.6 million. That is deferred payments for the 103 homes.

3.8 Senator J.L. Perchard:

Firstly, can I congratulate the Minister on his very small, hardworking team at Housing and just ask him to explain why this very small and hardworking team at Housing took 813 sick days last year?

Senator T.J. Le Main:

I have to say that we have had a couple of tragedies in our department. Only this weekend we lost one of our valued members of staff. The funeral is on Thursday. The reason being is that we have been beset with some serious illnesses which at the moment are quite upsetting.

3.9 Deputy J.A. Martin:

The Housing Minister mentioned earlier that there are lenders in the Island willing to lend 100 per cent mortgage. Is he absolutely sure that they are not putting people into a trap - because there is legislation coming in the U.K. and hopefully all our big banks are attached to that - that they are lending ridiculous amounts over their income. Can he also assure the House that this unusual move ... because I know many people who are trying in the private sector cannot get 100 per cent. Are there any guarantees from the Housing Department to underwrite these 100 per cent mortgages or loans? Is there a comfort letter or anything like that that we do not know about in this House?

Senator T.J. Le Main:

When I was talking about the 100 per cent mortgages it was solely on tenants purchasing their homes from the Housing Department. Mortgage lenders are willing and are lending 100 per cent on the three-quarter 75 per cent purchase and the 25 per cent that remains outstanding. All the buyers and the new owners of these properties have had to prove to the bank or to the lenders that they are well able to maintain and to pay the mortgage. We do not get involved apart from we invite tenants to seek mortgage advice and we ask tenants to seek legal advice on their situation. But at the moment, as I say, certainly there are up to 4 mortgage lenders, the big banks, who are lending 100 per cent on the Property Plan property that is being sold off from housing stock.

3.9.1 Deputy J.A. Martin:

Can I just have a supplementary on that? The Minister made the example that it is only on States housing with the 100 per cent on the 75 per cent of the purchase. If one of these sales does go wrong, who has the first call on the unpaid 25 per cent? I am told it is the bank and this is where I

am concerned that the States will be losing out. I hope this does not include the £5.6 million that is due to come to the States when these houses are sold on and the realisation of the 25 per cent.

Senator T.J. Le Main:

The 75 per cent is the mortgage provider and the Housing Department have the first charge on the 25 per cent.

3.10 Deputy R.G. Le Hérisier:

Can the Housing Minister assure us that all contracts - other than the odd visit, for example, of a plumber or whatever - for housing maintenance, maintenance of the communal areas, *et cetera*, are put to open, transparent tender?

Senator T.J. Le Main:

Yes.

3.10.1 Deputy R.G. Le Hérisier:

Is there a record kept which can be examined by Members should they so wish?

Senator T.J. Le Main:

Yes, and I regularly inspect it to make sure that everything is in order because one of the issues after he commented that there is favouritism which is totally untrue and I make sure that everything goes out to tender, as my Assistant Minister does. We keep a good eye on that.

3.11 Deputy G.P. Southern:

How nice it is to get a second go. Does the Minister accept the report by Professor Whitehead which suggests that there will be an increased or maintained demand for social rental housing and that his policy of sales is not only unsuitable but unsustainable?

Senator T.J. Le Main:

No, I do not agree with that at all. The policy of this Assembly is that with the Property Plan we need to re-jig our housing need. In fact we want to regenerate and create at least 400 units for elderly occupation for retired people. The other issue is that one must remember that some of the housing trusts at the moment, particularly the big one, are well past halfway of paying off their mortgages. With the money created and being built up they have to create further social housing rental stock in the future. Also the Planning Minister, working very hard with my department, has insisted that the new Island Plan will designate a percentage of all homes on sites, and in the future hopefully in the private sector, affordable homes for rental and to purchase. There is a continuing ongoing policy of creating extra homes if they are needed. I am quite happy to believe that we will be able to create and meet the demand over the period of years.

The Bailiff:

That in fact brings time to an end but in view of the delays I am going to allow one extra question. I see the Deputy of Grouville wants to ask one: you have not asked one yet.

3.12 The Deputy of Grouville:

Could the Minister confirm who will be maintaining the sheltered housing once it gets built on the green field sites?

Senator T.J. Le Main:

I am not sure which ones the Deputy is talking about maintaining on green field sites. Certainly the Housing Department have a need for 400 new units which is sheltered housing lifetime homes. Those under the administration of the Housing Department, whatever you call it in the future, it will be administered by them. Talking about the sites that were developed around the Parishes, the

Housing Department would not have any input into that at all but it would be up to the Parishes to maintain and look after their own areas in those Parishes.

The Bailiff:

Very well. That brings questioning of the Minister for Housing to an end.

4. Questions to Ministers Without Notice - The Chief Minister

The Bailiff:

We move on to questions to be asked of the Chief Minister.

4.1 The Deputy of St. John:

At a recent J.C.R.A. seminar, the French president, Bruno Lasserre of the *Conseil de la concurrence* made reference to a report of collusion by Condor and Emeraude ferries. At the end of 2004 and early 2005 a report by the *Conseil de la concurrence de France* - for ease of others, the French competition authority - a decision number 04D74 of 21st December 2004, within that report finds against Condor and Emeraude whereby they colluded against Channiland; in truth price-fixing. The authorities' hands were tied as far as the penalties were concerned because of cross-border booking and looking only at deals which were within the French base. Given that J.C.R.A. are our regulator, when such cases cross borders what agreements exist for joint or multi-agency workings? If none, will the Chief Minister please put something in place?

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

I am grateful to the Deputy of St. John for bringing this issue to my notice because matters for the J.C.R.A. are normally dealt with by the Minister for Economic Development. But certainly cross-border activities can be a difficulty as far as competition regulators are concerned. We have a good working relationship I think between the Islands and to some extent between us and the U.K. But as far as working with the European Union and other countries are concerned, this is very much a grey area at the moment. I would like to see and I am sure all Members would like to see better relationships in order that anti-competitive measures are eliminated. Certainly there are matters which I can do in conjunction with meetings that I hold from time to time with the French authorities. I will raise this matter with them.

4.1.1 The Deputy of St. John:

Would the Minister like a copy of the report or would he have it within his department?

Senator T.A. Le Sueur:

I would be grateful for the Deputy to provide me one. I do not read everything in my department and I do not know where I would find that one.

4.2 Deputy J.M. Maçon:

In light of the O.E.C.D.'s (Organisation for Economic Co-operation and Development) recommendation regarding a level playing field for tax, can the Minister justify the introduction of the Deemed Distributed Law which discriminates against Jersey-owned Jersey companies in direct contravention of the O.E.C.D.'s directive?

Senator T.A. Le Sueur:

I believe I can but again it is one of these questions where it is very much a grey area. But it is under review anyway so I think that the whole matter may well be superseded by subsequent events. I believe that what was proposed at the time did certainly meet the letter and understanding as we knew it then. I clearly cannot speak now about that particular aspect which has not been raised with me in recent times.

4.3 Deputy M. Tadier:

Does the Chief Minister regret not taking on the advice of experts such as those involved with the Tax Justice Network who foresaw the problems with Zero/Ten a long time before we were informed this week by the media?

Senator T.A. Le Sueur:

I do listen to the advice from experts from a variety of sources and I rank them according to their expertise and ability. The advice of the Tax Justice Network is one which I do take note of but in this particular case I felt it was not appropriate. Indeed some of their advice seems to be slightly at odds with what even the E.U. are saying. Recently I read something whereby they were suggesting that a zero per cent rate was indeed within the law.

4.3.1 Deputy M. Tadier:

Is the Chief Minister acknowledging then that he took the wrong advice?

Senator T.A. Le Sueur:

No, not at all. As I say, I take advice from a variety of people and put them into balance and into perspective.

Deputy M. Tadier:

A final supplementary if I may, Sir.

The Bailiff:

No, you have asked 2 supplementaries.

Deputy M. Tadier:

I have asked one supplementary, Sir.

The Bailiff:

One supplementary after an original question so you asked 2 questions which is what is usually fair.

4.4 Senator S.C. Ferguson:

The U.K. Prime Minister is determined to sign the Copenhagen Treaty. Has the Chief Minister considered the sovereignty wealth transfer and enforcement implications contained in this treaty?

Senator T.A. Le Sueur:

I am aware of the treaty to which the Senator refers. I have not looked at it in depth and it would be a matter in which I need to take advice from the Law Officers. This is a matter of international negotiation and diplomacy. I think that the implications for the Island need to be carefully examined, both by myself and by the Minister for Planning and Environment to whom this matter primarily relates.

4.4.1 Senator S.C. Ferguson:

A supplementary. The Chief Minister has undertaken to confer with the Attorney General. Will he report back to the States on the proposed treaty, especially paragraph 38 which refers to world government wealth transfer to lesser developed countries and enforcement and all apparently controlled by the United Nations?

Senator T.A. Le Sueur:

If having taken that advice I feel this is a matter which does need to be brought to the notice of Members, I will certainly do so. At this stage I am not in a position to say whether those criteria are likely to be met. I would need to take that advice first before deciding.

4.5 Deputy P.V.F. Le Claire:

This morning the Chief Minister responded in relation to questions regarding Zero/Ten and outlined for Members the feel for things that has led us into a position where Zero/Ten is no longer felt to be acceptable by the European Union. Can I ask whether or not he now feels that relying upon the United Kingdom, a member of the European Union, to transmit and conduct our business is satisfactory? Does it continue to be satisfactory? Would we not be better served in the future in representing ourselves to the European Union so that we know that our feelings are transmitted to them?

Senator T.A. Le Sueur:

Two questions there. First, yes, I do believe that the relationship we have with the U.K. in acting on our behalf is satisfactory. Could we negotiate directly with the E.U.? No, we could not. We are not a sovereign State so that option is not available to us. Even if we were independent as maybe the question was hinting, that would still not require the E.U. to negotiate with us. They could simply ignore us. I believe we are far better served by being represented properly and with understanding by the U.K. authorities.

4.5.1 Deputy P.V.F. Le Claire:

Can I ask one supplementary, please? Given that the finance industry is based upon 3 levels of a tier system - the ability to offer tax, a stable financial centre by having a stable government and confidence - does he not accept that having allowed the United Kingdom to represent us the way that it has, it has rocked the confidence in this Island about our ability to plan our own tax affairs?

Senator T.A. Le Sueur:

Absolutely not. I believe that the confidence which this Island has in its international reputation is undiminished by the comments in recent weeks. Indeed I believe that what we have here is an opportunity to demonstrate to the world how we are a responsible jurisdiction, how we are regulated and how indeed we can build on that confidence and, indeed, generate new business opportunities for us in the future. I believe that far from being any threat, this is an opportunity for us to improve our position.

4.6 The Deputy of St. Martin:

The Chief Minister stated that details of the panel to review the suspension of the hospital consultant would be made known by mid-October and the details of the chairman and panel members to review the role of the unelected officers would be made known by 20th October. Will the Chief Minister inform Members of why his promise has not been kept and when will the details be made known to the public?

Senator T.A. Le Sueur:

Yes, I accept that I had made that estimate. I did indeed discuss and review last week the applications that we had received for that position. I have 3 potential applicants at the moment. I wanted to just verify their credibility and any connections they may have had between their staff and the hospital staff. Subject to that, I hope to be in the position to make a final decision probably by the end of this month. But I do apologise to the Deputy that we did not indeed meet the 20th October target that I had hoped to achieve. Nonetheless, I believe it is being done as expeditiously as is possible.

4.7 Deputy R.G. Le Hérisier:

Can the Chief Minister identify who gives him advice, while being based in Brussels, on developments and movements in the European Union?

Senator T.A. Le Sueur:

Advice comes to us from a variety of sources. That is co-ordinated by our new Head of International Relations at the Chief Minister's Department who has expertise and experience in Brussels. In addition, we have contacts within Brussels who have been advising us for many years now. In addition to that, we take periodic visits to Brussels and elsewhere in Europe to be able to pick up information. There is always room for further development in that stage. It is a matter of resources and time. But I believe that we do get more than adequate information of what is going on in Brussels. What we do not have at the moment is the ability in sufficient depth to be able to put our case directly to people who might matter.

4.7.1 Deputy R.G. Le Hérisier:

Just a supplementary. Could the Chief Minister, without identifying names, indicate whether the representatives - I understand a couple of lawyers in Brussels - advised him of the way sentiment was moving in terms of Zero/Ten?

Senator T.A. Le Sueur:

I cannot honestly recall any particular advice to that effect, no. It is not to say that they have not done so but certainly I am not aware of anything.

4.8 The Deputy of Grouville:

In an answer to one of my questions this morning it was suggested that the whistle-blowing policy has been held up by the States Employment Board. As chair of that board, could the Minister confirm if this is the case and, if so, why?

Senator T.A. Le Sueur:

No, as far as I am concerned the whistle-blowing policy has not been held up. The policy was published many months ago and the person to whom any suggestions or allegations are made - the Comptroller and Auditor General - is there willing and ready and able to receive such whistle-blowing discussions. I am not sure where the Deputy gets her information.

4.8.1 The Deputy of Grouville:

It was in answer to my question this morning by the Minister for Social Security. Could the Chief Minister please tell us if the whistle-blowing policy is going to be publicised and people encouraged to come forward?

Senator T.A. Le Sueur:

I believe I have given it publicity at the time of its presentation. If it requires further publicity, I am happy to do so. In fact I take this opportunity to do so publicly now. I am sorry it is not better understood but I was of the opinion that all employees and people concerned were well aware of this policy. I can see if there is any way in which it can be circulated to staff employees in a circular or by other means so that there is no doubt that the policy is clearly understood and the person to whom concerns should be raised, also made aware to those people.

4.9 Deputy G.P. Southern:

Despite 7 years of attempting to achieve compliance with the E.U. business taxation standards and despite his statement that: "My committee has ensured that its proposals comply", who in the Chief Minister's opinion will take responsibility for this singular failure? Will he consider resignation or will he consider sacking some of his advisers because somebody should be responsible because his fiscal strategy is now a thing of tatters and rags?

Senator T.A. Le Sueur:

The Deputy will not be surprised to learn that I refute that allegation completely. For a start, I do not believe that we are in a position of failure. We have moved to a situation where our finance industry is regarded very highly and where our tax revenues have held up extremely well. We have

responded to the challenge of that time in an appropriate way, just as we will need to respond in the future to new challenges in an appropriate way and maintain our position as a well regulated, highly respected jurisdiction and one which generates revenue which provides the services which all Islanders need.

4.9.1 Deputy G.P. Southern:

Will the Chief Minister, despite that barrage of words which are very pretty, state yes or no whether our current proposals are compliant or not with the E.U. code on business taxation?

Senator T.A. Le Sueur:

The simple answer is I do not know but the indications I have is that they may not be.

Deputy G.P. Southern:

Thank you. So it is a no.

4.10 Connétable J. Gallichan of St. Mary:

In written question today the Chief Minister gave an answer on the cost of Blackberry bills. Will the Chief Minister confirm that charges and specifically roaming charges are greatly aggravated by the receipt of non-relevant emails circulated routinely to all Members by the inconsiderate use of the “reply to all” button?

Senator T.A. Le Sueur:

I am afraid that remains the case. Sadly if Members generally had better discipline in respect of the use of the email system, including use of Blackberrys, it might well reduce those costs slightly. But I have to say that the overall cost of the Blackberry service I believe are good value for money in relation to the services provided to a number of people. There is always room for us to take note of the comments of people like the Constable of St. Mary. I welcome those comments. I would happily not receive quite so many emails that I can do nothing else but delete as being superfluous. Maybe Members in an effort to show a good sense of responsibility would take note of the Constable’s comments and not send me so many “reply to alls”.

The Bailiff:

Very well. I am afraid that brings questions to the Chief Minister to an end.

PUBLIC BUSINESS

The Bailiff:

Now there are no matters under J or K so we come then to Public Business. Before asking the first matter to be read ...

Senator T.J. Le Main:

There are some minor items towards the end of the deliberation today. I wonder if they could be taken first. The reason being is that one or 2 of us will have to leave declaring an interest in the large rescindment debate. We would prefer if those were taken before now, the short time. They are really short ones. Then we can just go ...

5. Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- second reading (P.86/2009)

The Bailiff:

First of all, Senator, I was going to deal with the banking business just to clarify where we were on that. Senator Maclean, Minister, do I understand that you wish to defer this?

5.1 Senator A.J.H. Maclean:

Yes. Members will be aware that the Economic Affairs Scrutiny Panel have been preparing their report into this matter. Members only received in electronic form the report late on Friday evening. Amendments have been brought forward also by the Economic Affairs Scrutiny Panel and to be fair to Members, to give them an opportunity to consider both the report and also the amendment, it would be wise with Members agreement to defer the matter until the next sitting on 3rd November.

The Bailiff:

Deputy Higgins, do you wish to say anything on this?

5.2 Deputy M.R. Higgins:

Yes, I would like to thank the Minister for putting that to the House because the panel has been working for the whole of the summer on this. Yes, we have got very close to the wire in bringing it forward. If we are going to have a proper debate on this and get the best scheme for the Island then Members should read the report and read the amendments and then deal with this in 2 weeks' time.

The Bailiff:

Very well. Do you indeed second the proposition of the Minister that this be deferred? **[Seconded]**
Yes.

Deputy P.V.F. Le Claire:

Can I ask maybe it might be helpful for the Minister and the chairman of the panel to maybe present the mixed findings to Members to bring us up to date with the conclusions of the scrutiny panel so that we can be apprised of the situation, please?

Deputy M.R. Higgins:

If I can answer that? It is the panel's intention that in the 2 week interval we will have a session where all Members can come and listen to the findings of the panel and go through the amendments with them.

The Bailiff:

Very well. All those in favour of deferring this debate, kindly show. Those against? So that is deferred. That, as I understand it, Minister, includes all of Projet 86 and the various amendments but also Projet 87 and Projet 81, is that right? In other words, the Depositors Compensation Regulations and the Draft Income Tax Amendment No. 32 (Jersey) Law.

Senator A.J.H. Maclean:

Correct.

The Bailiff:

Very well. We would then move on to civil partnerships but Senator Le Main has raised the question as to whether it would be convenient to deal with the 3 small matters at the end before lunch. Is that your proposal, Senator? Do the Members think that is sensible? Then we will start after lunch with civil partnerships. Very well.

6. Public Lotteries Board: Appointment of Member (P.154/2009)

The Bailiff:

Then we will take next the Public Lotteries Board: Appointment of Member - Projet 154 - lodged by the Minister for Economic Development. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in pursuance of Regulation 3(2) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, as amended, to appoint the following person as a member of the Public Lotteries Board for a period of 5 years, namely Mr. Adrian Jonathan Garnier.

Senator A.J.H. Maclean:

Sir, could I ask my Assistant Minister who has responsibility for gambling matters to deal with this? That would be Constable Norman.

6.1 The Connétable of St. Clement (Assistant Minister for Economic Development - rapporteur):

I am grateful to those who have allowed their names to go forward for this appointment, subject to approval by the States. The gentlemen's C.V.s are attached to the report and proposition for the information of Members, and I make the proposition.

The Bailiff:

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

6.1.1 The Deputy of St. John:

I am grateful that people are coming forward in this way. Having been a member of the Lotteries Committee in the past - or the Gambling Control Committee as it was - it is always gratifying that people are willing to put their name forward. I am pleased.

The Bailiff:

Does any other Member wish to speak? Very well. All those in favour of adopting the proposition, kindly show. Those against? The proposition is adopted.

7. Committee of Inquiry: Reg's Skips Ltd. - Appointment of Members (P.163/2009)

The Bailiff:

We move next to the Committee of Inquiry: Reg's Skips Ltd. - Appointment of Members - Projet 163 - lodged by the Chief Minister. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 13th May 2009 in which they agreed that a Committee of Inquiry should be established in accordance with Standing Order 146 to investigate all planning matters relating to the various relevant planning applications made by, or on behalf of, Reg's Skips Limited in connection with the activities of the company as skip operators and (a) to appoint the following persons as members of the Committee of Inquiry: (i) Mr. John Frederick Mills C.B.E. (Chairman), (ii) Mr. Edward George Trevor M.B.E., (iii) Mr. Richard Huson; (b) to agree, in accordance with Standing Order 146(5)(b) and (c): (i) that Mr. Trevor shall, if required, preside in the absence of the Chairman, and (ii) that the quorum of the committee shall be 2.

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

Earlier this year the States debated the activities and the planning arrangements relating to an application made by a company called Reg's Skips Ltd. and subsequently the Minister for Planning and Environment brought forward a suggestion that there should be a Committee of Inquiry looking

at the matters set out in the terms of reference. That was subject to an amendment from Deputy Le Hérisser which was accepted. Subsequent to that, we advertised for expressions of interest for this panel. I am pleased to say that we had a wide variety of applications. Having sifted those to eliminate as far as possible those who might appear to be conflicted with the planning process from the Planning Department, we came up with a short list from whom the Committee selected 3 names representing a good balance to carry out this investigation. The chairman proposed, Mr. Mills, was some years ago Chief Executive to the Policy and Resources Committee but since then and before then he has a wide variety of experience in the U.K., including recently an inquiry into the closure of Newquay Airport in Cornwall. He has a wide variety of experience to offer. I am grateful to him for letting his name go forward, as I am to all those who applied. Mr. Trevor, as Members can read from his C.V. (Curriculum Vitae), is a chartered surveyor and worked in practice. Mr. Huson is, if you like, a lay member bringing a different perspective to this operation. I believe that the 3 members together will form an admirable panel to carry out this work. I propose their appointment.

The Bailiff:

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

7.1.1 The Connétable of St. Clement:

Just a quick question. I think the names put forward, as the Chief Minister said, are admirable. I wonder if he could confirm that all of the 3 gentlemen nominated are full-time residents of the Island?

The Bailiff:

Does any other Member wish to speak?

7.1.2 The Deputy of St. Mary:

I read this proposition and I was quite concerned and moved to write something about the funding. I really am concerned and have serious misgivings. I have been caught a little bit on the hop by this change of schedule so if Members will bear with me but it should be okay. The relevant Standing Order, it said here at the back of this report about the costs... because I do not have any problem with the membership but it is the financial implications. What is being proposed here is that the Planning and Environment Department bear the cost of an inquiry into that department. I just want to raise a question about that and hope that the House can give some sort of steer on this to the Minister for Treasury and Resources. The Minister for Treasury and Resources in the financial implications, which I assume are written by him although the proposition is in the name of the Chief Minister, claims: "In accordance with Standing Order 150(c) [on the back page of this proposition] directs that the cost of this Committee of Inquiry, should it be agreed by the States, must be met from the cash limit of the P. and E. (Planning and Environment) Department." In fact the relevant Standing Order does not say that the Minister for Treasury and Resources has to do this. Standing Order 150 under Committee of Inquiry remuneration and expenses says the Minister for Treasury and Resources may give directions as to the remuneration, the expenses and how they are to be funded. The following Standing Order lists the duties of the Greffier in relation to committees and panels. At paragraph 4: "The Greffier shall make an officer available to assist the Chairman ..." Sorry, that is the wrong one. Five: "The Greffier may make an officer available to a Committee of Inquiry to perform such duties connected with the inquiry as the chairman of that committee may direct." Again, the Greffier may. The Minister for Treasury and Resources may. I think the Minister for Planning and Environment misdirected himself. There is discretion in this matter. The truth is that the Minister for Treasury and Resources may direct how this inquiry is to be funded. I could not bring this as an amendment because of the way the proposition is written. It simply asks us to approve the membership of this panel. But I do urge Members to take on board this matter of the funding. I think it is the wrong way to go to expect a department or to in fact direct that a department funds an inquiry into what might be a failing of that department. It seems

to assume that the department has done some wrong and, therefore, should have a slap on the wrist. But that has not been proven because the Committee of Inquiry has not met. I think it is definitely the wrong way to go. We could get ourselves into nasty areas of precedent if we go down this route of having departments funding inquiries into what might be a failing but might not. I just do not see the logic of that. It does seem to me that we are saying that they are guilty before we know that they are. Imagine that one of us was facing a civil case and we were told in advance that we would pay the costs of the case. It just does not wash. That is not how you go into this kind of situation. Second, there is implicit in the proposal to take it from their cash limit; that there is always spare money lying around in departments and, in particular, this department. It is in fact an insult to the department and to the people working in it. I, for one, do not like this mean-spirited attitude. Those are strong words but I would like to point Members to the words of the Chief Officer for P. and E. when he spoke to the Environment Scrutiny Panel at a recent public hearing. He was explaining to the panel why there had been no savings but only cuts or increases in charges. What he said was in reply to questions from a member of the panel about where are the cuts: "Within the department, the running costs of the department itself, there are no actual savings. It is all cuts made itself to the department." The chief officer said: "So if we are judging efficiency savings by the bottom line in terms of staff employment and, if you like, our staff resource then that is not changing radically. There are a number of reasons for that strategy. One is the ... well, the main reason is that we are fairly thinly stretched across all the P. and E. functions. We have got a couple of examples there. We have got a number of single point dependencies which we call them and we have got one States vet, for instance. We have got one entomologist in the plant laboratory. We have a number of functions which we have to carry out. We might only have one person doing that function." He goes on and explains the pressures in the department and he explains that more and more regulation comes on to P. and E. and they do it with the same resource. So instead of cutting back the staff resources, he says: "We are just adding additional work." I took that to be a reasonably honest statement of where P. and E. are. I think that what this proposal buried in this proposition is doing is almost rubbishing that point of view and saying there is some fat. We can take £15,000 and it will not make any difference. I am sorry, the reality is, I submit, nearer to what the chief officer there said. Down on the front line a cut of £15,000 is a slap in the face for the people trying to do their job. I would urge the Minister and the Chief Minister or however this works to make sure that that £15,000 comes from somewhere else. I do not really have a suggestion as to where that should be. Possibly the Greffe could provide the resource and recruit, if necessary, temporary resource. But there is discretion. The proposal is to take the money from the very department being investigated. That is a punishment before being found guilty. It is not good for the morale of the workforce. There must be an alternative mechanism.

7.1.3 Deputy R.G. Le Hérisier:

Just to reply to our very good friend, the Deputy of St. Mary. I think he has got, if I may say so, the wrong end of the stick. Committees of Inquiry have always been orphan bodies. They have had to hunt around for money and that has often held it up. It was due to the magnanimous gesture, as I recall, of the Minister for Planning and Environment at the time. He said: "Look, we have got to get moving. I will push this myself if need be. If the funds are not stupendously large, I will provide them." I think that is essentially why it happened. Otherwise we have had a history of having to go around with these orphans, so to speak, saying: "Will you finance us?" and a ping-pong contest has ensued. That is why the second thing I would say is the Deputy talks of punishment. A Committee of Inquiry is not necessarily a court of law which will apportion punishment. It is, as it says, an inquiry and it will produce a narrative and it may, but it may not, allocate blame if that is indeed an outcome. I do not think it is quite the guiding principle that he suggests. Lastly, given the makeup of this committee, I do not think they are people who are going to be worried, given that we have taken this pragmatic approach to financing. I do not think they are going to be influenced by the source of the financing. I think they will steam ahead and do the job with the utmost integrity.

7.1.4 Senator S.C. Ferguson:

I am just curious - and perhaps the Chief Minister could reply on this - how many applicants did we receive for this particular board? Was the Appointments Board involved? How did he select the chairman? Could he confirm the chairman's domicile? I choose the word advisedly because I am led to believe that he is no longer resident in the Island.

7.1.5 Senator P.F.C. Ozouf:

I suspect the Deputy of St. Mary's remarks may also be repeated in other propositions in relation to other Committees of Inquiry and perhaps that is why he is wanting to make the point. The reality is that Committee of Inquiry's funds, as I am advised, are normally met by the Greffe. I am advised that, for example, the Planning Third Party Appeal Committee of Inquiry, the funds are entirely met by the Greffe. It is only when the Greffe has no money that they apply to other departments to make the necessary arrangements. There is, as I think Deputy Le Hérissier says, no punishment. The Minister himself, I am sure would agree with the Deputy of St. Mary in the event of the Greffe running out of money, would wish the money to be found from somewhere else. The reality is the money has to be found from somewhere. That is why the Treasury and the Minister for Treasury and Resources is asked to comment on where the money should come from in the event that the Greffe does not have the funds. I really think the £15,000 is not something that should command extensive discussion within the Assembly. This is not likely to be a massive Committee of Inquiry. I am advised that the Greffe has a carry forward this year that is likely to be able to meet it. In this case it is unlikely that Planning will be called to meet the costs if they meet the figures that we are being told. I really do not think that this is a contentious matter. If there are issues with future Committees of Inquiry I will give them closer consideration.

The Deputy of St. Mary:

Can I ask for a point of clarification? Was the Minister then saying that, far from what the report says which is that it must be met from the cash limit of the P. and E. Department, it will in practice come out of the Greffe if that is possible?

Senator P.F.C. Ozouf:

If that is possible then that is my understanding. But I am advised that in the event of the Greffe not being able to meet the costs then there will be another debate on another Committee of Inquiry which will require the Assembly to consider where the funding comes from then that is the case. But the good relations with departments means that these things are sorted out. It is certainly not a punishment.

The Bailiff:

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

7.1.6 Senator T.A. Le Sueur:

I think the general point about the comments of the Deputy of St. Mary has probably been dealt with but I would just say in more general terms that there is no spare money in the States budget. All funds are allocated to one department or another, including the Greffe. If additional costs come along, they either have to be absorbed within one department or another or a supplementary vote lodged. In this particular case, particularly for £15,000 and a willingness by the Minister for Planning and Environment that this could be achieved, there seemed little point in trying to argue for ages about this one. But I do accept that if there is in future ever a large Committee of Inquiry, we could be faced with difficulties of funding such an inquiry. I am grateful to Senator Ozouf and Deputy Le Hérissier for reinforcing the message this was not a committee seeking to blame or punish but one to investigate. We come to the questions by Senator Ferguson and the Constable of St. Clement about the composition of the board. Are they all full-time residents of the Island? The answer is yes. I did specifically ask a question of the proposed chairman who has in the past spent

some considerable time out of the Island. He now confirms that he resides primarily in the Island and will have the time to dedicate to this activity. The other 2 people are long established residents. Mr. Trevor, as Members may well be aware, does a lot in respect of Shopmobility and other charitable activities. To Senator Ferguson, we had in total 9 applicants. It was not a matter that requires any attention from the Appointments Commission. This is a Committee of Inquiry set up by the States. The chairman's domicile... domicile is a tax phrase. I do not know what is in Mr. Mills' mind or what is in the U.K. Revenue's mind. I cannot be certain. What I can be certain of is that his mind and his heart is very much in Jersey at the moment and his willingness to undertake this review is further indication of that. I believe, therefore, that they are all 3 suitable candidates, that they all can contribute something to this Committee of Inquiry. I hope that they will come up with, in as short a time as possible, some satisfactory findings. I maintain the proposition.

The Bailiff:

All those in favour of adopting the proposition, kindly show. The appel is asked for in relation to Projet 163, Committee of Inquiry. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 2
Senator T.A. Le Sueur				Senator S.C. Ferguson
Senator P.F. Routier				Deputy T.M. Pitman (H)
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
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 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 K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				

Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Very well. Then we come finally to ...

LUNCHEON ADJOURNMENT PROPOSED

The Deputy of St. Martin:

Sir, can I propose the adjournment? There are meetings at 1.00 p.m. elsewhere.

The Bailiff:

Very well. Do Members wish to propose the adjournment? Yes, then the adjournment is proposed. Just so Members know then, do Members wish to deal at 2.15 p.m. with the Jersey Financial Services Commission first? Deal with that and then move on to Civil Partnerships. Very well. That is the way we will proceed. So adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

PUBLIC BUSINESS - resumption

8. Jersey Financial Services Commission: Appointment of Commissioners (P.164/2009)

The Bailiff:

We had agreed that we would take next the Jersey Financial Services Commission: Appointment of Commissioners, Projet 164. This is a matter which under the law has to be taken in camera but I will ask the Greffier first to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998 to appoint for a period of 3 years with effect from 23rd October 2009: (a) John Frederick Mills, C.B.E., as a Commissioner of the Jersey Financial Services Commission, and (b) Lewis Philip Chetwynd Taylor as a Commissioner of the Jersey Financial Services Commission.

The Bailiff:

The media need to withdraw and also we need to clear the public gallery, please.

(In camera proceedings)

The Bailiff:

Very well, we need to call back the media for the vote. No, we need to call back the media for the vote. Under Standing Orders the vote has to be taken in public.

Senator J.L. Perchard:

In waiting, during the lunch interval I think Members would have received some papers on their desk. The top page is a graph. I just wonder where that came from. There is no indication who supplied them.

The Bailiff:

Is anyone volunteering as to who supplied this document on Members' desks? Very well. We are back in open session and the matter before the Assembly is the vote on the proposition of the Minister for Economic Development for 2 members of the Financial Services Commission. The vote is going to be taken separately. So I put first the proposition that Mr. John Frederick Mills be appointed as commissioner. Would all those in favour kindly show? The appel is called for in relation to Mr. Mills. I will let Members to return to their seats and the Greffier will open the voting.

POUR: 34		CONTRE: 8		ABSTAIN: 2
Senator T.A. Le Sueur		Senator S.C. Ferguson		Connétable of St. Mary
Senator P.F. Routier		Connétable of Grouville		Deputy of St. Mary
Senator P.F.C. Ozouf		Connétable of St. Lawrence		
Senator T.J. Le Main		Deputy of Grouville		
Senator B.E. Shenton		Deputy M. Tadier (B)		
Senator J.L. Perchard		Deputy T.A. Vallois (S)		
Senator A.J.D. Maclean		Deputy M.R. Higgins (H)		
Senator B.I. Le Marquand		Deputy J.M. Maçon (S)		
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
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 K.C. Lewis (S)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				

The Bailiff:

Is the appel called for in relation to the second name as well? Yes? The Greffier will reset the machine and the second part of the proposition is for Mr. Lewis Philip Chetwynd Taylor as a commission and the Greffier will open the voting.

POUR: 41		CONTRE: 2		ABSTAIN: 2
Senator T.A. Le Sueur		Deputy of Grouville		Connétable of St. Mary
Senator P.F. Routier		Deputy M. Tadier (B)		Deputy of St. Mary

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. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
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 K.C. Lewis (S)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
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. Civil Partnerships (P.136/2009)

The Bailiff:

So now we return to the Order Paper and the next matter is Civil Partnerships, P.136, lodged by the Chief Minister and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to agree in principle that same-sex couples should be permitted to enter into civil partnerships and to request the Chief Minister to bring forward for approval by the States the necessary draft legislation to give effect to the proposal.

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

I am aware that from time to time the States are faced with issues which many Members will find sensitive and I think this is probably one such occasion. In this case, I think not only is the issue sensitive but it is one for which there is no one obvious answer to a problem which needs to be solved. For that reason, the discussions on this have not been rushed but considered carefully. In fact, some people might say considered too carefully and they have taken too long. But the fact that no clear solution has emerged is, perhaps, justification in itself that care is needed. The consultation process set out 4 possible options and those are referred to in my report. The first option was the right to marry. The second option was to create same-sex partnerships. The third option was to create partnerships for heterosexuals as well as same-sex couples, and the fourth option was to do nothing. Perhaps, interestingly, doing nothing received the second most votes in support during the public consultation. But I have no doubt that doing nothing is not an option. Nevertheless, there are options but it is not a simple choice. The public could not agree. The Legislative Advisory Council felt it was something on which they did not really want to give a definite opinion. So they referred it to the Council of Ministers and even among Ministers they themselves could not agree. So I bring this proposition today on behalf of the majority of the Council of Ministers but also in a different context, I bring this proposition on behalf of the many people out there in the community who are currently facing an uncertain future. One of the keystones of our community has been a sense of family and the value of family life. For many, including myself, that involves children and grandchildren, aunts and uncles and the underlying sense of security and harmony of the family relationship. For others, they will have a different sense of community and I recognise that difference. It may not sit comfortably within my own culture but I do recognise it and I accept that we in society and we in Government also have to recognise it. I recognise the need to acknowledge the legitimacy of same-sex relationships but I also want to recognise that there is a difference between that relationship and the relationship of a heterosexual marriage. For that reason, I am happy to propose the adoption of what, in the consultation paper, was referred to as option 2, that of recognition and legitimising of the legal relationship of same-sex couples which is why I could not personally support option 1, which would put that relationship on the same level as marriage. I have said that this is my personal view and also the view of the majority of the Council of Ministers. It was also the view of the majority of the members of the public who responded to the consultation process, although I have to admit that the numbers were not perhaps large enough to give great statistical reliability. But having lodged this proposition, it also appears to represent a fair reflection of the views of many people who have written to me and, I am sure, to other States Members. But I do not bring this proposition simply because it is the view of those who have written into me or made representations. I propose this change because, in reality, a change of some sort to our current arrangements is essential. The ramifications of such a change are much wider than one might at first realise and there will be several laws requiring amendments and if Members turn to appendix 3 they will see that so far we have identified pretty well 3 pages worth. So it is not a straightforward matter and that is why I think it is important that we do discuss it in principle here today before we expend all that time amending all that legislation, because there may be other Members here today who might have preferred one of the other options. I say to them that today we have a straight choice. Do we want to change? Do we want to face reality? Do we want to go forward? There are no amendments to this proposition; it is a straight choice. For many, I accept it will be a difficult choice, perhaps for some a brave choice. I have no doubt that this proposition is the right choice. I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**]. Senator Ozouf.

9.1.1 Senator P.F.C. Ozouf:

I genuinely think that individual circumstances are not normally relevant in debates but I think, as possibly as far as I am aware, the only member of the Assembly who might be in the position of

entering into a civil partnership, I hope that the Assembly would allow me to speak and understand why I want to speak. It is not often that I have spoken in the Assembly about sexual orientation and gay issues. That is not because I do not care about them. I care about them very deeply. Most of Members of this Assembly, and I know that there are number, deal with issues with departments on same-sex issues and issues of gay discrimination and do so very well outside of the media spotlight. This proposition is important to me and it is important to many people like me. It is also, I think, in demand by a far greater number of people that many Members might have realised. I have been struck, and I am greatly encouraged, with the wide level of support that the proposition has attracted and I think this is indicated by the wide range of prominent Islanders who were prepared to put their names and to sign the prominent declaration in the *J.E.P. (Jersey Evening Post)* and, also, to read in the *J.E.P.* the thoughtful, forward-looking editorial written by the editor. This proposition is also important to the friends, to the loved ones and family members of same-sex couples. I am not afraid of saying what I am but, like many people even of my generation, I grew up in a world of prejudice, a world in which individuals fear being totally honest about their feelings. I am glad to say that things have changed and while it has happened at times, the times that I am discriminated against are very rare. In fact, I cannot even think of one in the last couple of years. There has been a much better understanding over the last 50, 20 and 10 years. As difficult as this is to say, when you are growing up and you are confronted by a world in which people do not accept or understand the way you naturally feel, life can be difficult. Many gay people feel ashamed. I do not think they should feel ashamed. What is, however, made worse for people is that the States discriminates against you. **[Approbation]** I am not a Quaker but I agree with the writings of one prominent Quaker who said that no one should deplore same-sex relations or homosexuality more than left-handedness and I also welcome the remarks by the President of the Methodist Congregation in the various different debates that have been held on this issue. I was very fortunate in having an accepting and understanding family. As I said, society and thought has moved on in the last 20 years. I believe that Jersey is very accepting of gay people and of homosexuality and same-sex couples but there are injustices particularly when committed ... same-sex couples are not afforded the rights that a married heterosexual couple take for granted. Despite sharing their lives together, Jersey same-sex couples find that their commitment counts for absolutely nothing in the eyes of the law and this proposition seeks to change that. As the report explains, there are practical matters such as pension rights and financial issues which will be dealt with but, more importantly, from a personal point of view this proposition will allow in future, for example, the partner of a terminally ill individual to make key medical decisions that without such a civil partnership would not automatically exist. Members will know that one organisation in the U.K. has long campaigned for the introduction of same-sex civil partnerships and Stonewall who came over to Jersey and the individual who spoke cited one example and I am going to refer to it. Rex is 76. His partner, John, died after they had spent 45 years living together. Their house was in both names and John left everything to Rex in his will. Rex faced an enormous tax bill in order to be able to stay in their home under the U.K. Inheritance Duty arrangements. He also lost his pension. Had he been married to a woman for just one day, he would have had not only no tax bill but he would have had a survivor's pension, too. That, of course, is a U.K. example but the same example could be made in Jersey and I hope it is for those reasons that there are a sufficient number of Members able to support this proposition. Same-sex couples are, in fact, a way of life in our Island, in our Parishes and perhaps even one day there will be a Member of this Assembly who will be a civil partner or in a civil partnership. There are many same-sex couples. Same sex couples who live together in committed relationships across the Island and who are accepted by their friends and their families. More than that, this Island welcomes same-sex couples who have entered civil partnerships in other places. This proposition's purpose is to say that continuing to use the law to prejudice same-sex couples is wrong. Jersey is not alone in having to deal with this issue. Civil partnerships, as the Chief Minister's report says, have been introduced in a variety of countries in a variety of different ways around the world. Denmark was the first in 1989; the U.K. in 2004; and today a majority of E.U. member states have some form of civil partnership. Many

countries have recognised the need now to legislate for same-sex partnerships. This is, of course, not universally agreed upon and one of the arguments against this proposition is that civil partnerships will damage and perhaps undermine the institution of marriage. I do not believe that is the case. Firstly, there are of course differences between the institutions of marriage and civil partnerships. They remain distinct and different in a number of respects. Marriage is the ancient institution that has religious significance. Civil partnership, on the other side, is a secular, legal arrangement and the differences will be made clear in the laws that I hope will come to the Assembly. The registration will be given into and brought into effect by a registrar and it is expected that just like a civil ceremony, there will be no religious connotations when there is the signing of a register. There will be other important differences in the way that a civil partnership law works. It will be very different from that of heterosexual marriage but it will be equal and that is what, in my view, is important. The values of marriage are love, mutual commitment and responsibility. It is said that marriage strengthens and enriches society. How can we say that the replication of such values for same-sex couples would cause damage? The 2 institutions of civil partnerships and marriage are parallel and, as Members will know, parallel lines do not meet. They are separate institutions for different groups of people. Same-sex couples are different precisely because of who they love. This proposition does not undermine marriage and I would say it does not even compete with marriage. It could be said that same-sex couples are not exactly in the same fishing pool as far as relationships are concerned. Concern has been frequently expressed that civil partnerships could undermine family life. Today's families come in many shapes and sizes and people in society face many challenges. Marriages break up. Parents remarry and the structure of family changes. Families no longer fit perfectly into the traditional 2 parent, 2.4 children framework. There are extended families. There have been in some cases re-marriages and in some cases same-sex relationships. The proposition before us is, in my view, a way of protecting families in changed times, not of damaging families. Same-sex couples are a fact of life. I believe that it encourages committed, long term same-sex relationships and that will strengthen our society. For too long there has been a negative stereotype that same-sex relationships are less committed, less stable, and less valid than heterosexual relationships. Some people who deny the existence of homosexuals and lesbians say that same-sex couples do not want long-term relationships. I have to say, they do. We do. I have had the pride and privilege of attending 2 civil partnerships in the U.K. They have been moving events and I would say that no caring, thoughtful, compassionate Member of this Assembly would have not been moved by the significance, the importance and the appropriateness of the ceremonies that I have attended. I look forward to attending my first civil partnership ceremony here in Jersey. There are many people who have argued and campaigned and dreamed for today. One same-sex couple who want to remain anonymous - a male couple in their 50s who have never been able to have their relationship recognised - wished me luck today and wished that this proposition would succeed. I hope it does. I hope this is the kind of proposition which will unify this Assembly. It is an incredibly important proposition. Some would argue that it is rightfully overdue. This law will confirm a right of same-sex couples to be treated fairly and not to be discriminated against. The right to enter into a long-term commitment with the person they want to spend the rest of their life with and for the States to recognise that. In adopting this proposition, the Assembly will send out an unequivocal message that same-sex couples deserve recognition and respect, the hallmark of a modern, caring, respectful, non-discriminatory, inclusive Island society. It is an opportunity for this Island to show the world that Jersey understands and recognises the world in which we now live. **[Approbation]**

9.1.2 Deputy P.V.F. Le Claire:

That is probably going to be a very, very hard speech to follow and I commend Senator Ozouf for a well-structured and well-presented speech. I stand in support of this proposition today and I will be coming out - for those who are unsure as to my motives, who have spoken to me in the past - about my position on these matters. I have personal experience of marriage and divorce and the interaction of religion and prejudice in these areas. I am not gay but I recognise that there are

discrepancies in the law and the law is not treating people in an equal fashion. It is wrong for us to continue to govern a society that has unequal rights determined upon one's preferences and sexual orientation or one's preferences under religion. I hope that not only this is supported by States Members but also that the Chief Minister goes ahead and introduces further changes in due course to make sure that all are equal under the law in respect of rights to benefits, privilege and recognition. I have been approached on a number of occasions by people I have known from within my own church, and I do not mean the particular building, I mean the particular religion that I belong to. Some have spoken to me and said: "Oh, we cannot believe this. You are not going to support that lot, are you? You are not going to support this, are you?" I have just looked at them with puzzlement. This is nothing, in my mind, to do with whether or not people have a particular sexual orientation. It has to do with their right to equal rights under the law. I originally got married in Russia. I was away for 10 days, contrary to reports which said I was there for 3 months. I was there only for 10 days to get married and I got married in a registry office and when I came back I was told by the head of the Catholic Church in Jersey that I could not take communion because I was living in sin and the Catholic Church did not recognise the civil marriage that I had entered into and I had embarrassed him and the church and that I needed to get married in the church. We then progressed through a marriage guidance course with the parish to enable us to go before the altar and get married in the eyes of the church so that I could continue to take Communion. Now, that is the level of the modern-day Catholic Church within Jersey and that is a peculiar religion and one that was born from the love of one man for all men. Religion has for centuries spoken in the main from the actions and the words and the love of Jesus Christ. I am not going to try to do the Dean's job here, but Jesus Christ's teaching, to me - since my earliest memories from my mother - was always to have love for one's fellow man. Love thy neighbour as thyself. I do not think it is right that we are prejudiced to any group in this Island. I think that we have got a long, long way to go. I commend the speech of Senator Ozouf. I commend the actions of the *J.E.P.* and those who are brave enough to stand up and not only support this proposition, but advocate that we do as well because we need to move on. We need to move away from the days of division and the Dark Ages that said this sort of thing was against God. The only thing that is against God is evil and to have an unequal law treating people differently, in my view, is far more evil than standing by and speaking out for the rights and equality of individuals in this Island. So I wholeheartedly support it.

9.1.3 Deputy T.M. Pitman:

Firstly, I have to say that it is no secret I am not the biggest political fan of our Chief Minister but here I wholly applaud his courage in taking responsibility for bringing this to the House. I think he deserves great credit for doing that. I really feel that there are only a few points to make on this as I feel Jersey's International Human Rights obligations, certainly in spirit at the very least, make this, essentially, a rubber stamp issue. Senator Ozouf has also said much that could be said again and again. Indeed, while I think all Members fully recognise that some people will have strong, religious-based feelings on this, I would say that as a government we must, as many stress, be influenced here only by the secular. I was one of those people who sat in my office - I cannot remember if it was 18 months ago - and listened to the age of consent debate and I was truly disgusted at some of the prejudice that I heard. Indeed, it made my work then as a professional youth worker all the more harder when they heard people in this Chamber, their representatives, really peddling hate. It just truly was appalling. To follow up this point, certainly coming from the background that I do working with young people to challenge discrimination wherever it may be found, I feel that it is absolutely essential that this is supported whatever people's reservations - and people will have very understandable reservations, as I say. It does, after all, establish civil partnerships not same-sex marriage which should, I believe, reassure those who are adamant that marriage should be seen as something entirely different and unique. I think I will leave it at this, adding only that I, too, commend Senator Ozouf's courage and honesty within his speech and

repeat that discrimination simply must be eradicated wherever it exists and if that necessitates removing some bureaucracy and barriers, then we really must foot that bill. I will support this.

9.1.4 Senator B.E. Shenton:

I joined the States in 2005 and sat on the Legislation Advisory Panel under the chairmanship of the Constable of St. Ouen and this issue was looked at in great detail by the panel. I make no excuses for the fact that it has taken a long time to come to the States because it is one of these issues that when you start looking at it in detail, you find that it has implications all the way down the line. I think you can see that just by the number of laws that will need amendment which is attached to the proposition. We looked at it in great detail and we also looked at Jersey circumstances, because we are slightly different from the U.K. in as much as we do not have capital gains tax and the inheritance tax is not quite so onerous on individuals. So we did have a look to see whether it would be necessary and whether there was discrimination in Jersey by not having same-sex civil partnerships. I think the conclusion was that it was discriminating against a group of people that did not have the opportunity to put their affairs in the sort of position of heterosexual couples to make sure that their partner benefited on their death, that they could sign off on medical instances and so on. I think it was felt by the committee that it should move forward and we did pass it on to the Council of Ministers to push forward. So I think it is very important that we do make sure this goes through today. It is not, as Senator Ozouf and Deputy Pitman said, it is not marriage. It is very much a legal joining together of 2 individuals to make sure that there is no discrimination and I do know people who have entered into civil partnerships and it has made a great deal of difference to them just in getting certainty on how they live and certainty with regard their financial affairs and other matters. I hope that the House does support this but I would like just to pick up on one point. A couple of people have said that it takes tremendous courage to stand up and talk on this issue. Now, I think this is more a generational thing because I have got 2 teenage daughters and certainly they look at life completely differently to the way that my generation does, an older generation. This is just a fact of life to them, it does not need any courage and by saying that you need courage to stand up, you are discriminating in some ways because at the end of the day we are all the same and you should not need courage or anything else and we should make sure that the laws of this land are the same and that they treat everyone the same.

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

I would just like to pick up on a couple of points. I will be supporting this and I will not speak for very long. Previous speakers have referred to family life and if there is anyone in any doubt as to whether they should support this or not, I ask those parents and grandparents in the Assembly if their love for their child changes when that child comes home and says: "Mum, Dad, I am gay." No, it does not. The love for that child remains and you want the same things for that child as you ever wanted; a stable relationship, to be happy and so on. To me, to use one of the terms we use in the House sometimes, this is a no-brainer. We should be allowing this to happen and I hope the House will support it. I also want to pick upon a couple of experiences I have had as an employer where I have had a number of people working for me who are in same-sex relationships but, obviously, not in the civil status. I have to say, and I am ashamed to say, that in 2 of those relationships where the partner died, the way they were treated by the States, by Social Security, and by the other partner's family was appalling and we need to put that right. I am pleased to say that one other relationship that I can refer to, although there was no legal status, the family did the honourable thing. So for me it is quite simple. We need to support people who want to be in loving, stable relationships whether it be heterosexual, or gay or homosexual. We need to support that. We need to provide a legal framework so that they can provide for each other's security and, for me, it is a no-brainer. We must support this. I would like to just add I thank Stonewall for the presentation they put on in the summer because I found that very useful and I urge Members to support this.

9.1.6 Senator T.J. Le Main:

Can I say that a very brave and honest speech from Senator Ozouf and I welcome that very much. We at Housing Law and Population, have recognised same-sex relationships for several years. While we are able to be fair and treat the ordinary people in a Christian and honest manner, we felt that we had to treat these relationships similarly to heterosexual couples. There still remain huge problems if we do not go with their legislation today where one of the partners dies. We have had huge problems at Housing. There were very difficult legal issues to resolve even though the persons involved had made their own arrangements. This law today, I believe, will assist hundreds of good, ordinary hard working people to sort out their lives and affairs and so I support 100 per cent this proposition today and I wish that all those who have suffered from the lack of a civil partnership law, that was discriminatory before, that we now treat these people with the same dignity as I say we afford to all other ordinary people. If I had a son or daughter who was gay, I would still love and cherish him or her. Several of my close friends are in this position. As a Christian, I welcome this civil partnership legislation and very much applaud the church, particularly Reverend Coote from the Methodist circuit for his brave support. We must in all fairness ... if one had seen some of the discrimination that I have seen over the years in the States of Jersey and in some of the laws, it has been appalling. I welcome this for all the good people out there. They need our support.

9.1.7 The Deputy of St. John:

Coming up to 2010, it is time to move forward. Over the years, in my time at sea I have known a lot of gay people. In latter years, some of my own children come home with gay friends. They are all part of, shall we say, one big family. One big family. I have one or 2 little concerns. In fact, I spoke to Senator Ozouf about it several weeks ago and I was hoping he may have been able to come back and he did not. But I will put the concerns to the A.G. if I may because the concerns I have is inheritance. I have had umpteen letters from members of the public on this particular issue but one was from a gay couple who, in fact, the person had been married several times and there were 5 children involved within the families, of which 2 were still at school. I would like to know from the Attorney General, in fact, by adopting this law will it, in fact, affect the inheritance of those children and the upbringing of those children until they become of age, because that would concern me if we adopt a law, put a law in place, that affects the right of the child. While the Attorney General is looking that up, if I may continue unless he is ready to answer?

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

I thought I would deal with both questions at once.

The Deputy of St. John:

Further to this, there are many people I have known and still know. Some of them have, in fact, been tenants of mine over the years. Some of the finest tenants that I have ever had are gay people or lesbian people and they are, shall we say, trouble-free where other people, in fact, can give you problems. They are generally trouble-free people. They keep themselves to themselves and keep within the law. They are good members of society. But what must be remembered - and I have 12 grandchildren - is that none of us know what is around the corner within one's own family. Within those families, some children are born and they do not know whether they are male or female and these things must be taken into account. That is why it is so important that we put the right legislation in place. As this is only an in principle debate, I am sure the Minister and the law drafting officers will spend an awful lot of time finding what is required for the various groups and, in particular, as I say, the next of kin, i.e. the children. I am hopeful that the Attorney General will now be able to answer that original question. I will give way.

The Attorney General:

I am still waiting for the second question. **[Laughter]** As I understand it, the facts which have been put to me is that there is a gay couple, one of whom may have some children by a previous

relationship and the children may be at school and need support and maintenance. What would happen on the death of the natural parent, if you like, or would the children in some way be affected? You will see from the schedule to the proposition that the list of existing legislation that will require amendment includes the Wills and Succession (Jersey) Law 1993. As things stand at the moment, there are rights to a *légitimer*, a forced share of the estate which the spouse and the children have against the estate of the deceased. If we are to adopt legislation which adopts these principles then it seems to me that the Wills and Succession Law will need to be amended to create a lack of discrimination, if you like, a parity between the rights of the spouse and the rights of the civil partner. That would be entirely consistent with the intention of this proposition. As to whether or not it will affect the rights of the child on any succession, there are competing interests and rights which have to be taken into account. The Legislation Advisory Panel has been looking at just this subject, indeed as the chairman of the Panel mentioned this morning, that is an ongoing exercise. So there may be some circumstances when the child's interests may be taken into account but that is just recognising that the interest of the spouse or the interest of the civil partner take their share alongside the interests of the children and there is no difference between the 2.

The Deputy of St. John:

If I could come back in on the supplementary to the Attorney General? In the case of children from 3 different marriages, as in the case that I was referring to, would that affect the inheritance law? Not being a lawyer, I do not know.

The Attorney General:

You can have as many marriages as you like in this sense and the natural children have a right under the present law to share in the estate of their deceased parent and that will be so unless and until the States resolve to change the law because that is the customary law of the Island.

The Deputy of St. John:

I thank the Attorney General for his response and it will be my pleasure now to be able to support this law.

9.1.9 Senator B.I. Le Marquand:

The report helpfully outlined the 4 major options here: the first being to allow homosexual couples to marry; the second being to follow the U.K. route of civil partnerships; the third being to allow civil partnerships in a wider range of cases than that allowed in the U.K. but perhaps under a different name; and the fourth being to do nothing. When this was discussed in the Council of Ministers I supported the third option and that is the option I am now going to put the case for. I am very strongly in favour of maintaining and strengthening community. Indeed, anyone who hears me speak will see my try to slip in the word "community" in some form or another. The smallest and yet the most important unit of community is the family and the strongest form of the family is based upon marriage between man and woman - one man and one woman - within which children may be born and nurtured and grow up. I suspect that we would almost all agree with that proposition although some might dissent. I, therefore, have a concern whenever the institution of marriage is weakened. In my view it is weakened if other relationships of whatever kind are given the same status as marriage and that is my first problem with this proposition and where I would disagree with a number of previous speakers. What happened in the U.K. was to give exactly the same rights and responsibilities and, indeed, laws to civil partnership as already existed in marriage. Now, I believe that Shakespeare said something like this ... I have checked the quotation with my colleague on my right so I hope it is correct: "A rose by any other name would be so sweet." Or to put it just a bit less delicately: "If it quacks, then it is a duck." I am afraid that although what is proposed may be called civil partnerships, it is for all intents and purposes marriage. The fact it may be given a different name does not change that if the rights and obligations created thereunder are precisely the same. Members only have to look at the long list of laws to which the Attorney

General has just alluded at Appendix 3 to see this and to listen to the comments which he has just made to the possibility of civil partner being given the same inheritance rights as against children, in the context of the question of the Deputy of St. John, to see that what I am saying is correct. Each and every piece of legislation which refers to marriage under this proposal will have to be amended in order to add a reference also to civil partnership. My second problem is related to the first and that is this; that this is an enormous drafting task. It is going to take years to complete and will be constantly in competition with other law drafting projects. If the intention is to achieve a quick improvement of the status of homosexual couples... and there are issues which could be improved very quickly indeed which have been alluded to, such as the issue in relation to who is the next of kin in the hospital and things of this nature. If that is the intention, then this is going to be a very slow way of going about doing this because of the size of the legislation involved. There is also an issue as to whether we are comparing like with like. Should such homosexual relationships be treated exactly the same as marriage? In my view, no. There are differences. Children are a natural result of marriage but children are not a natural result of civil partnership although, of course, partners may sometimes bring into relationships children from earlier heterosexual relationships. Some of the financial provisions which historically have been created in relation to marriage were made upon the assumption that wives might not be able to pursue their careers because of family responsibilities. These issues will need to be looked at carefully. The other problem with the U.K. approach is that it selects only one group - homosexual couples in a sexual relationship - and ignores other long-term relationships such as same-sex friends who live together without a sexual relationship or long term heterosexual relationships particularly with children outside of marriage. There was a practical issue in relation to the latter with so many people now living in heterosexual relationships outside of marriage and with the women particularly being left vulnerable when the relationships break down. I had hoped that it would be possible to create a level of legal recognition for a number of relationships, including homosexual relationships, below the level of marriage and yet providing the necessary safeguards and that is why I supported and continued to support the option 3 approach although I am aware that some people might also say that that was an erosion of marriage. So for these reasons, I am unable to support the proposition.

9.1.10 Deputy D.J. De Sousa:

I will keep it brief, as always. Firstly, I just want to say that I agree with what other Members have said and the speech by Senator Ozouf was the best and most dignified comprehensive speech I have heard in my time in the States. This is purely giving equal rights to everybody and how anyone cannot do that is beyond me. I implore this House to back this today. I will be and I hope everyone will.

9.1.11 The Deputy of St. Martin:

I, too, will be giving this proposition my support. Just to pick up on a few things, particularly when Senator Shenton quite rightly said about how cultural things change and things do evolve. It took me right back to almost 50 years ago, when I left Jersey as a young man and went to Hendon. Just to remind Members how laws have changed because, certainly, I can remember that it was an offence to try to commit suicide. If you were successful you did not get arrested. **[Laughter]** However, if you were unsuccessful you were arrested. In fact, abortion, you could not have an abortion. One of my first experiences was going to see an illegal abortion and I remember it was one of the big debates when I came as a new Member here and is something that has stayed in my mind all the time and I thought we cannot allow things like this to happen. We have to be big enough to accept change. What are we doing? We are making unfair hardship on certain people and, again, we have changed that. I think, again, homosexuality. I think it was about 1967, the law changed and if you had seen the prejudice, I am ashamed to say put forward by some of my colleagues as well, the prejudice against homosexuality ... we have to be big enough. When we think, as we move forward, it is right that we have to embrace change and even though some of us may

have difficulty accepting it, it does evolve and I think it is so important. I was really upset, recently, when I was at a function with someone and he was having a go at me for daring to support this. He said: "But, Bob, you cannot agree" and I said: "I can" and he said: "But, I do not want to." I said: "If you do not want to, okay, but it is something, as a representative of the parishioners, that we have to be forward-facing and accept." I think we have to go ... as a mature society, we have to do it. To Senator Le Marquand, there will be safeguards put into the law. I think it is very important. Do not throw something out just because you are uncertain about the whole thing. What we are doing, we are agreeing in principle here to put a law forward and if Members look at pages 22 and 23, there is a number of other laws it is going to affect; there is going to be a tremendous amount of work to put in and I am sure that all those safeguards will be in place to ensure that there is equality. While we are patting everybody on the back - and I do not want to be a party pooper here and spoil the big day for the Chief Minister - let us remind ourselves that there are other laws that we have passed, or should have passed and have not passed, and I would say that the Sexual Offences Law, I think we agreed to that in about 2006 and, I stand corrected but, I do not think it has come back yet as An Appointed Day Act. We passed a Human Rights Law and yet, as a States body, we still have no official panel, body or organisation with oversight of Human Rights Law. So let us not be patting ourselves on the back too strongly. I had questions, this morning, about the inheritance law. Again, where is that? We have heard, this morning, it is on its way at long last; but why so long? Again, I remind Members it was only, I think, the last sitting where we voted against putting money towards a discrimination law. So let us not be pushing our chest out too far, bearing in mind there are other very, very important laws which we have to ensure are passed and supported. So, in giving my support to this, I hope that some of my concerns about other laws will not go on empty ears. Let us move forward and as I say I would commend this and ask that it does get our unanimous support.

9.1.12 The Connétable of St. Ouen:

As Senator Shenton pointed out, this matter was looked at for a considerable amount of time - in fact, the 3-year period of the former Legislation Advisory Panel - and I have to say that the points raised by the Deputy of St. John and Senator Le Marquand were among the points, and many others, that were considered by the committee. I have to say that it has been mentioned in the last couple of speeches, we were tending to sort of run away with the euphoria of it, but it has been brought back to the fact that this is only the first step. This is only the 'in principle' to decide that we do something. The Chief Minister then has to go away and produce, in effect, the law and I think that when the law comes back, then I think we will be in for a fairly lengthy debate because then you will be considering the pros and cons of each way forward and there are several ways forward. As the proposition shows, there are at least 4. So, I think, before we get totally carried away, yes, I think we should support this. I will be the first to be really proud of the fact that, having served as the Chairman of the Legislation Advisory Panel for 3 years, we have managed to get this to the States, but I do give warning that it is only the beginning of a long road.

9.1.13 Deputy M. Tadier:

It is amazing how the hero and the villains can change from one week to the next, and I will be interested to see the reporting from the *J.E.P.* Interestingly I did notice that the Minister for Home Affairs was booed this morning - but I think that was more because he was a member of the Council of Ministers - from the States employees, although it could well have been from another lobby group [Laughter]. I am going to do one better than Senator Le Main. I am going to say that I am 110 per cent behind this law, as are the group that I partly represent, Time For Change, and also my involvement in the Human Rights group, which the Deputy of St. Martin is leading at the moment. We are certainly behind this; it is something that is necessary on so many different levels, as has already been addressed. I do want to commend the way that the Chief Minister brought this proposition. I think it was done in a sensitive way, understanding that in Jersey there is a big divide and a big spectrum of issues on all issues and, certainly, this is no different. There may be one

point that I want to take exception with, in a moment, in my speech and obviously to commend the Minister for Treasury and Resources, Senator Ozouf, for his good speech, as has already been said. The reason I say I am 110 per cent behind this, rather than 100 per cent - and it is something I would not normally say, because I think 100 per cent is the maximum is it not, you cannot get more than that - there is a reason, because I think, and in many ways I am probably on the flip side to Senator Le Marquand on this argument, that this proposition does not go far enough. I will re-emphasise the fact that I am supportive of this and I will support it as it is something that needs to be done but I will explain, perhaps, what I mean. I was warned a while back not to mention the word marriage but I have not mentioned it, other people have mentioned it. I agree with the consensus in this Chamber that what we are faced with here is not marriage, it is civil partnership. There is a nuance, perhaps it is a grey one, but it is not marriage and I would hope that would put Senator Le Marquand's mind at ease. Nonetheless, it is something that I do not think should exist, personally. I do take exception to the statement that there is a difference between gay relationships and straight relationships; I do not think there is a difference, to be honest, and I do not think that there should be a difference, but that is not what we have on the table and what we have there is very much the middle road. So, before we start congratulating ourselves too much, thinking that Jersey has immediately become enlightened and that we have a revolution in our social policies, this is very much - although it is a welcome piece of legislation - it is very much the middle way. Some countries have full marriage, other countries do not have any recognition of gay relationships or same-sex couple relationships. So we are very much going down the middle road here. To put this in context, I want to give a quote from a lecturer for whom I have considerable respect and I came across him on Radio 4 giving the Reith lectures. His name is Professor Sandel - the first name eludes me at the moment - and I will just quote him: "The debate over same-sex marriage is fundamentally a debate about whether gay and lesbian unions are worthy of the honour and recognition that, in our society, State-sanctioned marriage confers, so the underlying moral question is unavoidable." So, really, what it is about? It is not so much, for me, about gay rights, although it does touch on that, it really is just a basic question about how we want to treat human beings. It is about human rights; it is about dignity; and it is about respect and recognising that while we might all be different, that we all need to have similar safeguards and to benefit from the institutions that the society does offer. I did think very hard whether it was appropriate or not to bring an amendment to this, simply to change the word from civil partnership to marriage. It is something that I did consult with States Members over. I received some responses but, most importantly, I did consult with the stakeholders themselves and I was glad to have done so because I will just read a couple of points: "As a gay person, I am not aware of any groups calling for gay marriage to be introduced as opposed to civil partnerships." In the same communication, the author goes on to talk about how whether it is civil partnerships or marriages, it is really something of an academic issue. This person does have a civil partnership already in the U.K. with his partner. They both live in Jersey and all they want is simply for that marriage or for that civil partnership, for that union - I think is the key word - to be recognised in Jersey. They are already together. They call themselves married. Their family believe that they are married just in the way that other relatives of theirs, who may be in a heterosexual union, are also married. There is no distinction there. I think that is all I want to say on the issue, apart from to say that I have already said that I did take exception to the analogy of equal but different and for me - and this is not something that necessarily is shared by the whole Assembly - it smacks something of what happened in apartheid in South Africa with equal but separate. We saw where that took the world and that did not last very long. So, if we are going to talk about equality, we have to have it right across the board and I would that ... in fact I am pretty sure that in 20 or 30 years' time, we will pretty much be, not laughed at but we will be looked back at as anachronism that there was ever any distinction between same-sex couples or heterosexual couples.

9.1.14 Deputy S. Power:

An awful lot of what I wanted to say has been said, so I am going to be very brief and abandon my long speech because I did put quite a bit of time into this. Again, I endorse the views of other members in congratulating Senator Ozouf and his eloquence and his speech from the heart. I think if ever there was a speech made in this Assembly in the recent past, that was a speech to remember. I also want to thank Senator Le Main, because he spoke from the heart and I think he spoke very eloquently and very truthfully. He spoke personally about his own emotions to do with this and I can tell Members that I have encountered both the approval and the wrath of Senator Le Main and, today, we certainly had his approval with regard to the civil partnership law. I had prepared a speech that was going to talk about marriage in Jersey, the Marriage and Civil Status Law (Jersey) 2001. I was going to discuss the legal implications of marriage in Jersey. I was going to discuss what discrimination exists in Jersey with regard to taxation, social security, next of kin, pension rights, inheritance and the right to work in Jersey, but I am not going to do that because I do not need to do that. You all have the proposition and you will all see in appendix 3 what needs to be amended. I want to just draw attention to the work of the volunteers in the Community Relations Trust, because they have worked tirelessly in the last few months to produce the corporate support that you saw in the ad in the *Jersey Evening Post* recently [**Approbation**] and the sponsorship that went towards that ad involved an enormous amount of phone calling, contact, negotiating, cups of coffee and all that kind of thing and that kind of ad does not happen overnight because the Community Relations Trust has a very small budget - a budget that they are appreciative of from the Home Affairs Department, but it is a small budget - and that ad was paid for from funds over and above the funds that are allocated to the Trust. I know that I have a slight guilt in me today because with the work that has been generated by this Assembly with strategic plans, business plans, my own residential tenancy law, my work on Planning and my work at Housing, I have missed 2 meetings, which I regret missing, with the Relations Trust, but these guys and these girls have done an enormous amount to bring this effort to where it is today. I am not really going to go on much further but I have a letter which moved me from a Jersey man, and I am going to read selectively with his permission - he has given me permission to read this - just to give you a perspective on some of the pain, the hurt that goes through being in Jersey and being gay at the moment: "I am 46-years-old. I have been married 3 times. Each marriage failed because I was hiding the fact that I am gay and, consequently, made the marriages unworkable. I tried really hard to conform to society, to normality, but it did not work. I finally accepted this, 3 years ago, and accepted who I am, that I was being unfair to my wife and myself and that is why I was unhappy and that my children will be happier with a gay father than with a miserable, depressed, straight father. Consequently, I separated from my wife and divorced. I do have 5 children, 3 are adults and the younger 2 are 12 and 10. I would earnestly ask you to approve the acceptance of civil partnerships in Jersey. My partner owns a property in Jersey and I own a house in France. We would dearly love to have the same inheritance rights as married couples do. If one of us were to die, we would like our properties to go to the survivor of the 2 of us and then to my children afterwards. At present our wills can be contested and over-ridden by my children against our wishes. Furthermore we wish for our pension rights to be the same and we do feel disadvantaged at present. I feel that while civil partnership is not the same as marriage, for gay people this civil partnership will feel like the equivalent, therefore being acceptable to people who wish to hold on to marriage being for heterosexual people only. I would like to comment regarding the religious aspect of gay relationships. My partner and I are both Christians. I was a Sunday school teacher in the past and my partner regularly attends church. His minister fully accepts my partner's sexuality and his minister attended the Arts Centre [that Senator Ozouf and I attended] and voiced his support, on behalf of the church, that they did not have a problem with civil partnerships. We have accepted that God made us who we are. We are born homosexual. As previously mentioned, this is not something you wish to choose to be, but we do try to be honest and caring citizens." So I urge all Members to support this proposition.

9.1.15 Deputy A.E. Jeune:

Like Deputy Power, I too received that letter and others and I was deeply saddened to receive those letters. I felt it was very sad that people felt the need to tell me, publicly, what their sexuality was. Unlike the Deputy of St. Martin, I do not go back 50 years but I can go back 40 years and I can remember, as a nurse, caring for people whose lives were a living hell because nobody understood them, nobody would accept the fact that they were not heterosexual. I worked with many a homosexual nurse, be they male or female, who were probably the most caring, professional people I could ever have wished to work with. We have moved on and as Senator Shenton highlighted, his youngsters in the family are so much more advanced than us. They do not tolerate discrimination and listening to Members in this House this afternoon I think we are finally getting there too. But I would agree that marriage is a step too far and having spoken to friends of mine who are gay, they too feel that at this time it is a step too far. Long-term relationships have to be a good thing so long as they are happy. I think there are many people in same-sex relationships who can probably teach a lot of us in heterosexual relationships how to work together to keep those relationships going. I will most certainly be supporting this proposition, but I sincerely hope it is not going to take for ever to move from the principle to bringing it into law.

The Bailiff:

Does any other Member wish to speak?

9.1.16 Deputy J.M. Macon:

Just briefly, I think Senator Shenton is absolutely right. I do not view this move as controversial. I think we have to remember that we do represent homosexual constituents whether we know it or not and, therefore, I will be backing this proposition.

9.1.17 Senator J.L. Perchard:

Just briefly, to remind Members that this is to agree the principle that same-sex couples should be permitted to enter into civil partnerships. The detail is all to come and, just echoing the sentiments of Deputy Jeune, I will remind Members, under Appendix 3 there are 3 pages of existing legislation that will require amendments in order to comply with the will of the proposition and it is to ask the Chief Minister, when summing up, what he considers the time scale would be in order for us to enact what is, quite clearly, the will of the House today and to be able to say that we are compliant and that same-sex couples should be and are able to enter into civil partnerships and comply with all the legislation that is referred to in Appendix 3.

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

I want to state one great theological truth, if I may, as I begin, and it is the love of God. Christians disagree with one another about homosexual relationships. It is absolutely foundational for both the scriptures and for Christ that God's love for us is unconditional and is not based on many things that we find so divisive. So let me put it plainly; whether you are heterosexual or homosexual, or unsure quite where you place yourself on that spectrum, God's love is an absolute. The second is that not just for Christian faith but also for Judaism and for Islam, the sanctity of marriage between men and women is an absolute. Now, that does not mean that those who would advocate gay marriage are not to be listened to or that they are to be thought, somehow, not right thinkers or anything like that, it is simply that the straight-forward understanding of the holy books of all those 3 faiths make marriage, from the Garden of Eden onwards in that wonderful theological picture, the fundamental building block of society. Therefore, when folks write to us saying: "Whatever you do with civil partnerships, will you make sure that you protect marriage" it seems to me not only to be born out of their faith but also out of their experience of post-war Western Europe, where we have seen the downgrading of marriage and we have seen the downgrading of stable society concomitant with that. We live in a mixed society. We do not agree with each other on everything. I phoned my wife this morning and she said: "Darling, will you speak?" and I said: "Actually, I do not have

any choice. I am sure this is something on which I ought to say something.” “Are you worried about the debate?” I said: “I am not worried about any opinion that might be expressed. I am worried about the character of the debate” and, if I may say so, I have been greatly impressed that we have not had any of the mud-slinging at those with whom we might disagree on such a heartfelt issue [**Approbation**] because we have to learn to listen to each other. It may be that you think option A, B, C or D - or are they 1, 2, 3, or 4, I cannot remember... it has to be that we listen to those with whom we disagree and it has to be that we try and build consensus with those with whom we disagree. Simply slinging titles that are found on the tabloid press, for one side or another, at one another - and I am so delighted that this House has distanced itself from that - gets society nowhere. For my own view, I think civil partnerships will certainly come, I think this legislation is the way to do it and I commend the Chief Minister for it. I would want, I think, to say that I do not believe that the U.K. had all the details right. I have grave reservations about what on earth the table of kindred and affinity is doing in a thing about civil partnerships, but that is another thing, as people have said, for another day. It seems to me, today, we should have our minds on a society that is united, that cares for all people, that is unafraid of its Christian and Judeo-Christian basis, but also which seeks to build a society of consensus and care and that does not engage in teaching the generations that come after us that we cannot work with those who are different from us; for that would be the denial of the fundamental love of God. [**Approbation**]

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

I feel a bit humble now after listening to the Dean’s wonderful speech, but I believe strongly that we must go on with the civil partnership. The particular thing that I have is about the next of kin. I feel very strongly that the next of kin must be the partner. Quite often the relationships break down with families and when somebody is very poorly the partner knows the feelings of the other partner, not the family, and I feel very strongly that we must take that into consideration.

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

This is one of those subjects that I perceived that I was going to get a lot of phone calls on but, in fact, I have only had one phone call and the rest of the letters I think you have all received. The one phone call was expressing concern about the adoption but, of course, that is not for this occasion, that is for another day. So, in any event, I shall support this proposition but recognising that when one gets down to the detail there might very well be some learning on many people’s parts to be able to have the right advice and different aspects of advice in order that we can come to the States and make a valued judgment. It is the area that I would expect the people like the Dean to have a pre-meeting for our States Members, in order for us to have a better understanding than we might otherwise have and, indeed, for other people that might be part of the gay or lesbian community. I think I will leave it at that. I shall be supporting this one.

The Bailiff:

Does any other Member wish to speak?

9.1.21 The Connétable of St. Brelade:

Just briefly. Page 6 refers to the financial manpower statement and the proposed increase in manpower of 2 individuals. Would the Chief Minister, in his conclusion, just tell the House whether those are part of the recurring expenses and will they disappear once all the legislation has been put in place.

The Bailiff:

Does any other Member wish to speak?

9.1.22 Deputy T.A. Vallois of St. Saviour:

I would just like to say, as a younger member of the House, when I first saw this proposition I thought: “Oh my goodness, we are actually in the 21st century” and usually when we have propositions it is stuff that should have been done years ago and I commend the Chief Minister for bringing this and also make the point to Senator Shenton and all other Members that although we have moved on and people do not judge as much as they may be used to, there is still a feeling of anxiety and fear of homosexuality for people and we should treat everyone as equals ... I suppose, from this debate, it has caused a form of serenity or humanity within the House. I feel like we have listened to each other and we have, in certain respects, understood exactly what we are trying to do, so I thank the Chief Minister for bringing this and also thank Senator Ozouf on his speech at the beginning.

9.1.23 Deputy I.J. Gorst:

I will be extremely short. I am of the opinion that the current situation and the current legal structure in place does contain inherent unfairnesses and those unfairnesses must be addressed. I am not one that believes that by addressing unfairnesses one necessarily undermines marriage. I am afraid that I do not see that there is a correlation there. I have been persuaded that this is an appropriate way in which to address those unfairnesses. As other Members have said, the details have yet to be presented. There is a job of work to be done there and, no doubt, that debate might be substantially longer than this one but in the interests of addressing those unfairnesses, I will be supporting this ‘in principle’ debate proposition today.

The Bailiff:

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

9.1.24 Senator T.A. Le Sueur:

I would like to thank all Members who have spoken and assure them that I value their comments, although I do not intend to respond to every single Member’s statements because while there may be slight nuances between some people, I think there is virtually a uniform acceptance that, whatever we do, doing nothing is not an option. The present situation is unfair, it is discriminatory and it needs to change. I do particularly welcome the input from Senator Shenton and the Constable of St. Ouen who were members of the previous Legislation Advisory Panel who had to do a tremendous amount of work to get to where we are now and, as Members have rightly pointed out, where we are now is really still at an early stage in the proceedings. It is because, as many Members have referred to, there are so many laws to be amended, tweaked or varied but it is important that we do agree in principle first of all where we are going to go before we start trying to amend those laws. As I think those who have served on that panel will have realised, there are some quite complex interactions between the laws and the different ways of going about these things and I am grateful to Senator Le Marquand for trying to elucidate the way in which that is not by any means an easy matter. In trying to compare like for like, I have to say it is sometimes very difficult when things are not exactly like for like. I think there are certain issues which require comment in respect of particular Members. I think, of those who have spoken, virtually everybody has said they support or implied support for option B apart from a couple of Members who would have preferred option A and maybe one or 2 who would prefer option C. Nobody, as far as I could see, was going for option D of doing nothing. This is a consensus government. We have to work by agreement of the majority and I do believe that in our debate this afternoon we have shown understanding and consensus on a matter where, clearly, we have some sensitive issues. The Constable of St. Brelade asked about the ongoing financial and manpower costs. Although it says: “An increase of manpower of 2 individuals”, that is primarily I think in terms of law drafting. The ongoing costs are £30,000 a year and these days I do not think we will get 2 full-time employees for £30,000 a year but there will be some ongoing costs undoubtedly in the administration. Now, the other concern raised by people I think is that of the time it will take between now and getting all

this legislation into place. I think it was first voiced by the Deputy of St. Martin and then repeated by other people and I think there is a danger here that if we try to wait until everything is in place and then press the green button, we could be here for a very long period of time. I think it is going to be a situation where we are going to have to do this in stages. If Members look at the legislation, they will see, for example, on the back page that there are a number of Social Security matters including reciprocal agreements but also in the claims and contributions and so on. The Social Security Department have a whack of work to do in their particular areas. The Viscount's Department and the Greffe will no doubt have quite a bit of work to do in terms of things like bankruptcy, probate and other laws of that nature. Health will have various things to do and the Chief Minister's Department in respect of public employees' pension schemes and so on. Each department will have their own particular areas to address and they generally have the knowledge and expertise in those departments to deal with those matters and, for my part, while I would endeavour to, as Chief Minister, co-ordinate and bring forward propositions in a way in which they can be debated more or less at the same time, it would not be my intention to wait for the last and slowest person to come forward because I know that sometimes, not because people are dragging their feet but because of the nature and complexity of some of the legislation, it will take longer. Others will have quite straightforward matters to do and those straightforward matters we can achieve probably quite quickly. I do not want to be too dogmatic here because, very often, if you pass one law and do not pass another, then there is a mismatch and that creates confusion but the objective, in my view, is to deliver this as swiftly and expeditiously as possible in stages but in ways which do not cause undue conflict. I think that really picks up the main points. I would like to echo the comments and praise primarily for the Deputy Chief Minister's comments but those of other Members as well who have echoed his views and echoed the view that Jersey in the 21st century is a very different place and needs to demonstrate it is a very different place and that areas where we are presently showing unfairness do need to be resolved. The Deputy of St. John says: "It is time to move forward." I agree with him. It is time to move forward. I think this proposition does move us forward. I present the proposition, I propose the proposition and I ask for the appel on the proposition.

The Bailiff:

Very well. The appel is called for in relation to P.136 of 2009, that is the proposition of the Chief Minister entitled "Civil Partnerships" and I invite Members to return to their seats and the Greffier will open the voting.

POUR: 48		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Senator B.I. Le Marquand		
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
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 J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
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 A.E. Jeune (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)				

10. Annual Business Plan 2009: variation in respect of pay freeze – rescindment (P.143/2009)

The Bailiff:

Very well. So now we come next to Annual Business Plan 2009 variation in respect of pay freeze rescindment - P.143 of 2009 - lodged by Deputy Shona Pitman and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide if they are of opinion (a) to refer to their Act dated 14th July 2009 in which they adopted a proposition of the Minister for Treasury and Resources and having referred to their Act dated 22nd September 2008 in which they approved paragraph (b) of the Annual Business Plan 2009 agree to vary that decision as it related to the provision for the 2 per cent provision for the 2009 pay award and remove the £3,501,600 allocation in the 2009 Annual Business Plan set aside for this purpose with the amount removed from the agreed heads of expenditure of each States funded body as set out in the proposition and to rescind that decision, (b) to request the States Employment Board to restore the process of free collective bargaining for public sector pay groups and re-open pay negotiations with the relevant public sector employees' representatives with immediate effect.

The Bailiff:

I can see a number of Members but I think I saw the Connétable of St. Helier first.

The Connétable of St. Helier:

I think, in common with other Members, I have a spouse who is in full-time employment by the States of Jersey and I feel I have a direct pecuniary interest in the outcome of the debate.

The Bailiff:

I would agree, Connétable. I think anyone who, either themselves or if they have a spouse who is an employee of the States of Jersey, would therefore be directly affected by this and I think must declare that interest.

Senator T.J. Le Main:

I have the same direct interest with my wife being a staff nurse for Health, so I declare an interest and remove myself from this debate.

Deputy I.J. Gorst:

I declare a similar interest and will withdraw from the debate and voting.

The Deputy of St. John:

I declare an interest that my daughter is a doctor of the States and also my son-in-law works for Housing.

Deputy J.B. Fox:

Likewise, Sir, my wife works in the States.

Deputy J.B. Fox:

My wife works at Education, in Careers.

The Bailiff:

Yes, the Standing Order only in fact applies to spouses.

Senator S.C. Ferguson:

Would this also conflict somebody whose spouse is a leading member of the lobby group working group working on this?

The Bailiff:

No, because there would be no financial interest. There is only a financial interest if the spouse would be affected by the States decision. Now, before Deputy Pitman begins, perhaps I can just remind Members there is an amendment lodged by Deputy Maçon but that amendment was not lodged in time for it to be debated today. I cannot be debated until tomorrow. Now, I do not know how long Deputy Pitman is going to take to **[Laughter]** propose it but, hopefully, not that long. It is a matter for Members but we would, I think, normally then have to adjourn if Members want to take the amendment. There is another point which I should raise in that the amendment itself, I suspect, does not say what Deputy Maçon intended in that his report suggests that people earning under a certain amount should nevertheless be able to still get a pay rise, whereas what the amendment in fact says is that only those earning over a certain amount get a pay rise.

Deputy D.J.A. Wimberley:

Can I make a comment on that? I certainly received a corrigendum slip. I do not know if other Members did but that has been corrected from the Greffe.

The Bailiff:

Oh, has it?

Deputy D.J.A. Wimberley:

Yes.

The Bailiff:

Well, the Greffe was not aware of that I think.

Deputy J.M. Maçon:

I believe that is the other “over.” There are 2 “overs” in there and that has been amended but the Chair is quite right in that there was a slight error in the processing and I believe the Greffier has suggested an amendment.

The Bailiff:

Well, let us take this in stages. I think it is as well that everyone should know what the amendment is intended to say before deciding how to play this matter. So, first of all, Deputy Maçon, are you proposing a further amendment to your amendment to replace the word “over” by the word “up to” in both places if it has not been corrected in one place already?

Deputy J.M. Maçon:

Yes, Sir, that would make sense and I am grateful for the wisdom of the Chair.

The Bailiff:

Under Standing Orders, an amendment can be taken immediately if Members are of the opinion that, if adopted, the amendment would not make any significant change. I think we have used that to correct what are obviously typographical errors in the past. I think it is clear from the contents of the report that this was indeed a typographical error, so do Members agree that the lodging period for the amendment to the amendment just put forward by Deputy Maçon can be waived and the matter can be dealt with immediately? Very well, thank you. So what that needs Members to decide still is how they wish to proceed given that, at the moment, we could not debate the amendment until tomorrow. Do Members wish to proceed so far and then stop or is somebody going to propose a waiving of the notice period, although that can only be ...

10.1 Deputy R.G. Le Hérissier:

I know it goes against the grain because people feel it only should be raised for very serious matters of an Island implication but, given the situation, we would look quite stupid if we were to come to a sudden halt and I would ask that it be raised were the Deputy to finish before 5.30 p.m.

The Bailiff:

So you are proposing to reduce the lodging period by one day on the grounds, you say, that the proposition relates to a matter of such urgency and importance that it would prejudice Jersey to delay its debate?

Deputy R.G. Le Hérissier:

Absolutely. It will lead to the disillusion of this Assembly one hour earlier and that cannot be countenanced.

The Bailiff:

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

10.1.1 Connétable J. Gallichan of St. Mary:

I just feel, as the Chairman of P.P.C., I have to just repeat what I have said previously. Standing Orders have been introduced coolly and after debate for a purpose and I know that this is a peculiar situation perhaps that we are in but we have put that high bar in place and I think it is wrong for the States Assembly to cast it aside without due consideration.

The Connétable of St. Brelade:

May I ask Deputy Pitman if she could give us some guidance as to how long she may wish to speak for because that might resolve the situation?

Deputy S. Pitman of St. Helier:

About 20 to 25 minutes.

10.1.2 Deputy J.M. Maçon:

Notwithstanding what the Constable of St. Mary has said in her role as the Chairman of P.P.C., we did have a much larger Order Paper to begin with and while that it is not a justification in and of itself, this, according to the Order Paper, most likely would have been taken tomorrow and, therefore, my amendment would have been put in time. I think that my amendment is not so complicated as so Members would need time to understand the entirety of what it is and I think that is why we have Standing Orders so Members have time to understand what is put forward. That is why I think we have Standing Orders and, therefore, because I do not think this is so radical, I think Members are able to comprehend and I think that is a justification in this circumstance to allow the suspending of Standing Orders.

The Bailiff:

Very well. Yes, Senator Le Sueur.

10.1.3 Senator T.A. Le Sueur:

I feel in a quite difficult position here because I would support the desire to debate this as soon as possible and that it makes logical sense for Deputy Maçon to propose this amendment soon after the proposer has proposed her proposition but I equally have support for the Chairman of the P.P.C. and the fact that we, as a States, agreed Standing Orders and the position from Deputy Pitman was in fact lodged on 9th September which gave ample time for 2 weeks to take place. If I were to support the Chairman of the P.P.C., as I would normally be quite minded to do, that might give the impression that I was trying to defer debate on this proposition at any price and that is not the case. I believe that this Assembly needs to make sure if it sets laws and practices it does adhere to them, so that gives all of us cause for concern. I think all of us want to debate this this afternoon but really do not want to be seen to be misreading or misapplying Standing Orders. I do not see any solution unless we were very legalistic or juridical and suggest that maybe Deputy Maçon lodged this on a Tuesday afternoon at 4.00 p.m. but did not get it printed until the Wednesday morning. That is probably pushing my luck a bit too far ...

The Bailiff:

I think lodging days are a matter of record.

Senator T.A. Le Sueur:

Given that situation, Sir, it takes me to say that if I were to vote, I would probably have to abstain.

10.1.4 Deputy T.M. Pitman:

I just want to add that I fully appreciate what the Chairman of the P.P.C. says. However, we have seen instances with the Council of Ministers bringing things very late in the day and I really think, to echo what Deputy Le Hérisier has said, we are going to look very foolish if we do not progress and I think we should give the youngest Member of the House some leeway and let us get on with it.

10.1.5 Deputy T.A. Vallois:

I would just like to make the point that we have already seen the Minister for Economic Development today misapplying the Standing Orders with regards to one of the propositions, so the argument is illogical and this should go along with this exact proposition today.

10.1.6 Deputy J.A. Martin:

It might not go down very well but I am trying to be helpful. I think that Deputy Pitman has got quite a long speech but we would still be finished about 4.45 p.m. Obviously, either way, I do not think this debate is going to finish today, so I would like to make the proposition that we adjourn early and we start tomorrow and everything will be in order and no Standing Orders will be [Approbation] messed up. So I make that proposition. Thank you.

The Bailiff:

Can I just say, Deputy, I do not think you can make that proposition at the moment because we are discussing the proposition of Deputy Le Hérisier but if anyone is in favour of what Deputy Martin has just suggested, they should vote against Deputy Le Hérisier's proposition and then, after Deputy Shona Pitman has finished her speech, somebody will propose the adjournment and they vote in favour of the adjournment. That would achieve what Deputy Martin has just suggested. Senator Ozouf.

10.1.7 Senator P.F.C. Ozouf:

The alternative is we could send another 35 minutes discussing whether or not we are going to discuss it [Laughter] and continue to make fools of ourselves. I think, Sir, standing Orders for 17 hours can be lifted and I will be supporting the proposition by Deputy Le Hérisier.

The Bailiff:

Probably, everyone has said as much as they can really say on this, so shall we bring that to a conclusion and I invite Members to vote? Deputy, do you want to call the appel?

Deputy R.G. Le Hérisier:

The appel, Sir.

The Bailiff:

The appel is called for. Can I remind Members it is the proposition of Deputy Le Hérisier that the lodging period for Deputy Maçon's amendment should, under Standing Order 26(7) be reduced by one day so that the matter can be dealt with today? The Greffier will open the voting.

POUR: 29		CONTRE: 7		ABSTAIN: 3
Senator P.F. Routier		Senator S.C. Ferguson		Senator T.A. Le Sueur
Senator P.F.C. Ozouf		Connétable of Trinity		Connétable of St. Mary
Senator F.E. Cohen		Connétable of St. Brelade		Deputy A.E. Jeune (B)
Senator A.J.D. Maclean		Connétable of St. Martin		
Connétable of St. Ouen		Connétable of St. John		
Connétable of Grouville		Connétable of St. Clement		
Connétable of St. Lawrence		Deputy J.A.N. Le Fondré (L)		
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
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)				

Deputy J.M. Maçon:

I am thankful to Members.

The Bailiff:

You thank Members, yes. Very well then, I invite Deputy Pitman to propose the proposition.

10.2 Deputy S. Pitman:

I heard that Senator Perchard is asking whose papers these are on your desk. The first one is a graph and they are referring to what I will be speaking about in my speech. I ask Members please keep personality politics out of this debate. **[Approbation]** It is about these people. Before I start my speech, I would like to ask Members to raise their heads to the gallery and look at the people sitting in it. These are our workers; our employees. These are people who look after the people that we care about. They care for the chronically sick, they give quality to the lives of many elderly people, they teach our children, they rehabilitate criminal behaviour, they counsel our vulnerable, young people, they clean and maintain our roads, they save lives. **[Approbation]** It is these people who run our departments, not you or I, and by doing so, they contribute hugely to the quality of life in Jersey and much of it they do out of their own goodwill because they care. Without that huge goodwill, this Government and our Island would be in dire straits. In bringing this proposition, I begin by making 2 points very clear for Members to keep firmly in their minds. Firstly, this is not about new money. This is about monies that were set aside and agreed by this Assembly to cover 2009 pay awards in the 2008 budget, so let us have no such red herrings please from the Minister for Treasury and Resources. Secondly, in essence, this is not just about money. This is about treating our very hardworking, loyal employees with respect. Indeed, it is about treating them as adults and entering into negotiations with the long-established free collective bargaining as exists with most, if not all, E.U. countries fully in fact and with the allocated monies on the table. So what was the commitment of the Council of Ministers and the rest of the Assembly made back in September 2008? This is what the Treasury asserted within the Business Plan. It was the Minister for Treasury and Resources: “If pay settlements are higher than this 2 per cent provision, then there would have to be very serious reductions in essential services including Health and Education. It is because maintaining tight control over the cost of the public sector pay bill is so critical to delivering vital services to the public that, for the first time ever, the States are being specifically asked to approve the provision for a 2 per cent pay award in the 2009 Business Plan.” This pay award, which was just below inflation at 2.1 per cent, was agreed by the unions and then voted upon by this House and it meant an expenditure of approximately £3.5 million, so this money was put aside. No ifs or buts and no ambiguity. It is a fact. However, in March of this year, we have been told the States Employment Board received advice from the Fiscal Policy Panel and took that advice to the Council of Ministers in April. On 23rd April, the Council recommended that S.E.B. (States Employment Board) pursue a policy of zero per cent increase in the overall budget for the public sector pay for the period 2009 to 2010 inclusive. In order to afford the States Assembly an opportunity to endorse this policy, the Council agreed this decision be brought to the States in the form of an amendment to the Business Plan 2009, the effect of which would be to return the money to the Consolidated Fund. This was an unprecedented decision and in the words of Senator Ozouf: “I do not think such a proposition has ever been considered before.” This had, indeed, never been done before and why has it never been done before? Because it has always been, and should have

remained as being, negotiated. Once the R.P.I. (Retail Price Index) report is published by the Statistics Unit every March, the union representatives sit down with Employer Relations Officers within the Human Resources Department and pay levels are negotiated. These representatives and officers are specifically trained in industrial relations. S.E.B. members, as I understand it, are not. States Members are not. Put bluntly, in ensuring best democratic practice, S.E.B. had no right taking a decision on pay out of the hands of the union and human resources officers who are paid to do this. This Assembly had no right to do this either. There were 2 key factors that we are told supported the argument of the Council of Ministers to decide the pay freeze. The first one was States financial forecasts are showing that there will be significant reductions in States revenues over the next few years and that once the Island comes out of recession, there will be ongoing deficits. These will need to be funded by tax increases or service cuts. Pay awards will simply exacerbate the size of those tax increases or service cuts. It is at times like these that I believe we, this Government, should be looking at our expenditure and where we can make improvements. Let us first look at States expenditure for overtime that we pay our staff. You do have a sheet and I believe it is the second sheet in the package. I would like, firstly, to focus our minds on the cost of overtime to the States and they are very substantial figures and a serious strain on our resources and issues relating to departments for the largest manpower expenditure. The figures are for the following departments and I have rounded them up: Education: 2008 £285,000; 2009 to date, £0.2 million. Home Affairs: 2008 £3.2 million; 2009 £1.5 million. I will break this figure down as we know so much of this went to the child abuse inquiry. The prison: 2008 £0.8 million; 2009 to date £260,000. Customs: 2008 £0.3 million; 2009 to date £0.2 million. Transport and Technical Services 2008, £1.6 million - and I know that £1.3 million of this was manual workers' overtime - 2009 to date, £1.2 million. Health and Social Services: 2008, £4.8 million, 2009 to date, £2.8 million. The total sum to the States for 2008 is circa £10.5 million and £2.3 million of this went to the police and I understand much of this was to do with the historical abuse inquiry. To date in 2009, circa £6.6 million. The question has to be asked, why do the States have such a huge overtime bill? The answer, notwithstanding the historical abuse inquiry, I suggest is that most - and I emphasise most - of our services are far too stretched. We do not have enough staff, so the staff that we do have are working overtime; time that they choose out of their goodwill; time that goes beyond their contracts. Not only that, I know, for instance, the Health Department are having to employ agency staff which is costing the department even more than if they were employed directly by the States and I will give an example, if you could refer to the sheet of paper with the graphs on. At the moment, I am informed that there are about 25 registered agency nurses. These nurses come from the U.K. on a 3-month contract and are costing approximately twice as much as their equivalents, I believe. To be a grade 4 or thereabouts costing about £1,200 per week and this includes travel and costs. In 2008, they worked 931 shifts. In 2009 - and I only have figures up until February - 270 shifts were worked. Then there are the shifts of registered nurses and health care assistants on the bank. In 2008, they worked about 5,970 shifts - and I would just like to thank Senator Ozouf for lending me his Blackberry to calculate this sum. **[Laughter]** In 2009, up until the end of February, they worked 1,300 shifts. However, I should point out here, as I understand it, bank staff's regular hourly rates of pay are the same as the equivalent full-time staff. So why such high figures? It is obvious that it is down to a lack of staff and I know much of this is due to the department's inability to retain staff. On top of the bank and agency hours worked, there are the normal hours and overtime hours that nurses employed directly by the States are working regularly, regular hours. There are also many hundreds and, quite possibly, more likely thousands - and I do not have a figure - of unpaid hours clocked up that are worked every year. **[Approbation]** I can give the Assembly just one example which I believe they should find truly shocking but which, to be fair, is an exception. One nurse told me last week that she had clocked up 200 hours in lieu. That is about 12 weeks work but has been unable to take them because the service has been so stretched. She is so fed up with the situation that she is leaving the Island in the New Year. Although staff are required to take time in lieu, this is often impossible because the service quite simply is far too stretched and the Council of Ministers can proclaim that pay awards are not

merited or not necessary. **[Approbation]** So there are some serious issues here that need to be addressed. I am aware the department has made some inroads, such as in Health, in reducing over-reliance on other countries which include the Free Registration, Nurse Training and Bursary Programmes, the Cadet Scheme and £1 million is going into recruitment. I do not believe that such schemes are dealing with pay and retention of nurses and I might add neither do many other medical staff. Although the department recognised that the main reasons as to why medical staff are leaving the Island are cost of living, child care costs, accommodation costs, poor staffing levels and comparatively low wages, it does not have, as I understand it, a retention strategy and a fundamental part of retaining staff is the level of pay; a level that allows you to live. As it stands, most nurses and medical workers working for the States of Jersey would be financially better off doing the same job in the U.K. The package we offer here needs to be attractive enough for people to stay in jobs. It is not. We need to deal with this now. If we maintain a pay freeze, this problem will only get worse. A pay freeze does not make economical sense. If we follow this absurd route set out for us by the States Employment Board and the Council of Ministers, we will ultimately end up paying out more as staff will continue to leave the service because they cannot afford to live here. **[Approbation]** I ask Members now, quite bluntly, does any one of us doubt for a single minute that our nurses are not deserving of a pay award? If so, then I look forward to seeing those Members standing up and telling the employees in the gallery why. Nurses, doctors, teachers, manual workers, customs officers and prison officers have, in recent years, had to work with pay rises at or below R.P.I., staff cuts and heavier workloads through efficiency savings. We know, for example, that Customs cannot do as complete a job as they would wish and that we are losing substantial possible revenues from G.S.T. because they are understaffed. They cannot do their job. Is the situation really economically sound? Prison staff: they have worked exceptional overtime hours because Home Affairs have not had the funds for much needed extra staff. However, I know a significant number have been employed due to the approval of 2008 and 2009 Business Plans. However, staff are still working overtime at the prison. I say to Members once again, these staff are doing difficult and dangerous work and they are still working overtime, and the paramedics who are paid less than those who answer the calls. The ambulance service station officer responsible for 40 staff who was paid 50 pence more an hour than existing staff taking the calls. The manual workers who do dirty, anti-social work that none of us would want to do. Just like the nurses, I ask, Sir, Madam, will any Member ... **[Laughter]** Is that right? Madam or Ma'am? Just like the nurses, I ask will any Member to say these people are not deserving of a modest pay award to help them keep pace with ever increasing costs. Yes, and I look forward to hearing them too. Teachers too are working long hours and are not contracted to do many tasks and these include preparation and marking, lunch duties, parents' evenings, running sports teams, open evenings and organising fund raising trips. Teachers in the U.K. do have to do lunch duties but they do to have to do them for free and they do a range of non-teaching tasks that our teachers are expected to do, such as put up displays and invigilate exams, and they are guaranteed to have 10 per cent non-contact time to do some of their preparation and marking. Teachers' union representatives have been lobbying S.E.B. for several years now for such issues to be addressed but little has been done. On top of which, their collective bargaining rights were taken away from them this year along with all other public sector pay groups and they were told that they were to have a pay freeze which is, in reality, let us not forget, a pay cut. They found this out via a circular sent to all departments on 27th April this year from the Chief Executive which stated: "The Chief Minister says he and his Ministers have had to make this decision in the face of financial forecasts which show significant reductions in revenues over the next few years." Yes, that is true and I believe the updated estimate predicts a 2009 deficit of just over £10 million rising to around £15 million in 2010 and £60 million in 2011 but we have put money aside for this, have we not? To address the economic downturn, we have a £44 million discretionary pot to support individuals and local businesses *et cetera*. Yet, no, in spite of voting monies for this very cause, we are in fact told that we are unable to support a large section of our community, that is approximately 6,500 States employees and their families who all contribute to our economy. It is here that I will read a few words from one of Deputy

Higgins' - a former lecturer in Economics himself I believe - speeches. Some of you may remember it. He took a quote from a leading American Economist, Paul Krugman, who is also a Nobel Prize Winner for his work. He said: "What a fall in wages does is lessen demand." Remember this recession is characterised by the drying-up of credit, declines in spending and by attempts to pay off debt, all of which are exacerbated by falling wages. In particular falling wages and hence falling incomes worsen the problem of excessive debt. Families are trying to work hard to reduce that debt by saving more than they have done in a decade, but as wages fall they are chasing a moving target and the rising burden of debt will put a downward pressure on consumer spending, keeping the economy down and depressed. Now remember we know there is wage-cutting going on in the private sector. If we add wage cuts in the public sector we are going to exacerbate the problem. This in my view is common sense. So what does this Council of Ministers do? In the circular to our employees the Chief Minister went on to say: "Public sector pay awards during the downturn will simply make it harder to fund any remaining deficit and could mean tax increases or service cuts. A pay rise would be funded by taxpayers some of whose own jobs are at risk." We do the opposite and threaten pay cuts and even spin a guilt trip on our workers that taxpayers, who are hard up too, will have to pay for their pay rise. After all the unpaid hours and effort-stretching of services we have placed upon them, and let us face it without this work services would fall apart. Well, I say to the Council of Ministers, address the underlying causes of the huge overtime bill. Too few overstretched staff already going far beyond the call of duty, because it is down to you, Council of Ministers, that we have it, that we have this huge bill. Also address the wastage of taxpayers' money because it is beyond doubt that they are angered to see it and would prefer such moneys being spent on good working conditions and adequate wages for our medical staff, teachers *et cetera* than it being spent on, for example, £1 million of their money wasted on employee suspensions in 2008. There is much more in 2009; £1 million going to the flumes, flooring, fixtures and fittings for a private company, that is Aqua Splash. I leave the best one for last, the incinerator and the failure by the Treasury to not hedge for the euro. The additional overspend is likely to cost us in the region of around £1 million. The sum can be calculated with reference to the figures in the C.A.G. (Comptroller and Auditor General) Report - R.24 of 2009 - and I thank the Deputy of St. Mary for doing that. There are plenty more tales of wasting money by the Council of Ministers of course, but this is not the only issue. It really is time more than ever that the Council of Ministers seriously looked into and began to implement some alternative methods of raising tax revenue; land development taxes, capital gains taxes, windfall taxes and asking 1(1)(k) residents to finally pay their fair share of tax, which, at the moment, their effective rate is 6 per cent. Let us do it for once, instead of threatening our hardworking and loyal workers with more G.S.T. and job cuts. More efficiency cuts that in terms of frontline staff cannot be cut any further. Why not actually speak to those on the frontline to find out where savings might be with top-heavy management. They want to work with you, Council of Ministers. We simply do not need to treat our frontline staff or any member of staff like this and it is outrageous that we have put such a heavy burden on so many already tired shoulders. The second key factor that supported the argument of the Council of Ministers to decide the pay freeze was: "Given the economic downturn private sector companies are in many cases facing the prospect of job losses and or pay freezes. At such a time it is not reasonable for States employees who enjoy a much larger measure of job security to expect their pay to increase this year. They too should be making a choice between pay awards and job security." I have already addressed many of the issues in this statement however I would just like to make a couple of points here. This statement in other words means, we have changed our minds on your just below cost of living pay increase that we have already agreed on with yourselves because it is not reasonable for you, our States employees that we treasure so much, to expect just below cost of living pay rises because your private sector counterparts are losing their jobs and are facing a pay freeze. So should you. If you do not like it, well you have got no say in the matter anyway and you might lose your jobs. My thoughts on this statement: threatening, disrespectful and patronising. **[Approbation]** A rushed thought up excuse to attempt to make this pay freeze or pay cut valid. Furthermore, the evidence presented to us by

the Council of Ministers to back this statement was very poor and unclear. Although job cuts and pay freezes are occurring in the private sector, of course, there are many companies who are giving bonuses and who have reached pay settlements agreed for the period 2009 at the relevant R.P.I. quarter and some in excess of that. I will give you some examples and you have those examples on a sheet of paper.

The Deputy Greffier of the States (in the Chair):

I am sorry, I do not want to disturb your flow but please do not refer to Members as you. Just say to Members, please.

Deputy S. Pitman:

Okay. These examples are, Jersey Telecom, the States being the shareholder, and of course we know its senior management are receiving loyalty bonuses this year. Condor Logistics, Flybe, Granite Products, Huelin-Renouf, the Dairy, Ronez, ServiceAir, Co-Op, Le Riches, Jersey Gas, Connex, the fuel companies and G4S. There is no valid reason why a pay freeze or pay cuts need to be made now on our employees, and I think I have demonstrated this. For the mistakes of this Assembly in its wastage of money, in its failure to introduce fairer and more progressive forms of raising tax revenue, and its failure to deal with issues such as staff retention, morale and better conditions, we are asking our committed workers who give up so much of their own time to the States, to pay for this. Do private sector workers do so many hours for free? We have taken away their basic rights of free collective bargaining, something of which exists in the Isle of Man, the U.K. and most if not all E.U. countries. I would like to finish with a quote taken from the Deputy of St. John, which he opened his speech with when presenting P.68 in this Assembly in July. "As a former employer I always valued my staff and without my staff and their goodwill I would have had nothing." **[Approbation]** It is time that we the States of Jersey did this because we evidently do not need to impose a pay freeze. It is both unnecessary and, as the famed economist I quoted pointed out, wholly counter-productive in times of economic downturn. Please, I ask Members once again, to have a look at some employees in the gallery and ask themselves: "Are we truly valuing them or are they just a burden on our resources?" I request the Council of Ministers, in particular, to consider their position on this proposition because if the situation remains the same the overtime bill will remain, and more than likely it will get larger. This is not economically viable. Please, for once put up your hands and have the courage to admit that you have made a mistake. Forget your so-called teamwork, Ministers are working for the people who elected them, some of which will be our States workers and most I am sure will be taxpayers who want to see nurses, teachers, customs officers, *et cetera*, taken care of. I make the proposition. **[Approbation]**

The Deputy Greffier of the States (in the Chair):

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

10.3 Annual Business Plan 2009: variation in respect of pay freeze – rescindment (P.143/2009) – amendment (P.143/2009)

The Deputy Greffier of the States (in the Chair):

Now there is an amendment in the name of Deputy Maçon, which has been slightly amended and I ask the Greffier to read the amended amendment.

The Assistant Greffier of the States:

Page 2 (b), after the words: "The Public Sector Pay Group" insert the words: "For all full-time employees earning up to £32, 240 per annum, and all part time employees earning up to the relevant pro rata equivalent of this amount."

10.3.1 Deputy J.M. Maçon:

I would like to give my reasons for bringing forward this amendment. We have already debated a pay freeze versus a pay rise for all; we know the result. While I agree this should be between unions and the States Employment Board and not in front of States Members I have brought this amendment, as I believe that without it we will have the same debate and we will have the same result. I believe that the rescindment motion will fail. I bring this amendment so that those who need that extra to live in Jersey get something, rather than all public sector workers getting nothing. Jersey is a safe and beautiful place to live. There are many opportunities here but the trade-off is that Jersey is an expensive place to live. With G.S.T., the removal of the tax exemptions under the 20 means 20 measures, and rising costs of food and electricity, I believe that those on low and middle incomes are finding life ever more difficult and saving impossible. Therefore, in my amendment I am arguing that those on the States official average wage of £32,240 full-time equivalent should be allowed to negotiate a pay increase. We must consider the circumstances that the Island finds itself in. We are in a global recession facing a structural deficit over the next few years. We have a public that quite rightly expects us to control States expenditure. We do not know if our current tax system will last so I can understand the reasons for a pay freeze. I myself cannot justify, in times of recession, why those on £200,000 should get a pay rise because I cannot justify that those on £15,000 should get nothing. Given the constant rise in the cost of living I find it very difficult to support either extremes and I believe that many other Members feel the same way. While we must find what is proper for Jersey, I believe that looking at what other jurisdictions are doing will be helpful in forming our decision. The U.K. Conservative Party are proposing that in the future those earning £18,000 and below should get a pay rise while those earning more should receive a pay freeze. The current Labour Government is also looking at similar proposals. Bearing in mind that the U.K. is in a far worse situation than ourselves and, as the Minister for Treasury and Resources has reminded us on regular occasions, if the U.K. can make such proposals given their circumstances then I believe that we can consider similar proposals. The Fiscal Policy Panel has informed the States that in times of recession by increasing the disposable income of those on lower incomes circulates it in the economy and has a good multiplier effect, keeping jobs in the private sector and preventing an increase in social security claims. I believe that I have said already that those in the middle are struggling so I believe that the same argument applies for those earning the average salary. The multiplier effect is greatly reduced for those on higher incomes because the level of disposable income already exists, which is another reason why I feel the rescindment motion will fail. I believe that we have already debated a pay freeze versus a pay rise for all. I believe that the States will not make a complete U-turn and that the rescindment motion will fail. I believe that with the current cost of living in Jersey those who need a pay increase should receive one. I think that this extends to those on middle incomes, as I believe that they are struggling in the current circumstances. I believe Members do not want a choice between the extremes. I think like myself, Members cannot justify why those on £200,000 should receive a pay increase in times in recession, but neither can they justify why those on lower incomes should receive nothing as they are finding the cost of life in Jersey very difficult. Even if they are receiving more than their counterparts in the private sector, many of whom could not survive and support a family on private sector wages. However, I believe that Members can support those who need a pay rise, and all of its positive effects on the economy as a whole as pointed out by the Fiscal Policy Panel. I believe this amendment is reasonable and practical. I make the amendment.

The Deputy Greffier of the States (in the Chair):

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

Deputy S. Pitman:

I have a point of clarification about my speech. I believe that I made a mistake in the figure that I gave for the incinerator. The likely costs are I said, £1 million, they are actually £11 million.

10.3.2 Deputy M. Tadier:

Speaking on the amendment, first of all I think it is right to congratulate Deputy Maçon for a well-presented amendment and I think we appreciate what he is trying to do here. I think in some ways we have slightly missed the point though, with due respect. This is not about the money *per se*; it is not about even the pay freeze really. It has probably been said already but the money is largely neither here nor there. What we are asking for, or what Deputy Pitman is asking for is for simply the money to be put back in the pot as it was at the beginning so that we can have a *tabula rasa*, I think is the Latin for it, or a level playing field. A flat table, so that we can sit around that flat table without any distractions on it and then have meaningful discussions on the one side with the union representatives and the S.E.B. on the other side. So I think this is really a distraction and it is irrelevant in many ways whether we talk about one per cent or a certain percentage being put on the table, or the 2 per cent. It may well be that after negotiations it is decided that workers need one per cent, maybe that they accept that zero per cent is fine with certain other conditions relating to working conditions. It may be that people on a lower income under the 30 per cent bracket need a 5 per cent increase. It may be that teachers, because they have been neglected for several years and they did not get the promises in the past, need a 10 per cent increase. These are the kind of things which need to be thrashed out, but not here in the States. They need to be done, as it should be and as it has been done in the past but not on this occasion up until now, across the table in a proper way. So I will not be supporting Deputy Maçon's amendment here, even though I understand where he is coming from, and even though there is a good argument economically, superficially attractively, certainly that we need to look after those who are on the lower incomes because they fuel inflation more but it is not the place to do it now. Negotiations need to take place in a free and open way and I do not share the Deputy's pessimism that this rescindment is already dead in the water. I think that States Members know this is not simply about giving money to the unions or to the workers. This is, as I have said, about negotiation. It is really, at the end of the day, about goodwill. Do we want to keep the goodwill of our workers? I think if we need to, we need to put this symbolic money back in the pot because that is exactly what it is. It is a symbolic gesture. There needs to be goodwill on both sides. At the moment I believe that the States workers and certainly the union representatives that I have had dealings with, have said that the goodwill still remains but it is getting chipped and chipped away further and further and there needs to be concessions on both sides. This is simply a concession, to put the money back and so I will refrain from speaking on the ... I do not want to stray into the main debate. It is difficult not to do that but I think the position has been made that it is not about "Fiddling while Rome Burns" as such. The actual individual amounts do not matter, so I would ask Members to reject this particular amendment but to support the proposition of Deputy Shona Pitman to put the money back in the pot. That money is not going to go anywhere. It will be decided ultimately over the table in discussions.

10.3.3 Deputy J.A. Martin:

I think this is really in a similar vein. On first listening that Deputy Maçon was bringing an amendment it is quite seductive, but where the average earnings of £32,240 - and I asked today in written questions, and it is question 10 - gives you 2 per cent across the board for Civil Service pay and manual workers. So let us look at what a £32,000, it is a grade 8 of a civil servant, grade 8(1) and the highest about £33,000, a grade 8(5) of a manual worker. We are talking around £650 a week now. Why have a problem, and I cannot at this moment unless I hear ... I cannot see an argument that the Deputy will bring. Maybe the Council will be supporting this and if that is all that is on the table I might be able to support it, but when we hear this morning from the Whitehead Report that it is only likely that anyone earning - and that is even 2 people - over £40,000 a year is ever going to get a first rung on the property ladder, you have got to look at the average rents in here. So I am talking about an average family - mum and dad and 2 or 3 children - paying between £260-£300 a week rent. Now these ones on the £32,000 to £40,000 will not be getting any income support. No help at all. Some will be getting hit by 20 means 20. As I say, why are we going to have a cut-off at £32,000 because it is the average earnings? Average earnings does not mean a lot

when you are just above that and you will not be getting a penny but everything else has gone up. I put down here for a family of five, rent £300, food, clothing and a couple of outings £200 a week, heating £50, insurance £20, running a car £20 and out of your gross, put back £40 social security. That is your wages gone. That is an average £650 a week. Now, is it to say that any of these people do not deserve a rise? I do not think it is in the Chamber. The principle was ... and I did listen to the interesting debate on talkback, where the Constable kept telling Deputy Pitman: "We have not taken away collective bargaining rights" and he hopes all the unions will come to the table. He kept missing out free collective bargaining rights because there is no money on the table. I do have a problem, like Deputy Maçon. Ever since this percentage game came into play, even at 2 per cent the lowest paid worker gets about £7 a week and the highest pay on this scale is about £81,000 a year, gets nearly £1,600. Now £1,600 could take that family of 5 on a very cheap holiday for the week so it does make a very, very big difference. So I do not like the way percentages are done but that is an argument for another day. I would like each party to be able to go to the table and say: "Yes, for years the gap has been divided and eroded and it is getting bigger and bigger. It is not getting better and better." The Constable put the argument that of course people are paid more because they have bothered to train and I fully respect that and they are doing ... Someone has got to manage and there is someone who has got to do the dirty jobs on the lower pay, but we have to respect them all because one from every ... It is like a link in a chain. If this link is not working, that link does not work either and I am very, very wary that ... Deputy Maçon stood up today and said: "It is very unlikely that this rescindment will go through." I am very worried at what is going to happen. He may well be right. I am very worried and it is not threats from the union, it is the demoralisation that the manual workers feel. **[Approbation]** It is the not attending up at Fort Regent. I did email a couple of Ministers and said: "I think there is a very good turnout here, you should be here to listen." It is not good enough, when we bring propositions to this House for 53 votes, to say: "I am sorry I am not coming up there to be called names." Well, I do not think the meeting would have taken the same structure if the full Council of Ministers had stood on that platform and listened to the concerns of our workers. They were not even respected. I give Senator Le Marquand, the Minister for Home Affairs, his due, he got booed at the meeting but he was there to be booed and he stood by his principle and he stood by his vote. So as I say, digging our heels in - and I am talking to the Council of Ministers, and Deputy Pitman did in her speech - this is probably straying into ... it is very, very hard not to. But as for this seductive amendment, the lower paid do need more than 2 per cent if we want to get them out of the poverty and we want to get them out of income support but I cannot sit here today and say: "Someone on £32,000 is okay and someone on £34,000, no, you cannot go and talk about your pay." There is just one last question before the Council speak and it is the comment in their last paragraph, on both comments to the amendment, and to the proposition. It says: "At a meeting on 9th October 2009 when the States Employment Board met the employees' representative groups, the Chief Minister encouraged the employee groups to continue negotiations and include the 2010 pay round and suggested that any agreement could be effective from as early as 1st January 2010" and the last 6 words: "subject to overall 2010 cash limits." So in plain English, what I would like when the Minister for Treasury and Resources comments, or I think this is comments from the Council, exactly what does that mean? Because in my eyes, that still says that you can talk about everything but there is no more money. So if you are successful - and I am reading between the lines which it is not always good to do - and that pay has got to come out from the department, either services will be cut or jobs will go. So how do these people negotiate? So I am very sorry, I would like that explanation brought out clearly not, the people are being told they can negotiate but with one hand tied behind their back because the money is not on the ground. They keep changing over there. Sorry, Sir, it is always nice to look at you. **[Members: Oh!]** I will finish now and say I sympathise with the Deputy. I know where he is coming from and it is a very seductive amendment to the proposition but I cannot, without the proper ... knowing what the disposable income is of the ... I can see it is the people in the middle between £35,000 and £45,000 who have been hit and hit and hit again and I cannot support this.

10.3.4 Deputy A.K.F. Green:

I will try and keep my comments to the amendment in a similar vein to the previous two speakers and I will not repeat a lot of what they have said. Yesterday I sat down and calculated what a 2 per cent pay award would mean and concur that it came out around Grade 8 manual worker and Grade 8 civil servant. I think we tinker with these pay scales at our peril, that we should allow proper free collective bargaining to sort it out. Why I say: "Tinker at our peril", I would just like to point out because I did the calculations, this will mean if we take that level of pay award, and it is not clear whether we mean just basic pay or whether we mean basic with shift pay, you could have people on the same grade who receive just the basic pay and some getting shift pay. One will get a pay award, one will not if we took the proposition as it stands. If we took the proposition as it stands and assuming that it is just basic pay, then you will erode the very small differential of Grade 8 - and I am looking for the figure here - Grade 8(5): Charge Hand and Grade 8(6): Charge Hand with management responsibility. These are dual-skilled people that have put a lot of work into getting where they are and the differential there, the Grade 8(6) will get no pay award and the Grade 8(5) would get a pay award under this system. I cannot live with that. With the civil servants it is even more complex because it would be, from my calculations, Grade 8 on zero increment that would get a pay award that would put them above Grade 8 on the first increment. So that means when they have had a couple of years' experience and done a good job they will take a pay cut when they go up to the next increment. It just does not stack up. So I will be rejecting this amendment.

10.3.5 Senator T.A. Le Sueur:

I think I can shorten a little what I am going to say because I think it has been covered by previous speakers. I just ask myself what this amendment said to me and it said to me that really Deputy Maçon is trying to be reasonable and aiming to achieve the middle ground and I commend him for that. He says that we should try to help those on lower incomes, which is very laudable but the consequence of that is that it does not do anything for those earning over £32,000 a year. So while I can understand the feeling behind trying to help those on lower incomes, I do find it odd that we are being asked to sideline so many of our key employees such as virtually all our teachers, most of the qualified nurses, and virtually all of our manual worker engineers and technicians, most of whom take home in excess of £32,000 a year, and of course that leads to staff de-motivation and the reduction of differentials as Deputy Green has just said. I go on to the comments of Deputy Martin and those indeed of the proposer of the main proposition, because there seems to have been a fundamental misunderstanding, at least by certain union representatives and maybe perhaps by certain States Members as well, of what a pay freeze implies. I would like to just put the matter straight, because a pay freeze is not the same as a wage freeze and nobody has imposed a wage freeze. A pay freeze simply says that the total pot of money available is limited and, importantly, it does not mean that the employer has withdrawn the right to free collective bargaining. Can I make it absolutely clear that the States Employment Board has not removed the right to free collective bargaining and does not intend to do so, and will not remove the right to free collective bargaining? What we have done is to make it quite clear just as we will always do, the limits to the options available. I will remind Members with shorter memories than mine that back in 1994/1995 the then local official had that suggestion put to him by the then Establishment Committee when that committee of the day also proposed a pay freeze. The union official of that time quite reasonably took the point that this was not a reduction in free collective bargaining; it simply gave him an opportunity to negotiate in different ways. He did negotiate in different ways. He achieved a 2-year pay deal for his members; a deal which was satisfactory to his members and to the States Members and the Establishment Committee of the day. I do suggest that what I have been trying to put to employee representatives last week was very much along the lines of what was acceptable and accepted those years ago by a previous administration also dealing with a pay freeze. So this is no different to what is happening both in Jersey and the U.K. in the private and the public sector. I would also point out to those Members who might not realise it, that so far this year my officers have received 14 claims for the 2009/2010 pay award, from different pay groups. They are

undertaking bargaining. They may feel that they would like more money. I am sure everyone would like more money in the pot but nonetheless that bargaining does continue. So I have indicated that there are ways in which claims could be structured within that limited amount of money and sadly it seems as though the message has not got through in this case the way it did get through in 1994/1995. I am sure there are other Members who could put forward other suggestions of ways of, if you like, skinning the cat. It might include pension arrangements, call-out arrangements or maybe some of the old practices that the States employee groups in some sectors have had for many years now, which are perhaps outdated and outmoded and need to be reviewed. If some of these matters were also put into the pot then there is scope for discussion. To come back to this amendment, what it seeks to do is to restrict the group for which bargaining can take place to a limited range of employees. It limits it in such a way as to eliminate many of our key staff. So while I am sure that the amendment was well intended, I hope that the Deputy realises on reflection, the effect it would have on those staff. I urge Members to join with me in agreeing that we should not discriminate either for or against any one section of our workforce. Therefore I, like other Members, urge Members to reject this amendment.

10.3.6 Deputy G.P. Southern:

While the Chief Minister is on his feet, could I ask a point of clarification? For the sake of the enlightenment of Members, what is his definition of a pay freeze and what is his definition of a wage freeze? He says there is a world of difference between the two. I for one do not appreciate it. Can he please explain what the difference is?

Senator T.A. Le Sueur:

I thought I had. A pay freeze simply says there is a certain sum of money inscribed in the business plan, inscribed in cash limits, which is the maximum that departments can spend for the year. Within that maximum pot there are ways in which pay could be amended, either by changing some rates upwards and some rates downwards or by having different arrangements in respect of benefits such as call-out charges. There are all sorts of ways as well as the key annual or hourly rates, where wages can be adjusted. So while I accept it may be more difficult in a situation where there is no extra money on the table, it is by no means impossible, as was demonstrated back in 1994/1995. I do suggest that what is really getting up the noses of some Members, to put it crudely, is that there is no more money on the table and they thought that there was. That is the position, which the States made for very good economic reasons earlier in the year, and that is why there is a pay freeze now for those good reasons.

10.3.7 Deputy D.J. De Sousa:

I am not very good at French but I will say *déjà vu*. This reminds me a bit of the Woolworths debate, how the people came and sat up there, watching their lives being discussed by this House. They went away disheartened because someone moved on to the next item. They came back and they won because this House finally listened. I cannot support Deputy Maçon's amendment purely because, although it is well intentioned, it is misinformed. Deputy Pitman's proposition is not to discuss pay for workers. Her proposition is purely so that this House will realise we are making a mistake. We need to put the money in the pot, to hand the advantage back to the workers to vote for what they want for their pay conditions, for their pay rise, if they get it. Most of them have already said: "We probably will not even get a pay rise." They realise that but we have to stop debating their lives in this Chamber, give them the right to do what they need to do and go and talk with their unions and make up their own minds on what happens with them. I will be rejecting Deputy Maçon's proposition.

10.3.8 Deputy S. Pitman:

I think some of what I am going to say has already been said but I do know that this proposition was well-intentioned and what I understand is that the Deputy was concerned that if my proposition

was not successful, then at least we would have some people at the bottom end who have a pay rise. I know some Members believe that those on £70,000, £80,000, £90,000, £100,000, who are States' employees, do not need a pay rise and I would tend to agree with that but this can be negotiated and an agreement ... if my proposition is successful, it can be negotiated and an agreement may be reached that these employees get no pay rise. But what we are saying, if this amendment is successful, is that those above £32,000 will still have no free collective bargaining [**Approbation**] and this is, more than anything, what our workers want and more importantly, it is their right. Thank you.

10.3.9 Deputy P.V.F. Le Claire

I particularly enjoyed the speech of Deputy De Sousa which I thought hit the nail succinctly on the head. Deputy Maçon, as it has been pointed out, has brought a proposition that aims to achieve a middle ground. I do not think it is actually doing the workers any favours at all. I think what it is actually doing, without being disrespectful to the Deputy, is putting them in a position where they will be divided and conquered. The last time, when we were in this position in 1994 and 1995, the then union official referred to by Senator Le Sueur at that time, did negotiate matters in a different way and did achieve a 2-year pay deal for his workers but I think that was off the back of some industrial action that took place at the harbour and at the airports. So that was the actual upshot of what happened then. The Government did not listen. The workers told them they would go on strike. The Government did not listen. The workers started taking work to rule industrial action. The airports were closed. The Government agreed. They caved-in. They capitulated. They looked foolish. They came back. They tried to spin it as champion negotiators. They then began to proceed to change the rules on secondary picket action and stopped people taking secondary action unless it was directly their own action and changed the laws about who could strike and when they could strike and a very long-winded and divisory arbitration process was then put in place in the interim. Then that brought us along the yellow brick road to where we are today. One thing is for certain: I think we definitely do need to dismiss very quickly the proposition of Deputy Maçon and get behind the workers, 100 per cent. In this meeting that we are at, I have never seen all of the unions, all of the workers, all of the States' employees who are not valued for what they produce ... it seems the Council of Ministers seems to know the cost of everything and the value of nothing [**Approbation**] ... the workers, for this one instance, were united and that was a first, I think. Although I do offer a small amount of congratulations to the Deputy for trying to do something right, I think in his haste, and maybe inexperience, he has brought something that seem seductive, something that would normally have been brought in that sort of a region in the past ... and I do not know where he has got this idea from, whether it is his own or not ... I would not want to impugn his motives, but I do not know if he has gone along to the unions to discuss these issues. I certainly was at the meeting at Fort Regent. I certainly was there with other States' Members and I certainly was amazed that none of the Council of Ministers except for Senator Le Marquand bothered to turn up to listen to the workers. [**Approbation**] When you heard the fire fighters and the nurses speaking one after the other about how they felt working for the States of Jersey and that they were ashamed, I think it really was a time for us to sit up and take notice. I will speak on the main proposition because I do want to try to give the Council of Ministers an opportunity to get themselves out of the mess that they are going to walk us all into [**Approbation**] and I would urge now that nobody else speaks any more on this proposition. I think enough has been said and Deputy Maçon either withdraws it or sums up briefly so we can dismiss it because it will divide and conquer the people who for once, the first time, are together.

10.3.10 Deputy T.M. Pitman

It is always nice to come after the wife. Much that I would have said has already been said. Dear, oh dear. Now I congratulated the Chief Minister earlier today for his courage in bringing the civil partnerships motion but listening to him just now, I am afraid I can only conclude he has been reading George Orwell's 1984 once again. Doublespeak: wage freeze not the same as a pay freeze;

have not got rid of free collective bargaining. Well, how can you bargain freely with something that does not exist because those monies, which were there, have been removed, quite disgracefully. I do not want to be rude but I mean we can expect more from our Ministers. We want Ministers for Treasury and Resources, we do not want illusionists. With this kind of action, we should have appointed Tommy Cooper. It is just not good enough. Now, in a couple of weeks I have a proposition about naming offenders and I have to be honest, I have set it at a politically provocative pitch - although it is one I believe in - to try and generate deeper debate and some amendments and I know I have achieved that so because of that, though I cannot support the amendment of Deputy Maçon, I really applaud him for bringing this. On the surface it may well appear to make a bit of sense and I suppose it does, in some ways. However, there are a number of problems and a key issue here, which perhaps the Deputy has not considered, is that in a real democracy, applying democracy, genuine equal opportunities and best practice, you cannot have free collective bargaining only for some. It simply does not work because it cannot work. Secondly, as Deputy Tadier has touched upon, this is not even essentially about the money in itself. I have to say that I cannot imagine that any one of us sitting here today for the last hour or 2 hours or whatever it is, can come to the conclusion that many of the workers that we have heard about, and we have passed in the Royal Square, do not merit a pay award, however small that might be. The fact is, the public sector workers - all of these workers, whatever their grades - fully accept that even with the money previously agreed by this House, then whisked away quite disgracefully, back in the pot, after genuine free collective bargaining, they might still end up with 1 per cent, 0.5 per cent, even no rise at all. The point is that all of these workers, whatever their grade, are entitled to those genuine negotiations of their specific cases and whatever outcome is reached, if it is done by the correct procedures, then fair enough: these workers have not got a problem with that. I have no problem with that. What is the Council of Ministers' problem with that? It is about respect and respect is a 2-way street. It is about time the Council of Ministers started applying it. This is a democracy. It is not yet a totalitarian state and the way we are going, I am afraid, is shocking. Back in the 1930s, a rather unpleasant Austrian gentleman gave the unions the May Day bank holiday they had always wanted. The next day he abolished the union. That is the way we are going: absolutely scandalous behaviour. It is time for this Council of Ministers to put their hands up and admit that they have made a mistake. There is a very easy way out of this because, quite honestly, the potential for the damage that will occur if the goodwill - and there are thousands upon thousands of hours of goodwill from these workers - is taken away it is going to be catastrophic for the Island and the sums we are talking about will be peanuts, absolutely so. The people of this Island deserve better from their Council of Ministers. They deserve an awful lot better from the States Employment Board who clearly appear to have no respect, no negotiation skills, whatsoever. Sorry if I am angry but I was a public sector employee until very recently: had the contract illegally terminated the day I got elected. I am afraid there is a lot work to be done by the Council of Ministers and the States Employment Board. To conclude, the reality of the Assembly rejecting the main proposition and throwing away all those thousands of hours is something we should not even wish to contemplate. I am afraid Deputy Maçon's amendment does nothing to actually address that reality so while I really respect him for bringing it, and he has done it for the very best of reasons, I am afraid I cannot support him on this. I just conclude by saying to the Ministers, I think the clock is set, not at 5.27 p.m. but 11.59 p.m. Time is running out. It is time we actually grasped this issue and really dealt with it. Thank you.

10.3.11 Deputy G.P. Southern:

I, too, rise to my feet to congratulate the good Deputy for bringing his amendment. However, his amendment is economically illiterate, unfortunately. If he wishes to deal with the issue of the low paid versus the high paid and does not wish to grant a pay rise - a cost of living rise - to those on the higher grades, then the expedient he should have adopted was that adopted by the Deputy of St. John and myself way back in June of this year when we suggested a flat rate pay award and that is the way to deal with that. This mishmash here is not in any sense ... as Deputy Green has pointed

out, does not make any sense whatsoever in terms of the pay scales that we have achieved. Having said that, the fact is that the Deputy has completely misinterpreted the thrust of the main proposition. The thrust of the main proposition is for the restoration of full, free collective bargaining rights. It is a principle that these people are offended by the high-handed action of the Ministers in taking away their right to free, collective bargaining. It is no good the Chief Minister denying ... stating that black is white and black is white and keep on repeating that until the cows come home: it is simply not true. Free collective bargaining has been removed and as for his distinction, his spurious distinction between a pay freeze and a wage freeze, as my colleague on my right said earlier, this is pure doublespeak. It is straight out of 1984. It is George Orwell writ large. Because the fact is that we have seen a very tight budget, a very difficult business plan, laid before us for 2010 and it is one where the margins are extremely tight so it is all very well to say: "Of course you can bargain on any number of things that are not your wages" but there is nothing in the pot for 2009 and 2.8 per cent which was in the pot for 2010, is there any guarantee that that will not disappear by March next year as well? None whatsoever because of the high-handed nature, the way the States Employment Board and the Council of Ministers have behaved. That is the breach of trust that this body of people have engendered, that shameful act, and the trust has indeed gone. So what we are talking about here is all those extra hours, all those goodwill hours. Only last Friday I was due to meet a nurse at 2.00 p.m. in the afternoon. She contacted me by email and by text, come 11.00 a.m. and said: "Terribly sorry. I cannot make our appointment because somebody is going to be late for shift. I have to do an extra 4 hours on the end of my shift, just to see us through, because otherwise the ward of which I am in charge will be only staffed by a single trainee nurse." That is the reality we are dealing with: an extra 4 hours there, done *gratis*, out of the goodness of heart of this particular employee, out of goodwill. Do Members really want to have goodwill on the part of our employees disappear, because that is where we are going? I shall return to some of the comments made by the Council of Ministers on the main proposition but for the moment: economically illiterate; wrong thing to do; we should not be supporting this particular amendment, well-intentioned though it may be.

Deputy R.G. Le Hérissier:

Can I propose the adjournment?

The Bailiff:

I have no other members who wish to speak on the amendment. Is there in fact anyone who wishes to speak on the amendment, apart from the reply?

The Deputy of St. Martin:

Can I propose that if no one wants to speak, that the Deputy sums up and then we adjourn afterwards?

The Bailiff:

I call upon Deputy Maçon to reply.

10.3.12 Deputy J.M. Maçon:

I thank all Members for speaking. I have been accused of misinterpreting what the main proposition asks for. I am well aware of what the main proposition asks for but I am also aware that this House is highly unlikely to approve it and that is why I have brought my amendment. It is not because I feel that there is a problem with negotiating rights or anything like that, it is because I just do not believe this House will make a U-turn and that is why I have brought my amendment. I have brought my amendment on the case of need, on the case of helping those who need to survive in Jersey with the costs that are rising. That is why I have brought my amendment and I do understand the proposition. I understand what it is trying to achieve but I just do not think it is realistic. Deputy Martin raised the point of the problem of the States' official average wage. This is a States statistic out of the Statistics Unit. I have used it because it exists and I used it because

the Council of Ministers could not argue with it. There are huge problems with it, I absolutely accept that. I think the cost of living in Jersey actually is much higher and people probably need a lot more and I think that case has been made very well by various Members in this House and the reasons for arguing for a pay rise. Deputy Green argued that if we tinker with the pay scales, we will erode the difference and he is right but then again, if my amendment is not adopted, we end up with giving nothing. The Chief Minister says I was trying to be reasonable. Indeed I am. I am proposing a middle route. He has said that if my amendment was adopted, it would de-motivate some staff but if we do that, surely a total pay freeze is demoralising for all staff. Is it not better to give something to those who need it rather than giving nothing at all? As I have said, I do not believe that this House will overturn the rescindment and that is why I have brought my amendment. It is not because I do not believe that, in fact, we should not be here. It is not the case because I do not believe that it is the unions and the States Employment Board that should be having this discussion. I do not argue with that but I do not think this House will change its position and that is why I have brought my amendment. Sir, I will be putting this to the appel. Thank you.

The Bailiff:

Very well. The appel is called for, in relation to the amendment of Deputy Maçon and therefore I invite Members to return to their seats and the Greffier will open the voting.

POUR: 3		CONTRE: 37		ABSTAIN: 0
Connétable of St. Clement		Senator T.A. Le Sueur		
Deputy S.S.P.A. Power (B)		Senator P.F. Routier		
Deputy J.M. Maçon (S)		Senator P.F.C. Ozouf		
		Senator B.E. Shenton		
		Senator S.C. Ferguson		
		Senator A.J.D. Maclean		
		Senator B.I. Le Marquand		
		Connétable of St. Ouen		
		Connétable of Trinity		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S. Pitman (H)		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy A.E. Jeune (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)		

The Bailiff:

Very well. The adjournment is now proposed. We will adjourn and reconvene at 9.30 a.m. tomorrow to continue the debate on the main proposition.

ADJOURNMENT