

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 16th SEPTEMBER 2010

PUBLIC BUSINESS – resumption	5
1. Draft Annual Business Plan 2011 (P.99/2010): fourteenth amendment (P.99/2010 Amd.(14)).....	5
1.1 The Deputy of St. Mary:	6
1.1.1 Deputy J.A. Martin of St. Helier:	7
1.1.2 Senator P.F. Routier:	7
1.1.3 Deputy P.V.F. Le Claire of St. Helier:	7
1.1.4 Deputy M. Tadier of St. Brelade:	8
1.1.5 Senator A.J.H. Maclean:	9
1.1.6 The Deputy of Trinity:	9
1.1.7 The Deputy of St. Mary:	10
1.2 Draft Annual Business Plan 2011 (P.99/2010): thirteenth amendment (P.99/2010 (Amd.13)) (paragraph 3).....	10
1.2.1 The Deputy of St. Mary:	11
1.3 Draft Annual Business Plan 2011 (P.99/2010): thirteenth amendment (P.99/2010 Amd.(13)) (paragraph 4).....	11
1.3.1 The Deputy of St. Mary:	11
1.3.2 Deputy P.V.F. Le Claire:	13
1.3.3 Senator P.F. Routier:	13
1.3.4 The Deputy of Trinity:	14
1.3.5 Senator A.J.H. Maclean:	14
1.3.6 Senator F. du H. Le Gresley:	15
1.3.7 Deputy D.J. De Sousa of St. Helier:	15
1.3.8 Senator S.C. Ferguson:	15
1.3.9 Deputy M. Tadier:	16
1.3.10 Deputy T.A. Vallois of St. Saviour:	17
1.3.11 Senator B.E. Shenton:	18
1.3.12 Deputy G.P. Southern of St. Helier:	18
1.3.13 Deputy E.J. Noel of St. Lawrence:	18
1.3.14 Deputy M.R. Higgins of St. Helier:	19
1.3.15 The Deputy of St. Mary:	19
1.4 Draft Annual Business Plan 2011 (P.99/2010) - third amendment (P.99/2010 Amd.(3))	20
1.4.1 Deputy G.P. Southern:	21
1.4.2 The Deputy of Trinity:	24
1.4.3 Deputy P.V.F. Le Claire:	25
1.4.4 Senator F. du H. Le Gresley:	26

1.4.5 Deputy G.P. Southern:.....	26
1.5 Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph 1)	28
1.5.1 Deputy G.P. Southern:.....	28
1.5.2 Deputy E.J. Noel:	29
1.5.3 Deputy P.V.F. Le Claire:	29
1.5.4 Deputy M.R. Higgins:.....	30
1.5.5 The Deputy of St. Mary:.....	31
1.5.6 Deputy A.K.F. Green of St. Helier:.....	31
1.5.7 The Deputy of Trinity:.....	31
1.5.8 Deputy T.M. Pitman:	32
1.5.9 Deputy G.P. Southern:.....	32
1.6 Draft Annual Business Plan 2011 (P.99/2010) amendment (P.99/2010 Amd.(re-issue))	33
1.6.1 Deputy G.P. Southern (Chairman, Health, Social Security and Housing Scrutiny Panel): 34	
1.6.2 Deputy M. Tadier:	36
1.6.3 Deputy J.A. Martin:	36
1.6.4 The Connétable of Grouville:.....	37
1.6.5 Senator A. Breckon:	37
1.6.6 The Deputy of Trinity:.....	38
1.6.7 Deputy G.P. Southern:.....	39
1.7 Draft Annual Business Plan 2011 (P.99/2010): tenth amendment (P.99/2010 Amd.(10))	40
1.7.1 Senator S.C. Ferguson:	40
Deputy C.H. Egré of St. Peter:.....	42
LUNCHEON ADJOURNMENT PROPOSED.....	43
LUNCHEON ADJOURNMENT.....	43
STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY.....	43
2. Statement by the Minister for Planning and Environment regarding the report of the Committee of Inquiry: Reg's Skips Limited	43
2.1 Senator F.E. Cohen (The Minister for Planning and Environment):.....	43
2.1.1 Deputy P.V.F. Le Claire:	44
2.1.2 Deputy P.J. Rondel of St. John:	44
2.1.3 Deputy T.M. Pitman:	45
2.1.4 The Deputy of St. Mary:.....	45
2.1.5 Senator F. du H. Le Gresley:.....	45
2.1.6 Senator J.L. Perchard:.....	45
2.1.7 Senator J.L. Perchard:.....	46
2.1.8 Deputy P.V.F. Le Claire:	46
2.1.9 The Deputy of St. Mary:.....	46
2.1.10 The Deputy of St. John:.....	46
PUBLIC BUSINESS - resumption	46
3. Draft Annual Business Plan 2011 (P.99/2010): eighth amendment (P.99/2010 Amd.(8)) (paragraph 4)	47

3.1	Deputy T.M. Pitman (Vice Chairman, Education and Home Affairs Scrutiny Panel):	47
3.1.1	Deputy J.A. Hilton of St. Helier:	48
3.1.2	Deputy S. Power of St. Brelade:	49
3.1.3	Deputy J.B. Fox of St. Helier:	49
3.1.4	Deputy M. Tadier:	50
3.1.5	Deputy J.A. Martin:	51
3.1.6	The Deputy of St. Martin:	51
3.1.7	The Deputy of St. Mary:	51
3.1.8	Senator B.I. Le Marquand:	52
3.1.9	Deputy G.P. Southern:	54
3.1.10	Deputy P.V.F. Le Claire:	54
3.1.11	Senator S.C. Ferguson:	55
3.1.12	Senator F. du H. Le Gresley:	55
3.1.13	Senator T.A. Le Sueur:	56
3.1.14	Deputy M.R. Higgins:	56
3.1.15	Deputy T.M. Pitman:	57
3.2	Draft Annual Business Plan 2011 (P.99/2010) fifth amendment (P.99/2010 Amd.(5))	
	(paragraph 2)	58
3.2.1	Deputy G.P. Southern:	59
3.2.2	Deputy T.M. Pitman:	60
3.2.3	The Deputy of St. John:	60
3.2.4	Deputy D.J. De Sousa:	61
3.2.5	Senator B.I. Le Marquand:	61
3.2.6	Connétable J.M. Refault of St. Peter:	63
3.2.7	Senator P.F. Routier:	63
3.2.8	Senator P.F.C. Ozouf:	63
3.2.9	Deputy M.R. Higgins:	64
3.2.10	The Deputy of St. Mary:	64
3.2.11	Connétable P.F.M. Hanning of St. Saviour:	65
3.2.12	Deputy M. Tadier:	65
3.2.13	Deputy J.B. Fox:	66
3.2.14	Deputy P.V.F. Le Claire:	67
3.2.15	Deputy J.A. Hilton:	67
3.2.16	Senator T.A. Le Sueur:	68
3.2.17	Deputy J.G. Reed of St. Ouen:	68
3.2.18	Deputy G.P. Southern:	69
	Deputy T.M. Pitman:	70
	Senator B.I. Le Marquand:	70
3.3	Draft Annual Business Plan 2011 (P.99/2010): seventh amendment (P.99/2010	
	Amd.(7)) (paragraphs 16 and 17)	70
3.3.1	Senator B.E. Shenton:	71
3.3.2	Senator B.I. Le Marquand:	71
3.3.3	Deputy P.V.F. Le Claire:	73
3.3.4	The Deputy of St. Mary:	73
3.3.5	Deputy J.A. Hilton:	74
3.3.6	Deputy M.R. Higgins:	75
3.3.7	Deputy M. Tadier:	76
3.3.8	Senator S.C. Ferguson:	76
3.3.9	Deputy T.M. Pitman:	77
3.3.10	Senator A. Breckon:	77

3.3.11 Senator B.E. Shenton:	78
3.4 Draft Annual Business Plan 2011 (P.99/2010): thirteenth amendment (P.99/2010 Amd.(13)) (paragraph 5).....	79
3.4.1 The Deputy of St. Mary:	80
3.5 Draft Annual Business Plan 2011 (P.99/2010): fourteenth amendment (P.99/2010 Amd.(14)) (paragraph 2).....	80
3.5.1 The Deputy of St. Mary:	80
3.5.2 Senator F.E. Cohen:.....	82
3.5.3 Deputy R.C. Duhamel of St. Saviour:	82
3.5.4 The Connétable of Grouville:.....	83
3.5.5 Deputy P.V.F. Le Claire:	83
3.5.6 Deputy M. Tadier:	83
3.5.7 The Deputy of St. Mary:	84
3.6 Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph 3)	85
3.6.1 Deputy G.P. Southern:.....	86
3.7 Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph 3) - amendment.....	86
3.7.1 Deputy J.A.N. Le Fondré of St. Lawrence:	87
3.7.2 Deputy I.J. Gorst of St. Clement:	88
3.7.3 Deputy T.M. Pitman:	88
3.7.4 Deputy J.A.N. Le Fondré:.....	89
3.8 Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph 3) - as amended.....	90
3.8.1 Senator P.F. Routier:	91
3.8.2 Deputy J.B. Fox:.....	91
3.8.3 Deputy A.K.F. Green:.....	91
3.8.4 Senator A. Breckon:	91
3.8.5 Deputy P.V.F. Le Claire:	91
3.8.6 Deputy T.M. Pitman:	92
3.8.7 Deputy I.J. Gorst:	92
3.8.8 Deputy M. Tadier:	92
3.8.9 Deputy G.P. Southern:.....	92
3.9. Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph4)	94
3.9.1 Deputy G.P. Southern:.....	94
3.9.2 Deputy A.K.F. Green:.....	95
3.9.3 Deputy I.J. Gorst:	95
3.9.4 Senator B.E. Shenton:.....	97
3.9.5 Deputy P.V.F. Le Claire:	97
3.9.6 The Deputy of St. Mary:	98
3.9.7 Deputy M. Tadier:	98
3.9.8 Deputy G.P. Southern:.....	99

[09:30]

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

PUBLIC BUSINESS – resumption

1. Draft Annual Business Plan 2011 (P.99/2010): fourteenth amendment (P.99/2010 Amd.(14))

The Bailiff:

We come next to the amendment of the Deputy of St. Mary, which is shown as number 30, but, Deputy, looking at 30 and 31 they are part of the same amendment. Although they have been listed as 2, in fact they are both paragraph 1 of your fourteenth amendment. So I would suggest that you take them together, although have separate votes. I think they should have been listed as one amendment.

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

I think it would be clearer if I took them separately, Sir, if I may. It is not the same principles.

The Bailiff:

I think you ought to take them together because they are listed as paragraph 1. They are listed, in fact, as one amendment.

The Deputy of St. Mary:

On looking at this, I had decided to ask leave to withdraw (b). That is why I am slightly confused. I have looked at the reply carefully of the Minister and am satisfied that this is one that could possibly be ...

The Bailiff:

If you are withdrawing (b) the point is academic.

The Deputy of St. Mary:

I am sorry to have given such short notice but that is the way it has to be.

The Bailiff:

You are withdrawing what is now number 31 in the list, so we have just got the debate on 30, which is the first part of your amendment. Very well. I will ask the Greffier to read that.

Deputy F.J. Hill of St. Martin:

Sir, before we start this morning could you just crave a little indulgence for one of the longest serving States Members? I am very concerned about where we are today and I do not want us to stifle any debate. However, I would ask the proposers to think of 2 options: (1) think carefully and seriously as to what chances they have of succeeding with their proposals, their amendments; or (2) if they do feel they are in with a chance that we just resolve ourselves to having the proposer make the proposition and the Minister respond and then go to the vote. With hand on my heart I just wonder how much difference it makes of what goes in between. So if I could make that suggestion maybe, with all seriousness. I do not want to stifle debate but do we really want to go through another tortuous day?

The Bailiff:

The Greffier will read number 30, which is paragraph A of paragraph 1 of the 14th amendment.

The Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Health and Social Services Department shall be increased by

£51,000 in order to maintain the department's work in health protection and not proceed with the Comprehensive Spending Review proposal on page 62 of the plan, HSS-S1, 'Restructure Environmental Health/Health Protection Department', and the net revenue expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for restructuring costs."

1.1 The Deputy of St. Mary:

As I went through the list of cuts and savings I was struck by this particular one, among others, because it was listed in the split between savings and cuts given to us by the Minister for Treasury and Resources in answer to my written question of 19th July. It was listed as an efficiency saving and yet there was "minus 2 F.T.E.s (full-time employees)" opposite it, so a loss of 2 posts. I found that very difficult to reconcile and so looked into it a little bit more. I also notice that in the line below there was "reduced public health admin staff costs" in a separate box. So it did look as if this was possibly not really an efficiency saving, but a cut. So that is why I was alerted to this. Health Protection is one of those 'invest to save' areas. It is not front line, as some people would define it, and that is something that worries me when I see answers to written questions from the Health and Social Services Department. I have seen it twice in answers to written questions, both this year and last year, where they say when they are making cutbacks or savings: "Well, we prioritised by looking to see whether it was front line, whether it was urgent, whether it affected acute needs." The implication of that is that some things can go on the backburner and this is the sort of thing where the risk is that it goes on the backburner. But for goodness sake have we not seen the results of putting things that are not urgent and are not acute on to the backburner? In the paper last night there was the headline of £600,000 on the Serious Case Review. That was a result of putting things that were not urgent, were not acute, on the backburner. I think it is a false economy and we do have to learn not to do things like that. On the other side, I read in our esteemed local paper - I think it was on Monday night - the consultant microbiologist reported talking about the newly introduced screening for A.I.D.S. (acquired immune deficiency syndrome) for the H.I.V. (human immunodeficiency virus) and he said to the *J.E.P. (Jersey Evening Post)* that this was cost-neutral because although there was a cost upfront it would be saved because of the early diagnosis and therefore the better prospects for those people who got earlier diagnosis. That is exactly the sort of area we are looking at here. Just a few of the functions of Health Protection are they look after our bathing water quality, monitor it and issue notices if it deteriorates to the point where it might be dangerous. They look after our shellfish quality. Some shellfish are eaten raw so there has to be monitoring and safety of that. There were 2 major outbreaks of food poisoning in 2007 and one of those was traced back to a product which then, through the channels, went right up to European level and led to an E.U. (European Union)-wide product recall. That is the area that we are talking about. So, having outlined the importance of health protection, I come now to what the annex says. I would like to have been reassured by what the annex said but the annex comments on this cut are not lucid or transparent. I will not read it out but it is a dazzling array of figures, going plus-minus, plus-minus, plus-minus, and you end up really not understanding whether it is a cut or a saving or what it is. So I lodged this amendment and in the reply of the Minister we do get an interesting version of what this is about. No, we do not, that is the next step. In her reply the Minister says the reduction ... I beg your pardon. No, it is. I did research some things with further emails and then I get confused about which bit of research is which. It is in her reply and it is a whole new ball game suddenly: "The proposal for restructuring reduces levels of management without affecting front line staffing levels." Amen to that. "The proposal extends the support for inter-island working in an area that has common ground, both in terms of role and national identity, and makes use of common professional resource across the islands." Well, that is news to me. Normally when we succeed in co-operating with our sister island in Guernsey - and this does seem to be an area where the issues are very parallel with marine protection and so on - one hears it trumpeted in the *J.E.P.*, as it was in the case of the J.C.R.A. (Jersey Competition Regulatory Authority) amalgamating across the 2 islands. So I would have

expected to have heard about this blazoned in the *J.E.P.* but we only just find out about it now: “Support for inter-island working in an area that has common ground. This is part of redefining and reconfiguring of the role and delivery of the Health Protection Service at a time when changes are being implemented nationally.”

[09:45]

Then it says about the savings. It releases 1.6 F.T.E. posts at management level and an additional £51,000 into the C.S.R. (Comprehensive Spending Review) process. So that sounds well and good and I am just testing. As the Deputy of St. Martin has pointed out, I find this quite interesting new information and I want to hear how this works from the Minister. It is an important area. We cannot cut it because of what I said about the folly of cutting off your nose to spite your face and it would be a false economy if it is a cut. So I want the Minister to explain in a little bit more detail what this inter-island working consists of.

The Bailiff:

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

1.1.1 Deputy J.A. Martin of St. Helier:

I always respect the research normally that the Deputy of St. Mary puts in and 4 times he said that he has researched this in the *J.E.P.* **[Laughter]** Now, if he really had a problem with this inter-island item I will explain it very clearly. While we were restructuring at Health we had a present fall into our laps. One of our very high-ranking health promotion officers went for the job of senior health promotion officer in Guernsey and being a woman - no disrespect - she saw straight away how the things across both islands could work. She is working greatly with the staff she has been working with for years and at the moment it is costing us nothing. This is the foot in. This happened probably a few months ago when we discussed it round the Ministerial table: “Well, this is great”, but she came to us and said: “Do you know what, there is so much work in Guernsey that I have been doing in Jersey. It does not need all these officers across.” It is not front line staff, it is not your man going round with thermometers making sure the meat and the fish are at the right temperature; I hope I can really convince you all, it is a total restructure. I am sure the Deputy would have withdrawn this if he had only just come and spoken to myself, the Minister or the other Assistant Minister. **[Approbation]** It is straight forward.

1.1.2 Senator P.F. Routier:

May I congratulate the Health Department on such a good initiative. I hope that Members will reject this proposition and we will get on to the next one. **[Approbation]**

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

I do not think it is wise to reject it and, having been on the Environment Scrutiny Panel, I will tell Members very briefly why. It is all very well that we have joined-up governments in different islands using joint resources but when we cannot even get our departments within the same island working together what hope is there for Health Protection? I will give evidence on that. On 10th February 2010 in a private meeting with the Minister for Planning and Environment the Environment Scrutiny Panel, consisting of the Chairman, the Deputy of St. John, the Deputy of St. Mary and myself, interviewed the Minister, the Assistant Minister, the Chief Officer, the Assistant Director of Environmental Protection and the Principal Historic Environment Officer. Without going through it in great detail, because I think there is about 140 pages of transcript here (I would be delighted to share with anybody) we looked at the issues of health protection and also contamination in regards to the water and what was happening with the water. In the next year we have got to deal with the £400 million that we have to find to deal with our new sewage problem. The issues about the water contamination and the effluent going into the sea and the new E.U. bathing directive ...

Senator S.C. Ferguson:

Point of order, Sir. The Deputy has said that it was a private briefing. Is that correct? Perhaps the Chairman of the Scrutiny Panel could put us right.

The Bailiff:

No, the Deputy is speaking and he is allowed to speak.

Deputy P.V.F. Le Claire:

I have got parliamentary privilege and if I need to I will use that, but I am going to say what I have got to say, even if people do not like it and even if they do not want to listen to it. The point I was trying to make, if I can just gather my thoughts, was that we have new standards on the horizon through the E.U. in relation to our water quality and our bathing quality. We have seen most recently what has happened to our fishing industry in terms of the pollution that occurred within the shellfish. The only reason that that emerged on to the floor of this Assembly was because there was a fire alarm in this building as we assembled that morning and we all had to exit the building and I overheard the Minister for Planning and Environment talking to the Minister for Treasury and Resources about: "What are we going to do about the oysters at Grouville?" I came back in. At the time the Assistant Minister, who is now the Minister for Health and Social Services, could not answer my question and you, Sir, ruled for the first time in my favour that I could redirect my question from the Assistant Minister back to the Minister whose responsibility it was. The Minister then proceeded to issue us with a briefing note and it made the news that there was serious poisoning and problems with E.coli in the oysters. When these things are discovered by chance, that can affect many people's lives in extremely detrimental ways - possibly killing them - and we have to look at who has brought those to our attention and they are our Health Protection Officers and our Environmental Protection Officers. I will just read from this one line. It would have been a shorter submission, had I not had to retrace my steps. This is one extract to back up Deputy Wimberley and what he is saying. I said: "It just seems that, and forgive me for saying so and I know you have been answering a lot of questions, I would like to ask in your area of responsibility what can be done." The Assistant Director for Environmental Protection says: "I think predominantly it is ... I think there can always be improvements in liaison between, for example, Health Protection and Environmental Protection Department." When we have got Health Protection and Environmental Protection in Jersey not even talking to each other and they are at the hospital and the old maternity hospital, what chance is there for health protection in Jersey if we put one of them in Guernsey and rely upon that one in Guernsey? It is just not going to happen. Look at the air quality strategy: where is that? Promised to us at the end of this year, a year later than we asked for it, a year later than the Strategic Plan said it would be in place. It is not even going to be on the horizon for the next 2 years. Health Protection in this Island is vitally important and while the States remains the number one polluter in a vast majority of areas, with only the ability for the Attorney General to take us to court, we need to protect the public. In order to do that we need to protect the Environment Department and the Health Protection Department and we need to get those 2 units working more closely together, as evidenced by this document, and talking to each other before we think about some grandiose idea that we can outsource it all to Guernsey, because they are going to outsource it as well.

1.1.4 Deputy M. Tadier of St. Brelade:

I am going to speak to all the health amendments, if that is okay, and then after that, mindful of the comments of the Deputy of St. Martin, I am going to retire from the Chamber and go and do some real work because I have got work to catch-up on for my constituents, ironically due to ongoing problems in the Health Service. I will give one example and some Members here will be aware of the issue. It is to do with Oakwell in St. Brelade, which is a respite home. It has 4 beds in it and it provides a very valuable service, good value for money. Rather I should say it is a good value service for the users. It is parents who have usually chronically disabled children. I know that

there are Members in the Assembly who will be able to appreciate directly what I am talking about. It provides a very valuable maybe one night every 6 to 7 or 8 weeks for those parents just to be able to relax, either at home, to go out and to enjoy things that perhaps we take for granted. At the moment, however, because of problems in the system one of those beds has had to be permanently taken up by one child in a case which I think may be similar to the Family X case. I may be wrong there and I am sure when the Minister replies ...

Deputy A.E. Pryke of Trinity:

Could I just break in here? I think there are areas of confidentiality. I am concerned it is one specific child but ...

Deputy M. Tadier:

I am not mentioning any specifics. I would be grateful if the Minister later wants to give added clarification, because unfortunately some of us are having to work in the dark here because facts have not been forthcoming.

The Bailiff:

Deputy, sorry, what has this got to do with the Environmental Health matter?

Deputy M. Tadier:

Sir, I am just talking about the health budget, the risk that we take if we are cutting the health budget in general.

The Bailiff:

I think you must concentrate on this particular aspect of the health budget.

Deputy M. Tadier:

I will sit down and make that speech when it is more pertinent.

1.1.5 Senator A.J.H. Maclean:

I think it was Neil Armstrong when he landed on the moon said that: "This is one small step for man, one giant leap for mankind." I would go as far as to say that what Health has done here is, as far as the Health Department is concerned, a major step forward in the modernisation of the provision of public services. Working together with Guernsey, or indeed France or indeed other places, is exactly what we need to be considering as an option. It makes perfect sense and I would like to congratulate the Minister for Health and Social Services and the department for all the work they have done to deliver this. We need to do more of it in all areas of delivery of service in the public sector. I would make one other very brief comment. I was disappointed, I have to say, with the comments from Deputy Le Claire. In particular, if he was using what was private information from a private meeting it does not encourage Ministers to be as open as they would want to be in the Scrutiny function. I would hope that that is respected in the future, because certainly from my point of view I always want to be as open as I possibly can with the Scrutiny Panel and it is the way in which we can deliver good quality government. I was disappointed by his comments, if indeed that was information that came from a private meeting.

1.1.6 The Deputy of Trinity:

I will just be brief and I thank the Minister for Economic Development for his support. I feel I am doomed if I do and doomed if I do not. With pressures of working we have been told time and time again we should be working with Guernsey, and here is an opportunity to begin that work. There is still much work to be done in looking at it but the work is beginning and it is looking very positive and it will happen. Regarding Deputy Le Claire about working with environmental areas within Planning and Environment, yes, it is an area that we should be working closer together in, and it is an area that we are and we will continue to do so. We are going through very tough times so

everything that we will be doing will be looked at as a way of closer collaboration and this is the most important one to begin with.

The Bailiff:

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

1.1.7 The Deputy of St. Mary:

I just want to make a couple of points, the first about Deputy Le Claire who has been impugned. My recollection of that meeting was that it was a Ministerial hearing, that it was not private. That is my recollection and, in any case, there certainly was not anything confidential in what he said.

Deputy P.V.F. Le Claire:

On a point of order, Sir, rather than get the Deputy into trouble as well, for the sake of clarity it was a private briefing and I will reserve the rest of my comments for another time.

The Deputy of St. Mary:

I stand corrected. The second point is just to emphasise the importance of what Health Protection do. A consignment of oysters was turned away by a Scandinavian country because of contamination issues. That has a reputational impact on the Island. We are not talking about unimportant issues here. The third point I want to make in reply to the Deputy Minister is that if the whole thing had been more clearly set out in the annex then we could have avoided this debate. I do not really see that I have to go running about trying to find out information that should have been there in the first place. However, taking on board what Deputy Le Claire said and my own view that this is a very important area, we are going to watch on the panel, I am sure, and other Members too, that this efficiency saving is just that: that it really is an efficiency saving and not a cut and that our services in this area are not affected but with the assurances of the Minister and the Deputy Minister I think I am going to ask leave for the House not to go to a vote on this.

The Bailiff:

Does the Assembly agree to this being withdrawn? Very well, it is withdrawn.

Connétable L. Norman of St. Clement:

I wonder if Members would consider, if they are going to withdraw propositions, that they do it before the debate rather than after it. It is absolutely ludicrous. **[Approbation]**

Connétable D.J. Murphy of Grouville:

Can I intervene here and just say that really we have now had it 3 or 4 times where Members have stood up to withdraw after we have started debating on the basis they have now spoken to the Minister involved. Why not speak to the Minister before you bring the amendment? It is obviously common sense not to come here and waste our time with this sort of situation.

[10:00]

Deputy T.M. Pitman of St. Helier:

In fairness to that, it is a bit difficult when people approach about withdrawing and you are told to wait until the matter comes up.

1.2 Draft Annual Business Plan 2011 (P.99/2010): thirteenth amendment (P.99/2010 (Amd.13)) (paragraph 3)

The Bailiff:

We come next to number 32, which is amendment number 13, paragraph 3, lodged by the Deputy of St. Mary, and I will ask the Greffier to read the amendment.

The Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except the net revenue expenditure of the Health and Social Services Department shall be increased by £400,000 in order to maintain services provided by the department and not proceed with the entire comprehensive spending review proposal to save £750,000 on page 62 of the plan, HSS-S20, ‘Procurement Savings from Corporate Procurement Project’, and the net revenue expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for restructuring costs.”

1.2.1 The Deputy of St. Mary:

I shall be very brief on this. The reply of the Minister for Health in her comments, which I will read out and then shut up: “The proposed efficiency saving for procurement is associated with the continued development of using agreed U.K. (United Kingdom), highly likely to be N.H.S. (National Health Service), negotiated health supplies contracts to drive down prices for consumables. Savings also occur from enhancement and monitoring of basic financial controls and the ability for Health and Social Services to comply with the financial direction for procurement of goods and services. The scheme attempts to source the same or similar supplies at a lower price and hence is an efficiency saving.” That is a wonderful glimpse into the world of our public sector in certain areas. I notice the *J.E.P.* pulled out a quote from me yesterday to the effect that everything was lean and we delivered fantastically good public services. I hold to that but, of course, there are exceptions, there are bits of fat, and this is clearly one of them. This is an astonishing admission here about procuring in line with N.H.S. contracts. I used to work in N.H.S. supplies; they have been around for a long time those contracts. Given this assurance, it is something that should have been done before but there you are, it is being done now, and I ask leave to withdraw this amendment.

The Bailiff:

At this stage you do not need leave, Deputy, on the basis that debate has not opened. So you withdraw it; is that right? Very well.

1.3 Draft Annual Business Plan 2011 (P.99/2010): thirteenth amendment (P.99/2010 Amd.(13)) (paragraph 4)

The Bailiff:

We come next to number 33, which is paragraph 4 of the thirteenth amendment, and I will ask the Greffier to read the amendment.

The Greffier of the States:

After the word “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Health and Social Services Department shall be increased by £140,000 in order to maintain services provided by or with funds from the department and not proceed with the Comprehensive Spending Review proposal on page 62 of the plan, HSS-S22, ‘Recurrent Reduction in all H. and S.S. third party provider S.L.A.s (service level agreements)’, and the net revenue expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for restructuring costs.”

1.3.1 The Deputy of St. Mary:

I just want to put the context into Members’ minds on this one. We are being told that this is an efficiency saving and in that context I want to tell Members about why I am suspicious about that claim before I go into the detail of this amendment. A further amendment lower down the list is about the Viscount’s Department and in the list of cuts and savings - which is a cut and which is

saving - of the Council of Ministers' savings, which I asked for the detail of on 19th July, under the Viscount's Department we have: "Delete a vacant post in the Viscount's Department", £33,000, I think, and that is listed as an efficiency saving, but it is not. It is not an efficiency saving, it is a cut. I did some research on that and asked a question of the people behind the cuts at the Chief Minister's Department, or the officers who answer these questions, and the answer was: "The post has been unappointed for some 3 years with all the staff in the Désastre Section of the Viscount's Department, as well as the Viscount, covering aspects of the role", so other people fill in.

The Bailiff:

Deputy, you are talking about some completely different amendment.

The Deputy of St. Mary:

What I am doing is the argument is that the S.L.A. cut of £140,000 is being presented to us as an efficiency saving being driven through third party suppliers who have deals with the Health Department to supply X, Y and Z. This is being listed as an efficiency saving but if you look at another area you will find that an efficiency saving is not an efficiency saving at all. In black and white it is a cut, it represents a reduction in service level, and so one has to wonder whether this is in fact what it says on the tin. That is what I am saying. I am drawing an analogy, but I have drawn it now so I will come back to the S.L.A. issue. What the Health Department are doing here is looking at the contracts, the service level agreements they have with third party providers, and reckoning that they can get savings out of these suppliers at no cost to services. There are a couple of issues here. One is whether these third party suppliers are that inefficient that you can just find savings. There is always this assumption that there is always some inefficiency there and I would question that assumption. Bodies in the community who are doing work on behalf of the community and are being paid by the States to do that is quite a good model, you do tend to get a leaner and more dedicated performance that way, and yet there is an assumption built into this amendment that we can always lean down on people and squeeze another bit of extra product out for less money, and I do question that. I asked for a list of who these third party providers were. That was denied me. The biggest is Family Nursing Services but I do not know who the others are. The issue here is, firstly, are these savings to be found; can we be sure that this will not be cuts in areas that are quite likely to be sensitive, because these third party providers are likely to be in specialist areas, although we do not know who they are. The second issue is the way the States value people in the community doing work for the community. As we go forward into an age where there will not be so much money around, where resources are short and where we are going to have to learn to live in a very different way, the community is going to be more and more important, and the resilience and the third leg of the stool, business, government and civil society - civil society is going to be more and more important. This amendment seems to me to say: "We do not value you as much as we should." I do stress that third party providers, people working in civil society, are likely to be specialist areas like Alzheimer's - I am guessing, I just do not know - and the people with the decompression thing and so on. They are likely to be quite specialist areas and they are likely to be cutting edge, they are likely to innovate, and what I suspect we are saying here is: "We do not really value you. We are going to squeeze until you are dry" and that is not the way to treat these public civil society bodies. So it is really a challenge to the Minister to explain that. Her response here is, to my mind, not satisfactory. It simply reiterates that we can get these savings out of these bodies and I am very unhappy with the underlying approach of this. I am very concerned about that we should be encouraging civil society. In the same way as we rejected, in a sense, the Battle of Flowers and all the work that went into it yesterday, here we are again saying: "We can get more out of you. We can get more out of you." I do not think that is an appropriate way to go and I look forward to the comments of the Minister and her Assistant Minister.

The Bailiff:

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

1.3.2 Deputy P.V.F. Le Claire:

I am addressing the remarks of the proposer and the fact that he has received a lot of criticism and is continuing to receive a lot of criticism on the grounds that he has not had the opportunity to speak to the Ministers to determine exactly what it is within the Business Plan that he wants to drill down into. I have just been chastised by the Minister for Economic Development, who is a member of the Council of Secret Society over here who do not want openness, for revealing one thing in a private meeting: that 2 departments were not talking to each other. That is all I said, that 2 departments were not talking to each other and I am chastised for it. With this new system of government we have got, we have got Scrutiny Departments that investigate Ministers, who meet - often in private - so the information that the Scrutiny Panel wants will not be able to be used and will not be able to be shared, and therefore Scrutiny Panels are then criticised and Members are criticised when they bring amendments or questions for not having done the work. The way it is set up is that they want it all kept behind closed doors. As I have said before, look at the 'Part A' agenda on the Council of Ministers; it is all 'Part B.' The proposer of this amendment is concerned, as I am, that the recent costs in health, as was with Deputy Tadier, have somehow disappeared in the ether overnight and we can afford all of these cuts, the £600,000 that a couple of Members have mentioned on the cost of the advocates in relation to the Family X. Let us not forget the £3.1 million it has cost to send those children away and how much money it will cost the States when they come back and sue. So my point is this: while the Ministers are standing up and chastising me for sharing information that departments are not talking to each other, maybe they might be wiser to sit down and talk about how more open they could be with States Members so that we are not in this mess in the first place and then people such as the Deputy of St. Mary and I would not need to stand up and question Ministers on the floor of this House because that is the only way we can get the information out to the public, just as when I was on the Health Committee when they wanted to chastise the Medical Officer of Health for revealing the fact that there were some issues in the water that might turn babies blue. The Deputy of St. Martin was on the same committee as I at the time and members of that committee wanted to chastise the Medical Officer of Health. The Chief Executive Officer pointed out, quite rightly, what the situation is with the Medical Officer of Health. You cannot stymie the Medical Officer of Health. The Medical Officers of Health for the good of the community can say what they want, when they want, to who they want, how they want, whenever they want, and that is how it should be for the protection of the community. That is why under parliamentary privilege, when I talk about health protection issues, about departments not talking to each other, I might break some Members' agreement on a private meeting but the trouble with the issue is it is not about me talking about small issues like that, it is about all of the private meetings that these Ministers have with scrutiny and the fact that they are all intertwined with secrecy. That is why we are in this mess and that is why I do not believe that we have got enough money in health. So do not look for 1(1)(h) support from me in the future when you have got court cases and everything else you have not budgeted for.

1.3.3 Senator P.F. Routier:

This amendment does obviously ring warning bells for me as I was involved with 2 organisations that have S.L.A.s. I know certainly for one of them, Mencap, who run a respite service for children, we have had discussions with the department regarding how we can make savings and I do believe we have come to a reasonably satisfactory conclusion whereby the staff training that Mencap undertake through Les Amis will in future be provided by Health themselves. So there is a saving that can be made through that. So I think we have come to a conclusion that that is a satisfactory way of the Health Department not having to fund the staff training.

[10:15]

So that is a tick in the box for that. The question I would like to ask the Minister for Health and Social Services and her team is over all the S.L.A.s which are around the place: have the negotiations been concluded with those third party providers for next year? I am not convinced that

they are concluded yet and they may need still some more work to be done on that side. I know with my Les Amis hat on we are working to the best of our ability to try and find some savings but it is the conclusion of that which we need to get to the bottom of. There is a will to make some savings but it would be good to understand from the Minister and the team what progress has been made with all of the third party providers.

1.3.4 The Deputy of Trinity:

Just a couple of points. First of all I really would like to say that I value all the third sector organisations, private as well as charitable organisations, that support the work of Health and Social Services. Some of them are supported by volunteers too and I would like to place on record all the good work that they do for all us Islanders. **[Approbation]** We have 25 S.L.A.s at present and the budget of that is £9.1 million. The biggest budget, obviously as you would expect, goes to Family Nursing Services who do fantastic work in providing primary care in the community. We have that range from Family Nursing Services down to very small grants; £15,000 I think is the smallest one. I am very happy to give the Deputy of St. Mary the list of grants. He only had to ask and I am very willing to do that, as I am very willing - no, I am not going to give way - to meet you at any time. I have always said to my staff, and that applies to everybody else, that I have an open door policy and I tend to stick by it. My officers and I have met all those organisations that we have a service level agreement with to discuss the C.S.R. process and all of them are acutely aware of the financial problems that lie ahead with this Island, and I was very heartened by this. I would even go on to say they really are one step ahead and they know exactly where the Island is, the predicament that we are in, perhaps even better than some States Members. Work is going to go on with each provider and where the savings can be achieved and that work can still continue and will continue. The open dialogue that we have with all the S.L.A.s is important and it is an ongoing one. Some we know will not achieve any savings; some have even offered immediately to have a saving. So there is work to be done there but we feel that the reduced level is achievable and I urge Members to reject this amendment.

1.3.5 Senator A.J.H. Maclean:

I came into this Assembly some years ago with a reputation of being an angry man. I think that was perhaps a little unfair but nevertheless that was an allegation levied on me. I note today that I have had the effect of making Deputy Le Claire an angry man this morning and I just thought I would correct that record, very briefly, so that I can clarify the position. I was not seeking to chastise the good Deputy; I was simply saying that I would be disappointed if he broke a confidence from confidential meetings. Just to be absolutely clear to Members: I think it is important that Ministers share information with Scrutiny and share information ...

The Bailiff:

Senator, I am sorry. I allowed the Deputy to stray into this area in order to respond to what you had said. I do not think I am going to allow a further response, because it is not directly related to the amendment.

Senator A.J.H. Maclean:

That is fine, Sir. I had one other point that I was going to make, and which is also not related so you will probably stop me before I finish, or maybe before I start, but it is very quick. It is a point, if I may, on the subject - and there is relevance - of cost savings and efficiencies. It does strike me that a number of amendments have been brought and a number of amendments have been withdrawn at the last minute. We had an example of the Deputy of St. Mary a few moments ago. He is not the only one. Departments spend considerable time preparing responses and defence to these amendments and to withdraw at the very last moment, without first having made an attempt to speak to the department and find out the true facts, is wasting money. We are here to save money.

I really think it is important that we do things in the right order in that respect and I thank you for allowing me to make that particular point of a general nature.

1.3.6 Senator F. du H. Le Gresley:

I will be very brief. The Minister has clarified the number of recipients under the S.L.A.s from her department and, as most of you know, Citizens Advice Bureau, where I used to be the manager, was one of those recipients. I would like to re-emphasise that we, and I am sure many of the other recipients of money from Health and Social Services, are very aware of our responsibilities and we are aware that we need to make savings in common with everybody else. I think over the years it is fair to say that we have now developed some nice-to-have services under S.L.A.s rather than some more essential services and so it is only right that we should be looking at those. What I would just say in summary is that the States are moving to 3-year budgeting and it would be very helpful for organisations who receive money under S.L.A.s to have that similar facility. It is very difficult going from one year to the next with uncertainty and 3-year budgets would be very helpful to those organisations.

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

I will be brief, as always. Can I just say that I fully understand why Deputy Martin made the speech that she did on Tuesday, and I am going to make a very similar one now. We are in danger of making ourselves look absolutely ridiculous. As Members can tell by the 2 long days that we have already had, we have been talking about budgets and cuts for 2011. Sitting the last 2 days until 6.30 p.m. incurs extra costs as well. We have had the Greffier and their officers sat here, we have had the ushers sat here, and already the general feeling of the House has been to go with the Annual Business Plan that has been put before us. Many people have brought amendments, which they fully have a right to do, but so far not one of those amendments has got through, even though some have been extremely close. I feel that we would have much more to say if we were just to vote either for or against the actual Business Plan. I know where my vote will be and I will vote against the Business Plan because I do not fully agree with it. I feel that the C.S.R. has been the wrong way around, that Ministers started at the bottom and worked up. If we had started at the top...

The Bailiff

Deputy, I do understand Members wish to make these sorts of points but we are at the moment debating the Deputy of St. Mary's amendment and if everyone speaks about the process we will be even longer.

Deputy D.J. De Sousa:

Okay, Sir, I will be brief. I am nearly finished. If we had started in the right place this would not have happened. It has already been explained by Health that this has been fully looked into. I had issues with some of the Business Plan but I went to Ministers and spoke to them about it. If more Members had done that we would not be where we are today. **[Approbation]**

1.3.8 Senator S.C. Ferguson:

New Members may not know that I chaired the Grants Committee for the Health Committee back in the old days. There were 2 things that were painfully obvious. Many things being done by the third sector are delivered a great deal more efficiently than through H. and S.S. (Health and Social Services). I will not mention them. Some of our charities also work in similar fields or they need similar premises and facilities. They can work together and share facilities and premises. Karen Huchet had taken up that torch but it seems to have been dropped somewhere. This is essential work. Some of our charities, with respect, work in silos. We need to get them out of the silos, encourage them, and this particular cut should encourage this mode of thinking and concentrate minds.

1.3.9 Deputy M. Tadier:

Before I carry on with my speech, can I ask for a point of clarification as to whether Oakwell, for example, and also the Four Season Highlands facility have anything to do with this particular S.L.A.?

The Bailiff:

No, that is for you to know, Deputy. If you think it has, speak.

Deputy M. Tadier:

It is not always easy to get information out of the Ministers.

The Bailiff:

It is not question time.

Deputy M. Tadier:

Okay, Sir, I will carry on with my speech. It is relevant anyway. I know that Highlands is a private nursing home, which the States is putting people in at the moment. Now, of course we need the private sector, we need charitable organisations. The trouble is I am very concerned about Highlands in particular for 2 reasons. First of all is the fact that there has been recently an inquiry going on into that. I was directly involved and went to see one of the inspectors of the private homes at Le Bas Centre, because an employee was taken on there. She was not given adequate training, either for health and safety or for the job itself, and then when she got there she discovered that there were lots of inadequacies in the system. The concept in theory of Highlands is a very good one in the sense it tries to cater for very young people from, let us say, about 18 years old, some of whom have autism, right up to people of 70 or 80 years old who may have ...

The Deputy of Trinity:

Can I get a point of clarification from you? I am not too sure if this is still an ongoing inquiry or not.

Deputy M. Tadier:

The Minister is not sure now. Is she asking me?

The Bailiff:

Carry on, Deputy.

Deputy M. Tadier:

I did not understand the point. The inquiry has taken place now but it has been a very recent one and in my opinion it has been a whitewash, and I can give more information about that later on.

The Bailiff:

Not in relation to this amendment, Deputy.

Deputy M. Tadier:

No, I did not mean that, Sir. I mean in due time after this debate. The sort of initial problem, I do not think Highlands is fit for purpose and I am very worried if we are putting people into this private sector when it is not fit for purpose, and that seriously needs to be looked into. The second point is that it has come to my attention that Highlands has significant debt.

Senator S.C. Ferguson:

Sir, I think this is taking unfair advantage of the privileged communication.

The Bailiff:

It is a matter for individual Members. Clearly, if Members make sweeping assertions about other institutions this can be very damaging. One hopes that Members research their facts carefully and think carefully before making such assertions but under parliamentary privilege they have the right to do so if they wish to.

Deputy M. Tadier:

Everything I say here is done in good faith. I do it because I have people who I believe have researched well and if it is not the case I would prefer to make a statement like that rather than to assist in cover-up, which I think may be what is going on here. So those are the 2 reasons I am very worried about Highlands in particular. I am also worried because directly, as I have said with Oakwell, we are saying we do not worry about the fact that Oakwell has too few beds, which affects people not only in my constituency but throughout the whole Island, because they are saying they can go to Highlands, which I do not think is necessarily being able to cope at this point with people of that age and of such a diverse range of interests. So the point I am making in general is that we should not be looking to cut any funding in this area and we should not be cutting any money to the health service at all, in my opinion. If there are genuine savings that are to be made they should be reinvested until we have sorted out these problems. I think Deputy Le Claire's speech was very pertinent. It is very interesting that when we try and get these things out in the open in possibly the only way we can, because we come across such frustrations, that we get Members hopping-up all over the Assembly to try and shut us up. I am surprised that Senator Syvret lasted as long as he did, because it is almost like we are saying these problems can go on. We are allowed to waste £600,000 due to neglect. We are allowed to incur an extra £3.1 million because we have not put the right services in place, even though we are a low tax model. But as long as Finance is okay ... that is the massive increase, that is the main thing that the Treasury Minister was interested in getting through.

[10:30]

So I think we do need to get back to basics. We need to worry about the social issues. I wonder if this debate was taking place a while back and we did have the likes of John Le Marquand, whether it would be the finance men who were winning or whether the social conscience would be coming through a little bit more than it should be.

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

Right in the beginning of this whole debate the Corporate Services Panel have been doing a review and we had a public hearing with the Health Department on 17th June, whereby the Minister for Health and Social Services and the Deputy Chief Executive were in front of us. Although we were not able to look into the full extent of the savings within the Health Department, because that was not our remit, they did explain an area of S.L.A.s and I will just repeat what the Deputy Chief Executive said in this respect. No, it was a public hearing on 17th June, which can be researched: "I think with particular regard to that, one area we were looking at was without S.L.A.s because there is a real danger of being penny-wise and pound-foolish, because a lot of our third sector providers provide activities which stop people coming into the much more expensive secondary care. So we have worked very closely with those third sector providers to make sure that if they have engaged with us is the C.S.R. process that they can do it, and some of them can. They can drive some efficiencies into their business without having a perverse impact upon the secondary care sector. So we have had to be very ... you were quite right, we have had to consider that very carefully at this first stage." The Minister goes on to say: "Also to add there, the third sector, it is very important to include them into it, which we have done because they provide services that we could not be able to afford otherwise. They have been ... give them their due, they have been fully engaged." The only reason I feel I had to relay that information was that was in response to a question of our concern about the 2 per cent. If what was being saved within that 2 per cent might have an effect on the 3 per cent and the 5 per cent in the following years it may not be able to carry

on and the saving would not therefore be made. That was in response to that, but I think it was relevant to this debate and that everybody knew exactly ... on 17th June, which was 3 months ago, that that was being looked at and the Minister and the Deputy Chief Executive had explained that to us. Any Member was able to pick up the transcript and able to look into it further if they required to do so. That is the end of that.

1.3.11 Senator B.E. Shenton:

What is becoming increasingly apparent during this debate is that this is not the Annual Business Plan of the States Assembly it is the Annual Business Plan of the Council of Ministers. It is an Annual Business Plan where yesterday we voted to give Jersey Finance an extra £400,000. Today, we are looking to take money away from Jersey Mencap, Les Amis and Family Nursing and Homecare. I have withdrawn most of my amendments simply because we will not have time to debate them. The whole Business Plan process is flawed and the Council of Ministers have known this for a number of years. I will not be voting for this Business Plan. It is not my Business Plan. It is the Council of Ministers' Business Plan and may they live with the consequences of that. I will be supporting Deputy Wimberley on this, but then I will not be taking part in any other debate, apart from trying to get States Members' salaries frozen for next year and cut in the future. This is a quite utterly disgraceful way for the Council of Ministers to run their business. I want nothing to do with a Business Plan that gives to the finance industry one day and takes from Jersey Mencap the next.

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

I was brought into the Chamber from listening outside by the words of Senator Shenton, because I find it very disappointing. Despite the flaws that we have in this system, this is currently the only system we have and to abrogate one's duty to contribute fully to the Business Plan, I think, is a shameful act. For anyone to say: "I will take no part in this, because it is a flawed system" is I think a wrong act. So, I would encourage Senator Shenton to do stay, because there are serious issues still to debate. We are into discussing cuts in health service, some of which are direct front line services - make no mistake - and will damage the public services that are available to our population. I think some of those actions are not efficiency savings, they are cuts in services, which in some cases are very dangerous and unnecessary, I believe. This House should be fully debating the issues around service cuts. I will be supporting the Deputy of St. Mary on this amendment. It seems to me only logical. If you are going to say: "We will reduce government spending." Who is going to take up the slack? Who is going to deliver those services then? It is going to be those third sector organisations, providers, and to cut their funding and say: "You tighten your belts as well, because we are pulling out of our services. You take the slack on less money," is a complete and utter nonsensical concept. Public services are there because of need, not of want. Public services are there because people out there need those services. We have to deliver them somehow. If we have efficient S.L.A.s with people we should not be cutting back, as Senator Le Gresley mentioned before. The thing with charitable organisations for service providers is the stability of funding; absolutely critical. To suddenly turn round late in the financial year and say: "Next year you have the chop." It is a ridiculous way ... it is irrational and it is crazy. It is crazy. Businesses do not behave like that. Why are we behaving like that? I shall be supporting the Deputy of St. Mary.

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

I would just like to remind Members that all the 25 S.L.A. providers have an opportunity to participate in this process and to make efficiency savings. Some will be able to do that and some are willing to do that and some will not be able to do that. We are not forcing them and we are not cutting their budgets by 10 per cent, we are asking them to participate. The largest of which volunteered. They wanted to participate in the C.S.R. process, because they thought at the end their service would be a better service.

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

I am terribly sorry that I was behind Deputy Noel, because he could have answered the question I was going to ask. I was quite concerned, because reading the transcript of the Corporate Services Panel, it mentions that, yes, they have engaged with these firms and they said they have tried to bring them on, as we just heard that from the Deputy. But some of them have indicated that they cannot meet them, as we have just heard from the Deputy. Which ones are they? Which services are going to be affected? I would have liked to have that information out in the open, rather than just hidden in here and we will find out which services are going to be cut.

The Bailiff:

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

1.3.15 The Deputy of St. Mary:

I thank Members for their contributions. I think that was a good debate. The key issue here is partnership. We talk about working with the public, taking the public with us. This is almost the biggest area of partnership, with many organisations - as I said, many of them specialist, probably - working with Health, supported correctly by Health to do work that, in the words of the Senator Ferguson, can be done better by them. Many things can be done by the third sector and delivered more efficiently. I am sure that is true. I am sure that a body that is heart and soul in one particular area, like Cancer Relief, is going to be more passionate and is going to deliver a more efficient service. Yet we are now saying: "Let us pull out of this on the basis that we must have a cut and they have to play their part." I must say I picked up on the words of Senator Ferguson who said that first of all they could be done more efficiently ... that these agencies can do the work more efficiently and that the cuts would encourage them and concentrate minds. I am sorry. We have heard it again from Deputy Noel that they can carry on doing it with less money. The implication is that they are somehow wasting money and eating really expensive biscuits, but I just do not think this is true. So, the first point is partnership. Do we back the organisations out there, like Les Amis, that do such fantastic work? My second point is, and I have to pick up on this, I think Senator Le Gresley said, it is fair to say we have nice-to-have services not just core services. I do find it very difficult when people talk and make this distinction between nice-to-have and core services. It makes us think we are a poverty stricken Island, we cannot afford good services and we will just have to make do with what we can afford. I notice that one of the speakers, I think it was the Minister, said that all these 25 organisations are acutely aware of the financial problems, but they have been persuaded that these financial problems exist. We are not a poverty stricken Island and the amount we spend on the public sector is much lower than elsewhere. I was with my wife in Germany recently and I was staying in the house of her mum who is very, very ill, in fact terminally ill. The services in Germany that are available to support her in her home and then, if necessary, in hospital and in residential care are simply in a different league. It is really quite astonishing. But Germany is not richer than Jersey, so why can we not have the nice-to-haves? Why can people not die in dignity? Coming back to this amendment, why can we not have good services? Here we are talking about the provision of services by efficient, non-State, organisations. I do beg Members to support this amendment. I think it strikes at the heart of the way we should be doing business, the way we should be doing our work, working with people out there who know more about certain things than we do, who are more passionate than perhaps we are in their specialised areas. This is the way that perhaps more things should be done. We should not be cutting this area. I beg Members to support this amendment.

The Bailiff:

Is the appel called for? The appel is called for then in relation to the amendment of the Deputy of St. Mary, that is paragraph 4 of amendment 13. I invite Members to return to their seats and the Greffier will open the voting. Have all Members had an opportunity of voting? The Greffier will close the voting.

POUR: 14		CONTRE: 30		ABSTAIN: 1
Senator P.F. Routier		Senator T.A. Le Sueur		Deputy A.K.F. Green (H)
Senator B.E. Shenton		Senator P.F.C. Ozouf		
Senator F.du H. Le Gresley		Senator F.E. Cohen		
Connétable of St. Helier		Senator J.L. Perchard		
Connétable of St. Lawrence		Senator A. Breckon		
Deputy J.B. Fox (H)		Senator S.C. Ferguson		
Deputy G.P. Southern (H)		Senator A.J.H. Maclean		
Deputy P.V.F. Le Claire (H)		Senator B.I. Le Marquand		
Deputy of St. John		Connétable of St. Ouen		
Deputy M. Tadier (B)		Connétable of Trinity		
Deputy of St. Mary		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. Brelade		
Deputy D.J. De Sousa (H)		Connétable of St. Saviour		
Deputy J.M. Maçon (S)		Connétable of St. Clement		
		Connétable of St. Peter		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		
		Deputy J.A. Martin (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		

1.4 Draft Annual Business Plan 2011 (P.99/2010) - third amendment (P.99/2010 Amd.(3))

The Bailiff:

Very well. We move next then to number 34 in the order of debate. Deputy Southern, it is a matter for you. I note that in fact you have 34, 36 and 37, sub-paragraphs of amendment 3. Do you want to take them all together and vote separately?

[10:45]

Deputy G.P. Southern:

Yes, Sir, I would want to take them all together. They are related entirely. You cannot have 0.1 of a physiotherapist and 2.9 physiotherapists.

The Bailiff:

Okay. We will take 34, 36 and 37 together, although vote separately, I assume. As you wish. Very well. I will ask the Greffier to read numbers 34, 36 and 37.

The Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except for the net revenue expenditure, the Health and Social Services Department shall be increased by (a) £6,000 in order to maintain services not to proceed with the comprehensive spending review proposals on page 62 of the plan HSS-S3 ‘Redesign Sports Injury Out Patients Clinic’ and (b)

£153,000 in order to maintain services not received with the Comprehensive Spending Review proposals on page 62 of the plan HSS-S8 'Reduced physio services' and (c) £90,000 in order to maintain engineering maintenance and not to proceed with the entire Comprehensive Spending Review proposals on page 62 of the plan HSS-S18 'Reduced gardening and non-essential engineering maintenance', re-profile project management costs, engineers overtime costs and the net revenue expenditure, the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for restructuring costs.

1.4.1 Deputy G.P. Southern:

I start once again with a reminder that we are fundamentally a low tax, low spend jurisdiction. The latest data on that comes in appendix B for the Corporate Services Review of the Comprehensive Spending Review where various O.E.C.D. (Organisation for Economic Co-operation and Development) and G7 countries are compared. I will pick on one country because it is directly comparable to us in terms of its G.N.P. (Gross National Product) and that is Luxemburg. Luxemburg spends 40 per cent of its national income and we spend 17 per cent; less than half. We are a low spend jurisdiction. That is the context I wish to set this particular set of service cuts in. I use the word advisedly. We are not talking about efficiency savings here. We are talking about service delivery, service cuts. The words of the Business Plan reveal that; reduce physiotherapy services. What we have here then, I believe, is a reduction in services which may well harm many people and flies in the face of joined-up social policy - which as the Minister for Social Security will know is policy - the most important thing when people fall ill is to try and ensure that they can return to work and return to health as quickly as possible. The best way to ensure people stay healthy is to make sure that they get back to work promptly. One of the services that assist people to return to work promptly and to get over injury, either short term or long terms disability, is a physiotherapy service. They are leading the way in the U.K. in delivering services which are getting people back to work. The second most common cause of people being off work, lower back pain, they are guaranteeing to see people within a fortnight and they are proven to get people back to work much more quickly than almost anywhere in the U.K. That is an achievement to be proud of. That is something to build on. That is a very effective strategy. What it does is ensure the health of our residents following injury or following disability. It saves us money in the long run, because for every day that people are off work we are paying out sickness benefit. So prompt return to work is, I would argue, an essential part of what we should be delivering. What we have here, effectively, is a reduction of 3 members of staff from the physiotherapy department. Priority 11 of the Strategic Plan says what we should be do is enhance and improve health care provision and promote a healthy lifestyle. So the first amendment on here is to close the Sports Injury Clinic. As far as I understand it operates every Monday afternoon and is highly successful at getting people over sports injuries, thereby enabling them to stay healthy, to stay fit and incidentally getting people back to work in short order. I am told in the comments, and I find them rather confusing ... so I will wait to hear what the Minister has to add to this. As far as I know it is one afternoon a week, it is Monday afternoon. Comments from the Minister says: "This proposal for saving relates to the discontinuation of limited input from a General Practitioner with sports injury specialist knowledge one afternoon a week and is not a complete removal." It then goes on to say: "There are other alternative private services available on the Island." So, if you are a relatively well-off sports person you can probably afford to go private and get your ankle fixed or whatever it is. If you are not, well, tough. But it says here one afternoon a week and not complete removal. So what is happening? Is it still being maintained or not? Is this specialism being maintained or not? It says here, the Minister for Health and Social Services is committed to take a lead in the actions necessary to support people to manage their own health through the promotion of healthy lifestyles. So what will this key indicator do for those who wish to stay fit? The elderly, the older sports person, walking perhaps, running, still running at 50, staying fit. I looked at Deputy De Sousa and she looked frightened. I have watched her. She goes for a run, but not quite. So what happens to those? Do we lay on this service or do we abandon it? That is not the limit. We are not talking

about 0.1 of a physiotherapist - some part-time assistance - we are talking about another 2.9 post. We are making substantial inroads into the physiotherapy service. We are not talking about 2 per cent here. We are talking about a 6 per cent cut in the physiotherapy budget straightaway. One has to ask why; the other question, the pragmatics. Was it convenience? Is somebody retiring? Is this an opportunity to cut back a service where perhaps there will not be terrible squeals? It is not heart surgery. It is not cancer treatment. It is not headline stuff. It is physiotherapy. It is the routine of getting people fit and back to work, perhaps. That means, attached to it, a saving, the closure of the hydrotherapy pool, a reduction in physiotherapy care provided to inpatients and the removal of the anti and post-natal physiotherapy services. We have seen earlier in the week that it is all okay because the midwives can take over the pelvic floor exercises, *et cetera*, and the post-natal care that people need. So that is all right then. Interestingly I received a letter in the week which puts that, I think, into some sort of context. Note this is a reduction, a reduction in physiotherapy services through anti-natal to women: "I note your amendment to plans to oppose the cuts to the 15 hour a week physiotherapy support to the anti and post-natal clinics. I and many other pregnant women in Jersey have received help and support from the physiotherapy department for a pregnancy related condition known as pubic symphysis dysfunction or pelvic pain. It is a little-known but very painful and debilitating condition. The pelvic ligaments soften as a result of pregnancy hormones and the pelvis rocks about. Many women are on crutches and may need a wheelchair for the duration of the pregnancy, in the worse cases. The support of the physiotherapy department is essential. The staff are experts in their field and can provide one-to-one tailored professional support. Importantly conversations with staff in the anti-natal unit at the hospital indicate that resources have been already cut to the bone. They are providing an amazing service, but with each successive child I have had you can detect a decline in the service as a result of funding failing to keep pace with inflation and need. So in an already stretched service we are talking about further withdrawal of expert services." She goes on: "Asking midwives to provide simple physio support is a retrograde step and will add to their already overburdened workload. For example, Jersey cannot even afford a named midwife for pregnant women; a standard in the N.H.S. (National Health Service) now. Here you see different midwives at every clinic and rarely would you have the same midwife for a clinic and then for the birth. I do not believe that women suffering from pelvic pain will receive the same level of support and attention if the cuts proposed for physio support for anti-natal care are agreed." So there is a tale from experience of the stretched services that are already there and which are to be further burdened by this reduction in the physiotherapy services. So, that is maternity. In the general term of rehabilitation in responses from the department we have the following statements: "The reduction of one full-time equivalent physiotherapist from a compliment of 6 on the wards means that all urgent medical and post-surgical patients will be seen as necessary." So, urgent cases still we can cope with. However, listen to this. Let us not pretend that this is efficiency savings, this is service cuts: "However, at busy periods and times of annual leave, *et cetera*, out-patient cardiac and pulmonary rehabilitation classes will need to be prioritised and may need to be cancelled or postponed to ensure the more urgent in-patient chest care patients are seen." Rehabilitation classes may need to be cancelled or postponed. That indeed is a service cut. I wait to hear what the Minister has to say about the potential for the rehabilitation classes being cancelled or postponed. Are we really committed to getting people rehabilitated after surgery, after a heart attack or are we not? That is the sort of service we are talking about. As I say, our service quite rightly leads the way in the U.K. in getting people rehabilitated and back to work. As I say, a 2 week waiting list does not exist in the U.K. It does here for back pain; the most chronic reason why people do not go back to work.

[11:00]

We can get treated here, but that 2-week waiting list will go. People will be waiting around for a physiotherapy appointment and be off work for longer and longer periods. This is just cutting our nose off to spite our face. Let us get people back to work. It is the way people stay healthy. Then, of course, we move on to the hydrotherapy pool. We are talking about 10 patients per day who

currently attend the hydrotherapy pool, currently 250 appointments per month. The department states simply that this will lead to increased activity in the gym. If you cannot get your hydrotherapy you can do some gym work. However, it says: "Alternative venues for some current gym patients ... **[Interruption]** However, the department states simply: "This will lead to increased activity in the gym." But goes on to state: "Alternative venues for some current gym patients will need to be explored in order to find more space. So in theory, back then when those comments were made, they can always do gym work: but hang on we have not got space because we are using the gyms for sports injuries, *et cetera*. We will have to find some more space somewhere. So another question to the Minister for Health and Social Services, where is that gym? Has it been found? Have we got that space? Or, again, are we withdrawing facilities, withdrawing services? I refer to another set of emails I got recently from the Chairman of the Jersey Association for Spina Bifida and Hydrocephalus. It says: "I should be most grateful if you would keep me in touch with your progress regarding the hydrotherapy pool. As Chairman of the Jersey Association for Spina Bifida and Hydrocephalus, we gave £5,000 to the hydrotherapy pool in 1971. I should imagine at the time this may have paid for most of the pool. I have already written to the Minister, but so far heard nothing. Needless to say, we are against the pool closing as we feel it benefits so many people." Indeed many people have written to me saying that they oppose the closing of the hydrotherapy pool. Later on, 29th August, she had met the Minister: "The Minister did explain about the general reorganisation of all facilities in order to save money and to make the services more efficient." Is this more efficient? No, it is not. This is the closure of a pool: "So they will look at all the hydrotherapy facilities to see which would be the best to keep. We will wait to hear." So, progress on alternative sites for the hydrotherapy, can we guarantee that the equivalent facilities will be available elsewhere? When I wrote this amendment it was not clear that there were alternatives for post-surgical patients and multi-trauma patients who need hydrotherapy. We might be outsourcing to other hydrotherapy pools in the Island. How much will that cost? How much in reality will be saved by this measure? All alternative hydrotherapy facilities not necessarily can be used to replace the specialist pool of this one proposed for closure. For example, some pools are not sufficiently deep to take polio victims, in particular, who need total immersion and need especially warm water because they are especially prone to breaking limbs if they do not do it properly. It is a very specialist area. So is it necessary to close this hydrotherapy pool? Are there viable alternatives? What is the cost of those alternatives? Can we guarantee that an equal service can be provided for all users? So, we have the general statement: "There are other facilities on the Island that can be used for both the public and private sector." Turning finally to part (c), which is attached to the hydrotherapy pool, in the words of the department: "A combination of reduction in service levels, e.g. closure of the hydrotherapy pool and reprioritisation of workloads, will deliver the efficiencies which paragraph (c) is concerned with. However, a further comment in the comments says that of (c): "This does not impact on patient or client care. The department has been carrying vacancies for some time and therefore already has been compelled to operate in an alternative way without detriment to its services. As such, the loss of these posts will not incur redundancies." It seems to me that the department is saying: "Anyway, if we were to keep the hydrotherapy pool open and to maintain that service, we can manage the servicing of the hydrotherapy pool without additional staff." If the Minister confirms that that is indeed the case, then it seems to me that we might vote for not getting rid of these 3 posts, but that we need not vote for (c) because you are already coping with the servicing of the pool. So (c) might not need to be carried through. That certainly is the impression I get from the comments. If the Minister confirms that then part (c) may fall away. But part (a) and (b), which are fundamental, reduction in services which will seriously damage people rehabilitating, getting back to work, recovery from strokes, heart attacks, surgery and sports injuries, which can keep people off work, again. Prompt response to sports injuries, absolutely vital. The ability to book and get treatment for back pain can produce thousands of work days. We are leading the way. Let us continue to lead the way. I urge Members to support this proposition.

The Bailiff:

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

1.4.2 The Deputy of Trinity:

I feel I need to go first and put a few things into context. I will start with the first one about the £6,000 regarding the sports injury. This is done, as he said quite rightly, on a Monday afternoon by a G.P. (General Practitioner) that comes in. We felt that those people who need the Sports Injury Clinic and physio will continue. That will continue as they do within the Physio Department. So those people still needing some of it will continue within physio. Also, a lot of G.P.s now are in bigger surgeries and quite a few of them have got contract physiotherapists attached to their clinics and it gives people the choice of wanting to go there.

Deputy G.P. Southern:

Would the Minister give way?

The Deputy of Trinity:

Yes, I would.

Deputy G.P. Southern:

I wonder, could the Minister just clarify the mechanism by which people with sports injuries will get physiotherapy. Will they have to make an appointment to see a physiotherapist or will they be able to drop in, as it were, just like on Accident and Emergency? Will it be fairly instant? The Monday afternoon clinic means that for many sports people the weekend injury, which is when people do their sports often, can get prompt treatment. You just turn up at the Sports Clinic. It is done. You start your treatment.

The Deputy of Trinity:

I cannot comment on who goes to that department on a Monday afternoon, but they get referred by the consultant. It is not for me to say whether they should get referred that day, next day or next week. That is a medical decision which is made by the consultant, not by me. If I go on to the physiotherapy service, a lot has been said, a lot has been said in the media and, quite rightly, I have had quite a bit of correspondence about it. I really want to start by making this very clear. Those patients who are going to need hydrotherapy will still continue to have it. Hydrotherapy will simply be delivered more effectively as we configure these services as we go forward. I cannot rule out the closure of the hospital hydrotherapy pool. Even if the pool does have to close hydrotherapy *per se* will not stop. For those who are needing hydrotherapy it will continue. There are other services in the Island that can be used both in the public and private sector. Quite rightly, as Deputy Southern pointed out, it will come at a cost and these have been factored-in to the figures. I am committed to doing these savings, but in doing so, if I do need to close the pool, then rest assured I will. But I need to look at long-term things. We need to reconfigure some physiotherapists in a way that the hospital pool will still deliver some services for clients. But I also have to say that the hospital pool itself is 30 years old. It will come to the end of its useful life. These things do cost money and it will require significant capital investment in the future if we are going to remain open longer term. On my list of priorities, I am sad to say, because the main hospital itself does need significant capital investment - be under no uncertain doubts that it does - it is the hydrotherapy or intensive care wards, other wards or bigger oncology unit, money is earmarked for that. I have to prioritise. Other small Islands, such as Isle of Man, Isle of Wight, they do not have these facilities within their acute hospital. Is it therefore not inconceivable that we do not need to do so? I really want to reassure Members and also the general public that if we did end up closing the pool that people needing hydrotherapy services will still continue to have it. We have had very brief discussions with other people within the private and the charitable sectors who may be able to pick up this. With regard to pregnant women, again I really want to ... a bit of scare-

mongering here. Pregnant and post-natal women will be referred to the midwifery team. These midwives - and I still am a registered midwife - are trained to manage straightforward and common problems. That is part of their training. Midwives are a professional body in their own right. To reassure, again, the most complicated disorders, especially the ones that, I would expect, Deputy Southern mentioned will be still seen by qualified physiotherapists.

[11:15]

Patients will be prioritised according to their needs, concentrating activity on those mothers who require essential post-natal physiotherapy care. I am committed to delivering these savings, but will not compromise patient services in the process. We need to configure physiotherapists to optimise efficiency and deliver hydrotherapy people to those who need it in the most efficient way. That way may mean closure of the pool at the hospital. There are difficult times ahead and especially if we have to invest in a hydrotherapy pool. As I said, it is 30 years old. Voluntary redundancies may come into it as we go further forward into next year. But, as I said, I will not compromise patient safety. People who need these physiotherapists or hydrotherapy will still continue to have it. I would also like to reassure Deputy Southern and Members that there is sufficient space within the Physiotherapy Department to take up any needs.

1.4.3 Deputy P.V.F. Le Claire:

I will be supporting Deputy Southern and also, by some extent, supporting the Minister for Health and Social Services. I find it rather peculiar, as I have said before, that a service that has been wanting money for decades is now in a position where it is shunning it. We had a debate not long ago where we had the Minister for Social Services spending money in a pot that he had left over while the Minister for Health and Social Services was sitting there looking all forlorn. I find these cuts quite remarkable. However, just particularly on the hydrotherapy pool, I injured my back when I was playing rugby in the Marines and for years I had back problems. After a long period of investigation, through the hospital service, they finally determined through an M.R.I. (Magnetic Resonance Imaging) in Southampton - before we had one here - that I had 2 prolapsed discs and I required an operation. It got to the point, regardless of the point of all of that, where by the time I was able to have an operation I had to wait and stay in my own bed for 2 weeks on morphine because I was waiting for the operation. When I got in there, I had a very good operation and they dealt with the prolapsed disc. As part of the procedure you lie on your bed for 3 days afterwards, which is interesting. When you stand up after that operation one of the first things you do is you head down to the hydrotherapy pool. I remember being taken from the ward in the chair by the porter along the corridors and everything else and into the pool. Obviously one feels trepidation, because of an operation on the spine ... and we do these operations regularly and major operations involving joints and hips and things. Weight-bearing structures of the body cause significant concern for the patients after the operation. I certainly would not have wanted to have been barrelled into the back of an ambulance and driven up to Rope Walk to be asked to get out in whatever weather it was and to enter the building and then to participate in some kind of hydrotherapy that might have been on offer, or worse still, going to Les Quennevais and back. It was a short trip to access the hospital swimming pool. I hope that the Minister is able to get funds in the future to replace some of the ageing infrastructure. I think the pool is one of them that I am sure that within the next 10 years we will be looking at building a new pool. The same stuff that is coming out now was coming out when we had the Fort Regent swimming pool. We could not keep it because it was going to be too expensive to maintain; just a diversionary line, really. The Minister of Health and Social Services knows she has my support. I really, really do want to help Health whenever and wherever I can. In this instance I am going to help them by supporting Deputy Southern. To give them some more time to look at whether or not they do need to replace the hydrotherapy pool. Because I think the Minister and her colleagues have had a very, very tough job of things at a very, very difficult time in their term of office in these posts. They have had some major work to do. More than most Ministers will see in a lifetime. In a very brief period of time

they have managed to grasp some very difficult issues. But, in fairness to them and to be quite frank, I just do not think they have really had enough time to consider all of these things. If they have considered completely the swimming pool hydrotherapy issues I apologise. I am still voting for Deputy Southern.

1.4.4 Senator F. du H. Le Gresley:

I will suggest that if this Assembly sits for another 5 days we will all be patients at the back pain clinic at the hospital. I said during my election campaign that I would not support cutting of front line services in Health and for that reason I will be supporting this amendment. In particular I am disappointed when the Minister says that the hydrotherapy pool is 30 years old and it requires capital expenditure. Surely what she should be doing is coming back to this House with a bid for the necessary capital expenditure to renovate the pool or certainly bring it back into full use for the next 20 or 30 years. I very much doubt that if she did that, that Members would vote against that. I think she would have the support of Members to restore the pool to full usage. So, I urge her to give that a priority. I know she said that there are other areas of capital expenditure at the hospital which are urgent, but we as a House could make that decision and help her with capital expenditure, because these are one-off expenses as opposed to ongoing expenses. So, I am supporting the amendments and I hope other Members will seriously consider doing so as well. Thank you.

The Bailiff:

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

1.4.5 Deputy G.P. Southern:

Very interesting. We will be done by 6.00 p.m. at this rate. I assume, I hope, that is a good sign. I am very disappointed by the Minister's response and am singularly not reassured by what she said. She has said nothing in terms of what this cost will be for getting alternative, private and public facilities. Nor has she said whether clients may have to pay. It has already been stated in this document that if you have a sports injury then there is plenty of private physiotherapy around, you can go and pay for it. That is, I find, an absolutely obscene statement. She says: "We have had the briefest of discussions with alternative facilities." She cannot even say definitely, categorically, one way or the other: "We know how much it will cost and we know what we can provide and we know how we are going to deliver that - as Deputy Le Claire pointed out - off-site." Nor has she guaranteed that in fact alternative facilities can be used by all clients. I remind people that patients who have polio need regular therapy in water which is sufficiently deep to submerge the whole body and require much warmer water than is usual in a pool to get the best from their treatments. So there has been no guarantees given that this service can and will be replaced.

The Deputy of Trinity:

Can I just clarify a point with Deputy Southern?

Deputy G.P. Southern:

By all means.

The Deputy of Trinity:

We are talking about a proper hydrotherapy pool, which are out there in the private and charitable sectors. I am not talking about the likes of AquaSplash or Les Quennevais.

Deputy G.P. Southern:

I certainly did not think you were talking about AquaSplash or Les Quennevais. We are talking about proper hydrotherapy services. We are in the process of restructuring and we are to be reassured that there will not be any cuts in this service. As Senator Le Gresley said and the tale of woe that is: "Oh, it is coming to the end of its life." Well, certainly, yes? But where is the capital

bid? Where is the joint appeal with some of the organisations that find this facility essential? Where is the initiative going on here? It is completely absent. What we are doing is we are cutting a front line service. All the bleeding hearts in the world and all the comforting words about attempts to not cut front line services are worth absolutely nothing. This is a cut to front line services and clearly states it is; 3 physiotherapist posts will be lost. They will not return. Sports injuries will not be dealt with in the efficient, effective way they are currently. What will we end up with? Sending sports injuries to Southampton for specialist treatment in 3 months time when we have not got it right? It flies in the face of our stated policy to try and return people to work and not have people off and we are leading the way. Let us continue to lead the way. I urge Members to vote for this proposition. It is a cut to front line services, which should not - must not - happen. In terms of conducting the vote, I did not get reassurance that if (b) were adopted (c) would not be necessary. Can I trouble the Minister to further clarify her response?

The Bailiff:

Minister, can you help on that?

The Deputy of Trinity:

I will ask my Assistant Minister to reply to that.

Deputy E.J. Noel:

Quite briefly, (c) has already been done. We have reconfigured the service, so the vacancies are no longer required. It has no correlation to the hydrotherapy pool, which is the answer that the Deputy wants.

Deputy G.P. Southern:

I accept that assurance, Sir, that (c) is not strictly necessary to maintain (b).

The Bailiff:

So we will just vote on (a) and (b).

Deputy G.P. Southern:

I would call for the votes on (a) and (b). I think they club together. We could vote them separately, but ...

The Bailiff:

It is up to you, Deputy. Which do you want?

Deputy G.P. Southern:

Together, Sir, yes.

The Bailiff:

Very well. The matter before the Assembly is paragraphs (a) and (b) of the third amendment. That is the £6,000 on the redesigned Sports Injury and the £153,000 on the physio services. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 14	CONTRE: 28	ABSTAIN: 1
Senator A. Breckon	Senator T.A. Le Sueur	Senator B.E. Shenton
Senator F. du H. Le Gresley	Senator P.F. Routier	
Connétable of St. Helier	Senator P.F.C. Ozouf	
Deputy J.B. Fox (H)	Senator J.L. Perchard	
Deputy G.P. Southern (H)	Senator S.C. Ferguson	
Deputy of Grouville	Senator B.I. Le Marquand	
Deputy P.V.F. Le Claire (H)	Connétable of St. Ouen	
Deputy M. Tadier (B)	Connétable of Trinity	

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

1.5 Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph 1)

The Bailiff:

Very well. Then we move next to number 35 of the order of debate. That is the fifth amendment, paragraph 1, lodged by Deputy Southern. I will ask the Greffier to read the amendment.

The Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure for Health and Social Services Department shall be increased by £74,000 in order to prevent a reduction of necessary services provided by the General Hospital’s pharmacy and not to proceed with the comprehensive spending review proposals on page 62 of the plan, HSS-S5, ‘Pharmacy Skill Mixed Review and the re-profile of Out of Hours Service Review’s cost of service’, the net revenue expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for restructuring costs.”

1.5.1 Deputy G.P. Southern:

This, again, need not take particularly long. It is certainly, I believe, a reduction in service. In this case, I believe there are risks associated with the restructuring which the department admits are increases in risk level in terms of the medicines being described.

[11:30]

What I am seeking from the Minister is a guarantee that that risk analysis has been done and that the additional risks pointed out by the department themselves in response to questions asked of them are mitigated. For example, the department simply stated, when responding to questions from the Health and Social Services Panel, the risks were a reduction in hours, medicines not being available when needed, an inability to discharge patients out of hours and no pharmacist available for advice or information. It then says: “Various mitigating factors were then cited. The department still concludes...” and this is the department’s own analysis - their own words: “...despite the above measures there will still be the possibility that a particular medicine may not be available or that medical or nursing staff may require advice from a pharmacist out of hours. There is, therefore, an increase in risks to the organisation despite the mitigations that will be put

in.” In response to that we have a comment from the department that really confuses me because the issue was to reduce out-of-hours pharmacy services yet we have a comment here: “The pharmacist service reconfiguration offers certain benefits by the introduction of a 7-day presence in the pharmacist in the hospital, albeit mornings only at weekends and bank holidays. In addition, a provision will be made to increase the range of medicines held as stock on wards in the emergency drug cupboard. Savings proposed in the skill mix are as a result of an opportunity due to staff retirement.” Here we come again. Time and time again we hear a logical case produced by Minister after Minister for doing something. We find out the real cause and it is a convenient one. Here again as a result of an opportunity due to staff retirement. So what are we doing here? Are we reducing skill level? I think we are. Does that increase risk? Yes, it does. The department admits it. I look forward to hearing what the Minister has to say and her guarantee that the risks have been considered and mitigated and that it is safe to proceed with this. I propose it.

The Bailiff:

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

1.5.2 Deputy E.J. Noel:

The pharmacy service reconfiguration offers a trade. A trade for an out-of-hours service during the week and at weekends for a 7-day presence of a pharmacist, albeit mornings only during the weekends and bank holidays. On the one hand, we are trading an out of hours service to have a 7-day service because at the moment we do not have a 7-day service. We still have those risks on those days that we do not have a 7-day service. We do not have cover on Sundays and things like that. The loss of the out-of-hours service is mitigated by increasing the stock and the range of medicines held in the emergency stock cupboard. We have already established procedures of clinicians accessing additional information using online facilities. This is how we are mitigating the risks involved of not having an on-call pharmacist. The gains in cash terms are not huge. For this particular area it is about £34,000 a year. But what it does is enhance our service by allowing for an improved, better, more prompt discharge of patients from the hospital, because it means most discharges occur during the mornings. By having a pharmacist in the hospital 7 days a week in the mornings at weekends, we can discharge patients in a more effective and efficient manner. Deputy Southern is correct that this opportunity has arisen due to staff retirement. We have taken the opportunity to look at the service by that event. I make no apologies for that. That is making sure that you continually look at what you are doing to see if you can improve the way you do it. This reconfiguration of service has allowed us to review and to increase the number of appropriately skilled, experienced technicians and to reduce the number of pharmacists. This is a win-win situation by reconfiguring the pharmaceutical services. We can continue to offer a safe, appropriate and affordable service which is simpler, better and cheaper. There may be further V.R. (Voluntary Redundancy) schemes that will allow us additional opportunities to drive efficiencies throughout the pharmacy service provided at the general hospital. This is what the C.S.R. process is about. It is about doing what we do now but doing it better.

1.5.3 Deputy P.V.F. Le Claire:

There has been a sea-change really in what we are doing because some Members are not speaking. Some Members have left. I am speaking because I think it is going to be extremely important for the *J.E.P.* to record exactly what was said on these debates; these important issues. Then we can see all the collective responsibility in the votes as to who wants to make sure that we do not have increased taxes on this side. Then we will also see which of the 14 States Members do care about some of these issues being challenged at least, even if they just speak on them or raise questions rather than just blindly pushing the *contre* button. I wonder about reconfiguration of pharmacy. I am reminded of a printers shop when you go in and you ask them how much it is going to cost. Then they ask you when do you want it. The simple response you get back is you can have good and you can have fast but you cannot have cheap and fast and you cannot have cheap and good.

When I hear the words simpler, better, cheaper, I get a bit concerned because it does not work anywhere else in the world. We may have reconfigured and we may be reconfiguring the pharmacy services, and that is only responsible, ongoing management of the hospital surely. But I just do not think that with the reduction in the overall money that is available to these departments that a reconfiguration of anything at the moment is going to equate to better, simpler, cheaper. I think it is going to equate to cost savings and staff reductions and trying to spread those risks in different ways by providing, for example, as has been said by the Assistant Minister, medication and drugs on the wards that are available all the time because the pharmacists are not going to be there. But I was reminded this week when I took my son to the doctor. He had an ailment and he was given a prescription of some medication, some cream. The doctor said: "Look, it is highly unlikely. I have only ever had one case of a child ever having a reaction to this but if there is just come back and let me know and we will change it." Sure enough, our son had a reaction to the cream that he was given and we had to go back. I am just wondering what would happen if there was a stock of medication in the wards and that particular medication did not treat or solve the issue of that patient. If it is in the afternoon, you are going to have to wait until the morning. This idea that everybody is going to be discharged in the morning because that is going to make it so efficient we will all be able to discharge them in the morning. It might just be that because they did not get them out fast enough in the morning that they are going to have to stay another night. I do not know. I do not think that simpler, better, cheaper in reducing money in this area, as has been said, and making these services available on 7 days a week in the mornings... it is definitely not covering all the bases. Again I am going to support Deputy Southern and again I am going to support Health and Social Services by trying to keep their budget up. I just wonder how long it is going to be before Health and Social Services comes back and asks the States for more money because they have not got any money. They move their budgets around left, right and centre as does any Ministry. It is inevitable. The other factor to work-in, the reciprocal health agreement, which I am sure is going to be reinstated. I am hoping it is going to be reinstated. That might aid things. But I just do not hear something that settles me. In summation, I would remind Members, we all like to stand up and say what a wonderful health service we have got. But when we have a sick child of our own or a sick relative of our own in our hospital, do we then become concerned about the levels of provision that we have in this Island, more so than when no one is ill. When no one is ill, we have a great hospital. When someone in the family is ill, we are then extremely concerned about what facilities are available, what kind of doctors are available, what kind of surgeons are available, what kind of medication is available, what kind of support facilities are available. I have withdrawn a question this week to wait until next week because there is an ongoing inquest. But we have all seen issues about people whose lives are terribly affected, possibly because of the lack of medication available. In this particular area I think it is prudent to give the States health service a little bit more money and to ask them to keep a watching eye on this new restructuring that they have done because I do not think it is going to be the answer. I think there will be problems there.

1.5.4 Deputy M.R. Higgins:

I am going to vote for this amendment as I have been voting for the other ones relating to Health, but I do so with concern in one sense because I have absolutely no confidence whatsoever in the financial management of the hospital, as was illustrated by the Public Accounts Committee's report. If they do not know the cost of things, God help us. The truth of the matter is I am very concerned in making sure we have the best hospital care and provision for Islanders. But I am concerned, and I can say that I am going to be a constant critic and I am going to be inquiring for the rest of the term of office into what is going on at the hospital. I do believe we need to support the hospital but we need to keep a very close eye. I do not believe half these things about the restructuring and how they are going to cope with all these things. I think we will see a reduction in front line services and we are going to have to come back at them and keep them to their word and say patients are not going to be affected.

1.5.5 The Deputy of St. Mary:

It is good that I have followed the last 2 speakers. They have both raised the same issue, in effect, and that was the issue of trust. Deputy Le Claire said simpler, better, cheaper and then there was a big metaphorical question mark. I must say when I heard Deputy Noel it sounded convincing. I thought, okay, 7 days a week, mornings, at the weekends, discharges in the morning. That seems to make sense. As I say, it sounded convincing. But - and it is a big but - the problem is that we all know that this programme of cuts is being driven by a cost-cutting agenda. That is the problem. It is not being driven by a public service agenda. If it was, we would have some faith in, for instance, what Deputy Noel has just told us. We would have some faith in what Deputy Higgins said that we would get to the bottom of things and rearrange services so that they would be good and efficient. But we know that what really matters is that we cut the costs by 2 per cent, 3 per cent, 5 per cent. Ministers have regularly got up and said, well, I have to comply with the cuts. Because we have that overall picture that what comes first is the cuts, what comes second is the public, then we do not know whether we can believe what Deputy Noel says or not. That is the problem we are faced with in this debate, and in many others. It sounds convincing but we do not really know whether we can trust what these people are saying.

[11:45]

That takes us back to would it not have been a better way if those of us who believe in the public service agenda - who really believe in it above the cost cutting agenda - had been really, really involved in the whole process because then there would have been a balance. Then we would have had people on the inside who really believe in public service and its ideology. Then we would have had cuts or rearrangements, efficiency savings that we could all have subscribed to, that we all would have believed in, that the public would have said, yes, that is a better way of doing it, and the service is still just as good, if not better. I am afraid it is a question of sweet words. It is a question of belief and trust. It has come to me with this particular amendment because Deputy Noel sounded so convincing and I was inclined to believe what he said, but I know that the problem is this matter of trust. The problem is that this is all being driven by an agenda that is not about what is good for the public. The number one thing is the cuts. We have to cut by 2 per cent, 3 per cent, 5 per cent which in my view is a false prospectus. But there has been no corrective within the process to that false prospectus. That is why we have amendment after amendment after amendment because there is not the trust that we could have built-in in the first place.

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

I am pleased to follow the last speaker because I will not be supporting this amendment. What has surprised me is that the Assistant Minister did not mention the hundreds of thousands of pounds of investment that has gone on in the pharmacy with the robotic new system that they put in. I know that because I have worked next door to the pharmacy and saw it go in. There has been huge investment around improving efficiency and around delivering the service. A couple of other points I would like to make. First of all, I think it is quite right that managers review every time there is a vacancy and take the opportunity to look at do we need to fill that post? If we do, can we do it differently? Can we improve the service to the public? Can we do it cheaper? It is a good, sound management thing. We have to move away from the fact there is a vacancy, let us fill it as most managers seemed to do in the past. The third thing I would urge the Assistant Minister and the Minister to do is to look at whether we can work much closer together and make further efficiencies by working with the pharmacies outside of the hospital. How many times do you see people with hospital prescriptions that have to wait hours to get them dispensed when they could take them down the road on their way home? I urge the Assistant Minister and the Minister to look at that as an option later on. I will not be supporting this amendment.

1.5.7 The Deputy of Trinity:

I just want to bring a couple of points. I thank Deputy Green for his comments. He is quite right about working with pharmacists in the private sector. I am with Senator Ferguson. She really feels that we should be doing more with the pharmacists. Yes, we will but we need that primary care law in place first and we need to sort out or work with rather the G.P.s first and then the pharmacists, I am sure, will carry on behind. But be under no illusion, if we had say some sort of service level agreement with pharmacists about doing things like that, it will still come at a price. But I take your point that it might be cheaper. Just a couple of points to pick up about service reconfiguration. Deputy Green has mentioned about the robotic arm, or whatever they call it. But also there have been other initiatives within the hospital. They are all separate initiatives but they all just work well together with the Emergency Admissions Unit which started, I think, about 2 or 3 months ago which is on Chevalier Ward. All emergencies which need admitting go in there for assessment and stay there a maximum of 48 hours. This has proved very successful. It is initiatives like that that because of its success has kind of a rippling effect to other areas in the hospital. That means that if you do need to stay longer than 48 hours then you are moved to another ward but if you need to be discharged after 48 hours back in the community then that happens. But all services are concentrated very much on that 48 hours to make sure that you have got everything in place, you have had all the tests, *et cetera*, and if you need any drugs to go home that they are there ready to go. Also I should think discharge planning is important too because of much better discipline. A part of discharge planning too is not only making sure that you have relatives at home to look after you or whatever but that you have drugs in place too to be ready to go when you go home whatever time of the day. I really want to make that point that it is a rippling effect. A new initiative in a hospital does have a rippling effect to other parts of the hospital. I just want to leave it there. The normal 9 to 5 pharmacy that most of the patients use still continues. There is no change in that at all. Just another point while I think of it. This Assembly passed a law back in the beginning of the year about pharmacy technicians. That too has had an effect on how pharmacy can be reconfigured. It is all these bits too that we can put altogether to make a much better service.

1.5.8 Deputy T.M. Pitman:

I do think it is important to stress that just because people are questioning health does not mean we are critical of the health service. I mean my mother was in the hospital not too long ago - for major surgery - and I have nothing but praise for the hospital. Although having said that, she was discharged after only, I think, 6 days after a major operation, was back in after a week delirious. Not a good situation. There is always room for improvement. You can call me a cynic and, in truth, I probably am after 2 years in this job, but when I hear Ministers say the saving is about making things simpler, better, cheaper, yet find also that I hear the words opportunity has arisen due to retirement or a voluntary redundancy, I think I am right to be slightly sceptical and suspicious. Very much like Deputy Le Claire. Knowing that we have more drugs in the cupboard, so to speak, is no substitute I believe for having a highly skilled pharmacist on call. No substitute at all. The other point I wanted to make was the one that the Deputy of St. Mary raised really. This is what has caused issues to rise again and again in the U.K. about savings, cuts what they are really, being driven ultimately by accountants. Yesterday I raised my concern that some Members were willing to put their worries and concerns about children's health on hold and vote against keeping an educational psychologist. I think it is fine to talk about the need to review any time a vacancy comes up. That is quite correct. But if managers are doing their jobs then such monitoring should be taking place continuously. I think the key to this is that a review that takes place under the axe of enforced cut hanging over the head... I mean that is surely hardly conducive to making sound judgments. I think the pharmacy is a very skilled area of work and not to have that on-call is a risk too far. I am certainly going to support Deputy Southern's amendment.

The Bailiff:

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

1.5.9 Deputy G.P. Southern:

I thank all those Members who have spoken on this issue, particularly the Deputy of St. Mary who talked about this issue of trust. What I want to do is just answer. Deputy Le Claire did focus on the words of the Assistant Minister when he included in the first 3 triple words, affordable and included in the second triple, cheap. Simpler, better, cheaper. What he did not say was “and lower risk”. He did not answer the critical question. It may be cheaper. It may be simpler. Is it better if it increases risk? At no stage did either the Minister or the Assistant Minister deny that this is a higher risk strategy than was in place or attempt to justify that for the return of how ever many thousand pounds it is. Again Deputy Pryke said delivering a much better service but one that is less safe. No denial there. It is all very well for Deputy Green and Deputy Pryke to talk about co-operation with private pharmacists elsewhere on the Island. That is obviously a good thing. This proposition is not about that. If it were, I would be wholly supportive of it. But it is not. That was complete irrelevance. The fact is this move may be cheaper, may be simpler but it increases the risk. There is no denial of that, therefore, I believe should be opposed. I call for the appel, Sir.

The Bailiff:

Very well, the appel is called for then in relation to paragraph 1 of the fifth amendment of Deputy Southern concerning the pharmacy at the hospital. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 9	CONTRE: 30	ABSTAIN: 0
Senator A. Breckon	Senator T.A. Le Sueur	
Connétable of St. Lawrence	Senator P.F. Routier	
Deputy G.P. Southern (H)	Senator P.F.C. Ozouf	
Deputy P.V.F. Le Claire (H)	Senator J.L. Perchard	
Deputy M. Tadier (B)	Senator S.C. Ferguson	
Deputy of St. Mary	Senator F.du H. Le Gresley	
Deputy T.M. Pitman (H)	Connétable of St. Ouen	
Deputy M.R. Higgins (H)	Connétable of St. Helier	
Deputy D.J. De Sousa (H)	Connétable of Trinity	
	Connétable of Grouville	
	Connétable of St. Brelade	
	Connétable of St. John	
	Connétable of St. Saviour	
	Connétable of St. Clement	
	Connétable of St. Peter	
	Deputy R.C. Duhamel (S)	
	Deputy of St. Martin	
	Deputy J.B. Fox (H)	
	Deputy of St. Ouen	
	Deputy J.A. Hilton (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy of Trinity	
	Deputy S.S.P.A. Power (B)	
	Deputy I.J. Gorst (C)	
	Deputy of St. John	
	Deputy A.T. Dupré (C)	
	Deputy E.J. Noel (L)	
	Deputy T.A. Vallois (S)	
	Deputy A.K.F. Green (H)	
	Deputy J.M. Maçon (S)	

1.6 Draft Annual Business Plan 2011 (P.99/2010) amendment (P.99/2010 Amd.(re-issue))

The Bailiff:

Very well. The next matter then is number 38 on the order of debate which is the amendment lodged by the Health, Social Security and Housing Scrutiny Panel. I invite the Greffier to read the amendment.

The Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Health and Social Services Department shall be increased by £110,000 in order to prevent job cuts at the Child and Adolescent Mental Health Service and the Alcohol and Drug Service and not proceed with the comprehensive spending that he proposes on page 62 of the plan, HSS-S9 and HSS-S11, ‘Remove vacant counsellor post’ and ‘Remove vacant C.A.M.H.S. (Child and Adolescent Mental Health Services)’ and the net revenue expenditure of the Treasury and Resources department shall be decreased by the same amount by reducing the allocation for restructuring costs.”

The Bailiff:

I invite the Chairman to propose the amendment.

1.6.1 Deputy G.P. Southern (Chairman, Health, Social Security and Housing Scrutiny Panel):

The first thing I have to say is that Members will quite rightly have noted that this is an amendment coming from the Scrutiny Panel with its full backing. It was the first amendment that I lodged. I think that is significant because I think if we do nothing else then this particular amendment is the one that perhaps Members should put at the top of their list and say, let us forget the ideology, let us forget the costs. This is directly and importantly front line services which will affect the vulnerable. We are talking about mental health services which have been traditionally woefully under-funded and particularly affect low income and vulnerable groups. As the report appendix from the Corporate Services Panel says: “That which is most likely to have an impact on social outcomes is the proposed reduction in mental health services as those with poor mental health are particularly likely to be socially excluded.” We are talking about 2 areas here. We are talking about services for young people and we are talking about services for dealing with alcohol and drugs. Again, to a certain extent, that impacts on young people in particular. I will start, if I may, with the second part of this amendment, which is the reduction in the Alcohol and Drug Services counselling. We are told simply in the comments, in one line basically, in one sentence: “The recently launched voluntary redundancy scheme has also provided scope for savings within the alcohol/drug service without significant effect on the front line services.”

[12:00]

That is simply not true. This is a damaging effect on front line services. As the department’s words put it, in direct contradiction to that comment: “This cut of the post of counsellor from the Alcohol and Drug Services would have the effect of not being able to provide the current range of services rather than increasing waiting time.” Yet the comments say this is not a cut in service. Yes, it is. Is it an important cut in service? Of course it is. Listen to the words of the Medical Officer of Health under the headline in the *J.E.P.* of “Alcohol Again: Tackling it has never been so important.” The Medical Officer’s recent report: “It has been long recognised that Jersey has a drink problem. Jersey consumption *per capita* is one of the highest in Europe and 73 per cent of evening street violence arrests and 60 per cent of domestic violence arrests involve alcohol.” Is this the time to be reducing the service that is available? Is alcohol related crime going down? Is consumption going down? No, it is not. Is the problem getting worse? Yes, it is. In the words of the Health and Social Services Department itself: “The average waiting times have remained at 2 to 3 weeks even though numbers of referrals have continued to rise in the last 2 years.” The service is already stretched. Referrals are going up year on year. Yet we are saying we can do without this particular service, this particular counsellor. Also I have it on good authority that the counsellor who has recently left was not offered a voluntary redundancy. She first talked about the fact that

she wished to leave the post in March of this year and was told very clearly it would not be an opportunity for the voluntary redundancy scheme because the post was definitely going to be replaced. It was seen as a vital post, a vital cog in the delivery of services. The intention of the department was to replace this post. Absolutely critical. She was not offered voluntary redundancy and lo and behold from March to May when the comprehensive spending review came along, again opportunity. This counsellor is leaving, here we go. There is an easy redundancy to make. Do not replace it. That particular counsellor was treated, I believe, extremely badly because she was not allowed to apply for voluntary redundancy. She has gone anyway. It is too late to do anything about it but to pretend that it is somehow a rational choice when the intention was to replace that post come hell or high water before the spending review came along points out the arbitrary nature of what we are doing here. The range of services which are going to be cut: ongoing counselling support for clients who have received detoxification treatment. What is that about? We know what that is about; people giving up their dependency and trying to do without. Cessation of this service would inevitably result in an increase in the number of clients relapsing and re-entering treatment. Detoxification treatments, repeat, repeat, repeat. Often the way. The intervention of the counsellor can often be that support, that crutch which enables people to stay off the alcohol. Do you want your costs to go up longer term? Do you want those clients returning for detox again and again? Again cut off the nose - eliminate this post - to spite your face. Another of the services, drug awareness programme, accommodates the cases of young people who have been referred to A.D.S. (Alcohol and Drug Services) by Centeniers as an alternative to prosecution; early intervention work. Vitally important at keeping young people out of the criminal justice system. That is part of what this counsellor post does. In addition, she provided support services for relatives of those with drug and alcohol problems. Again up to 30 relatives received counselling support in 2009. Again it is a range of services designed: (a) for early intervention; and (b) for supporting those with an alcohol problem, in particular, or a drug problem not to relapse. It is a highly effective and efficient system. At a time when drug problems and alcohol problems are going up, we have removed that post. Why? Why? Why? It is so short-sighted it is almost criminal. Secondly then, let us deal with the other post. Again we focus on the opportunity. We have had a post within C.A.M.H.S., Child and Adolescent Mental Health Services, which, look, no one has ever successfully been recruited to the post. It was a vacant post sitting there. That is easy to get rid of. We will just say we do not need that post. We do not need that money and that will do. The comments would suggest that what we are doing is much more than that particular post. We are told since the Scrutiny Panel review in 2009, a second child and adolescent psychiatrist and 3 psychologists have been appointed to the service in line with the Williamson Implementation Plan. Presumably that is justification for not appointing this particular post. It does not say there a second psychiatrist has been appointed. The assumption I make of that is that it is 2 posts rather than one and 3 psychologists have been appointed. I would ask the department - the Minister - are those 3 psychologists additional posts or are they replacement posts because we have had a serious problem with the provision of child and adolescent mental health services for many years. In evidence to the scrutiny panel, Dr. Williamson told us that around 1,600 children and young people experience some form of serious psychological disturbance and yet back in 2009 only a quarter of them can be looked after by the C.A.M.H.S. service. We can look after 400 children a year which means that 1,200 children at some degree are not getting access to the kind of help they need. The Royal College of Psychiatry, Young Minds, Kathy Bull, for example, say there should be 2 psychiatrists working in Jersey. At the time we had one. We now have 2, it appears. It says there should be 4 clinical psychologists. We have got 2. The question remains, how many psychologists do we have in this service dedicated to children and adolescents? It says we should have family therapists. Are they in place yet? We should have specialist cognitive therapists. Are they in place yet, is the question? Is what we are providing sufficient now to meet what was a crying need back in 2009 so, therefore, we can do without this particular post, which I quote from the job description. The post in question is that of a team leader with a job description: "To provide leadership for the multi-disciplinary team, as well as carrying a caseload of children or young people with mental

health problems.” What I do in bringing this amendment is to call on the Minister to prove to this Assembly that her department is now fully equipped to deal with the number of child and adolescent mental health problems that come to the department and that this post, in particular, can safely be done away with, remembering that once that funding is removed it is highly unlikely ever to be replaced. Are we watering-down the intensely important results of the Williamson Implementation Plan that we voted for previously? Can we safely do away with this post? I believe we should definitely not be doing away with the Alcohol and Drug Services counselling post. I think that is a completely retrograde and short-sighted move. I believe that, if possible, we should be equally maintaining all the resource that we can in Child and Adolescent Mental Health Services because we have seen what can go wrong with that under Williamson.

The Bailiff:

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

1.6.2 Deputy M. Tadier:

Seeing as I am on my feet, I will be voting for this amendment so I will be happy to do that and to speak very briefly. It amazes me the way we do business here and the internal logic that goes on. First of all, we say that in the Strategic Plan we pass a collective idea that we want to diversify the economy. I say this simply as an example before moving on to my main point. We say that we want a diverse economy, so what do we do? We say to the tourism budget, we are going to reduce the tourism budget but we will still support tourism. We are going to diversify the economy. Then we come to the finance budget for Jersey Finance. Presumably we are going to support that too, but we will reduce the budget. No, shall we keep it the same budget? No, we will not do that either. Let us increase the finance budget. We say one thing with our lips perhaps not moving then we do something else which goes on to exactly contradict that. That has already been done and we cannot change it but we can change this scenario here. We know in Jersey we have already got a massive drug and alcohol problem. I think we have one of the biggest alcohol problems in the Western world probably, especially for such a small Island. To be saying that we should be cutting these key areas, proposing cuts that are going to affect jobs and the Child and Adolescent Mental Health Services and Alcohol and Drug Services is a complete nonsense to me. I can have no part of this, even more so because I have direct experience. I have had to deal with constituents who have been through the service. I must say that the Alcohol and Drug, also Silkworth Lodge, the mental health services are all doing a tremendous job or rather they are doing as good a job as they can under tremendous pressure. But, unfortunately, they have not always got the resources that they need. That is the current scenario we find. We know that Jersey has very high suicide rates for whatever reason. We need to be addressing these. I simply cannot support cuts.

[12:15]

If we are saying that we can really get more out of the service with less, what I would suggest is get more out of the service first. Prove that the service can be more productive and then if we are over productive, if we find that we have so many staff that there are no alcoholics left in Jersey then by all means let us get rid of a few staff. But we are not in that position yet. Much similar to what Senator Shenton was saying earlier, I cannot be part of a system in which we are going to be pouring misery onto the heads of our children. Literally I think in 5, 10 years, 20 years' time when many Members in the States here are not going to be around in the States to pick up the pieces. It will be the likes of either myself or my contemporaries who are going to have to do that. I ask for Members to reject this cut and to support the amendment if we really want to send a consistent and strong message about reducing alcoholism, drug dependencies and to help those who do have mental health issues.

1.6.3 Deputy J.A. Martin:

I will start with part 2 of the amendment first. I would say I would have liked to see this split because I can stand up and try and reassure the Deputy that I went down to C.A.M.H.S. twice in the last month and met with everybody there. To answer the Deputy's question, yes, we do have now 2 psychiatrists. We have an extra 3 psychologists. We have a social worker/counsellor M.A.S.T. (Multi-Agency Support Team) in every state secondary school. There are 3 employed. I think they last interviewed for 4 but I am told in September we will have everyone in place in the schools. If everyone remembers - it seems a long time ago - this came from Williamson. His overarching was a children's directorate. The vacancy is a team leader. It was a nurse. Why it was not filled before Williamson they have decided they need another psychologist, part team leader. In the meantime Williamson came up and they have now got more professionals. We have now got a Director of Community and Social Services who is working as quick as he can. I am told and I am convinced in the whole of Children's Services if we do not have a spare team leader/manager who can take on this I would be very much surprised. Very surprised. Why C.A.M.H.S. defend this is that ... and also speaking to C.A.M.H.S. and where it says we could have 1,600 children, anything from primary to secondary school at the moment where they are not sure where to go, they are referred to C.A.M.H.S. Hopefully with the M.A.S.T. post and other things put into the schools and working with ... I think it should be slightly younger and these are things that need to be developed. They will not need to go to C.A.M.H.S. Why does an adolescent boy suddenly start playing up? Sometimes it is not simple to them but it is simple that 3 years ago when they were 10 or 11 their parents split-up. They take it inwardly. There is loads and loads of research. Can this be stopped at the school level? Can the signs be started? We got back to, am I trying to defend? I have had - not from the Minister and not from the Assistant Minister and not from the department - to be convinced that this vacancy can go in the wording that it is. There are still things that need to be looked at in Williamson. We could do with a looked-after nurse. We have a looked-after person in C.A.M.H.S. who should only deal with looked-after children. Because the directorate is under mental health, I think sometimes that is not always the case. We now have the expertise in place. Do they need moving around? Yes, they do. Do I believe when we have the children's directorate that there are not enough managers? No, I do not. There are enough managers. They pleaded with me. They want to be managed. They want to know where to go, where they are. They were very pleased because there was uncertainty whether they would have to wait months before there was a new directorate or it would be soon. They are raring to go. I can absolutely say we have moved on dramatically since 2009 when the scrutiny report was put out. The drugs/alcohol, as I say maybe we should have amended that. I am not quite convinced on that one. I really do not know which way to vote because I am not quite sure that we should not have called in an amendment for that. We can restructure but alcohol dependency and everything is going up. I will leave it to the other Ministers to convince you that maybe we do need one, we can get rid of this one with the restructuring. Possibly it is right but personally I will leave it to the others.

1.6.4 The Connétable of Grouville:

I feel that I perhaps should intervene with regard to the drug detoxification unit, in that Silkworth Lodge are in fact opening a detox unit in the very near future. We have had a lot of assistance from Housing and from the Health Department. I do not believe the Minister has announced it yet but I am sure she is going to now. We will hopefully take up slack and probably do an outsourcing job. I am not saying we will do it better but I think we will probably do it a lot cheaper than the present system. I am hoping that we can just bash on with that. I am hoping she will tell us perhaps a little bit more.

1.6.5 Senator A. Breckon:

Just a couple of points. When we did the Scrutiny review on the services for vulnerable children, we received some evidence from the team at C.A.M.H.S. Again it is one of those areas, until you go into it in some detail you do not realise a lot of this work is going on. But what they told us did raise some concerns because they were doing work with some children in difficult circumstances,

and there were all sorts of stress and strain and pressure on that system. How long it was before they could see some children and make assessments. If there was a crisis then they had a problem because we were told that the children's ward had difficulty in coping where children have particularly challenging mental health issues. Sometimes the staff themselves have to go in at weekends to deal with that. The other thing that they had to resort to on a number of occasions, we were told, was that they had to use the secure adult mental health facilities for young children. The admission was that this was not an acceptable situation but we were told at the moment there was no option because there were some real problems there that they needed to address and it was the only way they could do it. That is the reason I will support this because, again, if people are vulnerable and sometimes if there is a window of opportunity for an addiction or something else where the person themselves seeks help then we need to get in there, because 3 weeks is no good because people themselves need to agree to some of this. If we stand back from it, as the Constable of Grouville has experienced with Silkworth, again if there is pressure on the system ... and I know I have seen this in the past. Admissions could not help for 6 weeks. By then the person has moved on. I have seen cases where people say: "Keep on drinking or doing whatever you are doing because we cannot deal with you at the moment." It gives me no pleasure to say that but that is a situation I have come across. It is not something I made up. It is a real situation. I think with organisations like Silkworth and others we have out there in the community, we need to work with them but we also need to provide provision ourselves. It is a shame really if we are into this ... it is not micro management I do not think. It is looking at where things have been taken away, is there a need? I think perhaps the Alcohol and Drug Service, Deputy Martin's question, may be some area where maybe Scrutiny or somebody else needs to have a look at what they are doing for whom and with what resources and with the support of C.A.M.H.S. and others. If somebody says to you ... it is all right if you have a dodgy elbow or something, you have to wait a few weeks. But if you have something which could be life changing ... and I notice in there we are talking about suicide rates and other things, how do we deal with? Perhaps again it is prevention and it is intervention. That is the reason why I will be supporting this.

1.6.6 The Deputy of Trinity:

The Assistant Minister has mentioned about C.A.M.H.S. and I think a lot has been said about C.A.M.H.S. I think we must acknowledge that when the scrutiny report came out in 2009, it did have some recommendations which we all approved. We have had significant investment. With this year's £200,000 that will mean we will have £3.2 million invested in children and vulnerable ... not only within Children's Service; as already mentioned, across schools, M.A.S.T. teams within schools, as well as educational psychologists. I hope you heard on the radio - and it was not primed to be at this time - a new psychologist working with special needs children within our Children's Service has just been appointed. She was on the radio this morning. I am very pleased. We are going to get another psychiatrist, 3 psychologists. But also importantly the whole Community Services is and will be restructured. We have appointed a new director of Social Services. This is only a short fixed-term contract for 6 months prior to having a full-time one in-post hopefully at the beginning of next year. But be under no illusion, I have put significant pressure on him to get moving to get Community Services sorted out, restructured. There are some savings to be made across the line. In any service there is. It is the point of restructuring. That is the most important thing, to come out as a better service. That may sound double-dutch and perhaps it does. Services move. Nothing within Health and Social Services stops still for long. Children's Services change. We need to change with that. The worst thing possible is that we can just stay put because it just does not work quite like that. We need to reconfigure new services not only within Children's Services but within mental health especially and drug and alcohol. The recent addition of this V.R. scheme provides scope for some savings within Alcohol and Drug Services without significant effect on the front line. It is no good thinking just because services are front line and providing services to vulnerable people, they are untouchable. There must not be any no-go areas. That is where the Director of Social Services is looking across the board. We must

look at everything from back line officers to all different types of services. All these services, we must look at making sure that they end up being 100 per cent efficient. These are tough decisions but we have to make some cuts where we do not compromise patient safety in the process. I just ask you to trust our decisions. Please do not make us go back and re-look at our cuts without fully risking our assessments. As the Deputy of Grouville said ... and this is an ideal partnership because we already had a service level agreement with Silkworth Lodge. I cannot give any more as to how it is going to work because I need to get the correct information. But it is these types of initiatives that we do work with the private sector and charitable organisations especially that we need to look at. Nothing stops still. We need to take this opportunity to look at what we provide and make sure that we do provide it efficiently and what our clients do need.

The Bailiff:

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

1.6.7 Deputy G.P. Southern:

I thank those people who have contributed to this debate. However, I remain unconvinced by the responses that I have received from the department that these particular posts are not redundant, as it were, particularly the Alcohol and Drug Services post. The response quite frankly has been very disappointing.

[12:30]

The fact is that we have a serious drug and alcohol problem on the Island; demand for these services is going up. This particular position was very hands-on and it provided a vital service, both preventative and preventing relapse, in the treatment of drug and alcohol problems. It was, back in March, absolutely crystal clear that the post must be replaced. It was a vital cog in the delivery of these services; not inefficient services as presented by the Minister but highly effective and essential services. This cut should not be being made. All those within the service, and I believe the users of that service, are of that opinion. It is proven to be effective. Again, I asked the department to prove to this Chamber that this post need not be replaced. I had a statement from Deputy Martin who said: "If we cannot find someone somewhere within this service to do this then..." I do not know what that meant. So we can load this job on to somebody else? I do not know. Then she said: "Possibly it is right" but, again, I do not know. Well "possibly it is right" is not good enough for me. We have delivered £3.2 million towards this vital and essential service which has caused us so many problems in the past. What I am saying here in total is let us deliver £3.25 million or £3.26 million to this service and not make this cut. It has not been proven that this particular post is unnecessary and spectacularly reducing services to alcohol and drug services to those who are dependent and have problems with it is definitely a retrograde and mistaken move. I call for the appel.

The Bailiff:

The appel is called for then in relation to the amendment of the Health, Social Security and Housing Scrutiny Panel. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 14		CONTRE: 29		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Senator F. du H. Le Gresley		Senator P.F. Routier		
Connétable of St. Helier		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator F.E. Cohen		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy J.A. Martin (H)		Senator S.C. Ferguson		
Deputy G.P. Southern (H)		Senator A.J.H. Maclean		
Deputy P.V.F. Le Claire (H)		Senator B.I. Le Marquand		

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

1.7 Draft Annual Business Plan 2011 (P.99/2010): tenth amendment (P.99/2010 Amd.(10))

The Bailiff:

Very well. The next on the order of debate is number 39 lodged by Senator Ferguson and that is paragraph 2 of amendment 10 and number 40 is paragraph 1 of amendment 10. Senator, I have just been discussing with the Greffier, it occurred to us as to whether it was not more logical either to take number 40 first or to take them together, as they appear to be closely linked, although voting separately.

Senator S.C. Ferguson:

I think take them together, Sir.

The Bailiff:

Very well. If that is the case I will ask the Greffier then to read paragraphs 1 and 2 of the Tenth Amendment lodged by Senator Ferguson.

The Greffier of the States:

(1) after the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Health and Social Services Department shall be increased by £5,830,000 by removing the £5,830,000 income allocation from the Health Insurance Fund” and “(2) except that the net revenue expenditure of the Health and Social Services Department shall be increased by £301,000 by not proceeding with the Comprehensive Spending Review proposal to raise £301,000 through ‘user pays’ charges HSS-UP1 and HSS-UP2 on page 66 of the Plan ‘Reduction in level of subsidy on certain health products and goods to 50 per cent’ and ‘Remove the subsidy on diabetic supplies’.”

1.7.1 Senator S.C. Ferguson:

If we go in order on this I brought the amendment about the deduction from the Health Insurance Fund because I was concerned about this. This was added to the C.S.R. savings, and I am not sure it is a saving, but it was added by the *ancien régime* at the Health Department by the acting Chief Executive and his management team and I would emphasise it was prior to the arrival of the new

Chief Officer and interim Health Manager. Yes, it is effectively a raid on the surplus in the Health Insurance Fund. Now, what concerned me is that this is like Court and Case Costs: there is too much of this furtive raiding of funds without a plan and based on figures which I have grave concerns about. Now the costings in Health are being addressed but we do have years of neglect to make up. The Finance Director and new management are working hard but there is a considerable amount of leeway to make up. I have now met with the new Chief Officer and the interim Hospital Manager and I am quite satisfied that the primary healthcare plans will be properly planned with proper budgets and properly controlled. Going on to my other amendments, I have received undertakings from the Minister regarding the smoking cessation. Despite what the B.B.C. said this was an amendment back-to-back with the diabetic supplies. It was one way of balancing out and continuing the diabetic suppliers' provision but putting in a "user pays" proposition with regard to smoking cessation. I understand, in fact, if you look at Projet 125 you will see that this is one of the items which will be transferred to primary healthcare. I have also met with the general practitioners regarding primary healthcare and again I have a great deal of confidence in the ones I have met. They are very cost-conscious and I would be very surprised if the primary healthcare projet did not provide much better care much more economically.

Deputy P.V.F. Le Claire:

Could I ask the speaker to give way for a second for clarification, please? I just wondered if the speaker could let us know whether or not the funding for diabetes will be in that primary care that she was seeking to replace, please.

Senator S.C. Ferguson:

I would recommend that the Deputy looks at the Projet 125. As far as I can see it is included in that. Now, I also talk about the E.U. Working Time Directive. Now there are a number of ...

The Bailiff:

Senator, sorry, we have only put before the Assembly 2 of your amendments.

Senator S.C. Ferguson:

Yes, this is the third one, Sir. I have done 3. I have done the diabetics and the smoking cessation and the Health Insurance Fund ...

The Bailiff:

Well I can see from what you say that the smoking cessation is linked with the first 2, is that right?

Senator S.C. Ferguson:

It is back-to-back with the diabetic supplies.

The Bailiff:

Yes. Well, if Members agree, it is slightly unorthodox, would you like to take amendment 3 at the same time, as you are obviously speaking to it?

Senator S.C. Ferguson:

Yes, the one about the E.U. Working Time Directive.

The Bailiff:

No, amendment 3 is the smoking cessation. Do you want to take all 4 together then?

Senator S.C. Ferguson:

Yes, I would like to, Sir.

The Bailiff:

Do Members agree to allow the Senator to take all 4? **[Approbation]** Very well, Greffier, it is very unorthodox, but perhaps you can read amendments 3 and 4 as well then.

The Greffier of the States:

(3) after the words “withdrawn from the Consolidated Fund in 2011” insert the word “except that the net revenue expenditure of the Health and Social Services Department shall be decreased by £420,000 by introducing a new ‘user pays’ charge for smoking cessation services to raise additional income of this amount” and (4) “except that the net revenue expenditure of the Health and Social Services Department shall be decreased by £300,000 by reducing the allocation for growth in relation to the application of the E.U. Working Time Directive by this amount.”

The Bailiff:

Very well, Senator, I think you have already spoken on the first 3 so ...

Senator S.C. Ferguson:

I will go back and do them again, Sir.

The Bailiff:

I think Members would be relieved if you would not.

Senator S.C. Ferguson:

Now Members will have seen that was the list of savings and growth proposals and investment to save that were circulated as part of the C.S.R. process. Now under Health you will find that there is a growth allocation for compliance with E.U. Working Time Directives. But when it gets to the actual Business Plan this is changed to middle-grade surgeons. Well, I am aware that there are problems regarding the organisation of middle-grade surgeons and it is absolutely essential this is addressed. I am satisfied from my discussions with the department and the officers that these problems are being addressed. But I am also satisfied that the supposition by the acting Chief Officer that we need to comply slavishly with all E.U. directives has also been firmly dealt with particularly in view of the comments of a recent survey of the Royal College of Surgeons which said in effect that with the implementation of the E.U. Working Time Directive for surgeons we were ending up with worse patient care and more badly-trained surgeons. **[Interruption]** I think when they qualify as full consultants, instead of having done about 3,000 operations they have only done about 900. Now, the Health Insurance Fund allocation may be included in the Business Plan today but it cannot be effected until we debate P.125 to amend the legislation. I am particularly concerned that this is not the correct way to do this and I place the Council of Ministers on notice that the Assembly will not put up with this behaviour again. I would now like to withdraw the amendments.

The Bailiff:

Which one?

Senator S.C. Ferguson:

All of them.

The Bailiff:

You are going to withdraw all of them? Very well.

Deputy C.H. Egré of St. Peter:

Looking at the time, we are coming up to the time before our lunch break, before we do that with the way that the business has been conducted this morning I suggested yesterday that we might have to sit Monday, Tuesday and Wednesday of next week. Looking at the way things are moving now, I would suggest that to make sure there is a continuous flow of business of the Assembly

outside of this particular room is that I would not be considering going on Monday. So if we need to continue it will be Tuesday and Wednesday. If we need to continue that will be my suggestion.

Senator S.C. Ferguson:

May I make a protest because the first day of the Island Plan marathon starts on Tuesday?

The Bailiff:

I think at the moment it is not a proposal it is just the Vice-Chairman of P.P.C. (Privileges and Procedures Committee) giving an advance indication. No doubt Members can lobby him outside the Chamber if they think it is a bad idea.

Senator S.C. Ferguson:

A shot across his bows?

The Deputy of Trinity:

Can I just make a comment? I would like to thank Senator Ferguson for withdrawing those 4. I take all her points on board and I thank her that she took the time to speak to the new Chief Executive Officer and our interim Hospital Director and received some reassurance. I totally agree with her, there is a lot of work to do within Health and Social Services but we are trying to do it.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well, the adjournment is proposed so the Assembly will reconvene at 2.15 p.m.

[12:45]

LUNCHEON ADJOURNMENT

[14:15]

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

Before we proceed with the Annual Business Plan, I have received a request from the Minister for Planning and Environment to make a statement concerning the report of the Committee of Inquiry into the Reg's Skips matter. As this report is being released and will come into the public domain it seems to me right that the Minister should have the opportunity to inform Members first of all as to his reaction to it and therefore I have given leave for him to make a statement. Minister.

2. Statement by the Minister for Planning and Environment regarding the report of the Committee of Inquiry: Reg's Skips Limited

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

As Members will be aware the Committee of Inquiry's report into the circumstances surrounding Reg's Skips planning applications was released at lunchtime today. I welcome the report and thank its members and particularly its Chairman, John Mills, C.B.E. (Commander of the Order of the British Empire), for their careful consideration of these complex planning issues and for their detailed and thoroughly comprehensive report. The Committee of Inquiry was set up in 2009 by the States as a result of a proposition I lodged and the committee had a broad-ranging remit. The committee's findings are extremely critical of the Planning Department and of the department's handling of the applications over the period commencing in 2004. The committee have concluded that elements of the department's approach amounted to maladministration and that both the committee that preceded me and I, as Minister, were not well served by the advice we received

from the department. The committee found that the department did not deal with the applications in the manner the applicants and the public should expect. At a personal level I note the Committee of Inquiry found that as Minister my aim had been to be helpful and the committee were broadly commendatory of my actions. I have recently commissioned a full external review of the planning function of the department and this will review every single planning process leaving no stone unturned with the brief to provide templates to deliver a more robust process. I will be taking personal responsibility for supervising this review. While there can be no excuse for the errors identified in this case, it should be appreciated that the roots of the problems identified by the Committee of Inquiry lie in a failure of the department in 2005 before the introduction of Ministerial government. Since that time many improvements have been introduced but undoubtedly there is more work to be done. However, it must be borne in mind that whatever improvements are made in the planning process, it can never be perfect. The very nature of the subjectivity of planning decisions will always leave open the possibility of dispute. The department deals with 2,500 applications a year and due to the sheer volume of applications and the subjective nature of planning decisions, the potential for errors can never be wholly eliminated. To conclude, I unreservedly and wholeheartedly apologise to Mr. and Mrs. Pinel and to the others who have been let down by the Planning Department. I will seek to ensure that the errors of 2005 and since that time are not repeated and I will look at the issues of compensation raised by the Committee of Inquiry. Thank you.

The Bailiff:

Does any Member wish to ask a question? Yes, Deputy Le Claire.

2.1.1 Deputy P.V.F. Le Claire:

I note and concur that the Committee of Inquiry broadly have agreed that the actions of the Minister were commendatory. However, on page 138, at para. 18.6, it does say that they found fault with the interaction between Health Protection (of all things) and the Planning Department. It said that it had led to the Minister not being precisely informed and that there should be need for a stronger automatic notice to Health Protection in the future; exactly what I was talking about this morning. Can the Minister give us an undertaking that Health Protection in Jersey, or if it is moved to Guernsey, will be more carefully considered by the department in the future?

Senator F.E. Cohen:

As I have said, there are many errors identified in the report. There will need to be many changes in the processes and many changes in the way we review consultation responses and the interaction with the Health Protection Department will be one of many. Thank you.

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

Given that at a future meeting I will be bringing to the House a report and proposition on looking at sites for operators which will include Mr. and Mrs. Pinel - Reg's Skips Limited - will the Minister give us an undertaking that he will look favourably on working alongside the Minister for Transport and Technical Services and other Ministers in trying to come up with a location owned by the Island where these companies who are working hard to do what we have instructed the Island to do - i.e. recycle - can operate from it legally without having to go through all the hoops that we have seen with this particular case with poor Mr. and Mrs. Pinel. It would be useful if I could have an indication in some way from the Minister this afternoon. Thank you.

Senator F.E. Cohen:

Yes, the Deputy of St. John can most certainly have a commitment from me that I will work with him and with T.T.S. (Transport and Technical Services) to deliver his ambition in that direction but I would say that there is an important point and that is that we all say we want to see waste recycling operating successfully in the Island but "not next door to me". Well it has got to be next door to somebody and that is the problem. Thank you.

2.1.3 Deputy T.M. Pitman:

Deputy S. Pitman and I both met with Mr. and Mrs. Pinel as I am sure a number of other States Members did. When you see the impact on such people I appreciate the Minister has apologised for the problems but if disciplinary action is needed, is he willing to take that and can he assure us that it will be taken so this sort of thing does not happen again?

Senator F.E. Cohen:

I am not in charge of disciplinary action. There is an entire separation between the political process and the process of the Civil Service. I would say however that while particular officers are criticised in this report, they are in all cases officers who are of very long standing, they are officers who have my support, they are officers I know well who work extraordinarily hard. Yes, they have made a mistake; we all make mistakes but perhaps on occasions we should be forgiven for our mistakes.

2.1.4 The Deputy of St. Mary:

Can the Minister give us an assurance that he has commissioned this full external review of the planning function of the department? When he was talking to Scrutiny the impression given was that this external review - the goal of it - was to make the processes better but also to save money. Can the Minister therefore give us an assurance in the light of this report that the goal is to serve the public well and adequately to minimise the possibility of error? I understand that there will be errors because of the sheer scale of the operation; that is inevitable in any big organisation, but to minimise it to the absolute minimum and certainly to eliminate this error on this scale, and in the light also of the costs associated with getting these things wrong.

Senator F.E. Cohen:

The work of reviewing the processes in the department began with my predecessor Senator Ozouf who commissioned a review that was concluded at roughly the time that he moved on from the department, and we have implemented as far as possible the very sensible suggestions of Senator Ozouf's review. I do wish to make it clear that the comments I have made earlier in my statement should in no way be regarded as a criticism of my predecessor. The failings are failings of the department; they are not failings of my predecessor at all and I am grateful to him for the efforts he made to introduce process changes. The process changes under the review that I have implemented will follow on from Senator Ozouf's review. They will be concentrated largely on reviewing the way we do things and whether we can do them better and I have no doubt that there are many ways we can do them better. That will inevitably lead to doing things in a simpler way and simpler often means for less money, so I hope to combine the advantages of a simpler process with a process that costs less money to deliver. Thank you.

2.1.5 Senator F. du H. Le Gresley:

Could the Minister explain perhaps how quickly he will be able to move on the matter of compensation to the owners of Reg's Skips and whether in the light of the findings of the panel an interim payment should be made sooner than later?

Senator F.E. Cohen:

I hope to be able to move on the matter of compensation quickly and I will of course review all aspects of compensation including an interim payment if necessary, but I hope that we will be able to deal with the matter swiftly and that that may not be necessary.

2.1.6 Senator J.L. Perchard:

Just a couple of small questions: firstly, on the front cover of the report it says: "First Report." Is it to be the first and last report? Secondly, the Minister did ask the States to commission this report, who will be paying for it, how much did it cost and who will be paying the compensation?

Senator F.E. Cohen:

I will try and get those in order if I can remember them. The compensation will be paid by the public, the report is the first of 2; the second will be an improvement recommendation report that the Committee of Inquiry will be producing. I hope that we will find a mechanism for the Committee of Inquiry to be able to work with the external process review that I am completing. I do not know the total costs of the Committee of Inquiry report. Thank you.

2.1.7 Senator J.L. Perchard:

Would the Minister mind being more specific when he says: "The compensation will be paid by the public", through which channels?

Senator F.E. Cohen:

That will be in discussion with the Treasury but it will come out of the public purse. Thank you.

2.1.8 Deputy P.V.F. Le Claire:

Will that also include some recompense for the appeal process where, had the information been fully available as concluded in para.18.14 on page 140, they would have had more acknowledgment of the Bailiff's ruling and the Bailiff's judgment at that time?

Senator F.E. Cohen:

I will be looking at all issues surrounding compensation and can assure the House I will deal with it in the most appropriate manner. Thank you.

2.1.9 The Deputy of St. Mary:

I did want a supplementary straight away; it follows on from my previous question. The Minister has assured us that the new processes he hopes will be better, that means simpler and it will cost less money. Well we have heard that before and I did ask in my question: will the service to the public and the need to have it as accurate as possible and the need to avoid major errors as in this case, will that come first?

Senator F.E. Cohen:

Service to the public will come first but one only has to look externally at the processes that were used. We have very poor use of I.T. (Information Technology) for example. Very little of our processes are properly computerised. There is enormous opportunity for a better process that is easier to operate, more robust and delivers better decisions for less money. Thank you.

2.1.10 The Deputy of St. John:

As I gave evidence to the Inquiry, could the Minister please pass my gratitude to the sympathetic way that the panel - Mr. Trevor and Mr. Mills and the other members of the panel - dealt with the members of the public and those people giving evidence? It was a pleasure to go to the Inquiry, to be dealt with in such a sympathetic way. Could the Minister please pass on those thoughts to the panel?

Senator F.E. Cohen:

Most certainly I will and particularly they are to be complimented for the honorary nature of their work. Thank you. [Approbation]

The Bailiff:

Very well, that brings questions to the Minister to an end.

PUBLIC BUSINESS - resumption

3. Draft Annual Business Plan 2011 (P.99/2010): eighth amendment (P.99/2010 Amd.(8)) (paragraph 4)

The Bailiff:

So we return to the debate on the Business Plan and we have now reached number 44 on the order of debate; that is paragraph 4 of the eighth amendment lodged by the Education and Home Affairs Scrutiny Panel in relation to the Home Affairs Department, so I will ask the Greffier to read the amendment.

The Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Home Affairs Department shall be increased by £100,000 in order to implement the Discrimination Legislation and not proceed with the Comprehensive Spending Review proposal on page 63 of the Plan HA-S1 ‘Removal of discrimination legislation budget’ and the net revenue expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for Restructuring Costs.”

[14:30]

3.1 Deputy T.M. Pitman (Vice Chairman, Education and Home Affairs Scrutiny Panel):

What round are we in now when the bell goes? Yesterday we heard it said that what message would we send out if we did not support the finance industry with £400,000 of taxpayers’ money? I would echo that sentiment today to say what message will we send out internationally if Jersey once again procrastinates with such an important piece of legislation? I am going to keep my speech very short because we are pressed for time, but I do not want any excuse used to say that such an important issue will be dealt with in a debate of 10 minutes because I think it is much more important than that and I do hope Members will contribute whether they are for or against. So, as the panel made clear within our report, which I hope Members have read, having lodged an amendment at the time of the 2010 Business Plan that the discrimination legislation be debated that year, we are very disappointed to see that once again there is a delay in introducing this vital piece of legislation. Indeed, personally, I cannot stress strongly enough in the absence of Deputy Le Hérissier, the Chairman, that the panel fundamentally disagree with the current proposal to remove the discrimination legislation budget from the Home Affairs Department. This issue has been one that the panel has discussed with the Minister numerous times, the most recent being this very summer. As I am aware that at least one of my colleagues who are here today wish to speak on this issue at length, I am not going to waste time going over everything that is in that report. I am sure Members have read it, several times probably. It is probably sufficient to say once again that I will flag-up the following. The Strategic Plan 2006-2011 included a commitment for the Home Affairs Department to develop and implement anti-discrimination legislation in 2007. The 2009-2014 Strategic Plan removed this commitment though still did outline a commitment to ensure employers do not discriminate against older workers. The Home Affairs Department’s Annual Business Plan has included a commitment to progress this legislation each year, with the 2010 Business Plan citing the legislation as a key project for the year. The fact is, as I am probably making quite clear, this issue has been around for a very, very long time now and we have reached the point where Jersey, in the panel’s view, is in danger of not meeting its international obligations. The panel is very, very surprised that given the amount of delays that have occurred the department and the Minister do not see this as a very serious issue and as a priority. Indeed, the panel now has to ask: is the Minister and his department serious about and committed to ensuring that Jersey can hold its head up with the other international jurisdictions regarding the issue of discrimination? Or are we a government who pays only lip service to such fundamental aspects of modern democracy because I am afraid there are many people out there, an increasing number, who believe this to be the case. I think it is up to us as a House to prove them wrong. I believe that I will leave it at that. As I have said, I am aware other colleagues wish to enlarge, only adding that perhaps this is a matter, as we

set out in the report, that should be returned to the office of the Chief Minister where it sat historically if it is ever to be progressed at all and that is no intended slight on the Minister for Home Affairs but I would be interested to hear his thoughts. So I move the amendment.

The Bailiff:

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

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

As Members will be aware the Home Affairs Department, in line with other departments, were tasked with finding a 2 per cent reduction in our gross expenditure which amounted to £954,000. As way of background with regard to the funding of the legislation, the Home Affairs Department put forward a delay in the 2010 Business Plan implementation of discrimination legislation which represented a saving of £250,000 with the intention of re-instating funding of £100,000 in 2011. The rationale for this decision is the department did not require dedicated funding during the law drafting process but would need funding in advance of the law coming into force in order to set up the administrative support office, secretarial and a discrimination officer. The remaining costs would be after implementation for tribunal members' expenses in dealing with the cases. A significant amount of work remained to be done, including finalising the tribunal arrangements; implementation at some point in 2011 was therefore a more realistic expectation. An amendment was lodged last year by the scrutiny panel to re-instate the £250,000. This amendment was not adopted and savings of £250,000 were realised in the 2010 Business Plan; £100,000 was included in the department 2011 cash limit. As part of the process for considering the 2 per cent savings for 2011 the Minister is committed to maintaining core services and considered the impacts of savings on all areas within the remit of the Home Affairs Department. With regard to the discrimination legislation the States resolved to have such a law before the black hole in the States finances were known about. As the required funding of £100,000 could not be sustained in the savings targets for 2012 and 2013 it would not have been good government to set up a new law for 2011 and then remove it in 2012 or 2013. We do have concerns regarding the removal of this funding, however, this does not prevent development of the law and the first attribute from continuing. It is intended to progress the law to lodgement and debate later this year following the original timetable, but its introduction in 2011 will be dependent upon States funding decisions. As pointed out in the comments issued by the Council of Ministers, there is likely to be a significant cost to the wider community and employers generally as a result of this legislation. Figures will have to be obtained as to the number and cost of tribunal hearings, the cost of awards, *et cetera*, which will form part of a report to the States when the draft law is lodged for debate. Now along with Members who during the past couple of days have had to make some very, very difficult decisions with regard to spending, those difficulties faced the Minister and I when we were trying to decide on the 2 per cent. As I explained to Members a couple of days ago, the Home Affairs' revenue budget is taken up with a large amount of staff costs and, in fact, our department in 2009, our revenue budget was taken up with 78 per cent of staff costs compared to other departments. The closest one next to us I think was Education, Sport and Culture at 67 per cent. I also explained a couple of days ago when I spoke that if you take the Fire and Rescue Service, for instance, 86 per cent of our revenue budget is taken up in salaries; the States of Jersey Police it is 82 per cent. So, I want Members to understand how difficult it was for the Minister and I to try and identify savings in the first round of the C.S.R. but we were both committed to the C.S.R. process, we knew it was going to be a difficult decision and we had to put forward those savings. After a lot of discussion we decided that the £100,000 for the discrimination legislation would have to be put forward because if it was not, it would mean there would be an additional loss of posts across the Home Affairs Department which we felt we could not support. So the bottom line was, we believed, that we would rather put this funding forward as a saving rather than lose additional Police or Customs posts and that is exactly where we are coming from. The cost, as I mentioned a little bit earlier, could be very large.

The public are expecting us to make savings; not to be considering spending more money. Introducing more legislation is going to cost additional funding. I do understand why Members will feel very uneasy about that but we have the decision to make and the decision that we made was to put this forward as part of our 2 per cent savings. Thank you.

3.1.2 Deputy S. Power of St. Brelade:

A couple of things I would like to say. First, since I was elected I have taken all my responsibilities seriously, whether it is Scrutiny, whether it is being an Assistant Minister or now a Minister and even my responsibilities on the Council of Ministers. We all love to make popular decisions; we do not like to make tough decisions and certainly as the track record of the Hansard will show there has been a lot of talk about unpopular decisions. Any of you who have looked at my voting record in the last 2 days will see that I have voted *contre* consistently on everything because I believe that we have to change the way we do business on this Island. I referred to it in one speech that we have to take some departments apart and put them back together again for the good of the public purse. Today I stand here as an elected member of the Jersey Community Relations Trust and I have forewarned the Chief Minister, the Minister for Home Affairs, his Assistant and the Minister for Treasury and Resources that I am going to make a swerve on this one, and I am going to support this amendment and I would like to tell you why. Deputy Hilton spoke of her reasons for the difficulties that Home Affairs Department have and I respect that. On the Council of Ministers we do not get a mass of information as to what the Minister for Health and Social Services wrestles with, what the Minister for Education, Sport and Culture wrestles with or what anyone wrestles with. We are left to get on to our own departments and we report regularly. If I can read the 6 precepts of anti-discrimination promise on the website of the Community Relations Trust; it is as follows: "The Promise is a simple statement of 6 guiding principles or pledges to which any participating organisation promises to commit." These pledges are as follows and I support these. The first one is to treat everyone with dignity and respect. The second one is to ensure recruitment and employment practices contain effective measures to prevent discrimination or harassment on any grounds of ethnicity, origin, nationality, gender, religion, sexual orientation, disability or age. The third one is to draw on the talents, skills and cultural perspectives of a diverse workforce. The fourth one is to create a working environment where people feel valued and respected. The fifth one is to treat customers and employees with respect and not to discriminate against staff or a member of the community on the basis of who they are or where they come from. The sixth one is to invite customers and employees to hold the organisation to the above commitments. Every organisation and employer who signs-up to this promise receives a certificate from the Jersey Community Relations Trust. I do not think I need to go on any further to say that I will support this amendment.

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

This is a very important piece of legislation that needs to be put in but I am also very aware that the Minister, the Assistant Minister and the department is trying very hard to conform to all the cuts, *et cetera*. But I should just remind this House that this is not the only legislation; there is legislation that seems to go back to kingdom come. Believe it or not, in this Island the Police Force, whether it is the States Police or Honorary Police, are relying upon larceny; common law larceny which is before the English 1916 Act and all the Police Officers in Jersey are using the 1916 Act as their base to administer the common law on larceny. Now in 1968 in the U.K. they had a Theft Act; it was number 1. In 1971 they had another Theft Act or an amendment to the Theft Act and I gather there has been a total of 4 since then. We are a finance centre, ladies and gentlemen and Members of this Assembly, and we are so out-of-date with some of our legislation because of other pressures I just want you to bear that one in mind. I cannot vote for this one because I do not see that you can pick this one out against something like the Theft Act or the importance of front line core services which has already been mentioned by the Assistant Minister. I will leave it there but it is just food for thought. Thank you.

3.1.4 Deputy M. Tadier:

I may as well go now; I know that some of the Ministers will be waiting and it will be good to hear what they have to say. I am very appreciative of the sentiment expressed in Deputy Power's speech. Let us weigh-up the for and against, shall we, because there is a strong argument to reject this proposition. The first argument is that it is all very well bringing in this kind of legislation in a developed country, in a country which has lots of money and has a thriving industry and which is not poor, but in a developing country like Jersey where we have such social poverty and we struggle making ends meet and getting the money in, it is obviously not something we can afford to do in a third world country such as Jersey.

[14:45]

It would be okay perhaps in Thailand, India or China but certainly not in Jersey, we cannot be having discrimination legislation to protect workers' rights. That is the argument for rejecting this amendment but I would hope that Members can find it in their hearts to support this. Now, I was at the Age Concern meeting, which was the so-called fiscal consultation that was going on. Of course, it was nothing of the sort. It was simply a presentation of twisted recommendations which had already been decided a long time in advance. The people who attended that, they may have been elderly, but probably because of that reason they were not stupid; they had wisdom that the Minister, I hope, will have taken it on board. One of the attendees to that meeting raised the exact subject of the discrimination legislation which was going to be deferred even though it has been outstanding and needed and called for by unions, by workplaces and even by people like J.A.C.S. (Jersey Advisory and Conciliation Service) because they need it in order to make their life easier. We heard a very astonishing answer from the Minister for Treasury and Resources, but one I have also heard from the Chief Minister given before, which effectively said: "Okay, it would be good to have this kind of thing. It is a nice-to-have but essentially what is important is that we support anti-discrimination but we do not need to have the legislation in place." He went on to say that what is important to do is make sure that we support organisations such as J.A.C.S. and other organisations that have to deal with discrimination. We give that support - I do not know how - maybe verbally, by lip service or whatever but we are not going to do it by putting in legislation. Now I got up to try and counter the argument and say what I wanted to say on that occasion which was: "Minister, I have spoken to J.A.C.S., I have been in there to deal with issues and they say to me: 'Our hands are tied. We cannot do anything at the moment because we have not got the legislation'" the same with the unions or other people who deal with unfair dismissal for whatever reason. They are crying out for this legislation, so it is a complete nonsense to stand up and say that they do not need the legislation; they are asking for it and it does need to be put in place. Initially, when we were talking to the Home Affairs we were critical in the sense that it was not being brought in quick enough and that they were prioritising the wrong elements. The Minister initially wanted to prioritise the race element and we were suggesting that they should be prioritising the sex discrimination against women because that is the area which is still outstanding in Jersey and which is in most need of legislation. That should have been brought in first but apparently now - Senator Ferguson is shaking her head - this is what J.A.C.S. have told me personally: they need to get that part in first for women. But we are not even going to bring any of it in now and this is the remarkable place we find ourselves in. So what I am going to say, clearly, the States Assembly is not the place to force change through. With the exception of Deputy Power who is being flexible, and it is right that we all are flexible, this may not go through today. Now I hope it does but if it does not, I speak to the unions out there and I speak to the public who are minded to have discrimination legislation. You are not going to get it through the States Assembly. What you have to do is militate and you have to get out there. So I speak to the unions, the only way you are going to get these changes through and to fight the cuts is by getting out on to the street, go on strike, take industrial action, ballot your members if necessary, let us bring this Island to a standstill if you need to to get this legislation in. You will have my support, you will have the support of other Members, if that is necessary, because that is the only way that we can effect change. If you

do not want to do that, if you do not want to get out and militate, if you do not want to fight for your rights, then stop complaining and just get on with it. Let the Council of Ministers have their rule go through unopposed. We have done what we can inside the States. Clearly, it will not be enough in this Business Plan. If you want changes, you have to fight for your rights. Members and my colleagues who are supportive will give you the support you need but it needs to be a united extra parliamentary presence from the grassroots to change and to take this Island back from the finance men. I can just say I do not mind giving these militant speeches because I know that they do not get reported in the *J.E.P.* anyway.

3.1.5 Deputy J.A. Martin:

I will be brief. I am quite torn on this one because coming from North London and its multi-culture and everything - and it has grown and grown - they did have a very, very good discrimination law in for years and it absolutely did not work. It made people probably more discriminatory. Where I think people are growing up with all different cultures and everything, where we start is with education. The only thing I do have a problem with this is - I think it was Senator Kinnard who brought this law - I remember voting for it unless I have gone into a separate time warp. The Minister for Home Affairs is nodding. I think one of those pieces of legislation went through completely with nobody voting *contre*. I may be mistaken. But what I am getting worried about here is we have in a Business Plan; we have not had that law rescinded; we are just now saying we are not doing it - so I am very torn here. I am going to listen intensely to what the Minister for Home Affairs is saying but is this how we now deal with decisions of the States? Because we did all vote for this law. All the things that Deputy Power has said I think we are teaching in schools; we are much more tolerant. I do not think a law may be necessary but we have not rescinded that we all agreed to the law so where are we? As I say, I need to be convinced. I need to be convinced not to vote for the amendment because I am not sure if this is the way to get rid of States decisions. Thank you.

3.1.6 The Deputy of St. Martin:

Just breaking the rule but I have to stand up to help maybe both Deputy Fox and Deputy Martin. I was in the House... I think it was 1999 - it was that long ago - that the House did agree unanimously that we should have a discrimination law. We also agreed the funding and the funding was taken away. It was taken away a couple of years ago and I would just like to help out with Deputy Fox. The difference between this particular law and the larceny law was we do have a larceny law in place. We may not have a theft law; it may not have been updated but we do have a law. But here the States have agreed to a law and yet we have not implemented it. I will certainly be supporting this amendment.

The Deputy of St. John:

A point of clarification. We have 2 former Policemen arguing over whether we have a law or not; could we be told whether we have a law, please?

The Bailiff:

A discrimination law?

The Deputy of St. John:

A larceny law.

The Bailiff:

From the Chair I think I can say there is a customary law of larceny which means, that is right, you cannot steal but there is no statutory theft law, which is the modern version of it in the United Kingdom. It comes to much the same thing. The Deputy of St. Mary I see next.

3.1.7 The Deputy of St. Mary:

The background to what I want to say about this is in the Annual Business Plan on page 34 where it has a look at the ageing population issue and for me that is the nub of this, although obviously racial and other discrimination is also important but I want to focus on this. On page 34 in the first paragraph about addressing the ageing population we see that age-related death rates are improving all the time. In other words, whatever age you are you are going to live longer than you would have if it was 10 or 25 years ago. We know that. We know that the population is ageing, there are going to be more and more old people. In the second paragraph they say that one of the answers, part of the answer, is to increase the participation of the labour force; to increase in fact the number of people who are elderly, in other words, to up the age to which people continue to work. Of course, what is the main obstacle to older people working? That is discrimination from employers. They tend to cost more because they are more skilled. You can do deals of course and say: "Well I will work for less because I am older" but there are potential barriers. The heading of this page is: "Developing Long-term Resource Initiatives" and in the Specific Actions on this page we read on the first bullet point: "The employment law is kept under regular review. Depending on the progress on discrimination legislation, Social Security will provide for specific measures within employment legislation to ensure that employment opportunities for older workers are fully protected." So there is a link between this law and the whole approach we have to the ageing society. How are we going to encourage people to work longer in a situation where there is absolutely no protection against employers discriminating against people on the grounds of age? So that is the first point I want to make about the need for this law. The second is just to deal with the argument of Deputy Fox whose strange argument was that because other laws are not in place that therefore we should not have this one. That does not stack-up; it just means that we are way behind on other things as well. We need an up-to-date theft law; we know that we need up-to-date intellectual property law, which one is going to come first: intellectual property or theft? Well, I can tell you now which one is going to come first and I can tell you which one is going to come third as well: it will be anti-discrimination. That is the message we send out, and, sorry, I do not agree with that message. I think that society consists of more than money, more than how to earn your living; it consists of things like this as well, although this law does have an economic implication as well. So, just to recap that is a strange argument: because other things are not right, we should not try to make this right. The third point is to strengthen that point - and I hope the Chief Minister is going to come in on this - the notion that this was moved from the Chief Minister's Department where it properly belongs because it is a matter of compliance with international obligations. The Committee on the Elimination of Racial Discrimination gets an annual report, I think, from the U.K. which can include, and sometimes does include, reference to Crown Territories and places like Jersey. So, we are in the spotlight in an indirect sort of way and this will come back to us if we do not take the appropriate action and it does belong in the Chief Minister's Department. So I would like a comment on why it has managed to slip sideways into Home Affairs where it quietly just does not seem to get the priority that it deserves. Finally, this point about costs, and I do find this quite hard to take. In the comments of the Ministers on page 3 they say: "There is likely to be a significant cost to the wider community and employers generally as a result of this legislation." I do not quite understand that because if they are not doing anything wrong then how would there be a cost? But the cost is in the tribunals and the set-up required to enforce this. My understanding from the preliminary discussions around this, because I used to be on the Community Relations Trust, was that there are clever ways of doing this; that you cannot necessarily have belt and braces; you can do this in efficient ways to make sure that not all cases come to the full legal process. But the point I want to make about costs is what about the benefits? I started off by pointing out that we need to have people working longer and that is a benefit. If that is enabled by having this legislation then there is a benefit to set against the cost and I just want Members to remember that as they consider whether to vote for this. Thank you.

3.1.8 Senator B.I. Le Marquand:

I have delayed speaking deliberately so that I could answer points that might arise. I am very grateful for my Assistant Minister for her excellent speech earlier on, which I think was much better than mine will prove to be. I have found this to be a difficult matter because, on the one hand, I recognise the desirability for proceeding with setting up an extended employment tribunal. That was the method we decided was appropriate - the cheapest method of doing this - so that we had an employment and discrimination tribunal that would substantially use the same people and the same structure. I recognise that is something which is desirable - in fact, I think it is highly desirable - so that people are treated more fairly and without discrimination. On the other hand, I have 3 major concerns.

[15:00]

Firstly, this is a new public service. I know it has been voted for in principle in the past but still it is new and in a time of spending restraint items of growth must be looked at particularly carefully. At a time when other services are going to be reduced new services must be very closely scrutinised as against them. Secondly, although this can undoubtedly be financed by Home Affairs for 2011 ... initially my thoughts were to try to keep it in for 2011. I then realised that, of course, there was no point in bringing something in for one year and then having to drop it the next year. It would be a ludicrous thing to do. In reality I am having to look at this as against the £50 million cuts or £64 million or £80 million, if the Senator behind me succeeds with what she wants to do. Now, I am having to look at that both in terms of the effects on Home Affairs ... I am well aware of the difficulties that we are facing, seeking to find a 10 per cent saving over the period in a department with such a high percentage of staff and working within the current systems. In reality, within that process, the choice that came to me was really a choice between this and losing a further 1.8 Policemen. That is the hard choice that I was faced with. Now, of course, Members may say: "Well, of course, what about the wider view of things, the States-wide view of things," and, of course, that is so. But then one would be still comparing the costs of this as against other services in other departments and it is going to be tough to find the £50 million. Let us not kid ourselves in relation to that. I mean we are going to have to make much harder decisions than the ones we have been making this week. The third element is what I call collateral costs. I have known for some time that this new law would require changes in practices, both in the public sector, because although the States of Jersey is an equal opportunities employer and seeks to avoid discrimination, once new matters come in there will be a need to review practices, and certainly changes in the private sector in the approaches. Every time there is a piece of legislation in an employment area it costs. It costs a considerable amount in terms of advice that is needed to ensure that employers are acting properly, *et cetera*, and there is a wider cost, a cost to the community as a whole, and it is difficult at a time of recession to be imposing further administrative burdens on the private sector. I found this a difficult decision and a decision where I had to balance. I have come out in the direction that I have come out and I hope that the majority of Members will agree with me on this. Now, I also want to deal very rapidly with some of the points which were raised. That is why I spoke late. Firstly, the suggestion of the term for the Chief Minister's Department. I have come to the same conclusion. I have been looking recently at what is the ambit of the Home Affairs Department and the ambit of the Home Affairs Department is certain departments plus a general ambit of public safety and this just simply does not sit there and this is part of the problem. We are now having to look at reductions of Police Officers, which is a core activity, against something else like this. It came, I believe, to the Home Affairs Department because of the particular enthusiasm of one of my predecessors, Senator Kinnard, for this area but it does not sit happily with us and I would be very happy, if the Chief Minister is happy to take it back, for the project to go back in due course. What makes it even more complicated, of course, is that the implementation aspects of this have worked out so that they would be done through the Minister for Social Security's ambit by adding this in, although I have had not wanted to burden him with all the preparatory work which has already been done. So I am not trying to pass the buck in 2 directions simultaneously. In relation to Deputy Power, I thank him for his comment and thank him for telling me how he was

going to vote on this. I fully accept that my colleagues are free to go with conscience and I do myself against my colleagues sometimes. But the States of Jersey is already an equal opportunities employer and so it is already compliant with the 6 principles. Deputy Fox's interesting point about the 1916 law, I do not want to be seeking to give a different view to that of the Chair but I understand this extremely well, having specialised in criminal law in later years. The position is that in common law, Jersey common law has chosen to adopt the 1916 law provisions as part of its provisions in relation to what is called either vol or larcin or both. So, in a sense, both Deputies are correct in slightly different ways. In relation to Deputy Tadier's comment, it must be understood that discrimination legislation does not deal directly with employment matters of existing employees. What it does do is deal with principles in terms of being fair in how you decide who you are going to employ and not discriminating in that. So it is not in relation to existing employees. It is in relation to potential employees as well as other such matters. Deputy Martin is absolutely right. The States have made a decision to proceed with the law. I am aware of that and that is why in the notes it is indicated that it is still my intention to do so, but when it will be implemented in terms of finance is another matter. So I have not gone back on that commitment, I wish to assure Members. Some may think that is irrational in a sense of the other priorities but we have done a certain amount of work. It is a bit like my approach in relation to Freedom of Information where I urge my colleagues to go ahead even if it has to be delayed for a number of years because otherwise so much work can be wasted and lost. So I intend to proceed on even though it will not or may not be implemented, depending on the decision today. Deputy Wimberley's issue in relation to age and desire of people to work later in terms of retirement age and so on; that, of course, is a matter that can be dealt with by specific employment legislation, of course, if necessary rather than by a broad-brush approach of discrimination legislation. So for those reasons I hope that the Members of the Assembly understand my genuine dilemma in this. I had to make a hard decision and the decision is against.

3.1.9 Deputy G.P. Southern:

Just briefly. I draw Members' attention once again to the report by Dr. Harkness, which is Appendix B of the Corporate Services analysis of the comprehensive spending review. She was tasked to examine those cuts that were going to have a social impact, particularly on those in the poorer end of the spectrum. She says: "There are 2 proposals by Home Affairs which may have a significant social impact. The first of these proposals is to reduce funding for Building a Safer Society, a multi-agency project to reduce harm from criminal and antisocial behaviour, and this is likely to have a greater impact on poorer sections of the community. Second, the States had resolved to implement discrimination legislation." Not to draft legislation but to implement it. This House has made a clear decision. There can be no doubt about that. It is not about drafting a law. It is about implementing a law and the Minister for Home Affairs has clearly said he is not going to do that. He is not going to do what the States has asked him to do: "The Home Affairs proposal for 2011 removes the budget for implementation and reduces individual's protection against discrimination, in particular on the grounds of race, sex or disability. It also clearly" she says: "puts Jersey behind many other O.E.C.D. countries, including the U.K. on enforcing discrimination legislation." I do feel saddened that time and time again in Jersey we feel that we can get away with not implementing what are basic rules of civilised society adopted throughout most of the rest of the western world and indeed most of the world. It seems to me a sad day when we think that it is okay because the rules that apply to other places do not apply to us. I will, of course, be supporting this proposition.

3.1.10 Deputy P.V.F. Le Claire:

I will be supporting the amendment. I do appreciate that the Minister for Home Affairs and the Assistant Minister do not want to see a reduction in front line uniform services, and nor do I, but this is an additional £100,000. Okay, it is only funds to service for a year but surely if it was taken up and the money was set aside the Chief Minister would look to see, working with the Minister for

Home Affairs, as to who would carry that forward into the future. I think it is important for us to adopt anti-discrimination legislation in Jersey more than ever because of the fact that we are trying to present ourselves on the international stage as a modern jurisdiction and also because discrimination really is something more than just nice-to-have. It not only protects people who have come to our Island but it also protects people who are born and raised in our Island. I recently saw a letter in the *J.E.P.* where 2 local people who were locally-born and educated lost their jobs because of the fact they did not speak an Eastern European language to go along with the other 30 colleagues that they were working with. I think that is the point. I remember working in a bar playing the guitar and a new manager came in who was Scottish. She fired everybody, including me, and replaced everybody with Scottish workers. I said to her: "You know, I can understand why you are doing what you are doing but my mother was Scottish. So what you have done is you have put the son of a Scottish woman out on the street." That was the only job I had at the time and I said: "I have got a son that I am trying to support and you have just put me out of work and I have got nothing else to live by." So I stood outside British Home Stores and waited until the coins fell into my case to go and feed the kid. But I think it is wrong to discriminate from wherever you are or from whatever race, and I have been on the receiving end of it and it is not nice. So I think that we should do this and I think that the Chief Minister should stand up and take this on board and lead from the front on this occasion, and take it on to his responsibilities, and make sure we have got the money there for the future. How will we look on the international stage when we have got money for people in Brussels, money for people in India, money for people in China, money for people in Russia but no money for anti-discrimination law in Jersey?

3.1.11 Senator S.C. Ferguson:

I just wanted to correct the cherry-picking that Deputy Southern was doing. In actual fact Dr. Harkness said the current 2 per cent saving proposals do not appear to have a substantial impact on household ... You know, it may have some impact on the most marginal groups but they are not expected to have a significant impact. What she does criticise is the fact that the cuts proposed to 2011 are piecemeal and not part of a systematic plan to reduce spending by the 10 per cent. I think this is really what we have been hammering about for the whole of the time, from our £5 million reduction and so on. You know, go back to the cross-cutting areas. That is where you need to get it. As far as discrimination goes, having been in a profession where I was very much in a minority and, therefore, could have been exposed to discrimination, my feeling is that if you start codifying laws on things like this... and one has seen it in the U.K., suddenly everybody decides they are discriminated against. People suddenly begin to see themselves as victims. We may bring it in, in due course, but I have grave reservations about it, having seen how it has worked in the U.K. I would agree with Deputy Wimberley that perhaps age discrimination is the worst discrimination of the lot. But then I would say that, would I not? But, on the other hand, if we bring in an extension of the pension age I think you will find that some of the age discrimination goes out the window because you will have no excuse for throwing people on the street at 55 or 60.

[15:15]

3.1.12 Senator F. du H. Le Gresley:

One of the reasons that we were told that we should not be supporting these amendments is because most of the funding was going to be coming from restructuring costs and, again, this particular amendment is suggesting that is where it should come from. But I believe that this is a very good example of where the restructuring costs should be used to fund the introduction of discrimination legislation because what we are proposing to do with the £6 million that we set aside was to implement changes in systems, processes, introduce voluntary redundancy, retraining and all of these costs are supposed to be one-off. Now, I fear, myself, that if we do not press on with discrimination legislation some of our restructuring processes may be questionable and, as some Members are aware, I have already asked to be involved with the voluntary redundancy process. I

think there is every justification for using the restructuring costs to press ahead with the discrimination legislation. Thank you.

3.1.13 Senator T.A. Le Sueur:

Just to digress for a moment and to follow on from Senator Le Gresley, the idea of the restructuring costs was to deal with existing services in a better way, not to use the money as a source for bringing in new services, and there is a danger that we can use that money once and it has to be used for the right purpose. But to come back to my original reason for rising, it has been suggested by a couple of people that the Home Affairs Department is not the ideal place for discrimination legislation and it would be better in the Chief Minister's Department or somewhere else. That may well be the case but I have to say that it would not be any higher a priority were the vote to have been proposed by myself or my department because, for the same reasons as the Minister for Home Affairs has mentioned, it would not be significantly important in the overall scheme of things and, in view of the ongoing additional resource commitments, at a time when we cannot and should not be bringing in new services when we cannot at this stage know how we can fund existing ones, would be a detrimental step. So while I acknowledge that Home Affairs may not be the right one, the more important thing is to acknowledge the proposition for what it is this afternoon, which is whether or not £100,000 should be spent to bring in this law at this stage. As the Minister for Home Affairs says, he is not going back on the States' decision to bring in the law. He is saying it can be brought in at some time when we can be confident that we can deliver what the law requires. If there is one thing worse than bringing in a new law, it is bringing in a new law and then not implementing it. So I oppose this amendment.

3.1.14 Deputy M.R. Higgins:

I am afraid what I am listening to is what I think we are going to also hear on other pieces of legislation coming forward, such as Freedom of Information: "We cannot afford it. We cannot do it." I will bet... I was going to say: "My bottom dollar" - the last dollar that I have got - that if a piece of finance legislation comes through it will be given high priority. So the Council of Ministers, I think, talk with forked tongue on this type of thing. Basically they make all the right noises: "Yes, we are against discrimination."

The Bailiff:

I think I ruled earlier that you cannot accuse other Members of talking with a forked tongue. [Aside] No, I stopped the Deputy from doing it.

Deputy M.R. Higgins:

In that case, Sir, I apologise for that. I have conveyed what I think anyway.

The Bailiff:

You are trying to say they are being inconsistent.

Deputy M.R. Higgins:

Yes, Sir. Thank you. [Laughter] Yes, I think they are being inconsistent. I do believe that there are many people in this Island who are very disappointed with the way this States operates and, in particular, there are many pieces of legislation that are necessary and every excuse under the sun will be brought out to stop them coming forward. I am not against the finance legislation because I realise the importance of the economy to us but I do believe we bend over backwards for certain sectors of business or the Island and other areas which are equally, if not more, important are put on the backburner and will be left there. It is time this Island came into the 21st century.

The Bailiff:

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

3.1.15 Deputy T.M. Pitman:

Vice-Chairman, Sir. The Chairman is still at the zoo.

The Bailiff:

I beg your pardon.

Deputy T.M. Pitman:

Well, I do thank everyone who contributed. If I do not do anyone justice I apologise, but not too much. I thank Deputy Hilton, the Assistant Minister for Home Affairs, and the Minister himself, and I think the gist of what they were both saying was that they have been faced with a difficult choice. The Minister went so far as to suggest it was between 1.8 Policemen or this. It was interesting that he also highlighted how we had all agreed to put this law in place. What might stick in Members' minds, I think that was 1999. So when the Chief Minister says: "Yes, we can have the law but not just at the moment", when exactly is that going to happen? Deputy Power, I really appreciate Deputy Power's speech. Like him, I have been involved with the Community Relations Trust through my work with young people and anti-racism. He really spelled it out, I think, what this is all about. I think what we should really take from the Deputy's speech is how he said he had been consistent and he had voted against absolutely everything, but on this occasion he was going to throw a swerve, I think was his term, and he was going to support it because it was that important. So I appreciate that and obviously echo those sentiments. Deputy Fox, perhaps showing his age, reminded us how so much of our legislation is out of date, and I am sure he is absolutely right on that. Deputy Tadier spoke of how it might be excusable for such legislation not to be implemented in a Third World country but surely not in a modern affluent democracy, which is surely what Jersey is. He also pointed out, very adroitly, how J.A.C.S. had highlighted that they desperately need this legislation just to carry out their role in helping people. Deputy Martin spoke of how she remembered a different time warp where this law had been passed and I think she raised the issue of where had it gone. Well, we now know that, I think. The Deputy of St. Martin pointed out that it had been passed without any objection at all and if we are talking 1999, we seriously have to wonder how committed Jersey is to taking our international responsibility seriously. The Deputy of St. Mary, again focusing on people - this is what it is all about at the end of the day - pointed out how people are living longer and how we are going to need to engage those people in the future, participation in productive work, and how a key to this was having legislation that would protect them. He also reminded us of how society did not just consist of money and how right he was. Deputy Southern reminded us of comments from Dr. Harkness which were, of course, challenged by Senator Ferguson. I think what is particularly important about what Deputy Southern said was how, in his time, time and time again Jersey did not appear able to sign-up to the most basic fundamentals of a democratic society and I have to say, from the panel's point of view, I think we would support him. Deputy Le Claire pointed out how this legislation, if we can finally get it in, will protect not just those coming to the Island but Jersey people and he said something which sounds really simple on the face of it but it gets to the heart of the matter really: "Discrimination is wrong" he said: "and this is our means in ensuring that things that are wrong do not go unchallenged." Senator Le Gresley, he pointed out that this was a very good example of where restructuring monies should and could be used and I support him 100 per cent. Now, the Chief Minister spoke, and I am glad he did, but I have to say I was profoundly shocked at what he said because he told us that even if this was moved back to his department it would not be seen as important or any higher up his list of priorities. I have to say that for a States Member who has been in a great many years, as the Chief Minister has ... he is the head honcho, if you like. He is the leader of this Government and I find that view quite remarkable and very, very disappointing. Deputy Higgins pointed out that every excuse was made not to implement certain important issues yet how we could do somersaults, literally, to implement financial legislation. I think that is a good place to end because when we talk about this £100,000 ... yesterday there might have been a bit of black-slapping about how good we were and how we had stuck to our guns and pushed everything

through. Well, I sat at the little café out there and listened to people being absolutely outraged that we had signed-off £400,000 in support of a hugely profitable finance industry, which all of us do support. We might have different views. But people complaining how we have signed-off £400,000 for a finance office yet we could not protect children going to Durrell, we could not protect an educational psychologist, we could not protect school milk. £400,000, just a part of that would pay for this legislation, which is absolutely fundamental to a modern democracy and I just have to say that is surely not the way that we want Jersey to be seen internationally. We cannot afford Jersey to be seen that way. I make the amendment, Sir, and call for the appel.

The Bailiff:

The appel is called for then in relation to paragraph 4 of amendment number 8 lodged by the Education and Home Affairs Scrutiny Panel. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 18	CONTRE: 26	ABSTAIN: 1
Senator A. Breckon	Senator T.A. Le Sueur	Deputy T.A. Vallois (S)
Senator F. du H. Le Gresley	Senator P.F. Routier	
Connétable of St. Helier	Senator P.F.C. Ozouf	
Connétable of St. Lawrence	Senator F.E. Cohen	
Deputy of St. Martin	Senator J.L. Perchard	
Deputy J.A. Martin (H)	Senator S.C. Ferguson	
Deputy G.P. Southern (H)	Senator A.J.H. Maclean	
Deputy of Grouville	Senator B.I. Le Marquand	
Deputy of St. Peter	Connétable of St. Ouen	
Deputy P.V.F. Le Claire (H)	Connétable of Trinity	
Deputy S.S.P.A. Power (B)	Connétable of Grouville	
Deputy M. Tadier (B)	Connétable of St. Brelade	
Deputy of St. Mary	Connétable of St. Martin	
Deputy T.M. Pitman (H)	Connétable of St. John	
Deputy M.R. Higgins (H)	Connétable of St. Saviour	
Deputy A.K.F. Green (H)	Connétable of St. Clement	
Deputy D.J. De Sousa (H)	Connétable of St. Peter	
Deputy J.M. Maçon (S)	Deputy R.C. Duhamel (S)	
	Deputy J.B. Fox (H)	
	Deputy J.A. Hilton (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy of Trinity	
	Deputy I.J. Gorst (C)	
	Deputy of St. John	
	Deputy A.T. Dupré (C)	
	Deputy E.J. Noel (L)	

3.2 Draft Annual Business Plan 2011 (P.99/2010) fifth amendment (P.99/2010 Amd.(5)) (paragraph 2)

The Bailiff:

Very well. We come next to paragraph 2 of amendment number 5, that is number 45 on the list, lodged by Deputy Southern and I will ask the Greffier to read the amendment.

The Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Home Affairs Department shall be increased by £52,000 in order to maintain intelligence services and not proceed with the comprehensive spending review proposed on page 63 of the plan, HA-S6, ‘Customs and Immigration Staff Reductions’, and the net revenue

expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for restructuring costs.”

3.2.1 Deputy G.P. Southern:

I will try and put a smile on my face, having just seen 18 votes come in on the side of human decency. Maybe it is the start of a trend and maybe I can stop it. Really, I can afford, I think, a smile on my face for the first time today because here we have an amendment brought by Home Affairs which, quite frankly, I just think deserves the label: “Absolutely crazy.” This is nutty land. What we have got here is the removal of a post from the Customs Department, and Members will notice that I look at the 2 posts that were being removed from Customs and Immigration and I looked at one and thought: “Right, that is a passport officer and that may produce some slight delays in producing passports but it is not a vital service. It is not serious.” So I decided that should go ahead. That seemed perfectly reasonable. However, the other post I took one look at and thought, literally: “This is crazy.” So why should we be cutting manpower from the Customs Department? The Customs Department is already under pressure and I quote from the 2009 annual report: “It must be remembered that our service is still 3 staff below its agreed minimum operating level due to cuts imposed on previous years and I firmly believe that it is imperative not to weaken it any further.” Here we are, a year later, weakening it further. Before these cuts 3 staff undermanned, barely coping. Is it an inefficient or badly run department? No, it is not.

[15:30]

I write here in my report there is no doubt that Customs is a service under intense pressure having taken on the front line work in the introduction and management of G.S.T. (Goods and Services Tax). In December 2008 a post-information implementation review was conducted by H.M. Revenue and Customs and found that the implementation had been very well managed. It also pointed to the need, back then, for a review of staffing levels. The service did receive an additional 5 officers for G.S.T. duties but still had to divert another officer away from front line work. Oh, there is that phrase, front line work. Front line services, protecting our borders. Protecting our borders from what? There we have one officer diverted away already back in 2008; but still a very well managed and operated service. So what are we talking about? We are talking about an intelligence officer. That is the second time I have heard the word intelligence today, once from the Minister for Education, Sport and Culture [Laughter] and once here. So what is an intelligence officer doing? Well, let us look at 2009. In 2009 officers in the service were responsible for the seizure of £1.9 million worth of drugs. In addition, officers conducted 4 joint operations with law enforcement agencies outside the Island. Those operations resulted in seizure of £700,000 worth of drugs. In total there were 108 separate drug seizures during 2009. Of these, 20 were of a commercial nature. They resulted, in 2009, in sentences being awarded to individuals totally 94.3 years. So a highly effective, highly focused service preventing drugs from getting into our Island. How do we do that? Talk to any Policeman, any law enforcement officer, any Customs Officer and they will say, we do it through intelligence. It is not random. That is a different issue. We do it through intelligence, information and co-operation. That is the way we do it. Yet, we want to remove that intelligence officer from the post. Now, the reasons given in the comments, and again I have to smile, this post was selected for the following reasons. The post was only created in 2008. Hang on, that is a reason to cut the post, because it is a recent appointment? Hang on, you had a look at what you were doing and you thought there is a better way to do this. We need this particular post, in 2008, to work better and more efficiently. Is it not working? It is working fine. A sound business case was made at the time, but if the post was lost it would mean a return to 2008 working methods and not a major revision of service. Okay, we will do it in the old fashioned way, ineffectively, inefficiently and we will not have that good intelligence and information delivering good results. Then we come to the other reason. Oh, here we go. Again, it is nuts. The current incumbent is on a 3-year contract, which expires in September 2011, so the post could then be left vacant. How convenient. So a reason that is not a reason. A sound business

case was made at the time. Does it say: "This case no longer applies. That is no longer the case. We are doing something different. The best way to catch drugs from coming into this Island is stick our finger in the air and see which way the wind is blowing"? Is that the new method? Do not tell everybody and do not tell the drug importers either, because we are not going to be behaving as intelligently as we were. We will intercept fewer drugs. Welcome to the age of cheaper drugs in Jersey. That is what we are talking about. Now, this set of Ministers, time and time again have said: "We will not cut front line services. We will try not to cut front line services. We will endeavour not to cut front line services." This is a 2 per cent cut. I am aware that the Home Affairs Department costs are its salaries. I think it is about 88 per cent across the board, something like that, of costs go in salaries. But really, can they not do better than this? This is madness. I do not believe this House should be supporting such a silly, irrational and downright crazy suggestion as to be getting rid of an intelligence officer and intelligence work in Customs. It is not a starter. I urge Members to back this amendment. Bearing in mind, and I will just finish on this as it occurred to me previously and I have not mentioned it again, and I should do time and time again, we aimed to make 2 per cent cuts which equate approximately to £10 million. We are making... and Members seem to be fixated by sticking to a set of targets produced by the Council of Ministers which is going to produce, I think, £12.6 million of cuts. So, it is not as if we have no space to play with, no leeway. I think we have and still maintain 2 per cent cuts somewhere in the system. God knows what is in the pipeline. We are going to see the 10 per cent cuts, I think, in the next fortnight; after this debate. How convenient. But I shudder to think what is in those if we are talking about cutting the intelligence officer from the Customs Department. It is ridiculous. Thank you.

The Bailiff:

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

3.2.2 Deputy T.M. Pitman:

Very briefly in fact, I could probably make my speech just 2 words and then sit down and say Curtis Warren. But being someone who previously worked for young people, I am obviously aware, as all of you must be, that drugs are such a huge problem in Jersey. Indeed, if it were not for the drug problem our prison could probably be one-third of the size. We have to send out a strong message to keep dealers out of Jersey. I am sorry, but this is ... the Deputy has described it as bonkers and I think that might be unparliamentary language, but it is really apt. This is bonkers. This is going to send the message out: "Jersey is a soft touch. Come on in." That is all I can say. It is incredible. I obviously support this amendment.

3.2.3 The Deputy of St. John:

As a former Member of the Home Affairs Committee with responsibility for Customs and Exercise, this one really hurts me, because we need ... and I would second everything Deputy Pitman said. That is an area of real concern; drugs. We saw several years ago a problem with the Joint Crimes Unit between the States and the Customs Department. That has been resolved and hopefully it is now working as it should work. It is absolutely ludicrous taking men away from this department who are so stretched, so stretched. I was in France 3 weeks ago and I was approached by a member of the authorities in Carteret. I was asked if there was anything I could do to get the port of Gorey opened yet again to receive charter vessels, because currently small charter vessels have to come into town. It puts an extra half an hour on that journey for small vessels. They had been given an assurance that, yes they could operate from time to time if they had Customs Officers available from within the department. At times, obviously, if you have the Condors coming in at a similar time to these vessels arriving, given the tides within the Island, most of these vessels seem to arrive at a similar time, but there is a shortage of manpower. So we find that the small charter vessel has to come into town to clear Customs, given we only have the 2 recognised ports for clearing into Jersey. I think this is a very bad move. In fact, I will be supporting the amendment, because

having had an insight into how that department works over several years, and having taken on the additional commitments when they moved, they put the department within the Aliens Department and Customs and Excise. Plus the G.S.T. has been taken on. There is an additional workload on every one of those officers who have to be multifunctional. They have to work within the Aliens and in Customs and Excise. If one person goes ill it puts additional pressure on everyone else. Taking people out of the equation is creating a much bigger problem for that front line border police, for that is what they are. The intelligence work that goes on between our officers and other law agencies around the world is something else. Now, our officers do travel to other parts of the world, unbeknown to Members of this House and I will not say more than that, to deal with incidents. I believe and I sincerely hope that Members give this one some serious thought. Our borders are weak enough as it is. Do not allow them to be weakened any further. I happened to be up at the radar station up at Carteret recently. Although I was not permitted in I am aware of the workings within that station. I do not think I want to go any further than that, but I am aware of what is going on, having had responsibility, and I do ask Members to give some serious thought to this one. Our borders are secure, but please do not weaken them any further. Thank you, Sir.

3.2.4 Deputy D.J. De Sousa:

I will be extremely brief. I will say the word “consistency”. This is a post, as we have been told, for front line staff on our borders. There is an amendment from Senator Shenton, and I hope he is still going to go through with it, for a decrease in a proposed increase to the funding for financial crimes investigations. Why is it that this House will constantly back increases for the finance industry? I am not against the finance industry. I know we need it. It is vital to our economy. It is vital to all the services that we provide. But we are constantly putting money into this area and not in any other area. It is seen by the public. They are not having the wool pulled over their eyes. We have already made decisions in this Annual Business Plan to take money away from certain areas. We voted yesterday £400,000 extra to the finance industry. We are also proposing to put money towards fighting that crime, but we cannot fight for our borders. I will be supporting this amendment.

3.2.5 Senator B.I. Le Marquand:

I am firstly very grateful to those Members who have spoken so far so warmly about the Customs and Immigration Departments. It is indeed an excellent department, very well run, with a very competent staff of people. Unfortunately, the Home Affairs Department has had to look at all its departments in the process of looking to find the first 2 per cent and, indeed, at the process of finding the next 3 per cent and thereafter. In so doing, we have tried to apply some consistency in the method that we are using. It is a consistency that I have recommended to my colleagues on the Council of Ministers. Time will tell if we will follow these principles. But we have a traffic light system, as follows.

[15:45]

We assess things green where there will be no or minor impact on core services. That may involve staff reductions, alternative service provision or other alterations to the operating regime. We assess things as amber where the core services can still be delivered but the quality, reliability, frequency or resilience of the services could be compromised. We assess things as red where there will be a significant impact on core services, where safety will be compromised or a cessation of a service would need to be considered. In terms of that colour scheme this particular saving, in my view, comes in the amber, but on the side of the amber which hedges toward the green. I have to reassure Members that in terms of the process that we are looking at we are most certainly always looking at the amber and sometimes even at the amber which is heading towards the red. Indeed, if the full 10 per cent were to be implemented at the moment we would be looking well into the red zone. I say this to assure Members that I have not lightly looked at these issues. These suggestions of cuts have come from the senior officers in various senior departments who have looked most

seriously at these matters. There have been those who have tried to suggest that Home Affairs is not taking this process seriously. That is not the case. We are treating it most seriously and most professionally, in looking at all the different matters. It so happens that the 2 cuts in the area of Customs and Immigration were both offered in terms of 2011, in terms of feasibility. It also so happens that in latter years there is virtually nothing further. There is one possible further post in this area, but I am most reluctant to go in that direction. Indeed it is going to be extremely difficult to find further cuts for the Customs and Immigration service unless we can do something in terms of our rental level. I think we could probably do something significant there. I say that, because people may say: "Why Customs?" It is just that they came out of the pot early in terms of what was possible and they do not come back again in the same way later. This post is not a front line post. Front line posts consist of the officers who work on the 3 ships. It is quite correct, there are a number of reports in recent years, including the Scrutiny Report, chaired by the Connétable of St. Lawrence, indicating that we were one person down per shift on where we should be. That I accept, and that is the best that I can achieve within the current situation. But this is not cutting in that area. This is cutting in the area of drugs enforcement. It is cutting a post which only came into existence in 2008. Now, it is a hard reality, but when we are looking at cutting matters, we must be looking seriously at the decisions which have been made in recent years. I would like to suggest, controversial though this may be, that other departments are going to have to look at some of the decisions of expansion of finances, which have been taken in recent times, and review them in the light of the fact that we are now in a different world financially, and in which we are going to have to cut our cloth appropriately. Do not misquote that, but I think Members will have understood what I meant. So this cut is necessary in the context of the £50 million saving. It just so happens it comes early in the process. Part of the reason it comes early in the process is because we have an officer on a 3-year term with the term ending next year. It would not make any sense if this was going to go at some later stage to be ploughing on there. The effect it will have will be it will reduce the number of people working on drugs enforcement within the Customs and Immigration Department. But Customs and Immigration Department is not the only department working on drugs enforcement. Indeed, Curtis Warren was mentioned and he, of course, was not caught by the Customs and Immigration people, but by the States of Jersey Police who have larger resources in this area. They both work efficiently. They tend to have different sources of information and the combination of the 2 is indeed most effective. So to finalise things, this does not reduce the size of front line teams, does not reflect what is happening in relation to shifts, and it is a totally acceptable cut within the ambit of the sort of savings that we have to make.

Senator J.L. Perchard:

Could I ask of the Minister a point of order, Sir? He mentioned that the Home Affairs Department are opposing, under Home Affairs Savings 6, top of page 63, that there is one post being cut at Customs. However, at Home Affairs Savings 6 at the top of page 63 in fact there are 2 full-time equivalent posts. I am confused. Are we cutting one post of the 2? Is Deputy Southern's proposal to cut half of the Minister's proposal or are we cutting 2 posts here. I wonder if the Minister could clarify?

The Bailiff:

That is a point of clarification rather than a point of order.

Senator J.L. Perchard:

Yes, thank you.

Senator B.I. Le Marquand:

Yes, to clarify. In the 2011 proposals there are 2 posts being removed in these from Home Affairs. One is the one raised by Deputy Southern. The other one I think is mentioned in passing in his paper and, indeed, is a passport officer where we are going to reduce the number of passport

officers by the reduction of one post in that area. That has not been raised specifically, of course, in the debate, but just to clarify.

3.2.6 Connétable J.M. Refault of St. Peter:

The words “low hanging fruit” come to mind unfortunately to me on this particular one and it has given me quite a lot of problems, because I have been consistently trying to support much of the work of the Council of Ministers, as it is their budget. I am having a lot of difficulty on this particular one. Certainly in St. Peter we do see quite a lot of the impact of drug importation, particularly as it comes through the airport. I have seen people at their highs and I have seen people at their lows and it is not a pretty sight. I have seen the impact of that at first-hand and the amount of work that gives my Honorary Police Officers in St. Peter. There is a thought that we are going to lose potentially an officer from within Customs who would be helping to identify these importers and remove them from being able to sell their wares at very highly inflated prices in Jersey, and it does fill me with a considerable amount of concern. It is also coupled with ... it was just a chance remark made by my very good friend, the Deputy of St. John, a few moments ago when he stood to speak, when he was saying about people not being there and other people having to cover their shifts. It took me back to an item we were looking at in P.A.C. (Public Accounts Committee) about 6 months ago that we have had to put on the back-burner. That is to do with the colossal amount of absenteeism that is reported, although apparently not recorded within the States of Jersey or not centrally anyway, or so the Head of Human Resources tells me. What I am not seeing here is any evidence of drilling-down into the structure, as I said yesterday, into the roots of the tree, to do the pruning there to stop this tree burgeoning. If we could drill down into these problems perhaps we would not be picking the low hanging visible fruit - my branchage analogy again from yesterday - and taking away the things that could potentially make a difference to us in life. I am very concerned that the Executives are not really getting into the nitty-gritty of their departments to find where they can do the 2 pence here, the 10 pence there, the pound over there, and they come up with something which keeps the front-end working well, while making all the savings at the back-end where we do not see any real impact of an overall offering to the public of Jersey. My jury is still out. I am going to wait and listen to the summing up before I decide which way I am going to vote on this one, but it is very firmly out at the moment. Thank you, Sir.

3.2.7 Senator P.F. Routier:

I just really wanted to pick up on a point that the Deputy of St. John made regarding the possibility of vessels coming into Gorey Harbour, and the need to have Customs and Immigration cover for vessels wanting to come into there. There has in the last month or so been a negotiation with a ferry operator who wants to use Gorey for next year. The department has been given assurances from the Customs and Immigration that they will be able to man that during next year, which I am very pleased about. In general, over the last year or so that I have been involved at the harbours, I have been concerned that the Customs have been stretched quite considerably. But they seem to have got over that hump and they are managing things a lot better now. But with regard to being able to cover the additional service coming into Gorey, I am aware that they have given a commitment that they will be able to cover that. I just make that observation for Members and hopefully the Deputy of St. John may be reassured by that.

3.2.8 Senator P.F.C. Ozouf:

Just very briefly, without wanting to open up the whole of the debate on the C.S.R. and the £100 million deficit that we are dealing with and tackling. I would just respond to the Constable of St. Peter and give him some words of assurance. While some difficult decisions need to be made, the transformational change - the deep rooted review of departments - is exactly what is going on. Certainly from all of the work that I have seen the Minister for Home Affairs and his Assistant Minister and the department carrying out across the Home Affairs Department, that is exactly what is happening. This is not a case of low hanging fruit. Yes, there are some difficult decisions that

need to be made and this is one of them. But they are certainly looking at all of the deep issues concerning the department, and that is going to be the feature of the discussions around the Comprehensive Spending Review Stage 2 that we cannot deliver the £100 million by simply taking out jobs here and there. It has to be a transformational review looking at the structures of department, looking at pay scales, *et cetera*, and that is exactly what is happening. So I wanted to assure him that that is what is happening to the C.S.R. Stage 2.

3.2.9 Deputy M.R. Higgins:

While I understand the problems faced by the Minister for Home Affairs having a department that is very much labour intensive and does not have the degree of discretionary spending that some departments have, I do think that this is a retrograde step. Intelligence gathering, as we all know, is the most effective means of detecting criminals, whether it be drug importers or others. I know that we have had debates in this House before about the Police, for example. People want more Police on the streets. They want to see a more visible presence and were told repeatedly, the Police working behind the scenes on intelligence targeting is the most effective form of policing. The same is also true in the area of Customs in identifying these people and getting them before they even get to the Island or as they get to the Island. I really do think that having Customs Officers on the docks, at the harbour or at the airport is one thing, but the intelligence is a vital function. I think we will live to regret this. So I am going to vote against it.

3.2.10 The Deputy of St. Mary:

Yes, this I think, as the proposer mentioned right at the beginning, is a quite extraordinary cut to be proposing. The cuts do indeed become more and more crazy. I referred on the first day of this whole debate to the Minister for Treasury and Resources and the image of Little Red Riding Hood discovering that it was not her cuddly grandmother, but it was a crazed wolf. **[Laughter]** I would just remind Members that we are still in the 2 per cent phase. We have Ministers wringing their hands, saying: "I have to do this" and then telling us that it is amber veering on green. This simply does not match what people have been telling us and what the Constable of St. Peter, for instance, referred to when you see people with drug problems. This is not amber verging on green. Although it might be part of what the Minister feels he has to say. Remember, we are on the 2 per cent phase. There is 3 per cent and 5 per cent still to come. I accept that some of this can be done by intelligent restructuring. But it is clear to me already that the process is unsustainable, it starts from the wrong premise. That is why we have Ministers defending the indefensible. Now, let us look at this particular amendment. We have the business case. We have this extraordinary thing that the business case is made in 2008, we need this post, this is the right way to go to limit the importation of drugs in the Island and then the business case no longer applies 2 years later. Just reflect, Members, on how dotty that is. In 2008 we created a business case, which presumably took some reflection and analysis, or I hope it did, and then 2 years later it no longer applies.

[16:00]

Someone mentioned, in fact I think it was the Minister, that this cut does not reduce the front line. But it does. It does. The intelligence analyst who is the centre of the whole operation is not there any more. Against the background of the annual report of Customs, which I also read long before this Annual Business Plan came up, and I was startled to see that I remembered the Scrutiny Panel report. I remembered the Scrutiny Panel report and how it was reported in the *J.E.P.* and how shocking that was to find that our territorial defences were basically inadequate. Then in the Customs' Annual Report 2009 our service was still 3 staff below its agreed minimum operating level due to cuts imposed in previous years. That is the background and here we are cutting yet another post from a service that is already overstretched. Finally, I was so concerned by this particular amendment I wrote to the Chief Executive and got a reply from one of his staff. Now, he starts: "The Chief Executive has asked me to respond to your question on his behalf. The C.O.M. (Council of Ministers) comments to the various business plan amendments were prepared and

agreed after briefing and information supplied by departments. Each comment was also agreed with the relevant Ministers. Accordingly the relevant departments have been asked to assist in responding to your questions.” So, the response I am going to read to you now comes from the Minister for Home Affairs. My question was: “The Minister gives his reasons for selecting this cut and not some other. We have that in his report, about the business case and so on. But can you tell me what risk assessment was carried out as to the likely/possible consequences of this cut?” You would expect, when you are cutting the intelligence analyst at Customs - which is defending this Island against drugs - there to be a risk assessment of the possible consequences of this cut. The answer was as follows, and what it shows is that there was not a risk assessment or that I cannot be told what it said; one or the other. Here we go. This is verbatim: “Service heads were asked to identify the impact of a 5 per cent reduction in gross expenditure in 2011 in order that an informed discussion could be undertaken to identify an overall 2 per cent reduction in gross expenditure rather than automatically applying a *pro rata* reduction of 2 per cent across all service areas.” So that is news to us for a start. That in fact departments were forced to look at a 5 per cent cut in 2011, not a 2 per cent cut. They were asked to look at 5 per cent in order that the process could then choose as some departments might get a bigger cut and some would have a smaller cut. I do not disagree with that process, but it is the first I have heard of it; that departments were asked to scope 5 per cent in order that the best or the least harmful cuts could be chosen and it might not be *pro rata*. So that is the first point; which, of course, does not answer the question at all. He continues: “In arriving at the savings measures that are included in the 2011 Draft Annual Business Plan the Minister took into account the order of prioritisation that each head of service confirmed, the impact statements that were provided, and the known organisational and funding pressures affecting each service.” Well, we know what the organisational pressures to the services are. They are 3 people short already, so we know that. But where is the impact statement that was provided to the Minister? That is what I asked for. Yesterday, or earlier this morning, the Minister for Health upbraided me for not asking in prior research for the list of the 25 organisations that had service level agreements with Health. In fact, I did ask and I was not told. The same email said: “We cannot give you the list.” Now we have a Minister telling me, through this gentleman, that the impact statements were provided by the heads of service and that was part of the process of deciding, but I do not know what the impact statement is. Members do not know what the impact statement is. We are left to guess. The Deputy of St. John, Constable of St. Peter and others have pointed out just how serious this cut might turn out to be. So with that I do urge Members not to go down this road. This is really a cut too far.

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

I believe we do have to make cuts. We are in the sort of economic position where that is essential. I believe in this instance, the Minister is in a very difficult position. Deputy Higgins, I believe, was correct when he said that this is a cut that we could regret. In view of the cost today to the Island of drugs crime, and the resultant cost of policing and trying to prevent that crime, I believe we will find this cut is a false economy.

3.2.12 Deputy M. Tadier:

I am pretty much along the same lines as the last speaker. I do have concerns about this. I am slightly ambivalent though about the consequences of this cut, but also the unintended consequences. We know the whole area of drugs in Jersey, whether it is legal drugs or illegal drugs, is a massive one that we are having to deal with, which has impacts right across the board, for the Home Affairs Department, for Social Services, for the Social Security Department and the Education Department. It really is something which affects all of these areas. I am also minded that the amount of money that is spent on policing to do with detection, to do with prevention, to do with the legal fees when people are caught and taken to court and if they are convicted with housing people in prison. These are all areas which we have to deal with. Now ironically you could argue that if we cut somebody on the front line less detection is going to take place, so we are

going to be saving a lot more than just £52,000 a year, because criminals will be coming in here, bringing their drugs, whether it is the big haul of cannabis or heroin and they will not get caught, so we are not going to have to put them in prison. So we are saving millions and millions. Imagine if Curtis Warren had not been caught. We would not have had all these problems about asking for extra funding. I am not advocating one way or the other that we do that, but this is ironically one of the consequences. So if Members really do want to save money, probably vote to get rid of this £52,000, because you might be able to save a few more million on top of that. But that opens up a completely new can of worms, so to speak. But I do think we cannot solve this today, but we do need to be a lot more innovative about the way we look at drugs and the effect that they have on the Island. One answer may be - and it has been mooted in the past, and this is obviously where the detection part comes in - if we can prevent the drugs coming to Jersey in the first place, prevent the criminals getting on the boat or the plane, if somehow we can liaise better with the U.K. or with the French ports and detect them and catch them over there, that would stop them coming here in the first place and that will save a lot more money. But I do not know how the mechanics of that work. Also another idea, I would suggest, to save money in the long run and it would be more equitable. Why is it fair that somebody who comes from the U.K., France or whichever country, just comes to Jersey on one sole occasion to get the drugs over then to go back and if they are caught over here we have to pay for the fee for that. Likewise if a Jersey resident wants to try their chances to get drugs into the U.K., which is pretty unlikely because it does not really work that way round, why is it that the U.K. would have to pay for them to be housed when they are one of our residents? These are the areas that I would like to see the Minister for Home Affairs asking questions about. I know these are massive questions and they cannot be resolved very easily, but this is certainly what is on in the minds of many members of the public. Of course, I just remind Members, let us not get hung up just on this drugs issue, we know if you want to see the biggest drugs problem that Jersey has any of us just needs to go out to Mulcaster Street on a Friday or Saturday night and see the impact that is having. That is perfectly legal. We condone it in the Island. I will ask a rhetorical question to the Minister for Home Affairs, what happens to all the cannabis that gets seized when it comes into Jersey? Should we be looking at selling that to maybe Holland? **[Laughter]** Is that possible? I know we had the Dutch Ambassador over. In the case of Curtis Warren, and the case of that particular drug haul that came into Jersey, it has cost the Island massively. What has happened to all that? It is money going up in smoke.

3.2.13 Deputy J.B. Fox:

They talk about a bridge too far in Holland, but this is a bridge too far here, to be honest with you. We will live to regret it. To just give you a slight bit of history, if you would bear with me for a couple of minutes. I used to be responsible for giving the drug lectures in Jersey in the mid-1980s and the beginning of the 1990s. At that time a cannabis reefer was £4.50 in England. The estimated illegal drug traffic - that is without the legal - was £20 million a year. That was the equivalent of building a new secondary school, a new wing at the hospital; every year being taken out of the Exchequer. That is how important your front line services are. But your intelligence side, and I was involved in intelligence (and I cannot go into the details of it, obviously) but my contacts were by word of mouth, through knowing people very far afield. That involved the support of many, many agencies that I would love to tell you about, which I cannot. One thing it did do is it told me if there was a boat in the channel that you might be suspecting, for whatever reason, whether it is someone that has stolen it or whether it was drugs or whatnot. I could guarantee that within 2 hours it was either there in the Channel or not in the Channel. That is what intelligence does. But intelligence, I am sorry, is not something that you can just pass on. It is something that takes years to materialise, to get the contacts, to be able to sustain them and to know them, because people will not give information willy-nilly, because of leaks or because of everything. You might ask also why I was giving the drug lectures as head of crime prevention. It was quite simple. I gave the drug lectures, because I was not upfront with the knowledge, with the intelligence of what was happening on the drug scene. The danger of using a drugs officer was that

he would give something away and that is the reason why. I shall vote for this amendment, but not necessarily for the same reasons as the argument, but the reason I have just given you. Find the money somewhere else. Thank you, Sir.

3.2.14 Deputy P.V.F. Le Claire:

I too have some experience in a former life with the intelligence services, working in conjunction with some of those agencies, especially Customs, both here and in the United States of America. Some of the work that we are talking about here, it is also important to remember is linked to international terrorism, because drugs fund international terrorism. We have finance receiving £400,000 in addition to what they have going out to the Middle East, Russia, China, Asia, looking for more business, telling new people, with perhaps in some instances links to some money that we do not want coming here, how there is another port of call, point of entry into the United Kingdom. We do have responsibilities of routes into the United Kingdom. I am wondering whether or not Members are focusing on the fact that if we are going to reach out into these kinds of jurisdictions that we need to bump-up our detections. Now, Deputy Power mentioned earlier this year, I might be wrong on these figures, but out of 95,000 freight movements they only opened up 30 cases in Jersey. Somebody said to me at lunchtime, here is an idea if you want to rethink your drugs policies and what you are doing in the States of Jersey, why do you not stop providing methadone to all the heroin users and use that money to provide free school milk instead? Yes, because those are the quandaries of the issues around drugs, importation, smuggling and everything else. So the whole issue I would put to the Minister for Home Affairs - forgive me I am just putting it as a turn of phrase, not as advice, because I certainly would not impose or imply that I know anything about that - I am sure that the Minister for Home Affairs in the future will need to rethink what we do as a community in relation to all of these issues.

[16:15]

But drugs is not just about drugs, it is also about international terrorism. We need to be more aware of the fact, as we enter into these Eastern countries as a foothold into the United Kingdom. We need to be cognisant of this. So I am going to support this. I am sure it is on the radar of the professionals. It may have been on the briefing of the Minister for Home Affairs and the Assistant Minister, but I am not certain whether or not most Members are focusing on the fact, it is not just about drugs in our community, it is about larger things at stake within the larger world and international terrorism is one of them.

3.2.15 Deputy J.A. Hilton:

Having sat here for the last 45 minutes or an hour, this debate has just put me in a very, very difficult position, because my head is saying I should support my Minister, and I agreed this cut with him. We had the extremely difficult job of trying ... the Deputy of St. Mary mentioned about he had got in contact with somebody and had been told that we had looked at 5 per cent, because we wanted to see if we could make it any easier than ... we knew how difficult it was going to be for us, because so much of our revenue is taken up with salary costs for front line posts. That is why we did it that way. In fact, Members will see that we did not take any cuts from the Fire Department, because we did not feel that they could offer any up. So we have had this enormously difficult job. My head is telling me that I cannot agree with this in the round of things. Really I suppose, and I am reflecting of a conversation I had with Senator Ozouf yesterday who said when he voted for the language assistants about sticking with his principles, and it is such a strong principle of mine about the policing and safety of the people in this Island that I am going to have to support the amendment this afternoon. I am going to apologise to my Minister for that, because I know he is in a difficult position, because he is a member of the Council of Ministers. It is extremely difficult for him. Personally I feel that I am going to support this amendment, because I know how important it is. I know how important it is that we tackle the whole issue of the importation of drugs into this Island. The case was made 3 years ago for this post; a very robust

case. I know the Customs Department are under extreme pressure. I think Senator Routier mentioned something about an additional route into Gorey. Whenever additional routes are mentioned that puts our department under even more pressure, because we just do not have the resources. Something is going to give. But I think it is a cut too far. I have struggled with a lot of the amendments put forward, but this is the one that I will support for all the reasons I have outlined. I apologise to my Minister for that, but I have to go with what my head is telling me. It is the correct thing to do. Members must be aware, and I said it in a previous speech to the Council of Ministers, how difficult it has been for the Minister for Home Affairs and myself to put forward these cuts - how difficult it is. They are going to have to look very, very carefully in the second round, because I cannot support any more cuts in Customs. I think the Minister alluded to the fact that we will not be able to put any more cuts forward in Customs. So the Council of Ministers are going to have to take this on board. It has been an extremely difficult exercise for us and I personally will not condone any more cuts of this nature. Thank you.

3.2.16 Senator T.A. Le Sueur:

I was just going to say it is easy to be swayed in debate by this with ideas of some of the difficulties, which Ministers have been wrestling with for months and to come to snap judgments. I am sure that the judgment for the Minister for Home Affairs and, in this respect, it was no easier than many of the other judgments other Ministers have had to make in respect of other areas of activity. It would be wrong to take a knee-jerk reaction simply because we all feel strongly, I think, about the subject of drugs and drug importation. But this is not as simple as that. It is not as simple as saying: "If you had another person in Customs, there would be no problems with drugs whatsoever or even that the thing would be significantly minimised." Before any cuts like this are proposed, both the Minister and his officers have to be satisfied with the impact this cut might have. Unless they are satisfied with the impact of that cut and its deliverability, they would not be bringing it forward. We are going to have lots of things, and we have had over the years lots of things which are nice to have, it is only a couple of days that have passed since we were all anxious that Ministers should be saving more than £50 million and maybe £5 million more next year. Facing all of us, the decision is still harder than the one we are having to face at the moment. There are no easy options in this sort of process. None of us like reducing the level of services we have been accustomed to. But here we have an opportunity, an opportunity which perhaps may sound fortuitous, but in fact as the comments say, simply bring us back to the *status quo* of where we were in 2008. Some people will say: "Why has the status been allowed to increase over and above inflation in the last couple of years?" All this does is bring us back to where we were in 2008. We are not talking about swingeing cuts here, we are talking about removing an increase in spending which we have had on temporary basis for the last 3 years. Although I appreciate the emotional arguments about this amendment, I do urge Members, and even the Assistant Minister for Home Affairs, to use their head as well as their heart and to accept the fact that decisions like this are never comfortable. But if we do not take these hard decisions today we are going to have even harder decisions to take in the months and years to come.

The Bailiff:

Does any other Member wish to speak? Just before you do and for others, I hope that there is a new point to be made on this, because it is a fairly clear issue.

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

Yes, I believe it is. Just a very simple point, and I would like to draw Members' attention to both the draft Annual Business Plan on page 20, and I appreciate the views that have been expressed by the Assistant Minister for Home Affairs, but if they have a look at the growth that has been allocated to Home Affairs for 2011 it is £875,000. The savings that they were required to make was a total of £954,000. In real terms there is very little in the way of overall savings that the department has to make. Also, on page 58 of the annex, if Members have the particular book with

them, they will notice that there are increases in both the area of intelligence management and in financial crimes investigation, both of the areas that have been discussed and spoken about over the last three-quarters of an hour. I think it would be wrong to believe that there is going to be necessarily a reduction in these areas, it is just a case of reallocation of resources, which is something the Council of Ministers considered before we supported this particular proposal. Thank you.

The Bailiff:

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

3.2.18 Deputy G.P. Southern:

I would like to thank everyone for this debate and particularly to those who have pointed to the grave and serious possible consequences of this action. To be honest I really could not believe what I was hearing from the Chief Minister when he said, effectively, that this was a nice to have. I am sorry: a nice to have? Secure borders, an effective interception of class A drugs, keeping class A drugs as far as we can possibly off our streets and doing tremendous harm to our young people in particular. Furthermore he said: “Although it seems a hard decision to make today in the future we will have harder decisions to make.” Well, yes we will. If we let this reduction in power intelligence-led Customs operations go ahead, we will be clearing up the extra chaos caused by additional drugs coming into the Island for years to come. We will be clearing up the mess for years to come. As many people have said, this indeed is a cut too far. This really is, I believe, folly. I really do not understand the Minister’s logic when he says: “We will all have to look at the most recent decisions we have made and maybe change them, scrap them, get rid of them.” Hang on. No, within the last 2 years a business case, a strong robust business case was put forward for the creation of this post in order that we should be more effective and efficient at intercepting these drugs, and their couriers, and putting them away and preventing that harm on our streets. Two years later that business case has not disappeared. Bringing drugs into this Island is a serious matter. I think that the risk analysis appears not to have been done. The dangers of this particular move are, as we have said, and effectively by Deputy Hilton, a step too far. She, with her head, and I believe with my head - not my heart, my head - this measure should not go forward. It is a step too far and I urge Members to support this amendment.

The Bailiff:

Very well. The appel is called for then in relation to paragraph 2 of the fifth amendment put forward by Deputy Southern. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 20		CONTRE: 24		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Senator F.du H. Le Gresley		Senator P.F. Routier		
Connétable of St. Helier		Senator P.F.C. Ozouf		
Connétable of St. Martin		Senator B.E. Shenton		
Connétable of St. Saviour		Senator F.E. Cohen		
Connétable of St. Lawrence		Senator J.L. Perchard		
Deputy of St. Martin		Senator S.C. Ferguson		
Deputy J.B. Fox (H)		Senator A.J.H. Maclean		
Deputy J.A. Martin (H)		Senator B.I. Le Marquand		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy of St. Peter		Connétable of Trinity		
Deputy J.A. Hilton (H)		Connétable of Grouville		
Deputy P.V.F. Le Claire (H)		Connétable of St. Brelade		
Deputy of St. John		Connétable of St. John		
Deputy M. Tadier (B)		Connétable of St. Clement		
Deputy T.M. Pitman (H)		Connétable of St. Peter		

Deputy M.R. Higgins (H)		Deputy R.C. Duhamel (S)		
Deputy A.K.F. Green (H)		Deputy of St. Ouen		
Deputy D.J. De Sousa (H)		Deputy J.A.N. Le Fondré (L)		
Deputy J.M. Maçon (S)		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy I.J. Gorst (C)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		

The Bailiff:

Very well. We come next to an amendment in the name of Deputy Shona Pitman. I understand, Deputy Pitman, that she has asked you to present it on her behalf, in view of her illness.

Deputy T.M. Pitman:

If I could cut the Greffier off before he speaks. I have discussed it with him. If I could just explain, following discussions with the Minister for Home Affairs, I think I am in a position to withdraw this. Hopefully the Minister agrees with what I am just about to explain. I would have proposed that the amendment Deputy Shona Pitman has worked with the originator of the Hands Off campaign, Mr. Paul Newman, since he approached us some 4 years ago. I know all Members of this House will not disagree for a moment that this issue of motorists using mobiles is a serious issue which has ruined lives in the past and would ruin them again in the future without a campaign being continued. However, with the Road Safety Officer currently out of the Island and the Minister obviously needing to satisfy himself how his budget is spent, given that following discussions with the Minister he has given his backing to tackling the issue and his commitment to working with Deputy Shona Pitman and Mr. Newman together with Road Safety Officer to explore the best way forward. I am happy to withdraw the amendment. Obviously if something could not be worked out, the proposer would bring back a stand-alone proposition but I am sure that will not be necessary and so I thank the Minister for Home Affairs for his backing and his commitment.

[16:30]

Senator B.I. Le Marquand:

Can I confirm I am committed to do something in this area? It is a question of what, how much and where shall we fund it from, but I am committed to helping and thank the Deputies for having brought this forward so we can work together on it.

3.3 Draft Annual Business Plan 2011 (P.99/2010): seventh amendment (P.99/2010 Amd.(7)) (paragraphs 16 and 17)

The Bailiff:

Very well. So that amendment is withdrawn. We come next to paragraph 16 of the seventh amendment lodged by Senator Shenton. I will ask the Greffier to read the amendment.

The Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Home Affairs Department shall be decreased by £300,000 by limiting the proposed increase in funding for specialist crime investigations.”

Senator B.E. Shenton:

Could we take paragraph 17 as well and vote separately, please?

The Bailiff:

Yes, I was going to say I think that is a sensible idea so the Greffier will read paragraph 17 of amendment 7 as well.

The Greffier of the States:

“17. Except that the net revenue expenditure of the Home Affairs Department shall be decreased by £250,000 by limiting the proposed increase in funding for financial crime investigations.”

3.3.1 Senator B.E. Shenton:

When I was going through the Business Plan, I noticed that there were substantial increases in these 2 areas. With regard to the Specialist Crime Investigation Unit, the increase in funding that has been put in is £421,700. This is a 10.4 per cent increase in funding. Obviously, there are a number of staff and inflation and pay awards, and so on, but there still is quite a considerable difference in funding, which I believe is accounted for partly by a change in the way that court and case costs are apportioned. I would like some explanation from the Minister. Now, if the Minister could speak next perhaps this debate might go a little bit quicker. The one I would like the Assembly to really focus on though is the Financial Crime Investigation increase. This is an increase of £588,600 which, by my calculations, is a 38.1 per cent increase in the departmental budget. This is so that we can be I.M.F. (International Monetary Fund) compliant, so it is very much again for the benefit of the finance industry and having sat through yesterday's debate where we had an increase of £400,000, the message of the Council of Ministers seems to be we must cut all costs possible except if it affects the finance industry and that seems to be the clear message coming out. I have to question as well at this time when we are meant to be cutting staff, when we do have a voluntary redundancy scheme, when front line workers are nervous about keeping their jobs, we are setting up a department and employing 8 additional new staff with this money. This increase goes towards the employment of 8 additional staff. What my amendment does, in effect, is reduce the level of increase to 4 additional staff. So I am not saying to the Council of Ministers: “Do not increase the amount here.” I am not saying to them: “Do not be I.M.F. compliant.” What I am saying is in these sorts of times, you have to work within your budget. So I would ask Members in particular to support my amendment which reduces the increase in the Financial Crime Investigation Unit by £250,000 but still sees it as a significant increase in their budget and I would ask the Minister to justify the reasons for these massive increases in spending at such times.

The Bailiff:

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

3.3.2 Senator B.I. Le Marquand:

I will try not to bore the Members with too much in terms of calculations but if they look first of all at amendment 47, it is correct that the allocation to this particular area of the Police is up by £421,700 but there are very good reasons for that which I will now explain. Principally, the 2 main reasons for that relate firstly to the allocation of money which we used to get access to via Court and Case Costs. What has happened is Members will remember the very recent debate in relation to which additional monies were being voted to Home Affairs effectively for court and case costs to do with a whole series of large Police operations which could not be financed in the normal way and they may also recall that monies were coming to the Customs and Immigration Department from the same route. Now, what we have had for a number of years is a situation in which there has been access to Court and Case Costs for these matters but it has been open-ended and that has led to all sorts of budgetary difficulties. Of course, some of the monies were paid and refinanced out of the Criminal Offences Confiscation Fund but that dried-up this year and then subsequently monies came back into it again to make life really confusing. Now, what has been decided is we ought to be properly marketing for court and case costs for related matters within the Police budget and so we have been given a lump sum for the first time this year of a realistic amount to work within. The hope is that by knowing that we have that right from the start that we can manage

everything within our budget, and it will not be this open-ended commitment. So that is where £252,500 comes from. It is not extra money. It is just that we have now got it put into our budget in this way whereas otherwise we would have had to have taken it from another pot of money. Now, it so happens that there is another sum of £118,600 which used to be in another part of the Police budget and has got transferred into this. This is not new money either. This is just a paper transfer. Now, I have to confess I find the current system of allocation to different cost areas within the Police both confusing and unhelpful. I do not know how the Members of this Assembly are meant to understand it because I do not understand it and, in fact, I do not use it at all. I work on the basis of where we are having real increases or real cuts or whatever. My staff then converts it into all these different figures, which totally confuse me, until I have to ask them what has happened and they give me an explanation. So I will try very hard next year to come up with a more logical system. It confused me the first year. It has confused me this year. It must be hopeless from the point of view of Members trying to understand what is going on. But in short, the explanation why we have an increase of £421,000, most of that is down to Court and Case Costs money which is not new money, or this transfer from another part of the Police budget, which is not new money. There are other matters such as allowance for pay awards and non-staff inflation and there is one extra item which is allowance for increments. This appears in terms of preservation of core services. I have repeatedly said to this House the Police have a problem with increments and, in order to maintain our numbers, we have to have more money and that is £20,000. Against that, Members will be pleased to know that the proportion of C.S.R. savings was £54,600, which is offset. So, in short, we have £252,500 plus £118,600 plus £20,000 for increments plus £81,000 for pay awards plus £4,200 for non-staff inflation minus £54,600 as a C.S.R. saving apportionment equals £421,700. I will go on to the second one if Members can bear with some more figures. In the case of the second figure, I do not think I need to go into all the details. There is a C.S.R. saving also apportioned there of £54,600. There are also routine inflationary increases. There is also a Court and Case Costs apportionment in relation to the financial crimes area of £99,100. Again, that is part of the total sum we have been given. But the real core issue which Senator Shenton wishes me to talk about is the issue of the £510,000 growth to increase the size of the Financial Crimes Unit. Now, this is 8 additional staff. It is not 8 additional Policemen because it includes an accountant and other support staff in order to support this area. It is very important for the reputation of the Island's finance industry that we have an effective and efficient system of criminal investigation of financial crimes. This cannot be done by the Financial Services Commission. Their role is different. They are regulators. The actual prosecution of frauds and matters of that sort of nature has to be done by the Police Force and we must have the right numbers. If we do not have the right numbers, then we get the sort of situation which sadly is existing in relation to a particular prosecution with the investigation which has caused difficulties in relation to a former colleague of mine, which has now been going on for 2 years. The difficulty is that investigations will take longer and longer unless we have the numbers of staff that we need in order to do them. This is the number which was recommended by the I.M.F. Inspectorate as being the appropriate number to bring us up to force, though quite independently of this, I plead with Members not to cut in the way suggested for an entirely unrelated reason, which I will now explain. If the Police Force were not getting this additional money for 2011, we would have had to have put additional Police resources into this area in any eventuality. There has to be a prioritisation of what is needed and the Police Force, unlike other organisations, moves staff around from department to department, resources within departments to departments depending upon what the real needs are. We would have had to have done something in this area because frankly we do not have the resources and it was only because we were going to get these resources, and therefore not have to remove people from other areas, that I was able to accept the cuts as part of the C.S.R. process. So if suddenly this disappears, I will have taken under the C.S.R. process, which I cannot afford because extra will have been taken away. That may seem rather complicated but this was part of the discussions, part of the negotiations, part of the terms upon which I was able to accept other matters were that we would have this provision in this sort of

way. So if this suddenly disappears, we are in great difficulties. My view is that it is vitally important to the interests of the Island that we have the necessary support for the investigation of financial crimes. These are serious crimes against people, fraud and matters of that sort of nature and we cannot avoid the importance of these. So that is my explanation very briefly.

3.3.3 Deputy P.V.F. Le Claire:

Senator Shenton has brought some amendments in this Business Plan, some of which I am not sure if they have fallen away or if he has withdrawn them. I am looking forward to supporting some of them. Unfortunately, I cannot support this. The reason I cannot support this is because I am concerned we are going to go away, as I said, 2 or 3 speeches already, drum-up new business now in these jurisdictions, come under greater pressure in the future from the I.M.F. and the new Code of Conduct group, et cetera, in what we are doing in Jersey and we are going to have to be squeaky clean. I certainly do not want to see any more front line uniformed services ending up in backroom offices investigating financial crimes but what I would say, and I have mentioned it before to the Minister for Home Affairs, who I think has some sympathy for the approach I am trying to suggest, is that really we might have done well, when we set up the Jersey Financial Services Commission, to have put a requirement in the law that when a suspicious activity is actioned upon by a financial employee, when an employee from a financial organisation in Jersey reports a suspicious activity as required under the law, then that should trigger some support and some financial assistance from the Jersey Financial Services Commission who licenses all of these firms. In the past, we have scratched our heads as to why there were surpluses in their budgets at the end of the year in the Jersey Financial Services Commission of some £14 million or £15 million, and we are seeing most of our resources in Home Affairs Committee being driven down into these areas. So I would ask him to look in the future. I support him in this area 100 per cent but I would ask him to look at those laws and see if it would not be possible for us to say to the Jersey Financial Services Commission: "Is it not possible that when employees action these issues, when they raise these issues and we begin to investigate them, as the law requires, is there not an opportunity for us to have access to some funds that the industry can be licensed to collect as part of the business that is ongoing?" Otherwise we are just spending all of our money policing the industry that is causing the issues in this first instance.

[16:45]

3.3.4 The Deputy of St. Mary:

That last speech has changed my mind, I think, on this but first of all I read the Annual Report of the Chief of Police, the States of Jersey Police Annual Performance Report and the case there is quite clearly made that we have to have these extra bodies. We have to if we are to preserve the reputation of our finance industry by following up suspicious activity reports, and so on, and investigating financial crime. The I.M.F. Report expressed concern at the resource constraints affecting the J.F.C.U. (Joint Financial Crimes Unit) and they are quite clear. The I.M.F. findings, as reported by the Acting Chief of Police, confirmed our consistent warnings that the growth in Jersey's finance industry and the increasing scope of regulatory services and anti-money laundering legislation in the Island have not been matched by comparable government investment in Financial Crimes Unit resources. Workload in the J.F.C.U. continued to grow in 2009 with the number of S.A.R.s (Suspicious Activity Reports) received increasing by 22 per cent in one year to 1,854. You do need a resource to deal with that level of reports coming in and people cannot be left to wait. When they have filed a report, it cannot sit around for a month or 2 because then, of course, it is not current in their minds. At the same time, the number of requests for assistance, mainly from other jurisdictions, increased to 533, a growth of over 9 per cent on the previous year. The Unit does not have the capacity to absorb this extra work without increasing backlogs of outstanding cases and, as identified by the I.M.F., reduced capacity for investigation and asset recovery. That is the background. It is absolutely clear that this is a "must have" resource and, again, I just wonder whether any sort of impact analysis would have been done by the Senator. I do not blame him for

not doing it because we are Back-Benchers effectively, but if you were to cut this resource in the way he is suggesting to cut the growth, I think we would be in a very sticky area, and that is the position I had before I heard what Deputy Le Claire said, although in the back of my mind was this worry that we are about to vote £1 million or, if we do not accept this amendment, it will effectively be £1 million extra money for Home Affairs, because we need to protect the reputation of our finance industry by making sure that finance crime is dealt with appropriately and financial crime is really complicated so you need a big resource. Yet we have just said we cannot protect our borders against drugs coming in and the impacts that that will cause, and I find that very difficult to take and the sums involved are massively different. One is 20 times more than the other. I know there is an economic argument about the finance industry but is there not a social argument about the damage that the drugs would do? So we have got a 20 to 1 ratio and we are about to vote for this. I am sure we will, £1 million to Home Affairs, in order to track down the financial criminals but the other criminals, we will not pinpoint them and we will not stop those drugs coming in. So I do have an issue with that but that is by the by. This is the way this Assembly works. We seem to vote the resources to protect the industry, which you could argue is fair enough, but where was our social conscience in the last vote? Now, to come to the point of Deputy Le Claire, he raised the point should this be with Home Affairs at all. I think that was the point but that is the way I take it. The J.F.S.C. I thought was the regulator. I am not sure where legally S.A.R.s go - suspicious activity reports - whether they go to the J.F.S.C. in the first instance and then they cascade through to Home Affairs or whether they go straight to Home Affairs, but the fact is, J.F.S.C. is the regulator. They are the ones who license these firms. They are the ones who should get the suspicious activity reports. They are the ones who should say: "Go in there and see whether a big stick is needed or a little stick," and they are the ones who should do these investigations and, of course, they are funded by levies from the industry. So I think maybe that is part of the issue here, and I am wobbling on this one. I really do not know which way to vote. I thought this was a definite no-no to vote for a cut in this money but maybe this Home Affairs expenditure should not be with Home Affairs. So maybe someone - the Chief Minister - might comment because I think the J.F.S.C. would come under there, or maybe E.D. (Economic Development) would care to comment on those issues.

Deputy D.J. De Sousa:

I just want to ask a question of the Minister. Has he at all considered any form of discussion on user pays to recoup some of this money towards this?

The Bailiff:

Well, I am sorry, I do not think under the rules of debate there are no questions. No doubt your Assistant might be able to help.

3.3.5 Deputy J.A. Hilton:

I think I can answer that. Okay, I would like to start by saying I would like the Deputy of St. Mary to stop wobbling because I am hoping that what I am going to say will put him at ease and bring him back on board. The Minister, I feel, outlined very clearly what the extra expenditure was all about, and that it is mainly taken up in the court and case costs in both cases - pay rises, increments, all things that we cannot afford - so there was not this massive increase. Now, getting back to the financial crimes money and Senator Shenton saying that he wanted half the posts. We have been given the money for 8 posts but that was basically to conform to the I.M.F. to ensure our compliance and strengthen the Island's reputation, okay? If you look at page 61 in your draft Business Plan, the thin copy, at the back, Appendix A, C.S.R. summary proposals, you will see right at the bottom it talks about growth proposed to be funded from increased company fees, Joint Financial Crimes Unit and increased tax revenues, and so what we are hoping to do is fund those posts by increasing company fees and you will see a figure in there of £760,000.

The Deputy of St. Mary:

Could I ask for a clarification on that? It is quite an important matter. I was not aware that Home Affairs could charge company fees whereas I was aware that that is exactly what the J.F.S.C. do.

Deputy J.A. Hilton:

No, the Home Affairs cannot charge the company fees, but I presume it will be done through one of the other departments, but that certainly was the plan, to recoup the money.

The Bailiff:

Are you finished, Deputy Hilton?

Deputy J.A. Hilton:

Well, it is a proposal. That is the proposal and it is there in the summary at the back of the Business Plan.

The Deputy of St. Mary:

This is critical for me, which way I vote. When you say it is going to be funded by fees that you are thinking about, that is not the same as saying it will be funded by fees.

Deputy J.A. Hilton:

No, it says in the Business Plan on page 61 that the growth proposed to be funded from increased company fees. That is the proposal. I do not think I can add anything more to that. It is in the Business Plan, okay, so I just wanted to rise to say that. So I hope Members can see that those 8 posts which the I.M.F. have recommended that we have, I do not think there is a question of them being cut to 4 posts, so I hope Members will vote against both of these amendments.

3.3.6 Deputy M.R. Higgins:

Unlike the £500,000 that was being voted to Jersey Finance, which I opposed, I will not be supporting this amendment and the reason why ... well, I will go through a number of points and observations. First of all, our industry is not whiter than white. We always like to say that, that we have a well-regulated industry but there is always the rogue element and there are individuals who occasionally come before the courts, and we have seen them over the last few years, and I might add there are others and those others may be under observation at the moment. It may be that the Financial Services Commission or the Police are gathering evidence but we are going to see more and more of these cases going forward. There is always the temptation when there is a lot of money going through the companies that people are tempted to take it. To give you an example of that, I remember many years ago, a person in a trust company saying to me - and this is even before I went to the Financial Services Commission - that if he could take £5 million and even if he was caught and got 5 years, as long as he did get the money, it was worth it. Now, there are some people out there like that and we have got to be well aware of that fact. I also happen to believe that white-collar crime is just as important as blue-collar crime and many of us tend to think that businessmen doing this or that is not quite the same as, I do not know, someone stealing from a grocery store or something like that. They are both criminal activities and they both need to be dealt with and they have to be policed effectively. So that is the first comment I would make. There is an element of duplication between the Financial Services Commission and the Police in this area. The Financial Services Commission does have a section that is dealing with investigations into activities of financial firms that are causing or may be engaged in fraudulent activity or whatever and I am surprised. At one point, one observation the Minister was mentioning was how the people going into the Police unit are going to be accountants and the reason being to free-up Policemen who would not have to be transferred into that section and obviously do not have the same skills. I am surprised over the years the Financial Services Commission, this particular section has grown and it has been filled with ex-Policemen who are not accountants, but I find that strange. I would also say too that suspicious transaction reports, I believe, if I remember correctly, are made to the Police. Now, there are information sharing agreements, however, between the

Financial Services Commission and the J.F.C.U. and they do work closely together and, in fact, I think a former director in that area is currently seconded to the Police Financial Crimes Unit, so there is a link between the 2. There is one other point I was going to make, and it was the statement made by Senator Le Marquand which worries me, and I have had this worry before. He mentioned obviously the Police have multiple budgets and he does not fully understand them, and he has to have it explained to him, and there is some movement between one and the other. It reminds me of the smoke and mirrors that used to exist at the Economic Development Department on the marketing budgets which are... if anybody can understand them, I would be amazed and if the Minister understands it, well, maybe he can explain it to me some time, because it is real smoke and mirrors. So while I have got some concerns about, I do not know, different aspects of it, I will support this because I do believe that it is an area that needs to be properly funded. I am concerned, and I think one of the only concerns I would have is that we are not helping the Police budget through the back door by sort of covering this or that, but I do not think that is the case and therefore I will not be supporting the amendment.

3.3.7 Deputy M. Tadier:

I think the clarification that Deputy Hilton gave was good and it was needed. I will start off by giving the original speech before I scribbled a few bits out with the wobble in front of me putting me off slightly, but I agree with the part of the sentiment at least of where Senator Shenton is coming from, and I will explain what I mean but I do not draw the same conclusions. First of all, I think that it is right that we do need to have a well-regulated, and on top of that, ethical finance industry. I think we all probably agree with that statement, although we might mean different things by that. So I think it is right, and if the Council of Ministers think that they need this, I do not think that they are going to go over the top and spend money that they do not have unnecessarily, so I think it would be wrong to cut these posts in the same way that I think it was wrong to cut the tourism budget, I think it was wrong to cut the child psychologist, I think it was wrong to cut the Immigration and Customs posts there. But I cannot go by an ideology which says 5 wrongs make a right. I think it would be wrong to do all of these things but what it does show, and where Senator Shenton is right, it shows that the Chief Minister or rather the Council of Ministers collectively can find money for finance when push comes to shove. So if posts are essential or even if there is any kind of doubt that by cutting posts the service may be affected, because I think that is probably closer to the truth, I think in reality we might be able to do with 3 posts or 2 but, in fact, there is probably an element of erring on the side of caution.

[17:00]

But that kind of bias is shown towards the finance industry and we heard the classic old phrase again from the Minister for Home Affairs, that it is all about supporting the reputation of the finance industry. I think that is true. We do need to support not just the reputation, but we need to make sure that the industry becomes as squeaky clean as possible and it is quite right to support and to work towards I.M.F. regulations in the same way that we should also be working towards Human Rights Conventions. We should not necessarily be picking and choosing but it is interesting that funds always seem to get diverted to one particular industry even though we try to diversify. So I will be supporting this. Let us not simply say that because they have got other decisions wrong this is a reason to get them back somehow. That would be perverse. We might like to do that but I would like to think that we should take the higher moral ground so I would even encourage Senator Shenton on this occasion to lobby for a strong support for a good well-regulated industry so that we do not have crooks getting away with it even though they might be white-collar crooks.

3.3.8 Senator S.C. Ferguson:

I am sorry that both the Minister and the Assistant Minister have spoken because I would be interested to know how much the productivity of the Financial Crimes Unit has been improved

since I went in and had a look at it. It was fairly archaic. There was a lot of use of pencil and paper, and having worked both as a gamekeeper and a poacher on both sides of the industry with a lot of use of modern technology and modern methods, I was taken aback because I know the quality of the suspicious transaction reports that come in from the banks, for example. There should have been a minimum of work done but, in those days, you sent your suspicious transaction in either on paper or by fax. It was then taken and given to 2 data input ladies who sat there all day and transferred the data from the piece of paper into the computer database. Well, really in this modern day and age, you should be having electronic transfer, but I do not know how far they have got in progressing that. I did suggest it to the previous Chief Officer of Police but he just patted me on the head and said: "There, there, dear" which impressed me: magnificent. So really, you need probably fewer Police Constables for the routine work and more accountants. The balance needs to be shifted. In those days, I think there was one accountant and the rest were Police and Customs officers. You need more accountants but unfortunately both the Minister and Assistant Minister have spoken so unless I have a sort of furtive conversation with the Minister now, I shall not know how much the productivity has improved with the use of modern techniques. But I am inclined to go with Senator Shenton on this from my first-hand knowledge of the system.

3.3.9 Deputy T.M. Pitman:

Though I would not describe myself as wobbling - wobbly maybe - but I am for the same reasons as the Deputy of St. Mary in regard to the crazy dereliction of duty this House has demonstrated in failing to protect the fabric of our society by scrapping that Customs Intelligence Officer. I am really tempted to support this amendment simply as a protest vote, which is not something I would normally do. Nevertheless, like many of the 23 members of the public who took the trouble to contact me last night which is an amount - I have never had so many in one night - to voice a disgust that we can subsidise a finance industry office to the tune of £400,000-plus while letting the quality of our children's formative years be whittled away. The need to ensure the massive problem of white-collar crime is properly policed is absolutely essential. All I would add to that is that what a shame that it is an industry that makes £800-plus million profit cannot be made to contribute more to policing themselves and protecting their own reputation.

3.3.10 Senator A. Breckon:

Just a couple of points. I was really interested in what Deputy Hilton had to say about the increase in company fees because, as Members may well remember, I proposed a budget amendment to that effect last year and it was defeated. At the moment the Minister for Economic Development is out to consultation, and the figure is in there as a prediction, so it is obviously a meaningful consultation. It looks like the deal is done. The other thing, I think there is something missing in the toolbox of the Jersey Financial Services Commission. Any regulator can fine the truants and we have just had a serious case where there were some serious issues concerning a financial services company and they got a slap on the wrist, a clip round the ear hole. That was it. They should have been able to wade into them and fine them millions of pounds and that would pay for this sort of thing and that is something that is missing. I have done some work on that and hopefully within the next couple of weeks, I will be able to bring a proposition before the House that we include in legislation for the Financial Services Commission that they can fine somebody. The J.C.R.A. can do it, not very effectively sometimes I may say, but the Financial Services Commission should be able to do so and, indeed, the International Monetary Fund recommendation said that they should be doing that. Now there comes the money from where Senator Shenton is talking about, so I think if we take it away they might just get the hurry up on a bit and put something in place that will give it back, and then the policing is funded from the industry where the truants pay for it.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? I call on Senator Shenton to reply.

3.3.11 Senator B.E. Shenton:

Just to remind Members that we will be voting on the 2 items separately. I will not speak too much on the specialist crime increase in budget, but certainly on the financial crime investigations. There are staff in there at the moment and the I.M.F. have come along and said: “Well, you need a few more staff” and recommended a number. The question you have to ask is if it was understaffed by 8 staff and by such a large amount, why was that the case? What was the previous Minister for Home Affairs doing, or even the current Minister for Home Affairs doing? The thing I really do not like about this part of the Business Plan is the fact that this is the Business Plan, which is about how you spend the money and then later on you have the budget which is how you raise the money. But because this is growth funding and really the department should not really be spending this sort of money, within the Business Plan under Appendix A they have linked it and said that the growth is to be funded from increased company fees. Now, basically that makes it a *fait accompli* and come the budget, if we ever wanted a debate on why are company fees going up or whatever, the Council of Ministers will turn around and say: “Well, the Assembly agreed it when we debated the Business Plan because this increase was based on an increase in company fees and other tax revenue.” So I am not sure whether anyone else would get away with a proposition along those lines because it is almost back to penny-on-the-pint T.V. licences type of deal that we were meant to have done away with many years ago. I do not think that we can justify spending £510,000 on 8 additional staff. I am of the opinion that a well-run department with an extra 4 staff would be more than enough. This proposition is not looking to remove the growth. All it is saying is that times are hard and we are all in this together and maybe we should give the Minister the resources to get an efficient department with 4 additional staff and not give him the luxury of 8 additional staff. So I ask Members to support this on the basis of 2 reasons. One, it is spending additional money at a time when budgets are very tight and 2, what we are doing here is basically rubberstamping an increase in company fees with no debate and no discussion. I ask for the appel.

The Greffier of the States (in the Chair):

Very well, Senator. You have asked for the appel in 2 parts. Therefore I ask Members to return to their designated seats. The first vote is therefore on paragraph 16, which relates to the £300,000 for the specialist crime investigation. I ask the Greffier to open the voting.

POUR: 10		CONTRE: 32		ABSTAIN: 0
Senator B.E. Shenton		Senator T.A. Le Sueur		
Senator A. Breckon		Senator P.F. Routier		
Senator S.C. Ferguson		Senator F.E. Cohen		
Deputy of St. Martin		Senator J.L. Perchard		
Deputy of Grouville		Senator A.J.H. Maclean		
Deputy of St. John		Senator B.I. Le Marquand		
Deputy T.M. Pitman (H)		Senator F. du H. Le Gresley		
Deputy T.A. Vallois (S)		Connétable of St. Ouen		
Deputy A.K.F. Green (H)		Connétable of St. Helier		
Deputy D.J. De Sousa (H)		Connétable of Trinity		
		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of St. Clement		
		Connétable of St. Lawrence		
		Deputy R.C. Duhamel (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy of St. Ouen		
		Deputy of St. Peter		

	Deputy J.A. Hilton (H)		
	Deputy P.V.F. Le Claire (H)		
	Deputy of Trinity		
	Deputy S.S.P.A. Power (B)		
	Deputy I.J. Gorst (C)		
	Deputy M. Tadier (B)		
	Deputy of St. Mary		
	Deputy A.T. Dupré (C)		
	Deputy E.J. Noel (L)		
	Deputy M.R. Higgins (H)		
	Deputy J.M. Maçon (S)		

The Greffier of the States (in the Chair):

Very well. I ask the Greffier to reset the voting system and the next vote will therefore be on paragraph 17 which relates to the £250,000 for the financial crime investigations. The Greffier will open the voting.

POUR: 11	CONTRE: 32	ABSTAIN: 0
Senator P.F. Routier	Senator T.A. Le Sueur	
Senator B.E. Shenton	Senator P.F.C. Ozouf	
Senator J.L. Perchard	Senator F.E. Cohen	
Senator A. Breckon	Senator A.J.H. Maclean	
Senator S.C. Ferguson	Senator B.I. Le Marquand	
Senator F. du H. Le Gresley	Connétable of St. Ouen	
Deputy of St. Martin	Connétable of St. Helier	
Deputy of Grouville	Connétable of Trinity	
Deputy T.M. Pitman (H)	Connétable of Grouville	
Deputy T.A. Vallois (S)	Connétable of St. Brelade	
Deputy D.J. De Sousa (H)	Connétable of St. Martin	
	Connétable of St. Saviour	
	Connétable of St. Clement	
	Connétable of St. Lawrence	
	Deputy R.C. Duhamel (S)	
	Deputy J.B. Fox (H)	
	Deputy J.A. Martin (H)	
	Deputy of St. Ouen	
	Deputy of St. Peter	
	Deputy J.A. Hilton (H)	
	Deputy P.V.F. Le Claire (H)	
	Deputy of Trinity	
	Deputy S.S.P.A. Power (B)	
	Deputy I.J. Gorst (C)	
	Deputy of St. John	
	Deputy M. Tadier (B)	
	Deputy of St. Mary	
	Deputy A.T. Dupré (C)	
	Deputy E.J. Noel (L)	
	Deputy M.R. Higgins (H)	
	Deputy A.K.F. Green (H)	
	Deputy J.M. Maçon (S)	

3.4 Draft Annual Business Plan 2011 (P.99/2010): thirteenth amendment (P.99/2010 Amd.(13)) (paragraph 5)

The Greffier of the States (in the Chair):

Very well. We come now to the amendment relating to the Housing Department, the fifth part of the thirteenth amendment in the name of the Deputy of St. Mary, number 51 on the list. I ask the Greffier to read that amendment.

The Assistant Greffier of the States:

Page 2, paragraph (a), after the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Housing Department shall be increased by £100,000 in order to maintain the normal functioning of the department and not proceed with the Comprehensive Spending Review proposal on page 63 of the Plan, HSG-S4, ‘Staffing rationalisation and reduced training in temporary staff provision, together with the general reduction in departmental running costs’, and the net revenue expenditure of the Treasury and Resources Department shall be decreased by the same amount by reducing the allocation for restructuring costs.”

3.4.1 The Deputy of St. Mary:

I would like to ask leave of the Assembly to ... no, I do not have to, do I, because I am withdrawing it right away. I am more or less satisfied with the explanation of the Minister and while I am up, can I also withdraw what is on the running order, item 60, which is the one about the Viscount’s Department. It appears that he and other staff will cover for the missing, now permanently vacant, post. Presumably that is the way we treat our staff. Either they just run around and do more things in the same time or there will be delays, but it is his Désastres Section. It is a bit like having your passport delivered a lot slower. Your Désastres will be dealt with slower so I am withdrawing that as well.

3.5 Draft Annual Business Plan 2011 (P.99/2010): fourteenth amendment (P.99/2010 Amd.(14)) (paragraph 2)

The Greffier of the States (in the Chair):

Very well, thank you Deputy. We come next to your next amendment in relation to the Planning and Environment Department which you wish to proceed with.

The Deputy of St. Mary:

Yes, Sir.

The Greffier of the States (in the Chair):

Very well. I will ask the Greffier to call number 52 on the list.

The Assistant Greffier of the States:

Page 2, paragraph (a). After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Planning and Environment Department should be increased by £54,000 in order to maintain the existing programme of grants for energy efficiency measures for low-income families and charities and not proceed with the Comprehensive Spending Review proposal on page 63 of the Plan, PE-S4, ‘5 per cent reduction in energy efficiency grants’ and the net revenue expenditure of the Treasury and Resources Department should be decreased by the same amount by reducing the allocation for restructuring costs.”

[17:15]

3.5.1 The Deputy of St. Mary:

I will start with the simplest case that can be made for what this is about, which is energy efficiency in domestic buildings and then outline what we should be doing in this area and then a little

explanation of the background to why this amendment really is so important, and then I will sum up. So to begin, what does this energy efficiency programme of the department deliver, and we heard in a Scrutiny hearing just how startling the results of this intervention are. Remember that at present, the energy efficiency programme applies to low-income households. In quarter 4 of 2009, work was carried out on a property and there was an immediate 27 per cent reduction in cost, a saving of 27 per cent. That is a pretty big substantial saving. A second example was given to us and they have not collated a full report on it because they say they are too busy running the scheme but a semi-detached property with just loft insulation, pipe lagging, cavity wall and draught proofing, basic stuff, £215 a year saved. Then, of course, you multiply that across the 800 properties that have so far been done. So that is what this is about; very simple terms; saving carbon, saving money. You cannot argue with it. It has got to be the right thing to do and as I mentioned in my report, the department should be running a scheme whereby these sorts of savings are available to everyone in the Island and in a cost-neutral way. It does not have to cost the States anything. It can be set up and it has been set up in the U.K. in different areas, schemes whereby the money is provided upfront to householders and then they pay it back in the form of an increased unit charge on their bill but the bottom line, of course, the actual bill that they pay for the unit is less. So the 2 balance-out and in the end, the sum originally spent is paid off and you can just keep going like that. It is like a revolving fund. You insulate, you recoup the money, you insulate, and you recoup the money and I am sure that that is the way to go. But with low-income households, there will be an element you will never be able to get back. That top line will have to be found. The money will have to be found because they cannot afford that extra money in the bill, but even then you can still recover that. You can build that cost into the scheme as well because the savings, as I have just shown, are so substantial and as energy costs rise, they will become even more substantial. So I think the principle of energy efficiency is not in doubt. But there is a deeper issue here, which I want to go into a bit because what I want to point out is that energy efficiency is the way we have to go, not just with this policy but with respect to all policies, and the cost cutters among us should be delighted to hear that we can get more out of less. But the problem is that inefficiency is built into the way the world works and we have to tackle that as an Assembly as well as this particular issue. The private sector, because it is interested in the bottom line, has a vested interest in inefficiency, and I will give you an example. The floods, they did a lot of damage but it is covered by insurance so then people can go and fix the carpets and fix the furniture. It is all paid for by somebody else. More economic activity, more hassle, more disturbance, more unpleasantness, but we are all wealthier and, of course, it is crazy and the same goes with the circle of bad food, bad diet, obesity and we end up paying for it all in the form of massive impact on our health service. But that is the way the world works. You can make more money that way. It is massively inefficient and it is called the free market but it is incompatible with the way the future has to be and this energy efficiency programme is part of the future where we have to go. We have to use resources efficiently and carefully. We have been hearing that from the Ministers and the cost-cutters all week and, in a sense, they are right. We have to find ways of getting more out of less, and that is exactly what this energy efficiency programme is about. There are 2 issues fundamentally. One is the environment and our future and less carbon is intimately tied-up with our future. A committee of I think it was the House of Commons or a committee of Her Majesty's Government in the U.K. has recently issued a report on their first report on the impact of climate change and how we have to mitigate that. They point out that since the seventies, the average temperature of Britain has gone up by 1 degree. It is here already. Spring is 11 days earlier. I just pick out those 2 facts from that report and we have to if we are a responsible government, act on that basis. The second point is social inclusion. At a basic level, this is what the energy efficiency programme is about. It is wholly admirable. I know the Minister supports it very firmly and, as I said at the beginning, you get instant returns for the least well-off in our society. It has been a fantastic programme and in closing, I would not want it said that we pulled the funding, that we reduced the funding, that we did not want to go in this direction and that we did too little too late. This is the way we do have to go. We should not be making this cut. We should, if anything, be

looking for a way to include everyone in the offer of improvements in their energy efficiency in their properties, businesses included as well as householders and I urge Members to put this back to go in the right direction with this and support the amendment.

The Greffier of the States (in the Chair):

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

3.5.2 Senator F.E. Cohen:

The energy grant scheme was specifically approved and supported by this States Assembly and it has been an extraordinarily successful programme. Over 800 low-income family homes have been insulated so far and it would not have happened without the commitment of the trustees who have organised this most successful programme, and I would like to extend my thanks to Sir Nigel Broomfield, Andrea Cooke and particularly to thank ... and I will make the unusual step of naming an officer, Louise Downey who has worked extraordinarily hard at the Environment Department to make sure that this programme has been the success that it has been. For those who are not fully aware, it provides 100 per cent turnkey solutions to home energy improvements presently for low-income families. That means approved suppliers go into a home, assess it, produce energy improvement solutions through the installation of insulation. Now we have extended it to boiler replacement and we come in with approved contractors, do all the work, clean up and pay 100 per cent of the bills and it is a very easy service for those on low incomes to take advantage of. It results in energy savings, in financial benefits. It has a fantastic fast payback and it contributes importantly to reducing our carbon emissions. I am, however, in a difficult position. I think morally we should be extending the programme to provide encouragement to all micro energy solutions and I have, for that reason, refused to agree to bring forward any further cuts in the energy grants as part of my C.S.R. submissions for 2012 and 2013. I think they should be entirely separate from the C.S.R. programme. However, I cannot say hand on heart that the programme is sensitive to £54,000 which is only 5 per cent and I have to say that we can manage without the £54,000 and for that reason, while I will not entertain further cuts in the programme as part of the C.S.R., I intend to oppose this amendment.

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

I echo some of the things that were said by the Minister. I correct him. I believe he meant to say Louise Magris. **[Approbation]**

Senator F.E. Cohen:

If I could just interject, I referred to by mistake my old friend Louise Downey at Jersey Heritage Trust **[Laughter]** rather than Louise Magris at the Environment Department. I apologise to the House, and particularly to Louise Magris.

The Greffier of the States (in the Chair):

Well, perhaps if you had used her title, Minister, we would not have had the problem.

Senator F.E. Cohen:

I would probably have got that wrong as well. **[Laughter]**

Deputy R.C. Duhamel:

Those are probably the only words that I am going to put into the Minister's mouth. In supporting the generality of energy grants and the thrust of the Deputy of St. Mary, I do take exception to the way he has brought this particular amendment to the House. He is suggesting that we continue to fund the existing programme of grants for energy efficiency measures for low-income families and charities. The work has been entirely successful in the take-up for our low-income families to insulate their homes. But contrary to what he has written in his report, if the eventual aim should be for the department to enable all Islanders and businesses to insulate their homes and premises in

a way that is cost-neutral for the department, then it is quite clear that other ways, more sensible ways perhaps, smarter ways, more cost effective ways, will have to be found in order to roll out the extended programme. This is not a new thought. In actual fact, it surprises me again the Deputy of St. Mary is not in accord with the advice that the Environment Scrutiny Panel on which he sits offered to myself and the Minister in a recent meeting whereby the panel indicated to the Ministers that we would be directed - as far as they were able to direct us - or encouraged to find alternative ways to fund this important work. The Deputy of St. Mary has mentioned the cost-neutral schemes that do operate in the U.K. Instead of offering grants, loans are given and those monies are paid back to the Central Treasury and they can be then offered to other persons on a revolving basis. Now, that is just one way of extending in a way that is properly cost-neutral the important work. Other ways that could be considered, and indeed will be considered, is the opportunity of the Island as a whole perhaps collectively using its purchasing power to offer deep discounts on particular equipment to encourage the take-up of the energy saving technologies. So with that in mind, I think that although the sentiment and the heart of the Deputy of St. Mary is probably in the right place, the actual amendment that he has put forward is not supportable and, indeed, I would urge all Members to encourage the Planning and Environment Department to play its part in terms of the cost-cutting exercises that we must all undertake.

3.5.4 The Connétable of Grouville:

I would just like to say 2 things. Firstly as a Constable of a Parish where we have senior citizens' homes, we took advantage of this wonderful offer and I must say that our senior citizens are extremely happy and they are showing energy savings already on the system. However, having said that, as a Member of the Corporate Affairs Committee, I am going to oppose the amendment simply because I think a 5 per cent cut in this is not the end of the world for anything. The Minister has assured us that he can cope with this, and so I shall be opposing the amendment, however, saying at the same time the officers of that department were absolutely brilliant in dealing with our people as were the installers of the equipment and the lagging.

3.5.5 Deputy P.V.F. Le Claire:

Deputy Duhamel speaks about playing their parts and no doubt the Planning and Environment Department could argue that by not allowing for this £54,000, they are indeed playing their part in cutting services and cutting expenditure. But what they are doing, in my view, is cutting investment.

[17:30]

Only on a very small level, okay - 5 per cent - but they are not putting in that 5 per cent, which may cover the costs of the officers, who knows, that have been praised, rightfully so, by the Minister, but £54,000 not only insulates homes and reduces impacts upon climate change and reduces electricity bills from a social element but it also keeps people warm and healthy. If it keeps people warm and healthy, they do not end up in the hospital. If they do not end up in the hospital, then we do not need to give them operations, and they will not need any swimming pools to go into when they have had those operations. So it is short-sighted. It is always the same way with the States. When they have got something they recognise as good that they are investing in, to reduce expenditure is crazy. If the department could come back and show other ways to save money that were not investment sensible then I would certainly support it, but this is a sensible investment.

3.5.6 Deputy M. Tadier:

I think it is a dark day for the States when my esteemed colleague, Deputy Duhamel, stands up and speaks in favour of cutting grants for insulation. I know that deep down in his heart, he does not agree with it. He is having to go along with it because he is playing ball as an Assistant Minister, and that is the game that we are all playing but at least he has stood up and spoken out because I was worried he would not. Where is the Dean today? I saw him earlier. He has not said anything

at all this week. We are dealing with a lot of issues today, all of which are ethical and have moral tangents to them. I know certainly the environmental implications of this but also I would like to hear what the Dean has to say about low-income families and charities and cutting money to charities, giving money to the finance industry, because I think these are all pertinent issues. But in the absence of the Dean, let me give you a quote. It does say in Proverbs 29 verse 7, with the risk of sounding like Dot Cotton from East Enders **[Laughter]** I will not try and do the accent, it says: “The righteous care about justice for the poor but the wicked have no such concern.” So we will see how people vote today and how they will be judged much, much later on. Unfortunately I could not find any quotes in the Bible about home insulation so I will leave it at that. I am certainly going to support this. I think it is absolutely right, as Deputy Le Claire said. This is an investment. It does help families right across the board but also, in particular, low-income families and charities to insulate their homes, to save money on bills, to stop them unnecessarily going to income support because they have spent too much on electricity or gas or oil when it could have been avoided. We need to support this. It is one cut too far. I think we should all get behind Deputy Wimberley on this one and I hope to hear from the Dean next week.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? I call on the Deputy of St. Mary to reply.

3.5.7 The Deputy of St. Mary:

I thank all those who spoke and made a number of good points. I want to clarify what the Assistant Minister said. He says that there are more cost-effective ways and smarter ways of delivering the programme. Well, yes, that is what I said in my speech and in my report, that if we are to spread this programme out across the Island, which we should, there are intelligent ways of doing it. As he himself said, revolving fund, you get the payback, you reuse the money and the States has ways of doing this. We can borrow from ourselves. There is not a problem with it. We just need to get on and do that. But then he implied that this money for low-income families was therefore not necessary because we can do it in this other clever way where it does not cost anything at all. But, of course, that is not true because, as I said in my opening remarks, we will not be able to recover the investment from low-income families, but the Minister has gone ahead with this scheme and his officers on the basis that they would reach people in income support first. They were right to do that and the results have been dramatic. I find it is an interesting case in point of what we are seeing all through this debate when the Constable of Grouville said: “My old people are very happy.” He grabbed the scheme. He used the scheme. He knows because of his contact with the parishioners that his old people are very happy. They have had immediate benefits from this scheme and so we should pull funding for it. It just does not follow.

The Connétable of Grouville:

Excuse me, a point of correction. I did refer to senior citizens, not old people.

The Deputy of St. Mary:

I stand corrected. It is very late in the day but if senior citizens is the P.C. (politically correct) way to say that, then that is fine. But I think the point is very resonant because time and again in this debate, we are turning away from things that we know we should do and it is wrong and it is short-sighted, as Deputy Le Claire said. It is short-sighted because this is an investment. You are saving money. You are saving carbon and, as he pointed out, there is also in this an effect of rebound. Because people are able to afford a bit more heating, and it still does not cost them, they use that heating as part of what they can now afford and that keeps them less at risk of disease caused by simply being too cold. So with that, it is the right thing to do. It is socially just. It is daft to cut this programme because, in every single way, it is the right way to go and when the Minister says: “We can manage without the £54,000” well, I suggest that he could manage better with it and I move the amendment.

The Greffier of the States (in the Chair):

The Member has asked for the appel. Therefore I ask Members to return to their seats. The vote is for or against the amendment of the Deputy of St. Mary and the Greffier will open the voting.

POUR: 12	CONTRE: 32	ABSTAIN: 0
Senator A. Breckon	Senator T.A. Le Sueur	
Connétable of St. Helier	Senator P.F. Routier	
Deputy of St. Martin	Senator P.F.C. Ozouf	
Deputy J.B. Fox (H)	Senator B.E. Shenton	
Deputy J.A. Martin (H)	Senator F.E. Cohen	
Deputy G.P. Southern (H)	Senator S.C. Ferguson	
Deputy of Grouville	Senator A.J.H. Maclean	
Deputy P.V.F. Le Claire (H)	Senator B.I. Le Marquand	
Deputy M. Tadier (B)	Senator F.du H. Le Gresley	
Deputy of St. Mary	Connétable of St. Ouen	
Deputy T.M. Pitman (H)	Connétable of Trinity	
Deputy D.J. De Sousa (H)	Connétable of Grouville	
	Connétable of St. Brelade	
	Connétable of St. Martin	
	Connétable of St. Saviour	
	Connétable of St. Clement	
	Connétable of St. Peter	
	Connétable of St. Lawrence	
	Deputy R.C. Duhamel (S)	
	Deputy of St. Ouen	
	Deputy of St. Peter	
	Deputy J.A. Hilton (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy of Trinity	
	Deputy S.S.P.A. Power (B)	
	Deputy I.J. Gorst (C)	
	Deputy of St. John	
	Deputy A.T. Dupré (C)	
	Deputy E.J. Noel (L)	
	Deputy T.A. Vallois (S)	
	Deputy A.K.F. Green (H)	
	Deputy J.M. Maçon (S)	

3.6 Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph 3)**The Greffier of the States (in the Chair):**

Very well. We come now to amendments relating to the Social Security Department. The first one is number 54 in the running order. There is an amendment to this one but we will obviously first ask Deputy Southern to propose his amendment as submitted and I will ask the Greffier to read that amendment.

The Assistant Greffier of the States:

Page 2, paragraph (a), after the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Social Security Department shall be increased by £300,000 in order to prevent the proposed removal of the G.S.T. bonus and not proceed with the comprehensive spending review proposal on page 63 of the Plan SS-S4 ‘removal of the G.S.T. bonus budget’, and the net revenue expenditure of the Treasury and Resources

Department shall be decreased by the same amount by reducing the allocation for restructuring costs.”

Deputy A.K.F. Green:

I am not sure if I should just declare an interest here. I am the main carer of my son who normally receives G.S.T. bonus.

The Greffier of the States (in the Chair):

Thank you. It is not direct financial benefit to yourself but your declaration is noted.

Deputy A.K.F. Green:

Well, it is, Sir, because I do not have to give them quite so much money. **[Laughter]**

3.6.1 Deputy G.P. Southern:

Let me start by saying I have been waiting for this moment for almost 4 days now and to say immediately for the sake of clarity so Members know where they are, I will be accepting the first part of Deputy Le Fondré’s amendment. I am unsure whether to accept the second part so I will be accepting substitution of £138,000 for the £300,000 in my amendment, but I am undecided whether we should adopt the mechanism of taking that money from restructuring costs, as I propose, or take it from central reserves. I leave that to the House to decide. So just briefly, quite frankly, I brought this amendment because I could scarcely believe what I was reading when I read the proposal from the Minister for Social Security to simply cut what effectively is the G.S.T. bonus, his justification for that saying: “Well, this does not impact on the very worst off in our society.” It impacts on those who are next to the very worst off in our society because Members will recognise that the G.S.T. bonus or food bonus, whatever you like to call it - certainly we initially called it a G.S.T. bonus - was brought in specifically to assist those who were not on income support because we had catered for those in G.S.T. proposals and not taxpayers, because we had catered for those in the G.S.T. proposals by hook or by crook. We made adaptation for that but it is for that tranche of people just between those 2 layers, not on income support and not paying income tax. So the next door to the very poorest is what we are trying to impact there. The fact is that at the time, they were brought in on triennial regulations - 3-year regulations - for convenience sake. It was the simplest way of doing it at short notice. It was never, never intended after 3 years that this bonus would be nicked back again. It was there in order to get G.S.T. on food through, and many Members in this House will remember the intensity of that debate and the way in which it came about as a compromise position in order to get that accepted. So for the Minister of Social Security to imagine even that he could just quietly slip this move in and nobody would notice that now, despite having it pointed out at the time what is given can always be taken away, and it is not a particularly efficient way of doing things I do not think, but nonetheless to imagine that he could just slip this in and take this money back is quite frankly shocking. So that is where we are. I recognise now that my calculations were wrong and that Deputy Le Fondré is right, that there has been an allowance put in there for something like £170,000 which takes us up to the end of July and so therefore, in order to maintain this bonus for the whole year *pro rata*, we need something like £138,000 extra and I am quite happy to accept that that is what we should be aiming for. I believe the Council of Ministers is content to accept this amendment, as I understand it, and so this might be a very short debate, as we say, and I leave it to the House to decide where this funding should come from otherwise - either in restructuring costs or from the central reserves, often called the Contingency Fund - and with that I will sit down and welcome any comments.

The Greffier of the States (in the Chair):

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

3.7 Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph 3) - amendment

The Greffier of the States (in the Chair):

Now, there is an amendment to the amendment, as Deputy Southern has said, in the name of Deputy Le Fondré. We will call both parts of the amendment even if you wish separate votes, Deputy. I will ask the Greffier to read the 2 parts.

The Assistant Greffier of the States:

Page 3, amendment (3), for the figure “£300,000”, substitute the figure “£138,000”. Page 3, Amendment (3), for the words “Restructuring Costs” substitute the words “Central Reserves”.

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

It is quite a rare moment when I say I am delighted to follow the previous speaker. Deputy Southern has proposed the reinstatement of the G.S.T. bonus the removal of which has been proposed by my formerly good friend, the Minister for Social Security, but I would note on a more serious note that the amendment is supported by the majority of the Council of Ministers as noted in the comments. Although I do not necessarily agree with all of the comments within the Deputy’s report, I do entirely agree that the G.S.T. bonus should not be removed and I believe that the principle of what has been proposed by Deputy Southern should be supported. It is, in my view, very key in keeping a simple G.S.T. simple, less complex to administer and therefore less bureaucratic for both business and, of course, the Jersey taxpayer and that is where I have always been.

[17:45]

I will develop slightly in how we arrived at the amount but Deputy Southern has identified the issue. When I looked at it, I felt that the proposition could be amended or improved slightly on 2 accounts. One was the fact that Social Security have retained an amount of £172,000 in their budget until the date that the triennial regulations finish. I do think there are some flaws in that stance, which I have noted in my report because the G.S.T. bonus is claimable at any point throughout the year. Therefore just to *pro rata* the total sum that has been taken out I thought was a flawed position so I think the sum retained should be sufficient for the full year. Secondly, the source of the funding, in my view, should come from the central reserve, which is an ongoing source rather than from the one-off Treasury restructuring costs. That to me seemed to be a better place to target and, in my view, again ties-in to the terms outlined in the Business Plan. As Deputy Southern has said, we are in the hands of the Assembly effectively as to whether people agree that it should come from Treasury restructuring costs or my preferred option of taking it from the central reserve. I would just quote very briefly from my report, which in turns comes from the Business Plan: “The second element of the central reserve is to provide for variations in general departmental expenditure. It could provide time in-year for priorities to be reassessed and balanced within cash limits ahead of the next Business Plan.” In other words, it is the pot that is there for, if you like, contingencies or issues that arise. It allows for that money to be covered in the year that it arises, in this case in 2011, and most importantly to allow time for a proper solution to come back during 2011 in time for 2012 and that is my view why it should come from the central reserve. I will reiterate the point that in my view, this matter does need to be addressed properly in 2011 with discussions and agreements between the appropriate Ministers. I just do not agree with them incorporating this reduction in the Business Plan in this manner. There needs to be a proper consideration of the bonus system, how it should move forward, who should control the funding of it and who should administer it. That is something for another day. I hope Members will support my views in this and I make the amendment.

The Greffier of the States (in the Chair):

Is the amendment to the amendment seconded? **[Seconded]** Very well. Now, I would simply remind Members at this stage we will now debate the amendment to the amendment of Deputy Le Fondré, which I would imagine can be relatively brief before we resume debate on the principal

amendment as amended, or not as the case may be. Does any Member wish to speak on the amendment of Deputy Le Fondré?

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

As is often the case, I believe when an amendment is amending an amendment, the major debate happens on that amendment so I hope you will indulge me slightly ...

The Greffier of the States (in the Chair):

Not too much, Deputy. **[Laughter]**

Deputy I.J. Gorst:

... in the comments that I am going to make, and the comments that I am going to make now are on the understanding that I will not then speak on the main amendment. I find myself in somewhat of a strange position this afternoon. Ministers throughout this Business Plan have for matters of conscience voted against the Business Plan and although I will be voting in favour of the Business Plan, I will be voting against the position of the majority of my colleagues who accept this amended amendment if it becomes amended **[Laughter] [Aside]** ... only if it becomes amended and therefore I hope that the debate will be relatively short. However, I should make quite clear why it is that I have brought forward this cut today and the difficulties that I, along with other Ministers, have faced and will continue to face in bringing forward the quantum of cuts that I believe the general public are expecting of us, and certainly I know that this Assembly is expecting of us. I administer a number of benefits in my department. Some of those benefits are means tested, some are not. The proposer of the original amendment was somewhat disparaging about my rationale for putting forward this cut. However, I believe that that was a perfectly legitimate criterium. Those benefits which are going to the most vulnerable, those benefits which are means tested I tried to protect in the first instance. This is not a means tested benefit. Those on income support do not qualify for it. Those above income support but not paying tax do. That was a quite straightforward process that I went through and I believe that I had a responsibility and a duty to do that. I understand that for political reasons, the Assembly today is probably going to wish to keep the bonus, and that is as it may be, but I would just put Members on notice that the cuts that I will now be required to bring forward for 2012 and 2013, if Members find this unpalatable, I hate to begin to think about the palatability of the other cuts that I will have little choice but to bring forward. Because what we are talking about in the quantum of cuts that we need to look for are looking at benefits, looking at staffing levels, looking at remuneration of our staff in the public service and these are the issues that we, as an Assembly, are going to have to get to grips with. I realise that I will be a minority in this particular instance but that was my rationale. I stand by that rationale. I believed that it is was the only appropriate and fair methodology that I could apply. So I hope that Members, while perhaps voting against me, will understand that but will at the same time recognise that the decisions that I will be presenting before this Assembly in due course will, in actual fact, be even more difficult than the one that they are having to vote on today.

3.7.3 Deputy T.M. Pitman:

I found that speech a bit scary but there we go. I think to use the term “a cut too far.” It has been used so many times today but it probably should have been reserved for this if it had gone ahead, so I would like to applaud the proposer and Deputy Le Fondré for his amendment. I thought the central reserve was the way to go and, on a central theme, I would like to applaud Deputy Le Fondré. Credit where it is due. It is nice to see him moving across to the middle ground with Deputy Southern and myself. **[Laughter]**

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the amendment of Deputy Le Fondré? I call on Deputy Le Fondré to reply.

3.7.4 Deputy J.A.N. Le Fondré:

I think I will just thank Deputy Gorst for his comments. I am sure we will resume our friendship in due course but, as I said, I do feel that this matter does need to be resolved properly during 2011 and that this amendment and that amendment of Deputy Southern will allow that process to take place. My preference is to go for the central reserve and I think on that basis, on the basis of letting the Assembly make the decision, I need to propose the vote in 2 parts, then, if I may.

The Greffier of the States (in the Chair):

Yes, as you wish Deputy.

Deputy J.A.N. Le Fondré:

Okay, then, thank you, Sir.

The Greffier of the States (in the Chair):

Does the Member wish the appel on part 1?

Deputy J.A.N. Le Fondré:

Yes, Sir.

The Greffier of the States (in the Chair):

Very well. The appel is called for on part 1 which proposes to replace the figure of £300,000 with the figure of £138,000 and the Greffier will open the voting.

POUR: 37		CONTRE: 2		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy R.C. Duhamel (S)		
Senator P.F. Routier		Deputy I.J. Gorst (C)		
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
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. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				

Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Greffier of the States (in the Chair):

Very well. I will ask the Greffier to reset the voting system and the second vote will be on part 2 of the amendment which relates to substituting the words “central reserves” for the words “restructuring costs” and the Greffier will open the voting.

POUR: 35		CONTRE: 3		ABSTAIN: 0
Senator T.A. Le Sueur		Connétable of St. Helier		
Senator P.F. Routier		Deputy R.C. Duhamel (S)		
Senator P.F.C. Ozouf		Deputy J.A. Martin (H)		
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy I.J. Gorst (C)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

3.8 Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph 3) - as amended

The Greffier of the States (in the Chair):

Very well. Now debate resumes on the amendment as amended. Senator Routier?

3.8.1 Senator P.F. Routier:

I will be very brief. As one of the architects of the G.S.T. bonus myself, as was the previous Minister for Treasury and Resources, now the Chief Minister, I am quite pleased that Deputy Southern has brought forward this amendment today because I believe the establishment of that bonus was the right thing to do especially when we have the reason for it. As we all know, it was introduced when the exemptions on food was rejected so we felt that there was a need just to protect people in the middle ground. So as long as the exemptions on food are still in place, I think the G.S.T. bonus is the correct thing to be doing.

3.8.2 Deputy J.B. Fox:

I agree entirely that this was not just for 3 years. This was an essential part of it, and let us just quickly recall that, in fact, there was an awful lot of pressure not to have G.S.T. in the first place and there was also an awful lot of exemptions for food and clothes and all sorts of other things went through at the time. So it was also brought to our attention that the cost factor of G.S.T. would rise - I am quoting from memory - from 3 per cent to 5 per cent if you had the exemptions. So this was brought in to provide the additional safeguard. That is the reason, that, in my belief, and I voted for it, for it to go through. That is why I shall support it today. If it is going to be looked at in future let us have it as a comprehensive thing as opposed to a one-off for people forgetting that it was there for an indefinite period of time, not just for a limited time. I got a lot of flack on my re-election or before my re-election, and I survived with one vote for telling the truth about G.S.T., even though it was unpopular.

3.8.3 Deputy A.K.F. Green:

I have got very little to add because Senator Routier said most of what I was going to say, but I would like to remind people that, as Senator Routier said, it was there to compensate people for tax going on food and perhaps other essentials of life, which, in my view, is totally immoral. While we have got that, we must continue to support the bonus.

3.8.4 Senator A. Breckon:

I remember the time of the debate; I think it was the proposal from the Deputy of Grouville about the exemptions, and Deputy Le Fondré came in on a white charger with this. It was not actually debated. It was a case of: "Well, you can reject the exemptions because this is going to be the safeguard for people in certain brackets." I think they will feel betrayed when this is going to be taken away. How do people view that when they cannot afford the tax? I think the Minister for Social Security is comparing the badly off with the not quite so well off. Where are we targeting people? Here we are targeting people who are struggling to meet everyday living costs. I think he is going to have a difficult time if this is the sort of agenda that he has got in the future because when I have seen this I did not really believe it. I thought: "Well, how can this be done so quickly when promises were made to people: there will be no exemptions but there will be something to assist you?" As I say, I think the Minister for Social Security is going to have a really difficult time if this is the depth that he is going to claw back some money.

3.8.5 Deputy P.V.F. Le Claire:

I would say I am disappointed and concerned that the Minister has gone fishing in these grounds so early. It was no surprise, really, when G.S.T. came in that the amendment by Deputy Le Fondré was accepted instead of the exemptions. But I am just extremely surprised. We have seen the Minister furrowing into these grounds so early on in the history of G.S.T. As he said in his speech, it is only a sign of things to come. Well, I think he needs to review the free prescriptions without means tests, and I think he also needs to consider I am going to be bringing an amendment to the Breckon proposals, which he did voice some support for, for amalgamating his department with Health and Social Services and maybe cutting down on some of the expenses the public would like

to see, so that the support and the money is there for those vulnerable people. We can maybe start to put some of these resources into bed with Treasury where they belong in terms of pensions, and into bed with Health where they belong also, rather than having his department handing out money for doctors when there is no money for doctors at the Health Department.

3.8.6 Deputy T.M. Pitman:

Really just to follow Deputy Green's sentiments, this must be kept in place, even more so as it is quite clear to many of us that G.S.T. will be being raised in the near future in order that the wealthiest in the Island can continue to be cosseted from a fair progressive taxation system. An absolute must.

The Greffier of the States (in the Chair):

Deputy Gorst, I thought you had told me you were ... **[Laughter]**

3.8.7 Deputy I.J. Gorst:

Indeed, Sir. I do apologise if I spoke inappropriately in the amendment to the amendment. I just wish to rise not to necessarily talk about this ... I forget what I am saying. I rise to address a comment by Deputy Le Claire, as I am sure he is aware, that the money that we pay to G.P.s comes from the contributions that people make from their salaries and is a separate fund.

[18:00]

What the C.S.R process has been about is tax-funded expenditure. Therefore that means that with regard to C.S.R., at this stage, I have not been looking at the Social Security Fund or the Health Insurance Fund. That is totally separate. But he will be aware from looking at P.125 that the very thing he is talking about is the very thing that I am proposing along with the Minister for Health. Even if free prescriptions had been reversed by now, that would not affect the tax-funded benefits. We are just talking about tax-funded benefits in this sentence.

3.8.8 Deputy M. Tadier:

I am glad that this seems as if it is going through. I would just like to say, though, it is unfortunate that we have had to put many folk - the elderly- through unnecessary worry and angst, because I have certainly had people commenting to me in the street, and I am sure many Members here have had the same, that they were worried that the bonuses were going to be cut when we could find money, let us say it again, for the finance industry. So I am glad that we are making the right decision here. It is imperative that we protect the most vulnerable or the lowest paid in our society, whether we do it through the bonus or ... I would probably prefer through exemptions. One way or the other.

The Greffier of the States (in the Chair):

I call on Deputy Southern to reply.

3.8.9 Deputy G.P. Southern:

Yes, we will need, during the year, I believe, if G.S.T. is to be increased yet again, we may need to look at this again, as Deputy Le Fondré has said. I am particularly aware that we will need to revisit this again because we are warned at the moment that food prices - flour in particular - are already on the march, and that internationally, globally, food prices appear to be about to go through the ceiling. So we are faced with hard decisions coming up. I cannot leave this without commenting on Deputy Gorst's comments when he said: "This is not means tested." It is not directly means tested. We do not put a figure there. But if you are not paying tax you are obviously earning a low amount of money. It is clearly directed and targeted at the correct people. It is not means tested. It was interesting today, now, after 4 days of debate ... well, 3 days of debate, to hear the First Minister come out and say: "Right, if you think this is hard on the 2 per cent cuts, you ain't seen nothing yet." Just what is happening with 10 per cent? Now, we do not

know yet. We do not know if Ministers have finally decided yet and got their hit list. But I think that the word Deputy Pitman used was “frightening”. I think that prospect in this particular area, because we are talking about almost uniquely the payment of benefits either to the vulnerable or the poor; or the vulnerable and the poor is what we are talking about with Social Security. If we are not to make moves on that which is funded from contributions but only on those benefits which come through tax, then we are truly in for some terrifying cuts which will seriously affect the lives of the vulnerable and poor on this Island, if that is the case. I think when we do see the package of 10 per cent; that is the £50 million, then we are going to have to look very carefully and see what is going to happen, I believe spectacularly, to this particular budget because I think those moves are going to be truly, truly horrible. But nonetheless it seems to me that ... I am glad that the majority of Ministers have decided to support this proposition because it does indeed keep a promise that was made previously when we brought in G.S.T. I maintain the amendment and call for the appel.

The Greffier of the States (in the Chair):

Very well. The appel is called for on the amendment, the amendment of Deputy Le Fondré. Members are about to reach their seats. I will ask the Greffier to open the voting.

POUR: 38		CONTRE: 5		ABSTAIN: 0
Senator T.A. Le Sueur		Senator S.C. Ferguson		
Senator P.F. Routier		Connétable of St. Brelade		
Senator P.F.C. Ozouf		Deputy R.C. Duhamel (S)		
Senator B.E. Shenton		Deputy I.J. Gorst (C)		
Senator F.E. Cohen		Deputy of St. John		
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

3.9. Draft Annual Business Plan 2011 (P.99/2010): fifth amendment (P.99/2010 Amd.(5)) (paragraph4)

The Greffier of the States (in the Chair):

Very well, we move on now to the next part of the same set of amendment, number 4, the fifth amendments by Deputy Southern. I will ask the Greffier to read that amendment.

The Assistant Greffier of the States:

After the words “withdrawn from the Consolidated Fund in 2011” insert the words “except that the net revenue expenditure of the Social Security Department to be increased by £54,000 in order to prevent the proposed reduction in the housing adaptations budget and not proceed with a comprehensive spending review proposal on page 63 of the plan SS-S7 ‘reduce the housing adaptations budget by 50 per cent’, and the net revenue expenditure of the Treasury and Resources Department should be decreased by the same amount by reducing allocation for restructuring costs.”

3.9.1 Deputy G.P. Southern:

Last one of the day and this budget, I think, this Business Plan for me. One more for me? Okay. Yes, housing adaptations and this one, when I saw it, I thought: “What is going on here?” I am aware of the Housing Adaptations Fund. I am aware of the Housing Adaptations Fund that lies with the Housing Department for States accommodation. I am aware that this particular fund exists with Social Security for those in private accommodation, rental accommodation or in their own homes. I know what its purpose is. Its purpose is very laudable. It is to try and ensure that those with a disability can look after themselves in their own homes and do not have to be taken into care in that sense. That remains one of the prime aims of the Strategic Plan 2009 to 2014. So Health and Social Services - in particular, Business Plan for 2010, objective 5 - supports the following: “To improve the health and social well-being of the population. The independence of adults needing health and social care thus enabling them to live as safe, full and normal life as possible in their own home wherever feasible.” I am also aware that, by and large, it is the occupational therapists who often assess and deal with these adaptations. What I am concerned about, though, is that what happens is that from time to time I am aware that the housing budget - the one that sits with Housing - often is spent-up before the end of the year. The demand is sufficiently great and access to that works very smoothly. I have been made aware by the occupational therapists themselves that from time to time this fund, indeed, does run out. In particular, although this change is presented as: “We have not spent up this fund in previous years”, I was aware that in 2000, because the occupational therapists told me, that it was closed down. So if one looks at the chart on page 9 of my report here, you can see 2007: 13 applications for assistance, 11 approved; 2008: 15 applications, 12 grants approved; and then in 2009: 6 applications and 4 grants approved. So it certainly was not spent up in 2009. Why? Because it was suspended. There were worries about future spending, about the growth of the bill for the Ministry for Social Security due to increased redundancies - these people out of work - and the benefit going up. There was a big put-in for fiscal stimulus funding to cover that, fiscal stimulus for funding from the Ministry for Treasury and Resources to cover that. While they were waiting to ensure that that budget was filled, they suspended discretionary payment, including this. So, what happens when either the fund is spent-up and it is closed-down before the end of the year or is suspended, occupational therapists spend ages and ages chasing down charities in order to fund necessary adaptations because they cannot access this particular fund. So what is happening is that from time to time the actions of one department impinge quite seriously on the workers and the activities of another. In this case, Social Security in 2009 suspended the fund and that impacted on the workload of

occupational therapists in Health and Social Services. I think it is a pretty lame excuse to say: “Oh well, in previous years we have not spent-up the fund that we have got.” I believe that in many case the reason why the fund does not get spent-up is because it simply not promoted sufficiently and people are not aware that the grant is there. Therefore they do not ask; simply, simply that. Certainly, communication and spreading the word that this fund is available is the way to make sure that it is spent-up. They would rather it was spent-up every year than it was under-spent. This is one of the things that goes wrong with any benefit system in any part of the world. It is not about fraud and stuff, what happens; it is about under-claiming. People with a handicap ... sorry, disability, unaware of this fund, do not talk about it, do not claim. Therefore it does not get spent. I would like to see, especially in these days of extreme difficulty, I think we ought to be doing our utmost to make sure that those with a disability - the vulnerable - are allowed to stay in their own homes and what we should be doing, quite simply, is making sure that we do spend the entire fund, that it gets out there and does the job it is supposed to be doing rather than sitting in a coffer waiting and they are not spending. So it is about promoting; it is about making sure that people are aware that this fund is there and let us get on and spend it. Let us not cut it back for convenience sake now because in the past we have not promoted it properly. I believe that is what is happening and that is the reason behind my amendment.

The Greffier of the States (in the Chair):

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

3.9.2 Deputy A.K.F. Green:

I am pleased to follow Deputy Southern because I am going to support this amendment. It is quite personal but I want to take people back to 1988 when my son had his accident. We were, believe it or not, then a young couple, fully mortgaged to the hilt, both wages needed to pay for bills. The adaptations to our house to take his wheelchair in 1988 cost £40,000. It nearly killed us. There was no help. The banks were very kind and mortgaged us extra at about 4 per cent above base. That is why this fund was set up, to help people. If you are lucky enough to live in housing accommodation ... I say “lucky enough” because the same people living in housing accommodation may think if you have got your own house you are lucky. We are all lucky in some respects. But if you live in housing accommodation, I have to say the people I have helped over the past, the Housing Department have been absolutely fantastic at either adapting the premises they are in or finding new suitable premises.

[18:15]

I cannot fault it. But if you are mortgaged to the hilt, an ordinary young couple, you are going to struggle. That is partly why this scheme was set up. We had no help; there was nothing to help us with at the time. Maybe we did not spend anything. The reasons: it might be people did not know it was there, that you have 2 people coming up with either acquired disability - that is a medical condition - or traumatic injury, an accident of some sort tomorrow that could wipe this fund out in a stroke. It is absolutely wrong, absolutely wrong to remove this. I certainly will not support its removal, neither will I be supporting the amendment.

3.9.3 Deputy I.J. Gorst:

I think the proposer of this amendment did make it clear that this is a budget realignment. The spend has not been what the budget has been allocated to the department, on average, over the last 5 years. I have not realigned the budget to the actual spend. I have still left around £10,000 worth of headroom and therefore this should not, and I do not believe that it will, affect those who want access and require help from this particular scheme. If it were that, going forward over the next 2 or 3 years, spend was seen or applications were seen to be greater than the new realigned budget, then I would have no hesitation whatsoever in coming forward and asking for that budget to be

amended again. That is what is an appropriate function of the Business Planning process. We have not used that budget

Deputy P.V.F. Le Claire:

Could I ask the Minister for a piece of information, please? Thank you, Minister. Could I ask the Minister what the budget is that he has set aside for this, please, and, bearing in mind that he has set a £10,000 ceiling, we will then understand, in proportion to what an accident incurs, what we have got?

Deputy I.J. Gorst:

The budget currently stands at £108,000. The average spend between 2005 and 2009 was around £47,000 but in recent years it was £45,000. I have put £54,000 in so I have still got that element of space, and, as I say, I would have no hesitation if, during the course of the coming year, it transpires that my projection - my forecast - is incorrect, then I will come forward and ask for more going forward. Budgeting is about forecasting what we expect to happen in eventuality during the course of the year, and I am putting forward this realigned budget in this particular instance because, as I say, I have left some headroom for a slightly increased number of applications. But that is not what has happened in previous years.

Deputy P.V.F. Le Claire:

I am sorry. I do not mean to disturb the Minister but I went to St. Helier's Boys. I had 13 maths teachers in my first term. Not very good at maths. I understand the Minister said £118,000 and then £47,000 and £45,000. I just got a bit confused. Is he saying that the budget is £45,000 and there is a £10,000? I did not quite understand.

Deputy I.J. Gorst:

Sorry, it is getting late in the day. The budget currently is £108,000. The average spend over the last 5 years has been £45,000. But I am proposing a budget of £54,000. So there is still room for extra applications, and, as I say, it is a budgeting process; it is a forecast. I cannot say exactly what the number of applications and what the quantum of those applications will be. But I can give an assurance that should that be greater than the budget is, I have no hesitation in coming forward to increase the budget going forward. That is what I believe is an appropriate Business Planning application. Every Minister should come forward and say: "This is what I expect to happen. It may not do. If it does not then obviously next year I will have come forward with a different type of budget. The mover of the amendment ...

Deputy J.A. Hilton:

Sorry, sir. Could I just seek another point of clarification? Did the Minister mention a figure of £10,000?

Deputy I.J. Gorst:

Sorry, it was a rounded figure, roughly the difference between the average spend on the budget that I am proposing. The proposer said that the fund had been closed down. That is a slightly emotive way of describing it as it was frozen in 2009 because, again, with regard to forecasting what might happen we were expecting at that point that the amount that we would have to expend in income support would increase, due to the economic downturn. At that point we were not aware of exactly the amount of money that we would be getting from Treasury and automatic stabilisers in order to supplement that budget and each Minister in each department must run their department within the budget that this Assembly approves for them and they manage that in the way that they think is best appropriate. That did happen. The Deputy also made great play about people perhaps not knowing about this particular budget. I should say that it is Health and Social Services and Members of that department that are responsible for putting forward applications. I have got to say, in my experience, if an employee or someone in another department can get money from a separate

department, they certainly have no hesitation whatsoever in making recommendations that that money should be taken from somebody else's department. So I do not think that that happens in practice. I hope that I have addressed or I have tried to address any questions that Members might have. But I do ask that they allow me to go forward with this amendment, and, in a way, we shall see what happens during the course of 2011. But I do ask that Members reject this amendment.

3.9.4 Senator B.E. Shenton:

This does seem to be an accounting amendment rather than anything else and certainly from the P.A.C's point of view we would be very disappointed if this House forced the Minister to have an unrealistic budget on any particular area within his control. I think the amendment has been useful inasmuch as we have had certain assurances from the Minister that the fund will not be closed down and that he will attempt to find any extra spending from elsewhere within his budget, because, as we all know, he can move money round within his department. I would urge Members, purely with an accounting hat on, to reject the amendment of Deputy Southern. But, having said that, take the surety from the Minister that this will have no adverse effect on any individual. The fund will be kept open and the money will still be made available.

3.9.5 Deputy P.V.F. Le Claire:

An accounting ... I can understand the P.A.C. wants to see proper and diligent accounting processes and I have some questions on that for another time. But we are told there is a £10,000 ceiling and then we are told there is £45,000 ... All right, wrong terminology. We are told that there is a £10,000 room for manoeuvre from the Minister, around, but from £45,000 to £54,000. I mean, I am not good at maths but that is nothing. My problem is that I do believe the Minister will move around and I do believe that if he is approached by Health to do something that he will move things around. But I have been in his offices with people that have had serious disabilities. I was there not so very long ago with a lady who had lost her legs. She could not get assistance because she was falling above a certain bracket. I was dealing with the officers, unfortunately, who were stuck with what their guidelines and what their information allowed them to do. I am just a bit concerned that if the Minister has budgeted for this amount, and that amount is all that there is, the officers will then say: "Well, that has been used up. There are no more funds here. You will have to go and get it from the private sector." I am also a little bit concerned about the fact that there is no explanation really as to what sorts of monies were applied for. We notice that in the information we have been given over the years, there have been 2 or 3 in each year that have been refused out of the applications. I am just taking real life, real day's issues. I was very touched by Deputy Green's speech and the acknowledgement. I dealt with not so long ago a young man who came off his motorbike. I have been to the Housing Department and every time I go to the Housing Department I get the best help and the best assistance from this Minister, and also from his predecessor, Senator Le Main. I have always had help in getting people changes to their accommodation when it has happened, not that often, but when I have done it they have helped. Now, in the private sector where this is set up to look after, how many people are not aware of this and how many people are not being represented by Health when they could be applying for these issues. I am sorry, I would like to go with ... I know the Minister himself, if approached on a subject, will listen and will do things. But I am just sorry that the Minister is not ... he cannot be everywhere. I think if there is a budget that is taken away or reduced to this level, it is not a lot of money to have a couple of accidents like Deputy Green's son had, to end up with this budget blown away. I think that we need to set in place some processes where people entering the department are able to notify the Minister if they are unable to access the funds, that the funds have been exhausted. Now, if the Minister was able to do that, if he was able to say: "Right, the funds have been exhausted; in those instances, contact the Minister; the Minister can make an executive decision, then my fears might be allayed. But otherwise I am dragged back into those memories of those meetings with constituents, in serious health issues, facing bureaucracy. I am not content. I am sorry, I cannot share the same assurances that other Members seem to have rested upon. I am

going to have to support the amendment and I am going to look to the Minister to provide more clear information and publications to the public so that if they want changes to better their lives if they are disabled or in any way differently abled, that they will be able to get those.

3.9.6 The Deputy of St. Mary:

Following directly on from that, that is the key issue that the proposer has to talk to us about when he sums up, which is the difference between the Minister, who says: “Look at the average spend, put a little bit extra on top and that should do, that should be enough” and the proposer’s assertion that there are people out there who do not even know that this help is there. If it was more publicised that this help was available from a caring government then there would be more applications and the funds would, indeed, be used up. We need this money. We need to put back a cut. I think that is really the key issue. I do not think there is any issue about the desirability of having this pot. Deputy Green has made that case. There is not just a financial payback in terms of savings and these people having to be accommodated elsewhere. There could be really bad financial consequences. But of course the real payback is in independence and in the quality of your life. So there is no argument about whether this is the right thing to do. There is just an argument about whether that money is needed in the pot and whether there are people out there who could use it if they knew it was there. I do ask the proposer to listen on that.

3.9.7 Deputy M. Tadier:

For similar reasons to Deputy le Claire, I am also uneasy about this. The first reason I think is Deputy Green made a salient case that what happens if in a particular year, for whatever reason, you get many more applications, either due to an accident or due to a chronic illness, an acute illness and then more approaches are made. What if, because of this debate, in fact, people start to realise ... they have been listening on the radio. “Hey, I never knew that existed at all so I am going to put in an application for that” that the department does get a higher one. Now, I know that the Minister has tried to give an assurance that we can just come back to the Assembly and ask for more money. But that is the point. It cannot be done straight away. Having dealt with the Social Security Department, some of the staff are very good. But when I go there for grants that are available anyway ... and I will give an example. I have been there with people who are trying to get assistance in housing and up to a certain point you get headway in the sense that ... and people are very surprised and say: “Oh, you will give me up to £150 a week to help pay for my rent?” “Oh yes, that is not a problem.” “Okay, that is great. I just need some help with the deposit.” “Oh no, we cannot give you help with the deposit” even though probably they can because there is a criterium, which I have just been forwarded, about 6 months after I asked for it from the Minister. But the point is, this is the kind of ridiculous situation, the bureaucracy we have with the department, is that there is money available and, for whatever reason, even that money has not been forthcoming.

[18:30]

The point with the deposits is that is obviously the part which is the hardest to get. People may have a small amount of money coming in each week. But they do not have the savings. It is completely ridiculous to say: “We are going to give you £150 a week for your rent but you have got to find £600 for the upfront deposit.” Anyway, to get back to the point in question, I am worried that this is not going to be done quickly enough. People are coming; they need the money there and then for the upgrades and the amendments to their properties, and they will not have any time to wait around. That is the first point. The second point I am going to make is that I think it is a case that this has not been well publicised and now I have been a bit more informed about it, I am going to go round to Don Farm and to Les Quennevais Park, and around there, and give out leaflets to people and tell them about this service, because I know that there will certainly be many in that area who can benefit from that; not old people of course, “senior citizens” in the politically correct language, which will hopefully please the Constable of Grouville. I wonder if it is politically

correct to refer to school children now as “junior citizens”. We will have to wait and see about that. But certainly I will not be supporting this. It is the wrong direction to go in. Deputy Green obviously knows first-hand. I am not in that position, but, having been elected and having dealt with certain constituents in my Parish, I know the need for these things. These are people who do not often come forward. They are long-suffering people and they would not necessarily rock the boat, make a fuss. But this money must be protected and so I am certainly going to support this amendment and I would ask Senator Shenton and maybe Senator Routier to search their souls to see if they really are satisfied with this being cut, I think it will have significant consequences.

Deputy I.J. Gorst:

I know it is late in the day but I wonder if I could just correct 2 points that Deputy Tadier made there. I hope you realise that in order to make an application it has to be a recommendation by an occupational therapist through the Health Department, so it is not appropriate for him simply to make those statements that he did this afternoon, and I really would not want members of the public to follow up perhaps on what he said there. There is an appropriate way to go and it must be recommended by an occupational therapist in order to access that. The other thing, I just wonder if you could correct and recognise the fact that an officer of mine did answer his email on my behalf several months ago and we simply resent the email a number of days ago but he seemed to have lost it.

Deputy M. Tadier:

I will respond to the last one. If I have made a mistake of course I will take that point back.

The Greffier of the States (in the Chair):

I call on Deputy Southern to reply. I imagine Members want to finish this evening.

The Deputy of St. John:

Can I propose the adjournment, sir? We will put that to the test, sir, with a ballot.

The Greffier of the States (in the Chair):

Is that seconded? It is not seconded, Deputy. So I call on Deputy Southern to reply.

Senator P.F. Routier:

You did not see my light, Sir. I will be very brief.

The Greffier of the States (in the Chair):

Too late, I am afraid.

3.9.8 Deputy G.P. Southern:

I will be very brief too. We can deal with this now. I thank Deputy Green for his particularly telling contribution about the need for this particular fund. I maintain the fact that, as I have just heard now, it needs a recommendation from an O.T. (Occupational Therapist) in order to come through with this money. So if you do not have an allocated O.T. what happens then? Obviously you have to do something else to get the whole thing moving. It seems to me that this is a difficult way for accessing these particular grants. For example, I have just got a note from Deputy Le Claire, I think, to suggest that there is a lady in Berkley Court now who needs her wheelchair cage adapted and it is going to cost her £1,700. Now, I do not know if she has got an O.T. I do not know if she has got a health visitor or district nurse visit or what assistance she has got but obviously there is a case in hand. She has been to the landlord and the landlord has said: “No, I want £1,700 contribution from you.” The landlord is certainly unaware that he might be able to pop along to Social Security and say: “Look, is there any chance that this woman can get a grant?” There are all sorts of reasons why the message is not out there and that many people are unaware that they might be able to make a claim to make their lives easier and to enable them to live

comfortably or more comfortably in their own home and not have to go into care. It seems to me that this exercise is somewhat - and I hesitate to say it but I will say it - somewhat penny-pinching. I maintain my answer: there should be better communication, better publicity for this particular fund and let us see it is used up and keeping more people in their own home and not stuck in having to move. Sir, I maintain the proposition and I call for the appel.

The Greffier of the States (in the Chair):

The appel are called for. Members are in their seats. I will ask the Greffier to open the voting. All Members who wish to do so cast their votes. I will ask the Greffier to open the voting.

POUR: 11	CONTRE: 31	ABSTAIN: 0
Senator A. Breckon	Senator T.A. Le Sueur	
Connétable of St. Helier	Senator P.F. Routier	
Deputy J.A. Martin (H)	Senator P.F.C. Ozouf	
Deputy G.P. Southern (H)	Senator B.E. Shenton	
Deputy P.V.F. Le Claire (H)	Senator F.E. Cohen	
Deputy M. Tadier (B)	Senator S.C. Ferguson	
Deputy of St. Mary	Senator B.I. Le Marquand	
Deputy T.M. Pitman (H)	Senator F.du H. Le Gresley	
Deputy M.R. Higgins (H)	Connétable of St. Ouen	
Deputy A.K.F. Green (H)	Connétable of Trinity	
Deputy D.J. De Sousa (H)	Connétable of Grouville	
	Connétable of St. Brelade	
	Connétable of St. Saviour	
	Connétable of St. Clement	
	Connétable of St. Peter	
	Connétable of St. Lawrence	
	Deputy R.C. Duhamel (S)	
	Deputy of St. Martin	
	Deputy J.B. Fox (H)	
	Deputy of St. Ouen	
	Deputy of Grouville	
	Deputy of St. Peter	
	Deputy J.A. Hilton (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy of Trinity	
	Deputy S.S.P.A. Power (B)	
	Deputy I.J. Gorst (C)	
	Deputy of St. John	
	Deputy A.T. Dupré (C)	
	Deputy E.J. Noel (L)	
	Deputy J.M. Maçon (S)	

Deputy G.P. Southern:

I would pick that team anytime.

Deputy I.J. Gorst:

Sorry, could I just interject slightly. There is one other amendment from my department. I believe it is a relatively straightforward decision between 2 options with roughly the same saving and it should be quite straightforward if you take it now. I do not know if the proposer ... can I propose it for 7.00 p.m., Sir.

The Greffier of the States (in the Chair):

What you must remember, Deputy, we did take a vote specifically yesterday about sitting late tonight and that was rejected. I think it might be slightly unfair now to seek to reverse that decision. We clearly have to come back tomorrow.

The Deputy of St. Peter:

On that note, yes, we have made good headway today. I believe that you, Sir, the Greffier, has already been asked to do a consolidated paper ready for tomorrow to find out exactly how much we have got left. There is a possibility, if we maintain this level, that we could finish tomorrow evening. If that were that possibility, I just people on warning that it might be a good idea then to extend, if necessary, tomorrow evening. So bear that in mind, please.

The Greffier of the States (in the Chair):

Very well, the adjournment is proposed.

The Deputy of St. John:

Sir, before that, all well and good the Deputy of St. Peter making the comment he has, but some of us have made plans to be off-Island tomorrow evening and by extending it ... we had agreed that 6.30 p.m. was the limit plus we would sit next week.

The Deputy of St. Peter:

You appreciate that a vote would have to be taken on that. It was a suggestion.

The Greffier of the States (in the Chair):

Very well, we will decide that tomorrow. The Assembly is adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[18:38]