

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 23rd FEBRUARY 2010

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

[9:46]

QUESTIONS

1. Written Questions

1.1. SENATOR B.E. SHENTON OF THE CHIEF MINISTER REGARDING THE LOWEST WAGE PAID WITHIN THE JERSEY PUBLIC SECTOR:

Question

What is the lowest wage paid on a per hour basis in the Jersey Public Sector, what other benefits, if any, does this rôle include, and what is the estimated value of these benefits?

Answer

WAGE

The lowest adult wage paid in the Jersey Public Sector is for Civil Service Grade 1.0. The hourly rate for Civil Service Grade 1.0 is £8.5618.

BENEFITS

The main benefits enjoyed by a Civil Servant in that grade include:

- Annual leave of 22 days;
- Paid leave on public holidays
- Final salary Public Employees Contributory Pension Scheme (PECRS);
- Paid sickness entitlement of 26 weeks at full pay and 26 weeks at half pay (subject to a maximum of 51 weeks and 4 days in any 4 year period);
- Maternity leave of 12 weeks at 90% of basic pay;
- Paternity leave of 2 weeks at 90% of basic pay;
- Special leave provisions including:
 - Up to a maximum of 5 days bereavement leave;
 - 1 day urgent domestic distress (subject to a maximum of 6 days in any 1 year);

VALUE OF BENEFITS

The tangible benefits of annual leave, public holidays and PECRS can be valued as follows:

Annual leave 8.8%

Public holidays 3.6%

PECRS 13.6%

Total 26.0%

Due to their entirely variable nature (i.e. some employees will not benefit from any of them and it is extremely unlikely that any employee will benefit from all of them), it is not possible to quantify the financial value of the remainder of the benefits listed above.

1.2 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE SEPARATION OF SURFACE WATER FROM THE FOUL SEWAGE NETWORK IN ST. HELIER:

Question

Given that the Transport and Technical Services Department has now been awarded a total of £370,792 from the Fiscal Stimulus Fund to continue its programme of work separating surface water from the foul sewer network in St. Helier, can the Minister provide a schematic and text brief outlining what has been and what remains to be upgraded within the mains drains networks and sewerage systems in the parishes which feed through the St. Helier system?

Answer

The programme of sewerage system upgrades on the Island is driven predominantly by the need to ensure that the sewerage network operates satisfactorily, even under adverse conditions, and that Jersey is, and continues to be, effectively drained.

More specifically, the programme of upgrades needs to ensure that during the normal operation of the network, pollution is prevented and the risk of flooding minimised as much as possible.

The process of upgrading the sewer network has been ongoing for a number of years and has focused on a number of issues.

Firstly, it has focused on the twin objectives of reducing the risk of surface flooding from the foul and combined sewers, and reducing the number of occasions the combined sewerage systems spill dilute sewage to sea.

Secondly, it has focused on the need to replace pumping station rising main pipes that historically were laid using a material that time has shown is susceptible to eventual failure, due to the variations of pressure that the rising mains operate under.

Thirdly, it has focused on addressing the day to day work that is required of any sewerage network to ensure that it operates satisfactorily, such as repairing or replacing broken or degraded pipes, preventing surface water infiltration and keeping the risk of blockages to a minimum.

In considering the twin objectives of reducing the risk of surface flooding from the foul and combined sewers, and reducing the number of occasions the combined sewerage systems spill dilute sewage to sea.

Combined sewers carry both foul and surface water and as a consequence, there is a risk that their capacity can be exceeded during periods of heavy rainfall, leading to surface flooding. To minimise this risk, Combined Sewer Overflows (CSO's) are constructed at key locations in the system, but predominantly in St Helier where they are most required.

These CSO's are essentially chambers that allow the combined sewage and surface water to spill over into the surface water system when the flow in the combined system reaches a certain level. Whilst this arrangement reduces the risk of surface flooding, it does mean that dilute sewage is discharged to sea.

The construction of the cavern in the late 1990's has made a huge contribution towards limiting the incidences of spills to sea, as flows that used to spill over from the Weighbridge CSO and out to sea on a regular basis, are now re-directed to this facility.

When the rainfall has stopped and the flows in the sewers have returned to normal levels, the flows stored in the cavern are returned to the sewerage network and transported to Bellozanne sewage treatment works.

Surface water separation schemes are essential for reducing the flows in combined sewers as they remove significant volumes of clean water from the combined network and direct it straight to sea. The cumulative effect of these schemes is that it takes a more extreme rainfall event to generate the flows in the combined sewers necessary to cause the CSO's to operate.

In addition, these schemes also significantly reduce the volumes of clean water that are currently pumped to the sewage treatment works for unnecessary treatment. Hence, pumping and treatment costs are reduced. They also free up additional capacity in the foul network for development, which has taken on more importance given that the new draft Island Plan has targeted most new development in the St Helier area.

A number of significant surface water separation schemes have taken place in recent years. These include in Midvale Road and Val Plaisant, which has reduced the flows at the Victoria Street CSO, at Union Street and Le Geyt Street, which has reduced the flows at the Union Street CSO, and in Poonah Road, which has reduced the flows at the Aquila Road CSO.

The latest scheme to receive funding, the Queens Road to Midvale Road surface water separation will, along with the recent La Pouquelaye and Roussel Street schemes, further reduce flows at the Great Union Road CSO.

In addition to the above, a major surface water separation scheme has been carried out in Green Street, which has reduced the combined flows reaching the Dicq pumping station, which ultimately, serves the east of the Island. This in turn has reduced the risk of the capacity of this pumping station being exceeded during rainfall events, which would again result in dilute sewage being spilled to sea.

Moving forward, it is intended that surface water separation in key areas will continue. In particular, further schemes are planned for the Harve des Pas and Greve d'Azette areas to further reduce the flows reaching the Dicq pumping station. There are significant benefits to separating in these areas as there a number of large developments that have been constructed, or are in the process of being constructed, that have separated on-site drainage, which will ensure that large areas of contributing hardstanding will be removed from the combined system as a result of new surface water sewers.

However, one area of concern is the Bath Street, West Centre area of St Helier, which does not have a CSO facility from which combined flows can spill during periods of heavy rain. As part of the cavern and tunnel works carried out in the late 1990's, a CSO facility was planned for this area, but was never constructed due to land issues. As a result, this area is still at risk of flooding from the combined sewer system.

Annual requests for funding to construct a shaft in the Phillips Street area to connect to the tunnel under St Helier have been made, but to date, have not been successful. A shaft in this location would allow a CSO to be constructed that would in turn enable high flows in the combined sewers in this area to be discharged to the cavern and thus significantly reduce the risk of flooding.

In addition, the construction of a surface water link to the tunnel at the same time would allow surface water separation schemes to be constructed through the eastern area of town. Currently, these are not possible as there is nowhere to discharge the surface water.

In an effort to limit the risk of flooding in the West Centre area, surface water separation schemes are planned further north, in the Stopford Road, Byron Road and Byron Lane area. These will discharge to the northern end of the tunnel under St Helier, which is located in Gas Place car park. However, the construction of a shaft at Phillips Street is essential for ensuring that the remaining risk of flooding in that area is reduced to acceptable levels.

With regard to the second issue, which is the ongoing programme of replacing old pumping station rising mains, a number of these have been carried out over the last few years and include major east coast rising mains at Fauvic, Le Rivage, Le Bourg, and most recently, the rising main for the La Collette Marina pumping station. Le Bourg in particular failed on a couple of occasions before it was upgraded, incidents which if repeated today could result in prosecution under the Water Pollution (Jersey) Law 2000.

Future necessary rising main upgrades, the flows from which feed through St Helier, include those at Archirondel, and Rozel 1, 3 & 4 pumping stations in St Martin and Rue du Pont, Golf Lane and The Links pumping stations in Grouville.

An application for funding for the Rozel 1, 3 & 4 pumping station rising main works is currently being considered by the Fiscal Stimulus Steering Group and Treasury and Resources as this is one of the schemes put forward by the Transport and Technical Department for inclusion in the Fiscal Stimulus programme.

Finally, works required to maintain the general fabric of the sewer network are always ongoing. Regular CCTV surveys are carried out and the condition of the network is continually recorded, updated and monitored so that repair and upgrading works can be implemented at the appropriate time. Examples of this are the Poonah Road sewer reconstruction scheme, completed several years ago, and the Railway Walk foul sewer upgrade in St Brelade, the final section of which is to be upgraded shortly with monies provided by the Fiscal Stimulus programme.

Towards the end of this year, the construction of a new computerised sewer network model should be complete, which will enable a more accurate analysis of the operation of the network under extreme conditions. Based on the outcome of this analysis, potential problem areas in the network can be more readily identified, and as a result, proposed upgrade works better targeted.

Given the extent and complexity of the sewer network, it is difficult to represent the foregoing as an illustration on one drawing, as the Deputy has requested. However, a visit to the TTS Engineering Design offices for the Deputy can be arranged if he would like to see more detail and receive more information.

1.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING AIRPORT STAFF:

Question

Would the Minister -

- (a) provide air passenger numbers for the years 2000 to date and extrapolate those for the next 10 years as a trend based on the previous years;
- (b) advise the number of Airport staff in the employ of the States by department for the period 2000 to date;

- (c) advise how many new departments have been established at the Airport since 2000 and indicate what these are and in which year they were established;
- (d) advise whether any consultants or staff have been engaged at the Airport on fixed term contracts since 2000 and, if so, for what length of time and for what purposes?

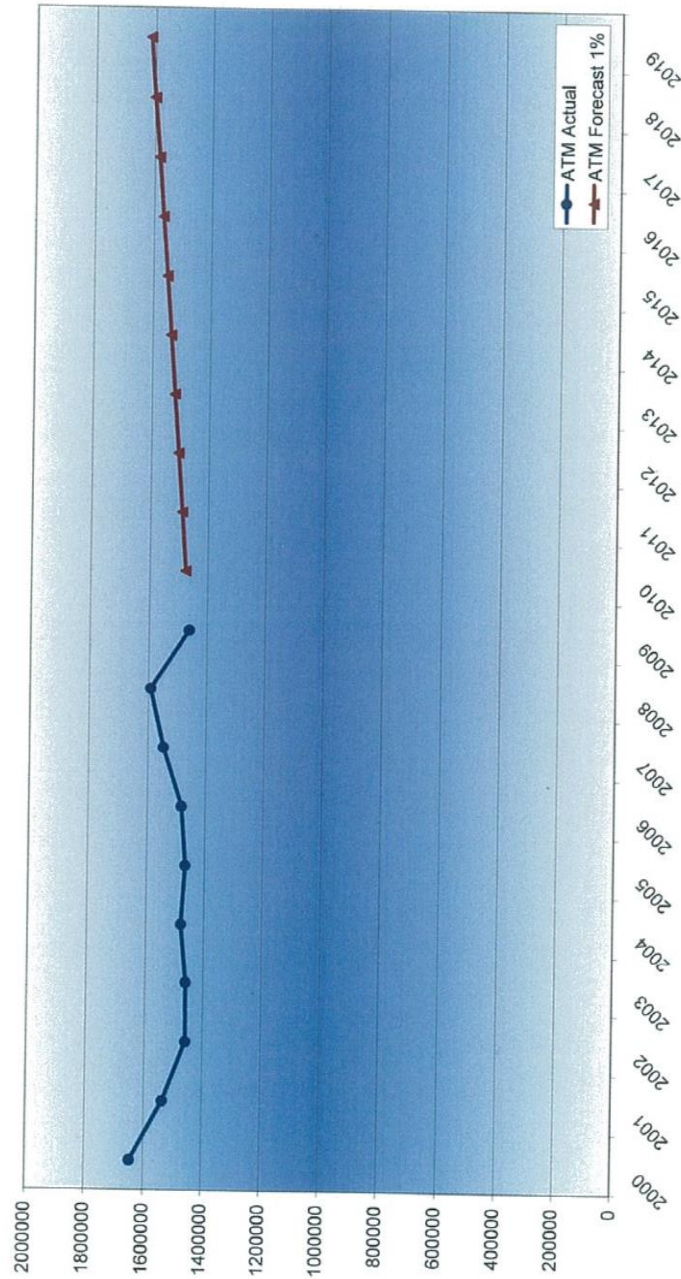
Answer

- a) Refer to Continuation Sheet 1. The attached graph shows actual passenger numbers to date since 2000, and a 1 percent per annum projected growth which has been used for business planning purposes.
- b) Refer to Continuation Sheet 2. The attached table shows the number of FTEs/posts at the Airport and the number of heads/people employed in those posts each year for the period 2000 to date, presented by department. Explanations of the variance between posts and head count are given below the statistics.
- c) Four new departments have been created at Jersey Airport, including safety, compliance and marketing/airline relations. These are considered vital for the airport to remain compliant with accepted aviation standards and the retention and growth of business respectively, both established in 2008. In 2007 an Operations department and Operations Directorate were also established to direct and co-ordinate safety functions across the airport.

It is worth noting that since 2000 there has been a reduction in departments from Met office (transferred to Planning & Environment in 2004), Radio Officers were transferred to Jersey Harbours in 2003 and employees in Aeronautical Fixed Telecommunications Network (AFTN) were made redundant in 2006.

- d) Reference to continuation sheet 3 and continuation sheet 4. The assumption has been made that the request relates to specific individuals/consultants effectively being employed as Jersey Airport staff on fixed term contracts compared to consultants and/or companies employed for specific projects due to their specialist knowledge, whereby a number of individuals may be involved.

Jersey Airport
Actual 2000-2009 & Forecast 2010-2019
Arr/Dep Commercial Passengers



YEAR AS AT 31st Dec	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	22-Feb-10
DEPARTMENT	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)	FTE (Number of People in posts)
Directorate	4	4	3	3	2	2	2	3	4	6	8
FINANCE	3	3	3	3	3	3	3	2	3	3	3
FINANCE	8.54	8.54	6.54	6.54	7	7	7	7	8	7	7
TERMINAL & SECURITY	36.68	37	36.68	37	33.68	34	31.68	32	32.68	33	34
ATC	47	50	47	50	48	46	45	48	44	47	48
ARFFS	32	33	33	33	29.3	28.3	28	25	21	21	20
DOE ST QUEN	35	34.54	34	34.54	35	34.54	33	35.54	33	35	35
ENGINEERING	17.51	20	19.51	20	17.51	13	10.51	11	8.51	10	10
MET	25	25	25	25	26	25	24	23	24	24	25
OPERATIONS	22	22	21	21	21	20	20	20	20	20	20
OPS DIRECTORATE	0	0	0	0	0	0	0	0	0	0	0
Corporate Affairs	0	0	0	0	0	0	0	0	0	0	0
TOTAL	237.27	227	231.11	230	226.11	224	188.03	189	196.19	188	197.39

Reason for differences in headcount and FTE (posts) between this year and previous year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	22-Feb-10		
Note Most head count differences are because of vacancies but not all	Head Differences: 1+ sec to FD 1+ info clerk 2+ trainees DOE 1+ MET	Head Differences: 1+ sec to FD 1+ info clerk 2+ trainees DOE 1+ MET	Head Differences: 1+ Change Consult 3+ ATC 1+ ATE 1+ Fire Fighters 1+ MET 3+ ENG	Head Differences: 1+ Commercial Mgr 2+ CSAs 2+ ATC 6+ Radio Officers 4+ Eng/Engineering 1+ ARFFS	Head Differences: 1+ Sec to SPO 1+ Sec to FD 1+ Info Clerk 1+ CSAs 1+ SWM 1+ Tech Stores Office 1+ Purchasing Officer 1+ Comms AFTN 1+ Handyman DOE 21- MET 1+ ATCA 1+ ATCO Trainee 1+ General Hand, Eng 1+ Seasonal Info 1+ Seasonal Eng	Head Differences: 1+ Ops 1+ ATCO 3+ ATCO Trainees 2+ Fire Fighters 1+ Engineer DOE 1+ DOE Trainee 1+ c/h Tec DOE 1+ SWM 1+ Seasonal Info	Head Differences: 1- Sec to Hdcs 1- ATCO Watch Super 1- ATCO Trainee 3- Fire Fighters 1- CSN Support Eng 1- Comms AFTN 1- DOE Trainee 1- Technician DOE 1- Painter, Eng 1- SWM, ATE 1- General Hand, Eng 1- Corporate Director 1- Sec to CD 1- Hdcs 1- Ops Manager 1- HR Officer	Head Differences: 1- Safety Compli 1- HR Officer 2- Job share Postal 1- Sec to ADM 2- Ops Officers 2- ATCO Trainees 1- Project Mgr ATC 1- ATCO 1- SWM, ATE 1- SSWM, ATE 1- ASWIM, ATE 1- ASWIM, ATE 1- Mgr DOE 1- Engineer, DOE 1- Electrician 1- General Hand 1- Sec to Ops 1- Ops Director 1- Credit Control 1- Sec to CD	Head Differences: 1+ Marketing 1+ Credit Control 1+ 18's Manager 1+ Corporate Directo 2- ATCOs 1- ATCA 1- ATCO Trainee 1- Firefighter 1- SSWM, ATE 1- Station Mgr, ARFFS 1- SSWM, ATE 1- Mgr DOE 1- Engineer, DOE 1- Electrician	Head Differences: Post Difference: 1- Strategic Change 1- Property Develop 1- Supplier Pay, Fina 1- Management Acc 1- Ops Officer 1- sec to ADM, TSM 2- ATCOs 1- ATCO Trainee 1- Firefighter 1- SSWM, ATE 1- Station Mgr, ARFFS 1- SSWM, ATE 1- Mgr DOE 1- Engineer, DOE 1- Electrician	Head Differences: Post Difference: 1- Strategic Change 1- Strategic Plan 1- HR Manager 1- Property Develop 1- Supplier Pay, Fina 1- Management Acc 1- SWM, ATE 1- SSWM, ATE 1- ASWIM, ATE	Head Differences: Post Difference: 1- Strategic Change 1- Strategic Plan 1- HR Manager 1- Property Develop 1- Supplier Pay, Fina 1- Management Acc 1- SWM, ATE 1- SSWM, ATE 1- ASWIM, ATE	Head Differences: Post Difference: 1- Strategic Change 1- Strategic Plan 1- HR Manager 1- Property Develop 1- Supplier Pay, Fina 1- Management Acc 1- SWM, ATE 1- SSWM, ATE 1- ASWIM, ATE
Note includes Fixed Term contracts but not summer seasonals	Post Differences: 1- ATCO Trainee 1- Sr Elect Officer 1- Handyman - Eng 2+ DOE Trainees	Post Differences: 1- ATCO Trainee 1- Sr Elect Officer 1- Handyman - Eng 2+ DOE Trainees	Post Differences: .46- sec to APD 1- MET IT Officer .7- AFTN 1- Change consult 2- Finance FOM/Pay	Post Differences: 1+ seasonal eng 6- Radio Officers (Transferred to Harbours)	Post Differences: 1- Commercial Mgr 54- Sec to FD 1- Info Clerk 3- CSAs 2- ATCOs 1- Handy man DOE 21- MET (Transfer)	Post Differences: 1- c/h Tec DOE 1- DOE Trainee 1- SWM, ATE 1- Seasonal Info	Post Differences: 1- ATCO Watch Super 3- ATCO Trainees 1- Fire Fighter 1- CSN Support Eng 2- Comms AFTN 1- DOE Trainee 1- Technician DOE 1- Sec to Hdcs 1- General Hand, Eng 1- Corporate Director 1- Sec to CD 1- Hdcs 1- Ops Manager	Post Differences: 1- Safety Compli 1- Building Main 1- Ops Director 7- Ops Officers 1- Project Mgr ATC 2- ATCOs 1- SWM, ATE 1- SSWM, ATE 1- ASWIM, ATE 1- Mgr DOE 1- General Hand 1- Sec to Ops 1- Ops Director 1- Credit Control 1- Sec to CD	Post Differences: 1- Marketing 1- ATCOs 1- ATCA 1- ATCO Trainee 1- Firefighter 1- SSWM, ATE 1- Station Mgr, ARFFS 1- SSWM, ATE 1- Mgr DOE 1- Engineer, DOE 1- Electrician	Post Difference: 1- Strategic Change 1- Strategic Plan 1- HR Manager 1- Property Develop 1- Supplier Pay, Fina 1- Management Acc 1- SWM, ATE 1- SSWM, ATE 1- ASWIM, ATE	Post Difference: 1- Strategic Change 1- Strategic Plan 1- HR Manager 1- Property Develop 1- Supplier Pay, Fina 1- Management Acc 1- SWM, ATE 1- SSWM, ATE 1- ASWIM, ATE	Note 1 engineer seconded back to DOE from ATE	

Continuation Sheet 3

Year	2000	2001	2002	2003	2004
Seasonals	26	20	22	7	6
Fixed Term Contracts	3	8	2	0	1
Fixed Term Contracts Posts, NOTE; Majority of fixed term contracts are covering vacancies. All Fixed term contracts are included in head count already	1 X ATCO 1 X Info Clerk 1 X Met Assistant	1 X Credit Control 1 X Sec to APD 1 X Sec to HdCS 2 X Handy Man 1 X Finance Input 1 X Met Assistant	1 X Credit Control 1 X Change Consultant		1 X AFTN

Year	2005	2006	2007	2008	2009	2010
Seasonals	5	4	12	12	3	0
Fixed Term Contracts	1	6	6	5	4	5
Fixed Term Contracts Posts, NOTE; Majority of fixed term contracts are covering vacancies. All Fixed term contracts are included in head count already	1 X AFTN 1 X AFTN 3 X Info Clerk 1 X ATCO	1 X AFTN 1 X Sec to ADM 3 X Info Clerk 1 X ATCO	1 X HRO 1 X ATCO 3 X Info Clerk 1 X Ops Director	1 X HRO 1 X ATCA 1 X PA to APD 1 X Info Clerk 1 X Ops Director	1 X ATCA 1 X Info Clerk 1 X PA to APD 1 X Ops Director 1 X Ops Director	1 X Building Infrastruc 1 X Comms Officer 1 X Comms Officer 1 X Ops Director 1 X ATCA

Continuation Sheet 3

Special Fixed-Term Contracts

Title	FT/PT	Role	Employment Period
Change Manager	F/T	To oversee organisational change of the airport	1999 to 2002
Senior Air Traffic Control Officer	F/T	Contract with National Air Traffic Services (NATS)	2007 for three years plus extension for further 2 years based on mutual agreement Secondment into established post.
Governance Advisor	P/T	To act as an independent lead on Airport Governance Steering Committee	2008 – 2011 40 days per annum
Expert Airlines Industry Consultant	P/T	To advise on airline issues, route development economics and charges	2009 – 2011 18-24 days per annum

External Contracts

Title	FT/PT	Role	Employment Period
Air Traffic Engineering Consultant	P/T	Contract with National Air Traffic Services (NATS) to provide specialist advice on systems and processing in readiness for ATCC relocation.	2007 to mid 2010. Currently 2 days per week
IT Support	33 hours per week	To provide IT business systems support to airport departments	2000 to date.
Capital Projects/Strategic Planning Manager	F/T	Capita Symonds to co-ordinate strategic & capital priorities	2009-2010. Will become a 2-year contract appointment from April 2010
IT Project Worker		Named individual who provided 400 hours per annum	2005 - 2008
Health & Safety Consultant	1.5 days per week	An expert and qualified advisor on aviation and general health & safety policy and matters.	2009 – 2011 2 year contract
Ground Handling Advisor	F/T	Advisor on service level agreements and licences between ground handlers, airlines and airport authority. Also provide expert advice on the scope and design of a replacement baggage system as well as a customer service improvement programme.	2010 – 2012 2 year contract

1.4 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING PRODUCTIVITY LOST IN JERSEY BUSINESSES THROUGH STAFF ILLNESSES:

Question

Does the Economic Development Department collate information on the amount of economic productivity lost in Jersey through staff illness, and, if so, what was the estimated cost to businesses in 2009 and 2008?

Answer

The Economic Development Department does not collate information on the amount of economic productivity lost in Jersey through staff illness.

1.5 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING RESPIRATORY ILLNESS STATISTICS:

Question

How many prescriptions are made for medicines, including inhalers, in Jersey by General Practitioners on an annual basis for the treatment of respiratory illness?

What are the costs to the States for providing these medicines and remedies?

How many sick days were lost due to respiratory illnesses in 2008 and 2009 in the private and public sectors?

Answer

In 2009 a total of 114,449 prescription items were dispensed under the Health Insurance Fund in Jersey for respiratory drugs at a total cost of £1,672,557.57. This information relates to treatments for long-term conditions such as asthma and chronic obstructive pulmonary disease, as well as treatments for short term illnesses such as hay fever, other allergies, and cough medicines.

Please note that this total does not include items such as antibiotics which are used to treat a variety of conditions including respiratory illness.

The Social Security Department holds records of certified sickness absence through processing claims to Short Term Incapacity Allowance and Invalidity Benefit. Please note that there is no certification for single day absences. Since October 2004, individuals with long term respiratory illnesses have been able to claim Long Term Incapacity Allowance. This benefit is paid regardless of the employment status of the individual and these individuals are not included in the table below.

The table below contains details of how many days certified sickness absence is recorded in relation to respiratory illness during 2008 and 2009 for both private and public sector employees.

Certified sickness absence relating to respiratory illness

Private Sector		All Public Sector	
2008	2009	2008	2009
32,995	30,395	8,547	7,634

1.6 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST TO THE JERSEY HEALTH SERVICES FROM RESPIRATORY ILLNESSES:

Question

What is the cost to the Health Service in Jersey from respiratory illness per annum?

What are the main causes of respiratory illness and can these be given on a percentage basis?

What are the interventions that are given in Jersey to alleviate these illnesses?

What are costs and manpower implications in doing so?

Answer

Increasing costs

It is not possible to calculate with any degree of meaningful accuracy the cost of respiratory illness to Health and Social Services. It does however represent a significant and growing cost.

At present respiratory diagnoses represent 4 out of the top 10 reasons for acute emergency admissions in Jersey, with the rate of repeat emergency admissions rising by 10% in the past 5 years. Outpatient respiratory referrals have also increased significantly.

Chronic obstructive pulmonary disease (COPD) alone accounts for 1,000 admissions each year, with an average length of stay of between 5 and 7 days (ie. 5,000 - 7,000 bed days). Given that COPD is prevalent in more the 10% of people aged 70 or over, the costs associated with managing and treating this condition will inevitably increase as our population ages.

Causes of respiratory illness

There are many causes of respiratory illness, of which the primary one are listed below. Many cases have multiple, as opposed to single causes and it is not possible to indicate in percentage terms the number of cases attributable to each cause. Smoking and passive smoking, are obviously major factors and initiatives which support smoking cessation will bring major health benefits, although it should be noted that recent studies indicate that up to one third of patients with COPD are non-smokers. Therefore even if our aging population did not smoke COPD would still represent a significant health challenge.

Primary causes include:

- viral lung infections in childhood or inadequate lung development in childhood
- smoking or passive smoking
- hereditary factors
- air pollution
- nutrient or social deprivation (poor diet, poor housing)
- occupational or accidental exposure to materials such as dust, asbestos fibres and other irritant particles

Interventions

The core components of the local service include:

Chronic obstructive pulmonary disease Outpatient/Inpatient care

Rehabilitation
Oxygen therapy
Nebuliser service
Lung volume reduction surgery/Transplantation
Palliation
Prevention
Non invasive ventilation
Static/dynamic respiratory function tests

Lung Cancer Rapid assessment (lung function, CT scans and Bronchoscopy). Treatment will be dependant on the assessment process but could include referral and surgery at Southampton General Hospital

(approximately 10% of cases). Other treatments include:

- Radiotherapy
- Chemotherapy
- Palliation

Asthma Outpatient/Inpatient

Occupational asthma

Assessment and regular review of more severe cases

TB Small numbers

Intensive workload – frequent review/contact tracing

Other diseases Obstructive sleep apnoea

Allergic rhinitis

Chronic cough

Interstitial lung disease

Cost and manpower implications

As indicated above it is not possible to provide a breakdown of all the costs, which will include both costs incurred during Jersey based treatment and referrals to the UK.

1.7 THE DEPUTY OF ST. MARTIN OF THE MINISTER FOR HOME AFFAIRS REGARDING THE NUMBER OF PROPERTIES SEARCHED BY THE STATES OF JERSEY POLICE IN CONNECTION WITH THE ALLEGED MISUSE OF PERSONAL COMPUTERS:

Question

Given that the Minister's written response of 2nd February 2010 requested that I refine my original question, would he –

- (a) inform Members of the number of properties, since January 2007, that have been searched by the States of Jersey Police specifically in connection with the alleged misuse of personal computers and other electronic devices?
- (b) advise how many of these searches were conducted with the authority of a search warrant and how many without?
- (c) advise how many people, if any, have been arrested specifically as a result of searches in connection with the alleged misuse of personal computers and other electronic devices, and how many, if any, have been charged?
- (d) inform members what the average time is that personal computers, and other items seized following such searches, are retained by the police?

Answer

(a) & (b) A total of 299 search warrants were issued for the period 2007-2009, with over 760 premises searches under PPCE provision. Individual records would need to be interrogated to identify the specific offences, nature of items seized, and charges that followed.

6 crime investigations were conducted under the specific offence heading of computer misuse.

(c) & (d) Answering these questions would require researching custody records for January 2007 to 2010, examination of Criminal Justice Unit files, each crime file, and analysis on a case by case basis.

It is not possible to give a clearer indication in the absence of such work. Records show that the type of investigation involving the use of such equipment is broad and encompasses incidents such as harassment and assault.

In my view, the questions posed are still too broad and answering them more precisely would place an unreasonable burden on Police time. However, if the Deputy of St Martin would like to refine the questions further, perhaps by explaining the context or purpose behind them, the Department will do its best to ascertain the information. In the meantime, the following background information will expand upon the difficulties we envisage:

Powers of entry, search and seizure and dealt with under the provisions of the Police Procedures and Criminal Evidence (Jersey) Law 2003 and associated Codes of Practice.

Searches may be conducted as a result of stop and search powers (persons & vehicles), Article 19 entry to arrest or save life, Article 20(1) entry and search after arrest with Inspector's written authority, Article 21 general power of seizure (when lawfully on premises, Article 29 (1) search upon arrest and Article 29(2b) entry to premises following arrest.

The question enquires about the number of 'properties' entered, but it is not clear what is regarded as 'property' in the question.

In the context of searches, PPCE refers to 'premises' rather than 'property', and includes any vehicle, vessel, aircraft or hovercraft; and any tent or movable structure.

It is possible that premises entered under the respective power concerning specific offence(s), may then result in property seizure, previously unconnected with the initial entry. For

example, if officers entered premises under authority of a firearms warrant and found illicit drugs, seizure powers would obviously be engaged.

The terms 'personal computers and other electronic devices' is broad. Whilst a personal computer is regarded as a desktop, laptop, tablet or handheld device, portable media players such as MP3's, iPods along with mobile phones, and other instruments may also be considered in this category.

As indicated, whilst the purpose of premises search may result in items not originally sought being seized, establishing the precise details of every phone, iPod, computer and other device seized under powers engaged across the spectrum is a considerable task that would require interrogation of records in assorted locations. For example, drugs searches will often result in the seizure of electronic devices suspected of use in conducting illegal trade.

Whilst items seized are recorded, eliciting the specific information sought, purely for those cases resulting in a custody record, would require a search of over 9000 custody records.

When persons are detained, the arrest classification is based on broad categories and not specific offences. For example, the reason for arrest will show as 'Street violence & disorder', 'drugs' or 'Traffic / Motoring' etc. Custody records do not show the reason for detention as 'misuse of personal computers and other electronic devices'.

It is unclear what offences the question considers to be 'in connection with the alleged misuse of personal computers and other electronic devices'. Does this include Child Protection Offences, Data Protection, Unauthorised Access, Hacking, Nuisance Phone calls, Harassment or other criminal offences conducted by misuse of such devices?

1.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING HOUSEHOLD MEDICAL ACCOUNTS FOR INCOME SUPPORT RECIPIENTS:

Question

Will the Minister state whether his department has ceased creating further Household Medical Accounts (HMA) for Income Support (IS) recipients, including those with high medical needs, other than those previously in receipt of a Health Insurance Exemption (HIE), and if so why?

Will the Minister also advise whether the provisions contained in the IS (Jersey) Regulations 2007 and consequent Orders, are being correctly applied so that an eligible individual in a household with an HMA will have a fixed sum put aside from their benefit to enable up to 4 visits a year to their doctor?

Would he also confirm that, thereafter, should they need to visit their GP more often, individuals may apply for and receive additional clinical cost components up to 12 visits: and that those who require over 12 visits annually may have the cost of these visits met through special payments and would not be presented with large bills for GP visits?

Would the Minister confirm whether the IS elements designed to cater for other living expenses are being diverted to fund medical needs?

Will he further state whether decisions on medical need, including the number of consultations required, are being made by his officers?

Answer

Prior to the introduction of Income Support (IS) a limited number of households were granted Health Insurance Exception (HIE) status which entitled them to free General Practitioner (GP) visits. HIE status was removed as part of the legislative changes that brought in IS. The Income Support system now includes a range of medical components (clinical cost, personal care and mobility) which give targeted support to a greater range of families than the previous HIE system.

In the knowledge that HIE recipients were not accustomed to budgeting for their GP costs, the Department introduced an administrative function known as Household Medical Accounts (HMAs) to support these households. The HMA mechanism allocates a proportion of their IS benefit each week into a separate account, which is used to pay GP costs. The IS household does not need to deal with GP bills directly, as these are processed through the HMA.

All ex-HIE recipients who have transferred to IS have been offered a HMA facility. IS provides financial assistance in a wide variety of circumstances. Some vulnerable individuals will need a much higher level of support with budgeting and if an individual in this situation also has ongoing medical needs a HMA may be set up as part of the overall support package.

However, the HMA is a purely administrative device and all IS claimants have access to the full range of IS components. It does not affect in any way the total benefit entitlement of the claimant.

The Deputy correctly describes the procedures that are followed in paragraphs two and three of his question. However, as noted above the HMA is an administration function and does not form part of the IS legislation.

The basic IS component which covers day- to- day living costs assumes that the individual may need up to four GP visits per year. The clinical cost component is specifically designed to provide additional assistance with the cost of GP visits for individuals with medical conditions that require regular monitoring from a GP. There are also other medical components contained within IS for personal care and mobility needs that individuals can claim to assist with associated costs, depending on the nature and severity of their condition. In certain circumstances part of the mobility element of the medical component may be used to assist with the cost of home visits by GPs, where the additional cost of the visit is due to the mobility difficulties of the individual.

Officers in the department work closely with an individual's GP and their consultant (if applicable) who provide clinical advice regarding their patient's condition and the predicted number of GP consultations required over a given period. Officers then make a decision based on the information provided by the medical expert, as set out in Article 10 of the Income Support Law.

1.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE REVIEW OF ALL INCOME SUPPORT CLAIMS:

Question

Will the Minister inform members whether his department has started to systematically review all Income Support (IS) claims and if so:

- (a) when this review started;
- (b) how many reviews are undertaken per week;
- (c) how many have been completed this year to date, and

(d) how many are targeted for review by 1st October 2010?

Would the Minister advise whether those on Transition Protection (TP) are included, and if so how many TP households fall into (b) to (d) above and how many of those on TP have already had their claims reviewed as a result of a change of circumstances?

As a result, how many households have had their benefit rate:

- (i) increased;
- (ii) maintained;
- (iii) reduced?

How many in (iii) have lost weekly amounts of less than £29; between £30 to £59; £60 to £89 and over £90 respectively?

Will the Minister state whether the phasing in the Income Support (Transitional Provisions) (Jersey) Order 2008 has been applied to these reductions and, in the light of the answers to (d) and (iii) above, will he state how many of the 3,700 households on TP will remain in the IS scheme to have this phased protection applied?

Answer

Income Support reviews can be initiated by the claimant informing the Department of a change in their circumstances or by the Department undertaking a periodic review of the claim. There have been ongoing reviews of Income Support (IS) claims since the inception of the scheme on 28th January 2008. There is some variation but on average 140 reviews are completed each week. Just over 800 reviews were undertaken between 4th January 2010 and 19th February 2010 and the Department is planning to complete approximately 5500 claim reviews in the nine months to 1st October 2010.

The Deputy refers to a figure of 3,700 transition households. As set out in my answer to his written question (4350) tabled on 28th April 2009 there were 2,734 transition claims in March 2009. As anticipated the number of households requiring transition protection has decreased steadily since the beginning of IS and it is likely that this reduction will continue in the future.

The average of 140 reviews per week includes transition claims. All transition claims will have been reviewed by 1st October 2010.

The table below provides an analysis of the changes in benefit rate for the majority of IS claims. In order to provide a sensible comparison, the figures relate to all claims that were already open on 4th November 2009 and remained open on 2nd February 2010 (i.e. claims recently opened and recently closed are not included). This comprises 7,057 claims. These figures do not include individuals receiving residential care.

Table - Changes in total weekly payment (including transition payments where appropriate)

Change in total weekly payment	Number of claims
Reduced by £90.00 or more	118
Reduced by £60.00 - £89.99	58

Reduced by £30.00 - £59.99	79
Reduced by £0.01 - £29.99	138
No change in benefit	6,049
Increased by £0.01 - £29.99	291
Increased by £30.00 - £59.99	113
Increased by £60.00 - £89.99	56
Increased by £90.00 or more	155

The table shows changes to benefit rates. IS benefit payments can range from a few pounds to hundreds of pounds per week. There are many reasons why IS increases or decreases in value as a result of a change in circumstances such as changes in members of a household unit, births, deaths, changes in income or accommodation.

I can confirm that the phasing included in the Income Support (Transitional Provisions) (Jersey) Order 2008 has not yet been applied because households currently in receipt of IS transition are all still receiving 100% protection of their legacy benefits, where they continue to be entitled to the legacy benefit. This will be maintained for those who continue to qualify until the first down rate in October 2010 as set out in the Transition Order.

Many households no longer require transition protection because their IS entitlement has increased and now exceeds the value of the protected payment. In other cases family circumstances have changed and the underlying legacy benefit is no longer applicable.

One example of a situation that would result in the withdrawal of protection is a transitional payment in respect of Family Allowance. Under the previous system when a child reached the age of eighteen Family Allowance ended in respect of that child. In the same way transitional protection is subject to the same rule and is withdrawn when the child reaches the age of eighteen.

1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING CHANGES IN POLICY ON THE APPLICATION OF THE REGULATION OF UNDERTAKINGS AND DEVELOPMENT (JERSEY) LAW 1973:

Question

Will the Minister inform members of the data relating to the statement made by the Director of Population on the application of the Regulation of Undertakings and Development Law (Jersey) 1973 to the Health, Social Security and Housing Scrutiny Panel on 9th February 2010 that there was a clear change in the number of non local permissions issued in 2009, giving the changes overall and by sector in percentage and real terms to demonstrate the trend over the 5 year period from 2005 to 2009?

Can the Minister confirm whether any changes revealed by such figures result from a change of policy and are not simply a response to changing demand from business?

Answer

The net change in permission on joint staffing licenced for non locally qualified employees is as follows:

	Net change in Licences for non locally qualified employees during the year	Licences for non locally qualified employees at year end	% change on previous year
2006	464	7,565	6.5%
2007	798	8,363	10.5%
2008	545	8,908	6.5%
2009	70	8,978	0.8%

The issue of new licences is a matter for the Minister, and the above statistics illustrate a clear change in stance when making decisions, reflecting the present economic climate *and* the need to support local employment.

At the same time, any specific difficulties businesses may face when recruiting are taken into account alongside a desire to support businesses in difficult trading conditions, and therefore additional permissions are being given as *absolutely* required.

In doing this, the Population Office, on the Minister's behalf, work closely with the Social Security Department to confirm employers claims that they have advertised and that no suitable local candidates are available. They also maintain good contacts with Highlands, Careers Service, and Jersey Enterprise in seeking to provide a balanced response.

It will be possible to provide the above analysis of licences on a sectoral basis in due course, and this will be considered as part of the production of the 31st December 2010 Manpower Statistics.

These Manpower Statistics will also show the actual number of non locally qualified people engaged in Jersey in total and by sector. In the most recent manpower statistics, for the period to 30th June, 2009, non local employment had decreased by 600, in particular in hotels and retail; while local employment had increased by 200 and j employment by 60. This supports the above picture of a tightening in the application of the Law.

It is also worth noting that the Law is not administered to deprive existing employees of their jobs, or to amend the terms of existing licences. The decision making therefore focuses on new applications, and renewals when licences come up for their 3 yearly review.

The Population Office has also produced some sample statistics, which are illustrative as to the latest decisions:

	December 2009	December 2008	December 2007
Net change in non local employees permitted on joint staffing licences in the month	- 5	+ 65	+ 84

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE DELIVERY OF AFFORDABLE HOMES:

Question

Will the Minister inform members what options, if any, he has in the short and medium term to achieve the aims of his departmental business plan to deliver affordable homes and to increase owner occupancy in the Island, given that he advised the Health, Social Security and Housing Panel on 9th February 2010 that he had no funds to subsidise the purchase by ordinary people of affordable homes?

Answer

I am fully aware of the challenges involved in providing affordable housing in the Island, particularly in the current economic climate, which has seen banks being far more restrictive in respect of their lending criteria.

As I have said on previous occasions, I am not in a position where I alone can deliver the new homes which we need.

New homes, particularly new affordable homes require land to be zoned for residential purposes, that is the responsibility of the Planning Minister and is a difficult and complex task. He knows that he will always have my support with this.

I do believe that we have achieved much in recent years. Since 2002 our planning policies have seen the development of 702 social rented homes and 758 first time buyer homes. The States Strategic Plan 2006 – 2011 charged the Housing Department with the introduction of a shared equity or discount scheme, initially using existing Housing Department stock to increase home ownership. The Department did this when it brought forward proposals embodied in P.6/2007. We went further and assisted the Planning & Environment Minister in the development of his Jersey Homebuy Scheme. This made 3 bedroom first time buyer houses valued at £450,000 available to qualifying persons for an average of £260,000, without costing the tax payer a penny in direct subsidy. These two affordable housing schemes created 151 new home owners, the majority of whom would otherwise have been locked into a lifetime of renting. Not only have these homes been sold affordably without a direct subsidy from the tax payer but the legal arrangements surrounding the second charges will eventually see the return of at least £14.3m to the States when all of the homes are sold on or otherwise conveyed.

Records show that a total of 1,090 homes were under construction at the end of 2009 and a further 758 homes had outstanding planning and building permits. The draft Island Plan concentrates on addressing the requirements for new homes in the 'qualified sector'. In doing so, it makes provision for the supply of 2,550 new homes over the 5 year period 2009 – 2013, comprising 550 Category A and 2,000 Category B homes. The provision is made from a range of sources and relies heavily on opportunities presented by the Waterfront, Town re-generation and private windfall developments elsewhere in existing built up areas.

As impressive as these successes are, there is no room for complacency and my Department is actively engaged in discussions with Planning and other Departments in respect of the provision of more affordable housing in the future.

It is a fact and Christine Whitehead points this out in her report that there are going to be some people for whom renting is a lifelong tenure. Our challenge when developing future affordable housing will be to balance the provision of homes to buy alongside an almost certain need to increase our social rented housing stock, in line with a very different economic and subsequent lending climate.

1.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE AWARD OF EDUCATIONAL GRANTS TO 16-19 YEAR OLDS:

Question

Has the educational grant previously awarded to 16 -19 year olds to encourage those from poorer households to stay in post-16 education been absorbed in the adult component of Income Support and is therefore no longer targeted at young people?

Would the Minister indicate what steps, if any, he will take to reintroduce a targeted incentive for this group to remain in education?

Answer

I can confirm that the budget for the education allowance which was given to low income parents who maintained their children in full-time post compulsory education was transferred to Social Security and incorporated into the general arrangements for low income support. It is my understanding that the form and extent of support available is unchanged, despite the fact that it is now available via Social Security rather than Education.

Despite the transfer of this function to the Social Security Department, my Department remains committed to supporting any young person wishing to remain in education beyond compulsory school leaving age and for this reason it provides full-time programmes of study at Hautlieu and Highlands College free of charge.

In view of the above I can confirm that I have no plans to introduce additional financial support via the Department for Education Sport and Culture.

1.13 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING SEVERENCE BONUS PAYMENTS TO THE FORMER CHIEF OFFICER OF HEALTH AND SOCIAL SERVICES:

Question

Will the Chief Minister clarify whether the recently departed Chief Officer of Health and Social Services received any additional monies/severance bonus payments outside of his contractual entitlement, and, if any such payments were made, did this come from the public purse and what was the total amount?

Would the Chief Minister also clarify whether the former Chief Officer of Health and Social Services resigned, was invited to resign, was dismissed or left by 'mutual agreement' in the light of the Verita Report findings?

Answer

Given that the arrangements concerning the resignation of the previous Chief Officer of the Health and Social Services Department were incorporated in a confidential agreement, I am not able to answer these questions. I am able to reassure the Assembly that the Health and Social Services Minister, the Treasury and Resources Minister and I were kept fully informed of how the matter was handled.

1.14 DEPUTY T. PITMAN OF ST. HELIER OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES REGARDING MEMBERS' ATTENDANCE IN THE STATES:

Question

Given the fact that the requirement for a Member to attend meetings of the States is set out within the Oath found in Schedule 2 to the States of Jersey Law 2005 and paragraph 2 of the Code of Conduct in Schedule 3 of Standing Orders, will the Chairman advise what disciplinary measures, if any, exist to ensure Members carry out their duties as required?

Would the Chairman advise whether Members leaving the Chamber and indeed the States Building entirely after roll call to pursue non-States matters and to conduct private business is in breach of the above legislation; further still, if none exist will the Committee consider developing disciplinary sanctions to put a stop to this practice?

Answer

First of all, I would like to say that I agree with the sentiments conveyed by this question that not only do all States members have a duty to attend the States meetings at roll call (that is Senators, Deputies and Connétables), but that they are expected to be present throughout the meeting.

The Oath of Office of the Senators and Deputies in the States of Jersey Law 2005 states "that you will attend the meetings of the States whenever you are called upon to do so". Unlike the States of Jersey Law 1966, which did include the power to impose a small fine at Article 19(1) "Where, by reason of an insufficiency in the number of elected members present at a meeting of the States, the States are unable to conduct their business, the elected members failing to attend the meeting shall each be liable to a fine of one pound ..." the current Law does not do so. In fact, the 1966 fine was never levied because the quorum never fell below the required level.

There is no penalty within the States of Jersey Law 2005 for absence, but Standing Order 155 states that "An elected member shall at all times comply with the code of conduct set out in Schedule 3." The Code of Conduct then says "Elected members must give due priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so." Not to attend a meeting when called upon to do so is therefore in breach of the Code.

The Oath for Senators and Deputies concludes with the statement "All of which you promise to do on your conscience." It therefore makes it clear that it is a matter for the member to fulfil his or her duties as a matter of conscience.

The Oath of Office of the Connétables, which the Deputy does not mention in his question, is set out in the Code of 1771, and is somewhat different as they have more extensive rôles. Any breach of the Oath of Office of honorary police officers, including the Connétables, is a matter for the Royal Court and not the States. Nevertheless, the commitment to attend the Assembly is reiterated in the Code of Conduct and absence without compelling reason would also be a breach of the Code. Once again, the Oath of the Connétables calls upon them to "attend the Assembly of the States when it shall be required of you; and all this and your bounden duty you promise upon your conscience to perform." [translation]

Members' absence from the States during meetings is a continuing concern of the Committee, and indeed the previous Chairman wrote to all members in 2008 in the following terms –

“PPC is concerned that despite the requirement in the Code of Conduct that members should be present in the Chamber when the Assembly is meeting unless they have very compelling reasons to do otherwise, attendance during sittings can, on many occasions, be so low that the States become inquorate. PPC accepts that members do have legitimate reasons to leave the Assembly during debates to attend to official business and to have normal comfort breaks but PPC must urge all members to be aware of their responsibilities to attend when the States are meeting if at all possible.”

From a practical perspective, it is simply impossible for the Committee to monitor absence from the Chamber, and the reasons for those absences, such to establish that a member is not performing his or her duties in a responsible manner. This could involve questioning of members as they leave the Chamber which is both inappropriate and could be insensitive. It must be remembered that the Oath says “that you will attend the meetings of the States whenever you are called upon to do so; *and generally that you will fulfil all the duties imposed upon you by virtue of the said office.* All of which you promise to do on your conscience.” [my italics] It is a judgement call for members how they fulfil *all* those duties.

The Committee has no plans at present to introduce disciplinary sanctions for absences from the Chamber. The Code has been drafted on the basis that States members are honourable people, and will attend to their duties to the best of their ability on their conscience. The Code does not drill down to the detail of Members’ conduct but sets guiding principles. It was never envisaged that the PPC would have the rôle of policeman in this matter, but it is within its rôle to encourage members to attend. I would like to take the opportunity to follow up the advice of my predecessor to request members to attend States meetings as they are required to do, to remain present as much as it is possible for them to do so as to be able to consider carefully the matters before this Assembly, and to be present for votes.

1.15 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING ALLEGATIONS CONTAINED WITHIN THE SWORN AFFIDAVIT OF THE CHIEF OFFICER OF THE STATES OF JERSEY POLICE:

Question

In the light of the serious and detailed allegations against the Chief Executive to the Council of Ministers outlined in the sworn affidavit, signed by the suspended Chief Officer of the States of Jersey Police, recently released into the public domain by the Deputy of St. Martin, will the Chief Minister clarify why he has not, as a ‘neutral act’, suspended the Chief Executive until the allegations of engaging in political activity wholly outside of his remit can be fully investigated?

Answer

I have not suspended the Chief Executive because he has denied categorically the allegations of the suspended Chief Officer of the States of Jersey Police. Further, an internal investigation carried out in November 2008, when the suspended Chief Officer first made this allegation, demonstrated that the weight of evidence suggests that his recollection of what happened at the meeting in July 2007 is not accurate.

I should also add that before the allegations were made public, I had already undertaken to commission an independent investigation into all aspects of the suspension process, given the known concerns of some States Members.

1.16 DEPUTY T.M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING HIS PART IN THE SUSPENSION OF THE CHIEF OFFICER OF THE STATES OF JERSEY POLICE:

Question

Given that he is a central figure within the suspension of the Chief Officer of the States of Jersey Police, does the Chief Minister consider that he is conflicted in the matter and should therefore declare an interest and withdraw from the debate of the Deputy of St. Martin's proposition to set up an independent Committee of Inquiry into the suspension and the way that it has been handled (P.9/2010)?

Answer

I was not a central figure in the suspension of the Chief Officer of the States of Jersey Police, either at his initial suspension in November 2008, by the then Minister for Home Affairs, nor at his subsequent confirmed suspension in March 2009 by the present Minister for Home Affairs. I do not, therefore, consider myself conflicted to participate in the debate on P9/2010.

1.17 DEPUTY T.M. PITMAN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE NUMBER OF 1(1)(k) RESIDENTS PAYING TAX:

Question

Given that 1(1)(k) classified residents fall into two categories; namely those who were granted residence before current regulations were put in place, and those who have been granted residency since, will the Minister list the number of individuals by year for the period 2005 to 2008 inclusive, who paid tax within the following brackets –

- (a) less than £20,000;
- (b) between £20,000 and £50,000;
- (c) between £50,000 and £70,000; and,
- (d) between £70,000 and £99,000?

If any 1(1)(k) classified residents do fall into these categories, would the Minister advise how this fits into the framework outlined within the relevant income tax legislation?

Answer

The current regulations to which the Deputy refers are contained in Article 135A of the Income Tax (Jersey) Law, 1961. This Article applies from 1st January 2005 to any person who is given consent under 1(1)(k) housing rules to acquire and occupy property in the Island.

Under this Legislation, those individuals granted 1(1)(k) status are taxed at the following rates:

- The first £1m of foreign income at 20%
- The next £500,000 of foreign income at 10%
- The balance of foreign income at 1%
- All Jersey source income at 20%

Prior to 2005, no Legislation specifically existed to the tax payments by 1(1)(k)'s coming to live in the Island. So any individuals who came to Jersey prior to 1st January 2005 are not subject to the provisions of Article 135A but, instead, to a negotiated tax contribution that still exists in countries such as Switzerland.

1(1)(k)'s may pay all their tax liability personally, or it may be split between their personal liability and that of their companies and / or trusts. The figures below reflect this.

Although not requested by the Deputy, in order to show a true picture of the payment of tax by 1(1)(k)'s included in the statistics are the number of individuals' paying tax in excess of £100,000 annually.

The £13 million in tax paid by these 1(1)(k)'s is a significant sum of money which would need to be raised by other tax measures if not paid by them. It must also be remembered that these 1(1)(k)'s also pay GST, and help the Jersey economy in other ways, such as employing local people, as well as making, in some cases, very significant contributions to local charities.

Payment of tax	2005		2006		2007		2008	
	No of Taxpayers	Total tax paid	No of Taxpaye rs	Total tax paid	No of Taxpaye rs	Total tax paid	No of Taxpaye rs	Total tax paid
Up to £20,000	27	270,001	35	316,746	32	340,254	32	288,981
£20,000 - £50,000	22	733,804	24	811,407	29	959,764	29	948,589
£50,000 - £70000	9	553,909	8	458,151	5	286,590	10	592,778
£70,000 -£99,000	12	1,021,209	12	985,595	13	1,097,470	7	599,960
£100,000 +	28	6,633,585	31	6,563,658	38	8,343,059	45	11,041,04 9

1.18 DEPUTY D.J. DE SOUSA OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE NUMBER AND ANNUAL COST OF HIRING VEHICLES:

Question

Can the Minister inform members how many vehicles, if any, are hired annually from Motor Mall by the Education, Sport and Culture Department and the cost per annum?

Answer

The Jersey Fleet Management section of Transport & Technical Services negotiates and manages the corporate leasing of a range of standard cars for use by States Departments for general operational purposes. The contract is awarded every three years following a formal tendering process and was re-awarded to Motor Mall in 2009 to cover the period 2010-2012 inclusive.

Through the corporate lease car agreement, the Education, Sport and Culture Department leases three cars via Transport & Technical Services from Motor Mall at an annual cost to the Department of £4,140.

1.19 DEPUTY D.J. DE SOUSA OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE NUMBER AND ANNUAL COST OF HIRING VEHICLES:

Question

Can the Minister inform members how many vehicles, if any, are hired annually from Motor Mall by the Treasury and Resources Department and the cost per annum?

Answer

The Treasury and Resources Department does not lease any vehicles direct from Motor Mall. The Jersey Fleet Management section of Transport & Technical Services negotiates and manages the corporate leasing of a range of standard cars for use by States Departments for general operational purposes. The contract is awarded every three years following a formal tendering process and was re-awarded to Motor Mall in 2009 to cover the period 2010-2012 inclusive.

Through the corporate lease car agreement, the Treasury and Resources Department leases two cars via Transport & Technical Services from Motor Mall at an annual cost to the Department of £2,640.

1.20 DEPUTY D.J. DE SOUSA OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE NUMBER AND ANNUAL COST OF HIRING VEHICLES:

Question

Can the Minister inform members how many vehicles, if any, are hired annually from Motor Mall by the Economic Development Department and the cost per annum?

Answer

The Economic Development Department has no vehicles on hire from Motor Mall.

1.21 DEPUTY D.J. DE SOUSA OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER AND ANNUAL COST OF HIRING VEHICLES:

Question

Can the Chief Minister inform members how many vehicles, if any, are hired annually from Motor Mall by his department and the cost per annum?

Answer

The Jersey Fleet Management section of Transport & Technical Services negotiates and manages the corporate leasing of a range of standard cars for use by States Departments for general

operational purposes. The contract is awarded every three years following a formal tendering process and was re-awarded to Motor Mall in 2009 to cover the period 2010-2012 inclusive.

Through the corporate lease car agreement, the Chief Minister's Department leases three cars via Transport & Technical Services from Motor Mall at a total annual cost to the Department of £4,440.

1.22 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE ANNUAL STAFF COSTS OF THE CORPORATE PROCUREMENT UNIT:

Question

What are the annual staff costs of the Corporate Procurement Unit?

What net savings are anticipated for each of the years 2010-2013?

Answer

1) The total annual staff costs for the Corporate Procurement unit are £464,400

2) The Corporate Procurement unit was given a target of £1.9 million savings to be achieved by the end of the 2009. This target has been achieved. The emphasis going forward is upon assisting Departments in delivering the procurement strategy that is designed to give clear direction to all departments involved in procurement and providing the framework in which they can deliver their own savings targets through procurement initiatives.

The main areas of work are focused upon:-

- Developing an efficient procure to pay process across all States Departments.
- Training employees involved in procurement activity to ensure that there is a standard approach to purchasing goods, services and works.
- Assisting departments in planning and organising their procurement activities in order to manage demand, maximise and leverage spend and deliver their savings targets.

Corporate Procurement will also lead on procurement initiatives arising from the Comprehensive Spending Review programme during 2010 - 2013. Procurement throughout the States is an area where significant savings can be achieved and as part of the Comprehensive Spending Review process specific projects and associated savings will all be aimed at delivering better services to the public.

1.23 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HOUSING REGARDING ESTIMATES OF OVERALL HOUSING SUPPLY AND DEMAND:

Question

What statistical sources do the Minister and his Assistant draw upon in making their estimates of overall housing and social housing supply and demand?

Answer

Estimates of housing supply are primarily established using:

- The Department of Planning and Building Services records on housing completions and outstanding commitments which include planning and building permits issued and those sites under construction;
- Other known sites already zoned or earmarked for housing purposes;
- Relevant Housing Department projects and home sales identified in the Property Plan; and
- Other potential future sources of housing identified on proposed in the draft Island Plan, including :
 - St. Helier Waterfront;
 - Town of St. Helier (informed by the Town Capacity Study); and
 - Windfall developments elsewhere (based predominantly on past trends).

On the question of demand, the Housing Department works closely with both the Statistics Unit, Population Office and the Planning Department in the collection of information which contributes to the assessment of the overall need for housing and social housing in the Island. These sources include;

- The Housing Needs Survey - this is undertaken regularly by the Statistics Unit on behalf of the Housing and Planning and Environment Ministers. The latest survey was conducted at the end of 2007. Surveys look to establish housing requirements based on expressed housing aspirations.
- An Island wide census, planned for 2011
- Population projections in the Statistics Unit's 'Population Model' combined with an assessment of potential private household formation. In this instance, each potential future private household is taken as an expression of demand for a home. Such information was used to inform the Council of Ministers in its review of the population issue for Jersey, the latest 'Imagine Jersey' exercise and the current Island Plan review process.
Both of these sources allow for proper account to be taken of the States' strategic decisions regarding the level of controlled future net in-migration.
- States Rental Waiting and Transfer Lists; The Housing Department administers and manages applications for States rental housing, shifts in demand can be quickly identified and trends plotted

Other sources of information on housing demand include:

- Quarterly house price statistics;
- Industry views of the local housing market ;
- The Jersey Annual Social Survey which enables ongoing monitoring of household variables such as size, structure, tenure and occupancy issues

In future, we plan to develop the 'Affordable Housing Gateway' which is a specific objective of Aim 14 of the States Strategic Plan. This gateway will provide a single point of access for all applicants requiring affordable housing and will include all local providers, the Housing Department, Housing Trusts and all of the Parishes. In this way we will have a complete picture of the demand for affordable housing, whether that be homes to rent or homes to buy and we can be confident that all of that need has been means tested on a consistent basis.

1.24 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING DATA ON CHILD CYCLE-RELATED ACCIDENTS:

Question

Given that in 2008 there were 105 children involved in cycle-related accidents recorded in Jersey's Accident and Emergency (A&E) Department, could the Minister provide the Assembly with any data and analysis carried out on these 105 accidents by her Department, the analysis to include the location of the injury, the severity of the injury, where the accident took place, whether or not a helmet was worn at the time and how this fact was established, and the cause of the accident?

Can the Minister also provide members with data and analysis relating to all head and neck injuries suffered in Jersey in 2008, to include, at least, information on the severity of the injuries, and the causes?

In the case of injuries/accidents so serious that the patients require immediate theatre admission how are these identified in the system, and are they included in the figures cited above concerning A&E?

Answer

Cycle-related incidents

A breakdown of information relating to cycle-related incidents is provided in the 2009 Jersey Child Accident Statistics report, compiled by Child Accident Prevention Jersey¹ on the basis of information provided from the A&E Department. The report does not include an analysis of where the accident took place or the cause of the accident, but it does include the following information for 2009:

Type of injury (% of 174 incidents in 2009)

- Upper limb injuries: 32.9%
- Head injuries: 29.5%
- Lower limb injuries: 18.5%

Severity of injury (numbers based on 174 injuries in 2009)

- 28% of children seen in A&E required further follow up treatment of which seven children were admitted to hospital. Of these seven, all the incidents occurred off road.

It is essential to differentiate between road traffic cycling accidents and off road accidents. The information provided does state that 105 children attended A&E as a result of a cycle-related incident, however the greater proportion of these relate to off-road incidents. On average, over a five year period, 18 children a year attend A&E as a result of a road traffic related cycle incident and, of these approximately 32% were wearing a helmet.

Analysis of data relating to head and neck injuries

¹ Jersey Child Accident Statistics 2009. Available from Child Prevention Jersey. <http://www.gov.je/Caring/Organisations/Pages/ChildAccidentPrevention.aspx>

The Department is unable to provide the other information requested. Current systems are based upon broad classifications. Extracting and analysing data relating to the causes of specific injuries - as opposed to all “head” injuries including those caused by epileptic seizure etc – would incur considerable expense.

1.25 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING OBESITY STATISTICS:

Question

Would the Minister advise the rates of the different categories of obesity by age in Jersey and state whether her Department holds comparative data on other European countries such as the United Kingdom, Germany, Denmark and France and, if so, state how Jersey compares?

Would the Minister inform members of the additional costs which obesity is likely to place on the health service in the future especially in the care of the elderly, and what action, if any, is she planning to take to tackle this matter?

Answer

Comparative data

An estimated 55% of adults in Jersey are overweight (of which 17% are obese) and an estimated 40% of 5 year old children are overweight (of which 12% are obese). Unlike the UK we do not currently hold data on 10 year olds but are exploring ways to collect it in future.

When compared with other countries of the western world, Jersey falls approximately half way between the best and the worst (see Chart 1 below).

Costs

The States Medical Officer of Health has estimated that the cost of obesity and being overweight to Jersey is around £7.4 million, of which approximately £2.2 million is healthcare costs. This is however a conservative estimate. Predictions in the UK suggest that the health care costs associated with obesity will double by 2050 and there is every reason to believe that this trend will also be reflected in Jersey.

More accurate costs should be available over the course of the next three years as Jersey participates in a study being carried by the British Heart Foundation and John Radcliff Hospital in Oxford. The study will include an examination of costs.

Obesity mainly affects children and young to middle aged adults, as opposed to the elderly. It is anticipated that today's younger generation will die younger than their parents did partly as a result of obesity and the increased incidents of diseases associated with being obese or overweight (see Chart 2).

The Health and Social Service Department has produced *Health for Life*, a five-year strategy which details the action need to address this growing problem. It is essential to understand the obesity is a complex social problem which will not be solved by just through medical interventions or increasing the capacity of the hospital. The focus must be on:

- enabling and supporting people to make healthy choices, which requires cross-departmental effort in areas relating to cycling, exercise, health eating etc;

- prevention rather than cure, which requires greater investment in primary care monitoring and screening services.

Chart 1.

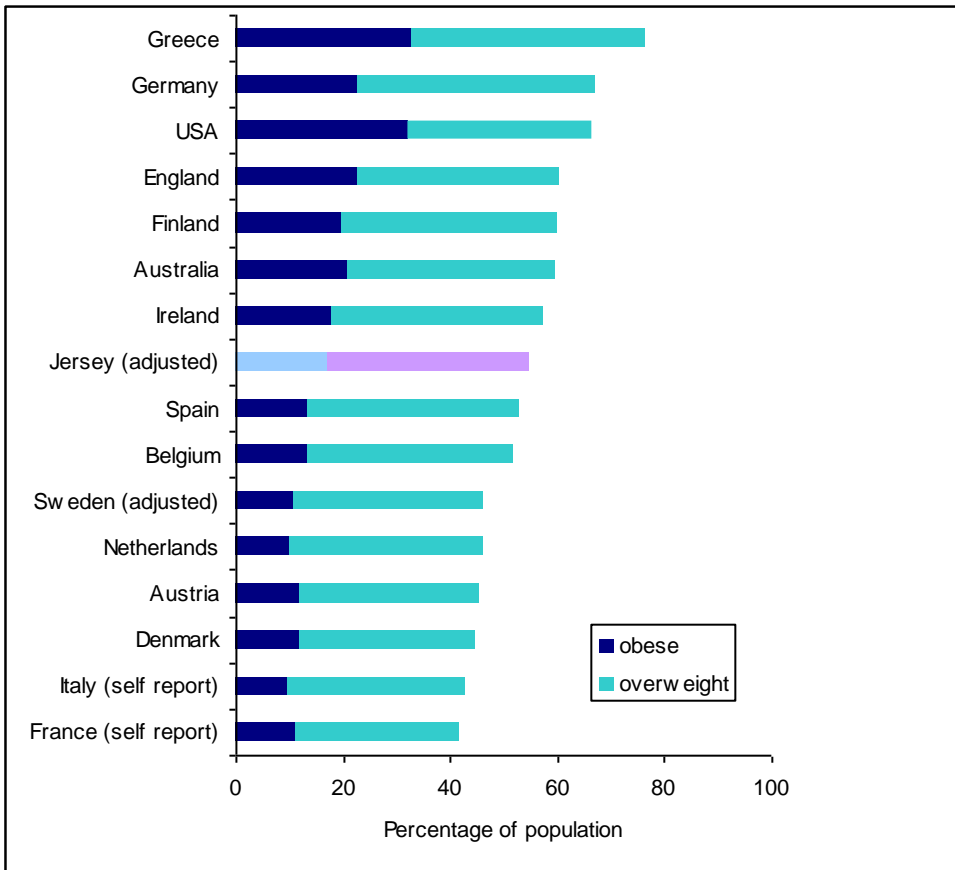
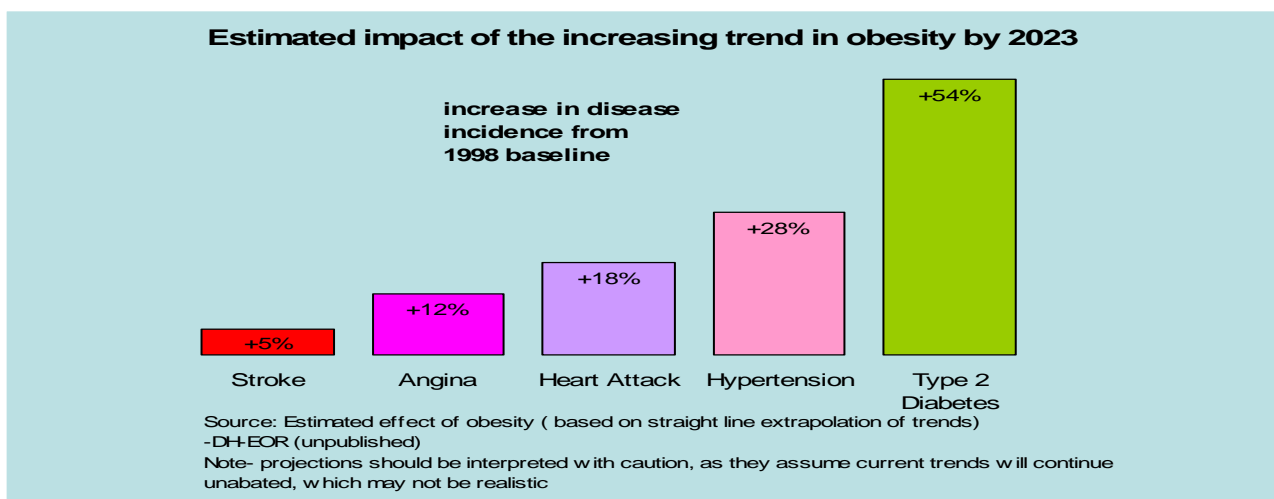


Chart 2



1.26 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ANNUAL REPORTS AND DATA ON ROAD ACCIDENTS:

Question

Further to the response to my written question of 1st December 2009 –

1. would the Minister explain the increase in accident figures in the 2008 column of the table at the foot of the first page of the answer?
2. what analysis, if any, has been carried out on types and causes of road accidents over the last 5 years and how is this analysis carried out?
3. do annual reports exist for types and causes of road accidents, (or similar non-annual reports) and if so, where can these reports be accessed?
4. can similar reports be found going back 10, 20 and 30 years ago for comparison purposes and, if so, where?
5. has any research been undertaken in Jersey on the effect of such factors as drink-driving laws and street lighting on road accident statistics and, if so, where can these reports be accessed?

Answer

In reply to Deputy Wimberley's question, road traffic collision data is collected and collated by the (Home Affairs Department) Police. The data belongs to the Police. TTS do not hold the gross data but are provided with data which has had certain sensitive fields removed.

1. The data provided in the answer tabled on 1st December 2009 was generated by the Home Affairs Department. The data included a note at the foot of the page which is reproduced below.

"IMPORTANT NOTE : *Prior to March 2008, road traffic collision statistics were subject of a separate paper form submitted by the investigating officer. In March 2008, road traffic collision data began to be gathered through the VIEWPOINT recording system, which facilitated closer monitoring of the accuracy of records and also eliminated the possibility of paper forms being lost. It is likely that some of the increase shown in 2008 is due to the introduction of more accurate recording processes in States of Jersey Police"*

While the contents of this note may explain the increase, there is another possible explanation. Road traffic collisions are defined in the Royal Society for the Prevention of Accidents Road Safety Engineering Manual as "a rare, random, multifactor event always preceded by a situation in which one or more persons have failed to cope with their environment". This statement alludes to a known degree of randomness in collision data due the large number of different parameters involved in road traffic collisions; road condition, time of day, lighting, season, driver perception etc. This randomness can produce clusters of

accident data both geographically and in time that are not statistically significant in themselves and are later shown to be a statistical 'blip' rather than a sustained trend.

At present there is not sufficient data to determine whether this is a statistical 'blip', a trend, or a change due to the new method of data collection.

2. Over the last five years, as the information is made available, TTS has plotted the road traffic collision data made available to the Department by the Home Affairs Department on to computerised GIS map layers. The accidents are plotted in such a way that filters in the software allow the Department to view collision events by any of the categories in the database. The principle categories are by slight, serious, fatal, pedestrian, but plotting by, for example cycle, moped, and motorcycle is also possible. On occasion TTS will ask the Police for the original RTC report to better inform the analysis of a particular issue. TTS analyse RTC data when studying various traffic management proposals. The Home Affairs Department carry out their own analysis of the data in a way suited to their operations.
3. The Home Affairs Department publishes, as part of the Chief Officer of Police Annual Report, a summary of road traffic collision data. Transport and Technical Services (TTS) publish RTC figures in the Department's section of the Annual Performance Report for the States of Jersey.
4. The data belongs to the Home Affairs Department and this question would be better directed to the Home Affairs Department. It is the industry norm to consider the previous three years RTC data when evaluating traffic or safety improvement schemes. However, TTS tends to use data going back to 2000, as the information is readily accessible in an excel spreadsheet database. Paper records are held in the TTS archives dating back to 1989.
5. Drink driving falls outside of TTS's core expertise of Highways and Traffic Engineering and is a regulatory matter for the Police. TTS has no record of any studies carried out in Jersey into any links between Street lighting and accident rates, though indicative data would be available for UK road network through the research of the Transport Research Laboratory.

1.27 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE VALUE OF THE ISLAND'S AQUACULTURE AND FISHING INDUSTRIES:

Question

Would the Minister inform the Assembly of the value of the aquaculture and fishing industries, in terms of turnover, exports and employment?

Does the Minister collate information relating to the costs to the industry in having shell-fish beds downgraded from one status to a lower one, and, if so, would he provide the information to the Assembly. Would he also outline the reasons such a downgrading can occur?

Would the Minister advise how many times, if any, such downgrading has happened in the last 10 years?

Answer

In 2008, the total value of all fishing and aquaculture industries combined, was £6,744,675 calculated as first hand landed value. Of this approximately £1.3 million was purely Aquaculture.

By comparison the Shellfish fishing industry was worth approximately £4 million and the Wet fish (Finfish) sector £428,744. The remaining £1 million in value were UK landings by Jersey registered vessels.

In 2008, just under 1,000 tonnes (955,793 kgs) of shellfish were produced from Aquaculture. Of this, approximately 60% were exported.

The data for 2009 is currently being collated.

Fisheries and Marine Resources do not have information on the number of employees retained by Aquaculture Companies or Fishing vessels.

I am grateful to the Minister for Planning and Environment for the following information:-Grading, also known as area classification, is a public health measure required under EU Food Hygiene legislation. Classification is based on average results of 12 tests, usually carried out at monthly intervals, which detect faecal contamination. The classification informs which method of handling the product is legally required before marketing for human consumption. Area classification for Jersey shellfish harvesting areas is carried out in consultation with the Centre for Environment, Fisheries & Aquaculture Science, Weymouth, when results are reviewed annually.

The reason for down grading is test results fall within a higher grade than that previously established. The grades are A, B and C. Only products from areas classed A, the highest classification, can be sold directly for human consumption.

In the period, 9 areas have been downgraded and 8 areas have been upgraded.

The Minister for Economic Development does not currently collate information relating to the costs to the industry in having shell-fish beds downgraded from one status to a lower one, or visa versa, the increase in profits from upgrading shell-fish beds from a lower status to a higher one.

1.28 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING TOURISM BUDGET FIGURES:

Question

Will the Minister provide the Assembly with the following figures relating to the Tourism budget for the last 10 years, adjusted for inflation?

- (a) marketing spend by year;
- (b) events spend by year;
- (c) PR spend by year and by country/region;
- (d) additional marketing support by year?

Answer

The department has details of expenditure dating from 2003. These details are published in the annual reports. We do not have comparative data prior to that.

	2003	2004	2005	2006	2007	2008	2009

Quality Development	5,737	152,334	43,000				
Advertising & Media	1,887,120	2,242,779	1,817,000	1,717,000	2,247,000	1,845,000	1,640,000
Consumer/ Media Relations	543,373	418,273	403,000	346,000	885,000	675,000	440,000
Public Relations	528,602	859,280	589,000	557,000	549,000	562,000	360,000
Marketing Services	218,557	374,858	333,000	164,000	551,000	431,000	156,000
Distribution	286,446	396,284	344,000	307,000	214,000	191,000	
Trade Relations	1,846,164	2,014,957	1,820,000	1,634,000	386,000	977,000	707,000
Product Development	818,212	839,601	774,000	860,000	989,000	906,000	510,000
Visitor Services	409,676	392,621	346,000	303,000	282,000	324,000	90,200
Research & Planning	998,884	860,012	704,000	688,000	2,047,000	1,410,000	246,000
Conference Bureau							236,000
Staff							1,210,000
Net Revenue Exp	7,542,771	8,550,999	7,173,000	6,576,000	8,150,000	7,321,000	5,595,200

Notes:

In 2008 following the Historic Child Abuse case the tourism marketing budget was increased by £600,000.

In 2009 following the economic downturn the tourism marketing budget was increased by £800,000.

Prior to 2009 staff costs were included with the activity cost and Conference Bureau included with research and planning.

1.29 DEPUTY D.J. DE SOUSA OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING HOUSING TRUST REGULATIONS:

Question

Can the Minister state why, after over 10 years as President or Minister of Housing, and 4 years after Housing Trust Regulation appeared as an aim in the States Strategic Plan, the States are still waiting for action to be taken on this matter?

Answer

My priorities and those of my Department are set by the States and articulated in the States Strategic Plan. The 2006 – 2011 Strategic Plan did not make specific reference to Housing Trust regulation. What it did task us with was, reviewing, developing and implementing strategies for the provision of Social Housing in the Island, including the long term management of states rental accommodation. The plan also set out a number of high priority tasks for the Department in respect

of increasing the level of home ownership and perhaps most crucially putting in place a programme to bring States rental homes up to a decent standard.

The issue of the regulation of Housing Trusts needed to be properly considered in a complete review of social housing provision in the Island as it was clear that any new regulation would have to apply equally to all social landlords. The Department commissioned a Fundamental Review of Social Housing by Professor Christine Whitehead OBE in 2008. The Professor examined and commented on the issue of appropriate regulation in her report. She identified that providing regulation could be costly for such a small jurisdiction as ours and she makes some recommendations about how regulation could be achieved without making it unduly costly and bureaucratic.

I will be bringing forward a Report and Proposition later this year which will deal with the issues raised in Professor Whitehead's report and the feedback that we have received during the consultation process. That Report and Proposition will have to consider the issue of regulation and it will be for members of this Assembly to ultimately decide what form that regulation should take and crucially, how it will be paid for at a time when the pressure on our public finances is so great.

2. Oral Questions

2.1 Connétable G.F. Butcher of St. John of the Minister for Housing regarding the possible reintroduction of the old States' Loan system:

Would the Minister advise Members what progress, if any, the Housing Department has made investigating the possible reintroduction of the old States loan system to make it fit for purpose for today's needs?

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

The Population Office are considering these issues and have been doing so in conjunction with Housing for a number of years and, in doing so, work closely as ever with the Economic Adviser, the Treasury and currently the Housing Department. Of course the initial dangers are evident. In a time of constrained public finances we should exercise extreme caution in adding significantly to public sector spending as this may mean more tax or less money for other services. If we provide subsidised loans and create more demand for housing without adding more supply then Jersey will not only be faced with higher taxes but higher property prices for the majority. This is simple economics. I am therefore not optimistic that a States loan scheme is the answer. You would need at the moment to find a minimum of £100 million for 250 homes and rising up to £200 million if you wanted to provide finance available for up to 500 homes. Therefore, I am not optimistic that a States loan scheme is the answer but I am happy to consider whether there is any merit in further investigation. Indeed, this is currently being done in response to a recent internal audit of the scheme. Overall, however, my focus continues to be on joint working with the Minister for Planning and Environment to support overall housing supply including affordable and social housing within the Island Plan and through such schemes as Jersey Homebuy.

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

Could the Minister state for Members what alternatives he has to enable affordable housing to be built in Jersey in the light of his statement 10 days ago to the Health, Social Services and Housing Scrutiny Panel that he could no longer build affordable houses for the average person in Jersey?

Senator T.J. Le Main:

I cannot build one affordable house. The Deputy very well knows that. I am the Minister for Housing and it is up to this Assembly to support the Minister for Planning and Environment in the forthcoming Island Plan in rezoning suitable land; not open greenfield land, but suitable land that

will provide more homes and more opportunities in providing affordable schemes so that young Jersey people can afford housing.

2.1.2 Deputy G.P. Southern:

Would the Minister mind answering the question? What alternatives does he have under consideration?

Senator T.J. Le Main:

There are no alternatives currently at the moment apart from the current schemes which are home ownership schemes, shared equity schemes and those kind of issues. The Minister for Planning and Environment has it in his hands to come to this Assembly to rezone more land and to provide opportunities in the planning obligations.

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

I note the Minister's comments about the approximate £100 million or possibly up to £200 million if the scheme was reintroduced. Given that in recent times investments in banks, *et cetera*, are, if anything, a bit dodgy and giving very little return, would it not be better to invest in our own people thereby giving us a regular return year on year for long periods, 30 years and thereabouts? Does the Minister not agree that this should be looked at?

Senator T.J. Le Main:

I cannot agree to anything like that. The question should be directed to the Minister for Treasury and Resources who has a handle on the issues in regard to investments and to investing public monies. My view is that the old States loan scheme would work very well in the early days when people bought homes and borrowed £2,000-£3,000 to buy a home but in this day of the prices of homes rising up to £400,000 I would have thought that the Minister for Treasury and Resources would have some grave concerns about finding hundreds of millions of pounds to set up a scheme.

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

Is the Minister also going to pass the parcel on my question, which is what is the Minister doing about the increasing value of land when it is zoned or otherwise acquired for housing?

Senator T.J. Le Main:

The Minister can do nothing about the increased value in land. The Minister is the Minister for Housing and currently predominantly my role at Housing is a social landlord in many aspects. Some of the other aspects have been hived-off. But the issue is quite clear that the only way of reducing the cost for first-time buyers, in my view, is the States to buy-up land and create a land bank and also put into place obligations that reduces the cost of land.

2.1.5 The Deputy of St. Mary:

Does the Minister not agree that dealing with this issue would help the problem of providing affordable housing and is that not part of his job?

Senator T.J. Le Main:

As Minister for Housing I have no power under the law to put into place any schemes or otherwise to reduce land costs.

2.1.6 Deputy M. Tadier of St. Brelade:

First of all can I just say I agree with the Minister about buying-up land, it is a good socialist policy which I think the Minister should pursue. The question is if the Minister is not willing to accept the idea of the reintroduction of States loans would he be interested in a system of buy as you rent to enable locals to end up owning their own houses or at least have the flexibility?

Senator T.J. Le Main:

I did not say I was not interested in returning to the original States loan or otherwise. I have just notified the Assembly that we are currently looking at it, and we have been looking at it over a period of years and it always boils down to the fact that it is a horrendous financial commitment which the States, we are advised, cannot afford at this present time. In fact, over the period of years it has been more beneficial for a home purchaser to have a mortgage through the private sector - through the banks - than it has been with States Loan.

2.1.7 Deputy M. Tadier:

I appreciate that clarification on the position of the States Loan. Would the Minister now answer whether he would be in favour of the buy as you rent scheme and how that might work?

Senator T.J. Le Main:

I am very happy for any Member to come and talk with us on any scheme such as has been proposed or suggested by the Deputy. I would always have an open door for any suggestions on ways and means where young people can aspire to an affordable home. The answer is yes.

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

Would the Minister for Housing confirm to the House that he recently set up a new working party which included his own Assistant Minister for Housing, and indeed myself as Assistant Minister for Planning and Environment, to specifically look at affordable housing options in a novel way?

[10:00]

Senator T.J. Le Main:

Yes, I very much welcome that.

The Deputy Bailiff:

Connétable, do you wish one last question? Then do you wish to assign it to Deputy Southern who has been trying to get in for some ...

The Connétable of St. John:

Yes. [Laughter]

2.1.9 Deputy G.P. Southern:

What a wise man. In the light of the Minister's commitment to introducing regulation of housing trusts and his commitment to providing social rental housing, what measures, 4 years after it appeared in the Strategic Plan - his Strategic Plan - is he going to do this year in order to regulate housings trusts properly?

Senator T.J. Le Main:

I cannot see that has anything to do with the question asked by the Constable of St. John.

Deputy G.P. Southern:

The Minister mentioned social rental housing currently provided by the housing trusts; it is a perfectly appropriate question. Will the Minister answer what is he going to do this year about regulating housing trusts which he has not done for the past 4 years?

Senator T.J. Le Main:

Can I reply to the Deputy and say that the question was: "Would the Minister advise Members what progress, if any, the Housing Department has made investigating the possible introduction of the old States loan system and make it fit for purpose for today's needs?" Can I ask the Deputy where this comes in with the question he is now asking?

The Deputy Bailiff:

I rather agree with the Minister, Deputy. We will go on to the next question.

2.2 The Deputy of St. John of the Chief Minister regarding the estimated cost of the recent emergency exercise at Jersey Airport:

Could Members be told the estimated cost of the recent emergency exercise at the airport? What budget was set aside for it, the number of States of Jersey Police officers involved and the cost of their involvement, whether off-duty States Police officers were called in for the exercise and, if so, how many and what were the overtime costs?

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

The emergency planning section of the Chief Minister's Department holds a small annual budget to support States-wide multi-agency training and exercising. The central costs of this exercise, which covered accommodation, equipment purchase, hire charges, welfare, documentation and so on, was in the order of £4,000. Those organisations and departments participating in the exercise met their costs from within their own budgets. Fifty-seven police officers were engaged in the exercise along with police support staff. While not an additional cost to the department's budget the opportunity cost at the time provided by police officers and police support staff is estimated to be in the region of £20,000. The exercise did not require any off-duty States Police officers being called in to participate in the exercise and no overtime payments were made. This was the largest live exercise the Island has ever undertaken and it provided a valuable opportunity for learning which can only strengthen the Island's response in the unfortunate event of a major emergency in the future.

2.2.1 The Deputy of St. John:

I do have some concerns given that we have not really been given a proper breakdown as requested. Given that many Honorary Police were available and, historically, have backed all emergency exercises over many, many years and given considerable time to this Island, when the Chief Minister and his Emergency Planning Officer and committee pulled this exercise together did the Chief Minister not revert to previous exercises which in fact cost closer to £250,000 for this type of exercise, not £25,000 as he has given the figure today. Did he not instruct his Emergency Planning Officer that the Honorary Police officers should be used in the same capacity as the States Police officers?

Senator T.A Le Sueur:

The arrangement for co-ordination between the States of Jersey Police and the Honorary Police was discussed at frequent meetings at which representatives of the Honorary Police were in attendance and a plan was drawn up jointly by these and that plan allowed for and involved the activities of both Honorary Police and States of Jersey Police. The purpose of exercises such as this is to find out what goes right and what goes wrong and to learn from what has gone wrong. Certain matters have gone wrong in this exercise but a lot more went right. But we shall be learning from what went wrong to ensure that in the event of a real emergency we can learn from earlier planning.

2.2.2 The Deputy of St. John:

Can the Chief Minister tell the Members what action he has taken to make sure that the Emergency Planning Officer gets proper training in the events of emergency planning and also what action he has taken to inform him that our Honorary Police carry the same weight at the States Police?

Senator T.A Le Sueur:

I resent the implication that the Emergency Planning Officer is untrained. The Emergency Planning Officer has had significant training and is working together to co-ordinate all these activities. I believe that the exercise undertaken, which was the largest exercise undertaken, was a

comprehensive and well-planned exercise co-ordinated with the help of many organisations including the Honorary Police. Inevitably in these sorts of operations you learn things and that is the important part of doing them, and while I do accept that there are matters to be learned, I do not believe that the situation is as dire as the Deputy would have us believe.

2.2.3 Deputy C.H. Egré of St. Peter:

Would the Chief Minister make available to States Members the lessons learned in order that we can make an objective decision as to whether these exercises are as fruitful as they are being made out to be?

Senator T.A Le Sueur:

The outcome of the exercise was to debrief operations carried out by individuals and collective groups, which will be reported back to the Emergencies Council at their next meeting. The Council will then decide how we can learn from that comprehensive report and to the extent that that needs to be circulated to other people for scrutiny, I would be happy to make that available.

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

Will the Chief Minister accept I serve as a member of the Airport Emergency Planning Committee in my role as Chaplain so I was there at all these conversations, and will he accept that the position I take there that the correct working of the honorary and the paid services of the Island, not simply the police but also the Constables of the Parishes, not only are desirable for the future but proved - and in the fire near the end of the airport some time last year - that that marrying of the official and the honorary systems are essential in the outworking of an emergency? **[Approbation]**

Senator T.A Le Sueur:

Absolutely, I pay tribute to the services provided by the Honorary Police of St. Peter and other Parishes in that fire incident, and indeed for the participation that they gave in this particular emergency exercise. It is a matter of record that the Honorary Police and the States of Jersey Police both have a part to play in this. They are both equally valued and equally important and I want to make sure, in particular, that in the event of a real emergency, as happened in that fire situation, all resources are used to their best advantage and that is why we have these exercises, as I say, to learn from them what can go wrong and how they can be improved upon.

2.2.5 The Deputy of St. John:

Could the Chief Minister inform the Members of the qualifications of the E.P.O. (Emergency Planning Officer) that he holds, please?

Senator T.A Le Sueur:

I do not have the professional qualifications to hand because they are not part of the original question, but certainly the Planning Officer has had experience here and in the mainland of previous emergency activities and I believe his qualifications, both in experience and any paper qualifications, are as good as one can expect on this Island and what was done in this emergency exercise was, I believe, a significant improvement on anything we have done in the past. It is far more comprehensive than anything we have done in the past and I believe that far from being critical, we owe a debt of gratitude to the Emergency Planning Officer for the way in which this has been properly co-ordinated.

2.3 Deputy D.J. De Sousa of the Minister for Housing regarding steps proposed to secure sites for housing:

Following his recent comments at a scrutiny hearing, will the Minister please inform Members what steps, if any, he proposes to take to eliminate a bidding war with the housing trusts to secure sites for future housing, as in sheltered housing or social?

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

I can advise Members that I have already taken steps to eliminate this problem. I have written to all the housing trusts and the Connétables setting out that I will not support the acquisition of any social rented home by any social housing provider where the price being paid for the unit exceeds that which the current debt redemption model demonstrates is sustainable. I am also currently in discussions with the Attorney General seeking legal advice on ways and means of being able to firm-up the opportunities for the Housing Department to acquiring rezoned sites for sheltered housing. I have sent also a copy of my letter to the chairman of the Scrutiny Panel for their information.

2.3.1 Deputy D.J. De Sousa:

Does the Minister really feel that this is sufficient to stop such a price war going on to inflate the price of land for building social housing on?

Senator T.J. Le Main:

I think that when I mentioned that there was an issue, it could have been an issue; it may not be but I have been worried over one or 2 instances over this and I am confident that the Housing Department will be able to work with the social housing providers. I am rather hopeful that we are going to be able to make sure that the acquisition of homes off rezoned sites will in fact be given where the Housing Department will have a very good opportunity of being able to acquire those that they need urgently. We are the last provider for many people.

The Deputy Bailiff:

Can I encourage Ministers to be concise in their answers.

2.3.2 Deputy G.P. Southern:

Would the Minister inform Members what instances he is referring to when he said there one or 2 instances that have already occurred which gave rise to his doubt?

Senator T.J. Le Main:

No, I am not prepared to openly discuss that. All I am saying is that I had one or 2 issues that I was not very happy with and felt that it could have been that the Housing Department would have been left out in the cold had these opportunities been taken up by other social housing providers.

2.3.3 Deputy G.P. Southern:

Could the Minister state why he is reluctant to speak about this and will he release his information in confidence to the Health, Social Services and Housing Panel?

Senator T.J. Le Main:

I am never frightened to speak about anything but there are times when you are in discussions with individuals or trusts or otherwise that one just does not want to broadcast it all over the media. I have got further discussions to take place and I am not prepared to invite discussion over the media with it.

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

Would the Minister not agree that this goes back to what Deputy Southern was asking earlier? Housing trusts have been allowed to grow, backed by lots of money by the States, and the Minister has been very, very lax in putting any rules and regulations in, and now they have come back to bite him.

Senator T.J. Le Main:

No, that is not true. Every site that has had a letter of comfort from the Treasury supported by the Minister for Housing have full regulation against that site. It is quite clear that there is nothing untoward happening in the current regulation of the trusts. But what we have been waiting for, and the Deputy knows this very well, we have been waiting for the Whitehead report. We have been waiting for the low income scheme to go into place. I will be coming up this year to this Assembly with recommendations not only on the regulation of housing trusts - regulation of social housing providers - and Members will have a good opportunity then to make amendments to what will be coming forward from the Housing Department.

2.3.5 Deputy J.A. Martin:

In the Whitehead report it says: "All social landlords should have one unified waiting list." How far down the line are we with this one unified waiting list?

[10:15]

Senator T.J. Le Main:

I totally agree with that, but the Member very well knows that the issue is that we are coming back through the Whitehead report, once full consultation is finished on 5th March, I think we have extended it to, and we are going to come forward and I totally support that view that there should be a common waiting list and common waiting lists should have happened years ago, but the issue is that we will be coming forward with that sort of recommendation, I am sure.

2.3.6 The Deputy of St. Mary:

Does the Minister not agree that the background to the problem outlined in the question of the bidding war and the shortage of sites, the background is of course the policy of the Council of Ministers to increase the population year on year for ever and does he not agree there will, therefore, always be a shortage and does he enjoy his keep fit programme of running on a treadmill?

Senator T.J. Le Main:

No, I do not agree with that at all. The Deputy knows very well that the increase in population has been births over deaths and the issue is that this Island since 1949 has had a chronic shortage of affordable housing, particularly with a changing population with more divorces, more single people with children, and all those issues. Of course, when you have families split-up and they have joint custody now where it seems that both sides, one with 3 days full custody, the other one with 4 days custody, each of them demanding a family home, all these kind of pressures are the pressures that have built up and have been building up over the years.

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

This evening Deputies from No. 1 district will be attending upon residents of Berkshire Court to address what has been a never-ending saga of complaints. They have met with no response from the Jersey Homes Trust. This has been going on for 5 years. Will the Minister attend with us this evening to see how futile it is in trying to get basic recommendations through a housing trust that refuses to do anything, unlike the very good housing trusts that exist elsewhere?

Senator T.J. Le Main:

I have had no complaints about Berkshire Court, I have to say. I have had no complaints. I have not had one complaint about Berkshire Court and I have not been invited to the meeting this evening and I do not feel at this time that the Minister for Housing should be involved with the Deputies and the arguments with the trust at the present time. I will, if necessary, once they have had their deliberations and discussions, certainly attend to the Deputies if they require me.

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

The Minister evaded answering the second part of Deputy Southern's question earlier about whether he would share the information that he is not prepared to reveal to the Chamber and to the media. Would he give that information to the Scrutiny Panel in confidence?

Senator T.J. Le Main:

No, not at the moment. The issue is quite clear that I have sought and am seeking advice from the Attorney General on various aspects of what could happen to affordable land or rezoned sites. I have also sent out a note and once I have the information then of course I am very happy to share it with the Scrutiny Panel. The Scrutiny Panel is there to assist me and I will do so, but the time is not quite right at the present time.

2.3.9 The Connétable of St. John:

The Minister clearly wants a common waiting list for various social housing. Could the Minister advise the Assembly as to how he would envisage the allocation process to go forward given that Parishes look after their own properties?

Senator T.J. Le Main:

The issue is that the allocation process would not involve the Parishes who own their own properties. It is as simple as that. Pre-1975 was the last issue on providing homes within the Parishes by the Connétables, and such as St. Martin and Trinity and issues like that, that they have their existing stock, the States would not want to be involved in the allocation.

2.3.10 Deputy D.J. De Sousa:

Does the Minister not consider that it is the lack of regulation upon the housing trusts that has caused him to worry about this matter?

Senator T.J. Le Main:

The answer to that is no.

2.4 Deputy K.C. Lewis of St. Saviour of the Minister for Health and Social Services regarding the withdrawal of the peritoneal dialysis service:

Would the Minister inform Members whether the peritoneal dialysis service is to be withdrawn and if so what steps, if any, will the Minister be taking to address the concerns about failing staff levels and morale of the entire Renal Dialysis Unit?

Deputy J.A. Martin (Assistant Minister for Health and Social Services - rapporteur):

I can confirm that there is no intention to withdraw the peritoneal dialysis service and I can confirm that all the existing patients have been contacted and reassured of this. At this present time, though, the Renal Service is unable to offer peritoneal dialysis to new patients due to staff shortage and the specialty of this treatment.

2.4.1 Deputy K.C. Lewis:

I have had many phone calls; people very, very emotional, not just patients but also the medical staff at the hospital. As one member of staff leaves it puts immense pressure on those that remain. Will the Assistant Minister undertake to recruit suitable staff as soon as possible?

Deputy J.A. Martin:

Yes, we also at the hospital have had some very concerned patients when this question went in. The Minister and myself met with the renal consultant and the head nurse and all the staff on the ward late on Friday afternoon. We have committed to get as much support into this department as

we can. We are very sorry that this message has got out and the wrong message has got out to the people and the patients that they care very much for.

2.4.2 Deputy K.C. Lewis:

I would not say it is the wrong message. I have been informed that people whose kidneys are failing will be coming on to peritoneal dialysis which will no longer be available to new patients. Unless one is lucky enough to receive a kidney transplant, dialysis is not a temporary problem. Will the Assistant Minister undertake to locate and recruit suitably qualified staff as a matter of urgency?

Deputy J.A. Martin:

There is a shortage of this specialism across the U.K. (United Kingdom), which I was informed of by the consultant himself on Friday afternoon. Peritoneal treatment is self-medication and you have to be taught. We dialyse 50 patients at the hospital and an extra 6 or 7 who have the peritoneal. It is a great treatment for people who have the confidence but there must be the backup at the hospital and that is why, at the moment, we cannot put new patients on peritoneal. There is no question that anybody needing dialysis urgently or ongoing will not be offered the dialysis they need at the hospital to sustain them until we can get a kidney transplant or whatever they will need.

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

I was involved in the very early days with kidney dialysis with a fellow policeman who required it and also the backup services, and we have moved on a tremendous amount. This is very disturbing for a number of reasons. What I would like to ask the Assistant Minister is how temporary is this setback, and can she give us a definite indication of dates - whether it is weeks or months away - as this not only affects the individual themselves, it also affects their work and the services that are provided to this Island. It is a vital service and, therefore, it is an important one that needs answering at this moment in time.

Deputy J.A. Martin:

I totally agree and on speaking with the consultant, he is absolutely determined to get the service up and running as we are at the hospital with the staff as soon as possible, and I hope it is a matter of weeks and nowhere near months that we will be able to do this. I say it needs the confidence of the patient with the backup at the hospital and it sounds very easy but it is something that is self-medicating 24/7. They have to change bags every 6 hours and some people are not confident to do it, especially without the right backup at the hospital.

2.4.4 Deputy G.P. Southern:

Could the Assistant Minister indicate what measures, in particular with dealing with the high price of accommodation in Jersey, are in place to ensure good recruitment and retention of nurses with the required skill for this Island to deliver a first class service?

Deputy J.A. Martin:

Obviously Jersey about 10 years ago with the scale rates of pay and everything else used to be an attractive place to come. With all the ups and the shenanigans in the N.H.S. (National Health Service) and the things that nurses are offered, we are no longer attractive. We are looking at health. The other Assistant Minister is looking at ways to purchase some new accommodation for staff that come over, but this is going to be a long process - as the Minister for Housing says, it is not cheap to live in Jersey - and nurses are even harder to recruit because of this reason.

The Deputy Bailiff:

Can I remind Members the questions are about dialysis and not general questions about nursing staff.

2.4.5 Deputy G.P. Southern:

But having got in on this one I will pursue it. Will the Assistant Minister agree to circulate to Members what proposals are in place to assist incoming nurses with their housing need?

Deputy J.A. Martin:

Yes, it is either now finished or it is definitely being worked on and as soon as we have the paper and what we are proposing to do for all specialisms in the nursing sector I will get it circulated to all Members.

2.4.6 Deputy D.J. De Sousa:

Speaking to the Assistant Minister earlier, I believe that the problem here is an issue with trained staff to train patients to self-medicate. What measures, therefore, is the department taking to engage the necessary professionals to ensure that this vital service is reinstated as soon as possible?

Deputy J.A. Martin:

As I said in an answer to Deputy Fox, we know of one nurse who is on a different ward at the moment who could possibly transfer as soon as we have a vacancy. At the moment we have a vacancy but staff are still in the job. So, as I said, hopefully it will be a matter of weeks and the peritoneal service will be up and running again.

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

May I begin by wishing a good morning to year 5 at Plat Douet School who I believe are listening in to the States on the radio today. **[Approbation]** For absolute clarity can the Assistant Minister just clarify that those who are receiving this service will continue to receive the service?

Deputy J.A. Martin:

Yes and I am very sorry for some. There has been a website and everything started from Friday; a report on BBC Radio Jersey. Everybody who is receiving peritoneal dialysis is continued. They have all been contacted now over the weekend by the hospital and I am very sorry that this message was allowed to go out as it did.

2.4.8 Deputy M. Tadier:

The questions so far talk about the morale of staff and staffing levels at the hospital, but will the Assistant Minister acknowledge that this type of dialysis is a lifeline to patients quite literally and it gives them a certain level of independence and dignity to be treated in their own homes? Will she also acknowledge that if this is withdrawn it will ironically put a strain on resources and space at the hospital if patients are having to go to the hospital perhaps several times a day to be treated?

Deputy J.A. Martin:

Yes, as I said, I totally agree. Many, many patients do not want to do the peritoneal. As I say, it needs training and it is self-medication. We dialyse 50 patients a week in the hospital and 6 or 7 choose this. As the Deputy says, it offers them a great amount of freedom and in my very, very first statement I made it quite clear this is not going to be withdrawn. Even if you want to look at, as you say, saving space at the hospital, it is £14,000 a year to use the peritoneal dialysis and £26,000 a year for a patient to use the hospital. It makes no sense. If a patient wants to use the peritoneal dialysis we must try every way we can to assist with this. It is better for everybody.

[10:30]

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

Could the Assistant Minister advise whether the Minister for Health and Social Services was made aware of the situation in the renal unit with regards to staff before this question was tabled?

Deputy J.A. Martin:

Well, we knew that there were problems coming down the line and we know that we have to extend the Renal Unit because we dialyse more and more patients; the criteria changes, which is right. Ten, 15 years ago you would not dialyse people over a certain age or with other medical conditions. Things have moved on and that is great. We need to do more people. We could not go and see the consultant before 4.00 p.m. on Friday and we received the question because he was in surgery and then we were made aware of the full extent of the peritoneal. Also we were told that the consultant had spoken to the Deputy who had put the question in and he had explained to him exactly what was happening. Unfortunately, the message that went out to the public got mixed-up.

2.4.10 Deputy K.C. Lewis:

Just to clarify, it is the future withdrawal of the peritoneal service to future patients and patients that are coming online now that I was concerned with which prompted several calls from very worried constituents. The haemodialysis takes 3 to 4 hours in hospital. That is the traditional dialysis that we are aware of. The peritoneal, as has been explained, can be done at home and during the night. Loss of the Peritoneal Service to the new patients will equal loss of independence and possibly loss of a job. Will the Assistant Minister, as I have said before, undertake that if a management can be parachuted in from the U.K. at short notice then surely highly qualified medical staff can also; does the Minister not agree?

The Deputy Bailiff:

Are you going to parachute staff in from the U.K.; that is the question?

Deputy J.A. Martin:

No, and just to be clear, and the Deputy said this on radio, peritoneal dialysis is not done overnight; it is 24/7. It needs high competence of the patient to do it themselves. They change the bag every 6 hours, every day of their life. So, it is something they need to be reassured that we have backup staff at the hospital and, as I say, hopefully it will be weeks and the people in between time will be receiving haemodialysis and then when it is available they can, if they wish, transfer to peritoneal dialysis.

2.5 Connétable D.W. Mezbourian of St. Lawrence of the Minister for Transport and Technical Services regarding the limitation of speed along the cycle track:

What plans, if any, does the Minister have for his department to undertake a public awareness campaign to ensure that cyclists are aware of the limitation of speed when using the cycle track?

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

I feel rather sort of isolated here, but I hope I will not take it personally. There are no specific speed limits for cyclists using the cycle track along St. Aubin's Bay. One reason for this is bicycles are not fitted with speedometers. While not statutory, Rule 63 of the Highway Code requires cyclists to take care when passing pedestrians, especially children, older or disabled people and to allow them plenty of room and always be prepared to slow down and stop if necessary. The cycle track along the seafront has been established under the Policing of Parks (Jersey) Regulation 2005 through which Articles of the Road Traffic Law (Jersey) 1956 apply. The Minister for Home Affairs is generally responsible for ensuring that people adhere to this traffic law and other laws in force over here. My department supports education programmes and awareness campaigns. The Home Affairs Road Safety Officer runs various cycle training courses aimed at children over a range of ages. These courses run from March to October each year and typically 500 students receive a minimum of 6 hours training in the Highway Code, safe road craft and basic bike safety maintenance. In the near future I shall be bringing to the States a sustainable transport policy for its

consideration. Included in its proposals are measures to encourage more walking and cycling and to invest in improving the safety of pedestrians and cyclists. Given a fair wind I hope to lodge this on 7th May for debate on 22nd June.

2.5.1 The Connétable of St. Lawrence:

The reason, of course, that I have brought this question is because I have been contacted by people who have in fact been injured when walking or cycling on the track. I heard the Minister refer to the Sustainable Transport Policy and I think he just told us when he will be lodging it, and I am sure we are all looking forward to seeing that. But he also mentioned that it will contain measures to improve safety for pedestrians and cyclists and I ask him to advise the House what those measures will be.

The Connétable of St. Brelade:

I think this is open to debate. One of the difficulties with cyclists, as Members will know, there is no registration format in place at present, although those of a certain age will remember there used to be and maybe that is something we have to consider, but there are considerable administration difficulties to that. There are options of putting signage on the tracks, although I have to say I am not terribly keen on a proliferation of additional signage. I think an awareness campaign is really what is needed and I would suggest... though in conjunction as I said before with the road safety officer, I would be keen to pursue that once again.

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

Would the Minister contend that if a cyclist is wearing a helmet, such a person could indeed engage in responsible speeding? **[Laughter]**

The Connétable of St. Brelade:

I think perhaps the answer to that question will come in the debate on cycle helmets at a later date.

The Deputy Bailiff:

It may depend whether all the pedestrians are wearing helmets as well. **[Laughter]**

2.5.3 The Deputy of St. John:

Given the Minister's reply, will the department look at a full review with his transport strategy of cycles including number plates, cycle lighting, cycle helmets, *et cetera*, and include all of that within his transport strategy, please?

The Connétable of St. Brelade:

I think the answer to cycle helmets has already been answered and I think the outcome of the proposition by Deputy Green will probably dictate the route in which that goes. Lights would form part of a public awareness scheme and certainly I am keen to encourage that. I think the policing of that would rely once again on some sort of registration and the costs of that would have to be established first.

2.5.4 The Deputy of St. John:

The Minister seems reluctant to want to hold a review of any kind when it comes to bicycles, and I think his department have a duty of care, through the D.V.S. (Driver and Vehicle Standards) Department to have a review in that area. I would sincerely hope that he will and he will give us an assurance this morning that he will hold some type of review and look at number plates which are used in Sark and other places around the world; not necessarily visit these places but find out about them. They can do that on the internet.

The Deputy Bailiff:

Will you hold the review, Minister?

The Connétable of St. Brelade:

No, I am happy to respond to the Deputy in terms of a review. I think it probably would have benefit and I would agree to perhaps involving interested States Members in doing that. I think there would be advantages and I think we should proceed on that basis.

The Deputy Bailiff:

Can I remind Members we have got a very long session for Question Time and we really must keep moving.

2.5.5 Deputy J.B. Fox:

Just to state that in police headquarters there is a great big file on cycles. The Crime Prevention Panel of the day has done a full working on it for the Defence Committee of the day regarding registration. You also have a very good road safety panel that could work thoroughly. So, the question is, I am happy to be involved; will you be happy to be involved in bringing all this information to the service which might benefit both the Constable of St. Lawrence and the various departments?

The Connétable of St. Brelade:

Yes, I would be delighted to accept the Deputy's offer.

2.5.6 The Deputy of St. Mary:

On a more positive note, would the Minister agree that it would be handy to have some form of safety audit of the track to remove some of the dangers? For instance, putting reflective strips on the lamp posts - some of them are missing - and getting the logos in the right places; just practical measures to improve the safety of all who use that track.

The Connétable of St. Brelade:

Yes, there have been issues raised in the last few months over that and I know my officers have been looking into the areas to which the Deputy refers.

2.5.7 Deputy M. Tadier:

Following on from the question of the Deputy of St. John, would the Minister consider the introduction of speed cameras for bicycles and also of registration plates for joggers; in fact, registration plates for all pedestrians as well as other measures to discourage people from cycling and get them back into their cars? **[Laughter]**

The Connétable of St. Brelade:

Simply, I think a public awareness campaign would be successful in that.

2.5.8 Deputy D.J. De Sousa:

The Minister mentioned in his answer to a question earlier that he did not want more signage along the avenue. Would it not just be simple to do as is done on the roads and put a speed limit painted on to the track?

The Connétable of St. Brelade:

Yes, that would be easy to achieve.

The Deputy Bailiff:

Connétable, do you wish to have a final question?

2.5.9 The Connétable of St. Lawrence:

I heard the Minister say that he would welcome input from Deputy Fox into reviewing this, but can he make it quite clear, please, does he intend to undertake a public awareness campaign before all the fair-weather cyclists get back on their bikes this summer?

The Deputy Bailiff:

He has said so twice or 3 times.

The Connétable of St. Brelade:

Just to confirm that I shall have to speak to the Minister for Home Affairs to involve the road safety officer in that and I am sure we can do it.

2.6 Deputy M. Tadier of the Chief Minister regarding the implementation of the Chapman report recommendations:

Will the Chief Minister advise Members which of the 6 recommendations in the Chapman report are still to be implemented and will he inform Members which of these are likely to be implemented?

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

Yes, all 6 of the recommendations are at varying stages of progress and completion. Recommendation 1 concerning the ongoing monitoring of the blog in question and of employees named is as well progressed as possible. An up-to-date record is being maintained and we will continue to do so. Recommendation 2 concerning engaging with employees as and when they are named is in place and ongoing. Employees are sensitively contacted by my department, informed of their rights and offered counselling. Recommendation 3 - redrafting the Bullying and Harassment Policy - is well advanced and will be put out to consultation with the trade unions and staff associations. Recommendation 4 - reviewing and developing the Health and Safety Policy - is outstanding but is being addressed with a target of March 2010. Recommendation 5 - a briefing document on employees' rights under the 2008 Harassment Law - has been drafted by the Law Officers' Department and is expected to be distributed to staff soon. Recommendation 6 - the States Employment Board dealing with this issue collectively rather than departmentally - has been agreed, and the recommendations of the Health and Safety Inspectorate will be addressed in their entirety as and when the Chapman recommendations continue to be implemented.

2.6.1 Deputy M. Tadier:

Just to follow up, I thank the Minister for his response. Part of recommendation 6 was not simply that the allegations be refuted, and these were allegations which I quote from the reports that range from accusations ...

The Deputy Bailiff:

I am sorry we are going to have to stop. We are no longer quorate. Can I invite Members in the precincts to return to the Chamber in order that we can become quorate again. Well, Greffier, perhaps you would call the roll.

[10:45]

The roll was called

Deputy P.V.F. Le Claire:

Sir, may I make an observation, please, and ask for your consideration and also that of the Chairman of P.P.C. (Privileges and Procedures Committee)? During the roll call a number of Members entered the Chamber and gave their names as present after a much longer extended period

of time than other Members who had entered the Chamber whose names had already been called. I relate particularly to Senator Ozouf's defence; he entered the Chamber just after his name had been called and subsequently has not been recognised as being here, which he certainly is. I think really a review is needed and perhaps looking at the instant voting ability with the buttons that we have now to show who is in the room, so that it does not favour those Members that are further down the list.

The Deputy Bailiff:

Well, the Chairman of P.P.C. will no doubt take that on board, Deputy, thank you. That exercise has taken approximately 4 minutes which normally would come out of Question Time allocation. I shall add 2 minutes back to the Question Time allocation, and it really is a serious request to Members to ensure that they remain in the Chamber where possible for the conduct of the Assembly's business. Now, Deputy Tadier.

Deputy M. Tadier:

There is nothing quite like a quorum call to focus the mind on the issue. So, back to the issue of the Chapman report. The question I really want to ask next is... obviously all the recommendations are important, but perhaps in some ways the last one is the most important. Allegations were made - a variety of allegations - and the recommendation was not simply that the S.E.B. (States Employment Board) refutes the allegations publicly but that it be done and be posted on Senator Syvret's blog site. So, will the Minister confirm whether he is going to undertake to refute the allegations publicly and to do it on Senator Syvret's blog site?

Senator T.A. Le Sueur:

While I take note of what the Deputy says, my judgment is, at this stage, to post the recommendations on the Senator's blog site would not be in the interests of helping the people who have been suffering from bullying and harassment over the previous months.

2.6.2 Deputy M. Tadier:

Just, if I may, a supplementary: the Minister did before say that he has endorsed all 6 recommendations and that recommendation 6 is that the refutation should be done publicly and posted on the Senator's blog site. So, if the Minister and the S.E.B. are not willing to do this, in fact they are not endorsing recommendation 6, only 1 to 5 which is not what the Minister had originally said.

Senator T.A. Le Sueur:

I would accept what Deputy Tadier says when endorsing recommendation 6 in full because it is a matter of judgment as to how it is implemented, but the spirit of the recommendation certainly is being adhered to and will be followed.

2.7 Deputy P.V.F. Le Claire of the Minister for Housing regarding new social housing units constructed during the past 5 years:

Given that in 2005 the Planning for Homes survey conducted by the Housing and Environment and Public Services Committees concluded that just under 2,000 additional homes would be needed in the Island over the next 5 years, how many new social housing units have been constructed during the past 5 years?

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

Since 2002 our planning policies have seen the development of 702 social rented homes and 758 first-time buyer homes. Planning records show that a total of 1,090 homes were under construction at the end of 2009 and a further 750 homes had outstanding planning and building permits. The

Draft Island Plan concentrates on addressing the requirements for new homes in the qualified sector. In doing so it makes provision for the supply of 2,550 new homes over the 5-year period 2009-2013 comprising 550 category (a) and 2,000 category (b) homes. The provision is made from a range of sources and relies heavily on opportunities presented by the Waterfront, town regeneration and private windfall developments, elsewhere and in built-up areas. I am not in a position where I alone can deliver new homes which we need. New homes, particularly new affordable homes, require land to be rezoned for residential purposes. But saying that, Housing have some exciting plans in the pipeline over the next 5 years to increase affordable homes off existing housing sites, but not if sites like Ann Court are taken away from us. The sites to be rezoned is the responsibility, as I have said often, of the Minister for Planning and it is a very difficult, complex task. He knows and the Planning Department know that they will always have my support in achieving the aims of having affordable homes.

2.7.1 Deputy P.V.F. Le Claire:

I appreciate the Minister for Housing has a difficult job and he does it to the best of his abilities. However, his answer to my question, although informative, did not really address what it was I was looking for. In the *Jersey Evening Post* on 23rd February 2005 - exactly 5 years ago to the day - it identifies just under 2,000 homes needed. It was from a survey that the Housing Department and the Planning and Environment Department conducted, based upon a survey that was sent out to one in 6 homes. I am unable to determine from the answer that the Minister has given what the answer is to the question. I am unable to understand other than that there are problems. The question is will he please tell us over the last 5 years how many houses he has developed or how many houses have been delivered rather than all of the different information he has given in his first answer?

Senator T.J. Le Main:

That is a question that should be directed to the Minister for Planning and Environment. I am the Minister for Housing and the Deputy is asking how many homes have been delivered. I have not got those actual figures apart from the information that has been given to me this morning in response to the Deputy, but I can assure the Deputy that if he wants to put it in writing any information that I can assist him with through Planning or otherwise I will do so.

2.7.2 Deputy S. Pitman of St. Helier:

A simple question: the Senator has talked about exciting plans. Well, I am trying to assist a resident of Le Squez Estate. It is quite clear that the completion of that development is way overdue. Could the Minister advise when those “exciting plans” for the Le Squez development are likely to be finished?

Senator T.J. Le Main:

Yes, phase 2 of Le Squez is in 2 parts which will produce 76 new homes and the plans have been approved for part 1. We are going to do that in 2 stages. Part 1 is out for tender now and we are rather hoping that stage 1 of the boarded-up area at Le Squez will start in April some time.

2.7.3 Deputy S. Pitman:

Could I push the Minister to say when does he hope they will be finished because I think that is the key issue for a lot of people; when will the development be finished?

Senator T.J. Le Main:

It is considered it will be over a 2-year period.

2.7.4 The Connétable of St. John:

The question relates to social housing; I wonder if the Minister, if he cannot do it now, could advise the Assembly how many social housing units have been sold?

Senator T.J. Le Main:

Just over 100.

2.7.5 Deputy D.J. De Sousa:

The Minister has failed to answer the question that the Deputy has asked. He has, bearing in mind the survey that was conducted, identified that around 2,000 additional homes would be needed over the next 5 years when, in fact, we have been told 1,410 roughly have been delivered. Can the Minister inform the House why the achievements have not been reached and what his department will do to endeavour that social housing is sufficiently met by the department for the Island?

Senator T.J. Le Main:

I do not think some of the Members quite understand the role of the Minister for Housing. The Minister for Housing is consistently pressing the Planning Department and the Minister for Planning and Environment, and this Assembly, to rezone land for affordable social housing including first-time buyers, and all I can do is continue to press and work and press and work to achieve that aim. I ask Members, such as the Deputy, who are all concerned about the current situation, please lend their support so we can get some land up in the next Island Plan to provide affordable homes not only for first-time buyers, but for the long waiting lists that are accruing now for lifetime homes for people who have got physical disabilities over retirement age. Please assist us by writing to the Minister for Planning and Environment showing your support.

2.7.6 Deputy G.P. Southern:

Since the Minister mentioned the future development of the Ann Court site, could he confirm that despite the need for public parking in that area to facilitate the development of the town park he has made a decision to lease that site temporarily for private parking?

Senator T.J. Le Main:

That is correct. I have a public duty to maintain and look after the public finances under my control at Housing and I have agreed this week with a contractual agreement for the Ann Court car park. It will be leased out for 9 months awaiting a decision of the States Assembly on what is going to happen. There is a 9-month agreement to lease it out. We are losing something like £500,000 a year on the rental we are not getting. This will bring an income in of around £180,000.

2.7.7 Deputy G.P. Southern:

Does the Minister not realise that this seriously puts a “spanner” in any plans to develop the town park within a reasonable timescale?

Senator T.J. Le Main:

No, it does not. It is quite clear that there is an agreement within the contractual agreement that would allow the States when they make up their mind that we could withdraw at a month’s notice, but the issue is I have a public duty to maintain and not see it being prevaricated upon and sit there doing nothing while States are making up their minds what they want to do.

The Deputy Bailiff:

Can I say to Members that it is a courtesy when putting a question to a Minister or to a Scrutiny Panel Chairman or the P.P.C. Chairman that the Member remains in the Assembly for the answer.
[Applaudment]

2.7.8 The Deputy of St. John:

The Minister mentioned lifetime homes for the elderly. He says he has a large waiting list. Could he give us the numbers on that waiting list, please?

Senator T.J. Le Main:

Yes, there are currently around 320 at the moment, comprising the elderly wanting apartments. We cannot cope with the demand... and in particular for homes that need special adaptations. In 2009, it cost over double the amount of money spent in other years in adapting homes for elderly people.

2.7.9 Deputy M.R. Higgins:

The Minister has just told us that he was safeguarding public finances by leasing the Ann Court site. Did he try to maximise the benefit to the public by advertising and putting out to tender the site, or has he just taken the first thing that has come along?

Senator T.J. Le Main:

No, as it is a short-term temporary arrangement: it did not go out to tender. It went out with an agreement of what the basis of income would be, advised to us by T.T.S. (Transport and Technical Services).

The Deputy Bailiff:

Final supplementary, Deputy Le Claire.

2.7.10 Deputy P.V.F. Le Claire:

Can I ask the Minister for Housing to undertake to give Members a briefing so that Members can understand what the role of the Minister for Housing is because I asked him today what the results were of a survey that his department conducted in 2005 and he was unable to give me the answer and he does not know how many homes have been delivered. So, I am at a loss to understand what the Minister does for a job. Can he please arrange for a meeting for States Members so he can inform us that are ignorant as to what happened to those 2,000 homes that were needed?

[11:00]

Senator T.J. Le Main:

Well, I would be absolutely delighted. I have been asking this of Members for months and years. Even the consultation on the Whitehead report has not provided one response from any Member of this Assembly in writing to my department.

The Deputy Bailiff:

I think, Minister, the question is what do you do? **[Laughter]**

Senator T.J. Le Main:

The Deputy will very well know that I have consistently invited all Members to come and talk to us. I will even provide sandwiches on a lunch-time at no cost. **[Laughter]**

2.8 Deputy F.J. Hill of St. Martin of the Minister for Health and Social Services regarding the return to work of the Consultant Gynaecologist:

[Aside] Following the publication of the Verita report and the subsequent return to work of the consultant gynaecologist, will the Minister inform Members what action, if any, she has taken against those responsible for the 3-year exclusion and state whether she has personally welcomed the gynaecologist back to work and apologised to him personally on behalf of her department and, if not, why not?

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Health and Social Services - rapporteur):

The exclusion of the consultant gynaecologist was carried out under the relevant procedures which are in place to ensure patient safety. Members will be aware that the States Employment Board has

commissioned a review into the circumstances relating to the exclusion. That review will consider all relevant facts as known at the time. The report will be available shortly and it will then be a matter to be considered by the States Employment Board and the Minister.

2.8.1 The Deputy of St. Martin:

The Assistant Minister said that the gynaecologist was suspended for patient safety. Can the Assistant Minister inform Members what patient safety when the gynaecologist was not even in the operating theatre when the operation was carried out, so what patient safety were they concerned about?

Deputy E.J. Noel:

Firstly, I would just like to make a correction to the Deputy of St. Martin; the consultant was not “suspended”, he was “excluded”.

The Deputy of St. Martin:

Come on, did he work for 3 years?

Deputy E.J. Noel:

These are employment matters and I will make no further comment about these at this time.

2.8.2 Senator S.C. Ferguson:

Will the Assistant Minister - he may not have the details with him - find out when the complaint to the General Medical Council will be amended or withdrawn and report back to this House in view of the fact that the consultant was totally exonerated by Verita?

Deputy E.J. Noel:

There were a couple of questions there; I will take the first one first. I believe that the good Senator is mistaken because I think she believes that it was the Medical Director that made the complaint to the General Medical Council (G.M.C.). That in fact is incorrect. It was in fact the police that informed the G.M.C. about both doctors immediately after the incident and not the Medical Director and, therefore, it really is a matter that you should address to the Minister for Home Affairs and not the Minister for Health and Social Services. On your second point, no, Verita was not requested to consider the aspects of the case that you refer to in the exoneration of the consultant.

2.8.3 Senator S.C. Ferguson:

I really must protest. Is the Assistant Minister telling us that the Minister for Home Affairs and the Minister for Health and Social Services do not communicate on these sorts of matters, which is very serious? We are talking about somebody’s reputation, which is priceless.

Deputy E.J. Noel:

The good Senator has asked effectively what the Health Department were doing about the complaint made to the G.M.C. That complaint was not made by the Health Department staff and, therefore, we have no influence over the G.M.C. whether or not that complaint is withdrawn or G.M.C. is asked to cease their investigation. They are an independent body and they will carry out their investigation accordingly.

2.8.4 Senator S.C. Ferguson:

I am sorry, Sir, the Assistant Minister has not answered my question. I asked why there had been no communication between the Minister for Home Affairs and the Minister for Health and Social Services or *vice versa* with regard to this considering that a consultant was exonerated and yet his professional reputation at the moment is being besmirched by this?

Deputy E.J. Noel:

This really does boil down to this being an employment matter between an employee and an employer and it is not for us to discuss individual matters in this Assembly.

2.8.5 Deputy M.R. Higgins:

I must say I find the Assistant Minister's answers, as usual, totally unsatisfactory. **[Approbation]** Perhaps he can at least remind the Assembly how much it has cost the suspension of this doctor to the "public purse" which, to be honest, it is just scandalous?

Deputy E.J. Noel:

Approximately £570,000.

2.8.6 Deputy S. Pitman:

Following on from Deputy Higgins, really as a former staff representative I would ask for my benefit and I think the public, what is the difference between being "suspended" and "excluded" and the cost to the taxpayer on unnecessary squandered money, is it any less?

Deputy E.J. Noel:

I believe the difference between "suspension" and "exclusion" is that exclusion does not prevent the individual from carrying out C.P.D. (continuing professional development) and other activities such as that, but it means that they are not allowed into the workplace without prior permission.

2.8.7 Deputy S. Pitman:

Supplementary: could the Assistant Minister explain whether the consultant gynaecologist was told that he was suspended or excluded because I have to say I am none the wiser? It gets more and more confusing with the Assistant Minister's answer.

Deputy E.J. Noel:

The consultant was excluded.

The Deputy Bailiff:

The question was whether he was told that.

Deputy E.J. Noel:

I believe that was the case; I believe he was told that he was excluded.

2.8.8 The Deputy of St. John:

The original question asked if an apology had been given to the gynaecologist consultant. Is that the case because we have not had a response from the Assistant Minister?

Deputy E.J. Noel:

The Minister has not apologised to the consultant, but welcomes him back to work as she would any other member of staff. It is, of course, very sad when a man or woman who has had a long, successful career is excluded, but it is essential to understand that "exclusion" is a neutral act and not a judgment. The consultant gynaecologist was excluded in accordance with the relevant procedures that are in place to ensure patient safety.

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

I know I have a question coming up later, but I think it might be prudent to ask what I want to here now. Given that the consultant has been welcomed back, we now hear from the Assistant Minister that there is a review going on, and it will be available shortly, which contradicts a welcome back. Can he please advise has he returned to work; has he been welcomed back?

Deputy E.J. Noel:

I can confirm that the consultant has been welcomed back. There is a difference that the Deputy of St. Brelade is making. The review is a review being carried out on behalf of the States Employment Board and it is a review of the procedures taken and the actions taken during the exclusion. It is not a review of the individual's working practices.

The Deputy Bailiff:

I think the question was also, Assistant Minister, whether he has returned to work.

Deputy E.J. Noel:

The consultant is going through a process of returning to work. It is not a straightforward matter. To give the Members an analogy, if you were an airline pilot and you had not flown a jumbo jet for 3 years you would not expect to get straight back into the pilot seat and fly it across the Atlantic. You would expect to go on to a simulator and to have a certain amount of re-skilling. That is the process that is being undertaken at the moment.

2.8.10 The Deputy of St. Peter:

Would the Assistant Minister accept the fact that this is a very public exercise and, in answer to an earlier question where he said this should be left purely to the States Employment Board, this has become a very public exercise against a particular individual and we must bear that in mind when answering the questions?

Deputy E.J. Noel:

I agree entirely with the Deputy of St. Peter, but we also must bear in mind that it is States policy not to discuss employment matters in this forum. This is an inappropriate forum to discuss individuals' employment matters. That is a private matter; it is a contractual matter.

2.8.11 Deputy R.G. Le Hérisier:

Would the Assistant Minister tell the House what lessons have been learnt by the Health Department and by the political team from this episode?

Deputy E.J. Noel:

There have been very many lessons learnt and there has been a substantial report produced by Verita that has given us 29 or 30 recommendations which we are actioning.

2.8.12 Deputy R.G. Le Hérisier:

Supplementary: could the Assistant Minister identify from his own observations what lessons has he learnt from this whole episode?

Deputy E.J. Noel:

There is one lesson I have learnt from this whole episode and that is that this House meddles too much in individual people's private matters.

The Deputy Bailiff:

Final question, the Deputy of St. Martin.

2.8.13 The Deputy of St. Martin:

The Assistant Minister mentioned about the S.E.B. report. Will the Assistant Minister confirm that I am bringing a similar proposition regarding the Chief Officer of Police, and I brought that report to the House in early September only for it to be scuppered by the Chief Minister, and the Chief Minister said that the report would be ready within 4 to 6 weeks which was in the September. Will the Assistant Minister confirm that it has now cost well over £40,000 and the report has not been submitted and it is probably not going to be complete for maybe another month or 2?

Deputy E.J. Noel:

The good Deputy of St. Martin knows full well what the current position is because the report is a States Employment Board report, not a Health and Social Services report, and it is my understanding that it is due out shortly.

2.9 Deputy J.A. Hilton of St. Helier of the Minister for Planning and Environment regarding Field 1248, La Pouquelaye, St. Helier:

Would the Minister give an undertaking to the Assembly that he will not grant planning permission or take any other steps that would then lead to permission being granted in respect of Field 1248, La Pouquelaye, St. Helier until the current Royal Court appeal by the developer in relation to this site has been concluded?

Deputy R.C. Duhamel (Assistant Minister for Planning and Environment - rapporteur):

The Minister has asked me to convey to the House that he is able to give this assurance. He has issued instructions to his department to progress and defend this planning appeal in the Royal Court. As a result he will not be making any decisions which would lead to the granting of planning permission until the appeal has been concluded.

Deputy J.A. Hilton:

I am grateful for the Assistant Minister's response.

2.10 Deputy G.P. Southern of the Chief Minister regarding the total annual cost of a typical redundancy in the private and the public sector to the revenues of the States:

My apologies for leaving the Chamber earlier. Does the Chief Minister have an estimate of the total annual cost of a typical redundancy in the private and the public sector to the revenues of the States in terms of income tax lost, income support, supplementation, social security contributions lost, *et cetera* and, if so, would he give details of the cost to Members?

[11:15]

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

Yes, redundancies of any sort, whether in the private sector or the public sector, may impact States revenues, but as I am sure the Deputy is well aware the answer would depend on each individual's personal circumstances; for instance, the level of income tax paid before or after any redundancy, whether that individual became eligible for income support payments or supplementation and whether the individual is looking for and finds another job or perhaps decides to become self-employed. An estimate is just not possible as the cost is not quantifiable, although a downturn in tax receipts or an increase in claims for income support may indeed be attributable to a number of individuals becoming unemployed or seeking employment. The objective of the States - and my objective as well - remains to provide worthwhile employment opportunities for all.

2.10.1 Deputy G.P. Southern:

Can he as a rough approximation state whether the pressure on income support in particular, which was estimated in the Fiscal Stimulus Plan as between £6,000 per year and £13,500 per year... where within that spectrum does he think the additional load on income support comes between £6,000 and £13,500 a year?

Senator T.A. Le Sueur:

I have tried to make it quite clear, I have absolutely no idea. It will depend on whether that person who has been made redundant finds another job in the short term or not. It may well be that that person in conjunction with any redundancy payments they may have received may be no better off and may be no burden on the States whatsoever and may indeed even increase States revenues. So, the whole question is not capable of any mathematical definitive answer.

Deputy G.P. Southern:

I thank the Minister for his partial answer and will attempt to put into under 200 words a more complicated question that he can answer and will give us a figure or several figures.

2.11 The Deputy of St. Mary of the Chairman of the Corporate Services Scrutiny Panel regarding the Comptroller and Auditor General's report "States' Expenditure Forecasts" of February 2010:

Could the Chairman inform Members of the discussions and considerations which led to asking the Comptroller and Auditor General 3 questions about spending forecasts, possible future deficits and the rate of G.S.T. (Goods and Services Tax) which would be required to eliminate such deficits, the answers to which questions formed his report, States Expenditure Forecasts, of February 2010?

Senator S.C. Ferguson (Chairman of the Corporate Services Scrutiny Panel):

In the 2 previous reports in April 2009 and in December 2009 at the committee's request the Comptroller and Auditor General provided information that had permitted the interpretation of trends in the States' past performance in budgeting effectively, keeping within agreed budgets and thus controlling expenditure totals. This was evidence for a scrutiny review on the forecasting of expenditure by the States. The questions answered in the latest paper were a natural follow-on since they related to an assessment of what the total amounts of expenditure would be if recent trends, as shown in those reports, were to persist. The use of G.S.T. as a benchmark followed a precedent of the Public Accounts Committee in previous years by which spending in excess of budget was assessed in terms of its effect on the total income produced for the States from income tax. This was before the onset of G.S.T. It was intended as a way of indicating the scale of any increases in expenditure.

2.11.1 The Deputy of St. Mary:

Is the Chairman aware that what she was asking the Comptroller and Auditor General to do is outside his role as set out in Article 46 of the Public Finance Law 2005 and does she not also agree that it was unfortunate that that report led to a headline in the *J.E.P. (Jersey Evening Post)*: "12 per cent rise in G.S.T." which was part of a sustained campaign to influence the way people think in the electorate to divert public opinion in a certain direction and does she think it is appropriate for the C. and A.G.'s (Comptroller and Auditor General) role to be politicised in this way?

Senator S.C. Ferguson:

I cannot speak for the C. and A.G., but I know he is absolutely scrupulous in staying within his role. I think the Deputy is to a certain degree missing the point. There is a general concern over the level of States spending and the fact that actual outturns are always substantially in excess of forecasts and this has been going on for a considerable number of years. This has been a constant theme by the C. and A.G. commencing in April 2007. I am not labouring the point, but it is established practice. I have here, for example, a graph which indicates quite clearly that employees - employed persons - in 2006 could have paid 14 per cent less in tax if the States had kept to their budget. This is why the Minister for Treasury and Resources is planning to impose a 3-year fixed budget to control the expenditure of the States and allow better planning. As far as the report goes it demonstrates the implications of the record if nothing else is done. It is a perfectly reasonable report and I think perhaps the Deputy should remember that this is part of the evidence

that has been given to a scrutiny panel and, therefore, it should be considered as part of our work in progress.

2.11.2 Deputy G.P. Southern:

Perhaps the Chairman is missing the point. Is she aware that under the Public Finances Law 2005 governing the activities of the Comptroller and Auditor General, the Comptroller and Auditor General may not be directed on how any function of his is to be carried out? Did she consider that she had directed the C. and A.G. to do a piece of work in a certain way?

Senator S.C. Ferguson:

No, I do not think so. We asked the questions. This practice of putting things into simple terms that perhaps even the Members of the House can understand I think is absolutely excellent.

2.11.3 Deputy G.P. Southern:

The question is does she believe that she directed in some way the activities of the C. and A.G.?

The Deputy Bailiff:

She has answered that. The Chairman has already said she did not.

Senator S.C. Ferguson:

With respect, I do not think anybody directs the actions of the C. and A.G. He is scrupulously independent.

The Deputy Bailiff:

Final supplementary, Deputy.

2.11.4 The Deputy of St. Mary:

It is important that we all have some confidence in the C. and A.G.'s impartiality. So, does the Chairman agree that it is an extremely serious matter that that independence is now seen to be compromised, that this is extremely regrettable, and will she undertake not to use the C. and A.G. in this way in the future?

Senator S.C. Ferguson:

The C. and A.G. and I and a lot of other people, and particularly the public, have been concerned about the level of States expenditure. The one job that the C. and A.G. started with in 2005 when I became Chairman of the Public Accounts Committee was to look at the state of financial management in the States and the record on expenditure. We are doing a review on forecasting of expenditure. It is currently on one side because of the Comprehensive Spending Review and the Fiscal Strategy Review, but we will be completing it just as we will be looking at the procedures of the C.S.R. (Comprehensive Spending Review) and the F.S.R. (Fiscal Strategy Review). I cannot undertake to say that I will not ask questions of the Auditor General. He will obviously decline to answer or will answer, but I can assure the Deputy that there is no way I can in any way direct what he is thinking or how he reacts. I would perhaps point out that a set of figures produced by the C. and A.G. is rather more reliable than, say, if I and my panel had produced them ourselves. I will obviously undertake, as I say, not to ask him questions in the future if I think that it might prejudice his independence, but I really think that the Deputy perhaps does not understand the way that the C. and A.G. works.

The Deputy Bailiff:

I would just like to remind all Members, those who are asking questions and those who are answering them, that Members are required to make questions and answers concise. We have 30 minutes left for 11 questions. Perhaps Members would like to take that into account in deciding

what further questions they want to ask. We come to question 13. The Connétable of St. Mary will ask a question of the Minister for Economic Development.

2.12 Connétable J. Gallichan of St. Mary of the Minister for Economic Development regarding steps to eliminate the use of non pure bred bull semen in the future within the dairy industry:

Given certain assurances made during the debate on P.43/2008 that robust checks would be undertaken by the Royal Jersey Agricultural and Horticultural Society to eliminate the possibility of a mistake involving animal identity or the inclusion of another breed, and following the recent revelations that semen from bulls with non-Jersey lineage has been used in error, what steps, if any, will the Minister be taking to ensure that the risks of repetition are minimised?

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

Could I ask my Assistant Minister to deal with this question, please?

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

I have received confirmation from the Royal Jersey Agricultural and Horticultural Society that the assurances made during the debate on P.43/2008 have been met. Bovine D.N.A. (deoxyribonucleic acid) testing has advanced rapidly over the last 18 months. The American Jersey Cattle Association has used D.N.A. testing widely to advance breed improvement and as a consequence has to date tested the genetic purity of over 3,000 pedigree male animals in their herd book. The results of this testing has identified only one animal that contained D.N.A. from another breed, illustrating the accuracy of the farmer declarations of parentage which is the basis of any herd book. But mistakes happen. The Royal Jersey Agricultural and Horticultural Society have rules and procedures in place for such an eventuality and these have been implemented swiftly and effectively. The important thing is the Jersey herd has not been compromised, nor even come close to being compromised. The R.J.A.H.S. (Royal Jersey Agricultural and Horticultural Society) and the department will be co-operating fully in this matter and are determined to defend the heritage of Jersey cattle. Due diligence and further developments in the genome project will protect the pedigree of the Island's breeding herd.

2.12.1 The Connétable of St. Mary:

Last week the spokesman for the American agency involved in the supply of the rogue genetic material said that the advances which had made the detection of the error possible had only been made in the last 8 months and that without them, and I quote: "We still would not know about the error." Does the Minister acknowledge that despite the assurances given at the time of the debate on the reliability and the extent of the testing, in fact the current problems indicate that the system was simply not as robust as States Members and the public were led to believe and, in fact, not capable of assuring the genetic makeup and provenance of the semen supplied at that time?

The Connétable of St. Clement:

As I said in my answer, bovine genome D.N.A. testing has advanced rapidly over the last 18 months and will advance even more into the future to the extent that in the not too distant future cattle subject to D.N.A. testing will be able to go right back to the very first cow and that is going to provide some interesting challenges and thoughts and decisions for the cattle industry and particularly the pedigree cattle industry, because every cow alive today has come from an original cow and it is going to be interesting to find out how [Laughter] [Aside] the Jersey breed developed in its distinctive way and why it developed in its distinctive way. The important thing is that the testing is getting more and more rigorous, more and more robust, and with absolute

certainty the Jersey herd has not been compromised and, as I said before, not even close to being compromised.

2.12.2 The Connétable of St. Mary:

Notwithstanding the answer that the Assistant Minister has just given when he has said we have not come close to compromising the integrity of the herd, does the Assistant Minister not understand the concerns of many that if these recent advances had been made, for example, years after the insemination programme began rather than months we might still be blissfully unaware at today's date that the problem had arisen? How can that not compromise the integrity of the herd?

[11:30]

The Connétable of St. Clement:

It is perfectly possible that over the centuries there has been some evidence or possibility of other breeds having mixed with the Jersey cow. In fact, that must have happened otherwise the Jersey cow would not be able to exist. Every breed has developed separately and distinctively and in time we will be able to understand why and when.

2.12.3 The Deputy of St. Peter:

Will the Assistant Minister firstly admit to an error of judgment when he made his broadcast on BBC Radio Jersey where he said this was a rogue straw and accept the fact this is not a rogue straw, this was a fundamental error in the importing of semen from a particular bull? Secondly, would he not accept that the fact that at the moment the genome testing is being carried out in America and because of the change in law that we made - that we were seduced into making in 2008 - that the testing may not be completed in other areas, including the Danish importation, and, therefore, there is still a possibility that our herd could be compromised?

The Connétable of St. Clement:

The semen was imported quite legally and quite properly, no question about that. The motivation of why people supported P.43/2008, the Deputy will have to ask each individual Member why they voted in a particular way. I supported it at the time because I support very strongly the Jersey dairy industry and want a strong, successful future for the Jersey industry and the Jersey cow. As I said in my opening remarks, yes, mistakes can happen, errors can happen, but the important thing is that the techniques and the safeguards are there to avoid compromising the Jersey herd. Secondly, the D.N.A. testing and the genome project takes place not only in the United States - although they are very much ahead of the game - but also in many parts of Europe and the United Kingdom as well.

2.12.4 Deputy K.C. Lewis:

It is my information that there are approximately 10 calves that have the Holstein gene remaining in Jersey. Would the Assistant Minister inform the Assembly what will be the fate of these calves? Will they be allowed to live, will they be put down, or will they be exported?

The Connétable of St. Clement:

In due course, there will be closer to 80 or 90 calves with this Holstein gene going back 4 generations. It will be up to the individual owners - the individual farmers - to decide what happens to them. Certainly, we have heard already that some have been culled and no doubt others will be. Others will be reared and bred for the meat. Others will be sold to non-pedigree herds in the United Kingdom. Because whatever the situation, the cows that come from this wonderful animal genome with the part Holstein gene in it, they will be superb milking animals. Because of the high bar that we place on allowing them to be mixed with the Jersey herd, they cannot be part of the Jersey herd book, but there are many non-pedigree herds particularly in the United Kingdom who we are very confident will welcome these excellent animals into their herd.

2.12.5 Connétable K.P. Vibert of St. Ouen:

The Assistant Minister has given us an assurance that the Royal Jersey Agricultural and Horticultural Society does have in place the necessary regulations to deal with this matter. Would he assure me that that is correct because it is my understanding that that may not be correct?

The Connétable of St. Clement:

It is my understanding that it is correct.

The Deputy Bailiff:

That probably is an unprofitable line for today. We come on to the 14th question Deputy Trevor Pitman is to ask of the Chief Minister.

2.13 Deputy T.M. Pitman of the Chief Minister regarding the potential suspension of the Chief Executive:

Following the suspensions of the consultant gynaecologist and the Chief Officer of Police, which were both described as neutral acts, would the Chief Minister state whether the suspension policy is being applied consistently when concerns have also been expressed about the Chief Executive relating to the destruction of handwritten notes, to Operation Blast and to an attempt to involve other civil servants in political activity but he is not suspended?

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

In my opinion there is no inconsistency. In the 2 cases cited by the Deputy there were specific reasons why the decisions to suspend or exclude were taken and which I cannot refer to here. In the case of the Chief Executive, either the issues mentioned by the Deputy do not amount to gross misconduct or there is simply insufficient evidence to warrant suspension. The Deputy himself acknowledges that there are concerns rather than hard evidence.

2.13.1 Deputy T.M. Pitman:

Given the answer to my written question number 15 in today's order paper where the Chief Minister states that he has not suspended the C.E.O. (Chief Executive Officer) because he has denied the allegations against him, considering that the consultant gynaecologist also denied any wrongdoing but was suspended for 3 long years, the Chief of Police similarly for 14 months now, I ask the Chief Minister again please could he explain how this can possibly be consistency.

Senator T.A. Le Sueur:

I suppose all I can do is repeat my answer that in the 2 cases, which for legal reasons I am not going to go into, there were specific reasons to exclude or suspend the persons concerned. In the case of the Chief Executive, there is no evidence of gross misconduct or other evidence to suggest or warrant suspension.

2.13.2 The Deputy of St. Martin:

Again referring to the written answer given by the Chief Minister, he mentions that an internal investigation was carried out. Could the Chief Minister explain or inform Members who carried out the investigation and how independent was it? Again, would it not have been considered appropriate to remove the Chief Executive Officer from his office while that investigation was going on, indeed, around his office?

Senator T.A. Le Sueur:

It was an investigation which was proportionate to the allegations made. It was an investigation carried out internally by the States H.R. (Human Resources) Department and it maintained on the

basis of information provided by third parties that there was no grounds whatsoever for considering any suspension or exclusion.

2.13.3 Deputy R.G. Le Hérissier:

I wonder, in developing that point, whether the Chief Minister could tell us the criteria against which a decision is made in regard to suspension. Is it the weight of the evidence? Is it the seriousness of the allegation? Is it the position of the person? Is it a combination of all 3? What are the criteria that are applied when the allegation is received?

Senator T.A. Le Sueur:

It is certainly not the status of the person concerned. It would be a mixture of the degree of evidence available, the severity of the case and any other circumstances in that particular case. One is hard pushed to have strict guidelines or strict criteria for these matters. It is a question of taking each case on its merits or lack of merits.

2.13.4 Deputy M. Tadier:

We have seen this question raised before. Will the Chief Minister acknowledge that there is inconsistency in approach? We know that, for example, another chief officer in a different department who was being investigated was not suspended. Will the Minister just inform the House that the honest truth is if you are mates with the right person you will not get suspended, but if you are not mates with that person then you are likely to get suspended when there is an investigation going on? That is the bottom line. That is how it works in Jersey.

Senator T.A. Le Sueur:

That is a frivolous allegation which I reject.

2.13.5 Deputy M. Tadier:

Would the Chief Minister confirm or deny that the real reason the Chief Executive has not been suspended is that he threatened significant legal action if that action was pursued?

Senator T.A. Le Sueur:

No, that is an allegation made totally without foundation and I suggest to the Deputy it is ill-judged to make such allegations in this place when the person concerned has no means of refuting it, but on his behalf I refute it completely.

The Deputy Bailiff:

We come now to question No. 15. Deputy Jeune, do you still wish to ask this of the Assistant Minister?

2.14 Deputy A.E. Jeune of St. Brelade of the Assistant Minister for Health and Social Services regarding the return to practice of the previously excluded Consultant Gynaecologist:

Given that the previously excluded - and I am saying previously excluded - consultant gynaecologist was welcomed back to the hospital at the beginning of February, would the Minister please inform Members how many clinics the consultant has held at the hospital this month and, if none, explain why? Would she further explain why the exclusion was only lifted after publication of the Verita Report when its findings had been disclosed to some hospital executives earlier?

Deputy E.J. Noel (Assistant Minister for Health and Social Services):

Any doctor returning after a significant period of absence requires an assessment and reskilling programme. This is best practice and plans are currently being put in place with advice from the

National Clinical Assessment Service (N.C.A.S.) to ensure that appropriate arrangements are in place in this particular case. The consultant gynaecologist in question is yet to resume formal clinical duties. The department is working with him and N.C.A.S. to agree a process of safe return to work. The only department officer to see the final report one working day prior to publication was the acting Chief Executive Officer, although 2 other officers saw an early draft in London in confidence for fact-checking.

2.14.1 Deputy A.E. Jeune:

I hear the answer that we have had from the Assistant Minister and earlier in this session today he made reference to the difference between exclusion and suspension is that with exclusion you can carry on things like C.P.D. If that is the case, then why are we now having to undertake further training under N.C.A.S. - I think the Assistant Minister said - and are we, in fact, still paying for the... I do not know what we would call the current situation of the consultant now, but presumably, if he is not back at work, the taxpayer is still having to pay for him and for a locum and we know that the Verita inquiry has identified pressures on the gynaecological day services. Can we please have some idea about when the welcomed back consultant is going to return? Or is it perhaps that the consultant is deciding he does not wish to return?

Deputy E.J. Noel:

The Deputy has expressed an opinion about how the consultant's return to work should be managed. While she is entitled to her opinion, the department will be taking the advice of N.C.A.S. as patient safety is our primary concern. N.C.A.S. has already advised that the practitioner should undertake a formal reskilling programme which covers all aspects of practice within his job description and his contract as a consultant. The level of reskilling required will be dependent upon the type of role that the consultant will be intending to undertake. That discussion is currently underway between the employer and the employee and is a matter for the consultant himself to consider and not here in the House.

2.14.2 The Deputy of St. Martin:

Will the Assistant Minister not accept that if someone is excluded or suspended from work under a neutral act then it is beholden on the department to ensure that that consultant's skills are not lost? Who is responsible in his department for failing to ensure that the gynaecologist's skills were kept in order so when he was able to return to work he was able to do so immediately?

Deputy E.J. Noel:

The consultant concerned under exclusion did have an opportunity to maintain his skill base and I am sure that he took that opportunity. However, we are dealing with patient safety here and best practice must be followed.

2.14.3 Deputy A.E. Jeune:

Would the Assistant Minister agree that given that the acting Chief Executive of the Health Department publicly stated they had welcomed back the consultant gynaecologist he was misleading the House perhaps and the public?

Deputy E.J. Noel:

No.

The Deputy Bailiff:

We come to question 16 which Deputy Le Hérisier will ask of the Attorney General.

2.15 Deputy R.G. Le Hérisier of H.M. Attorney General regarding the recent appointment of the new Solicitor General:

Was the Attorney General involved in the recent appointment of the new Solicitor General and, if so, in what way?

[11:45]

Mr. T.J. Le Cocq Q.C., H.M. Attorney General:

The Attorney General has no responsibilities in and about the appointment of a Solicitor General. I was, however, consulted on that appointment as were a number of other persons and to that extent was involved in it.

2.15.1 Deputy R.G. Le Hérisier:

Until I get my briefing, given that this process has the appearance of that used in the selection of the pope, would the Attorney General acknowledge whether he made a representation as to the degree of expertise required, for example, in Jersey customary law and the period of practice that should be required at both the Jersey and the English bar?

The Attorney General:

I am not aware that there was white smoke or black smoke involved in the process. [Laughter] However, no, I made no such representations. There is a job description and a set of criteria which are issued to anyone on application and the individual candidates were measured against that.

2.15.2 Deputy R.G. Le Hérisier:

Given that job descriptions sometimes and indeed perhaps necessarily are elastic documents, would he not acknowledge that it seems very strange that the issue, for example, of Jersey customary law and the period of practice at the local bar would not be significant issues in the selection of such a person?

The Attorney General:

To be a Law Officer, you have to be qualified in Jersey law and that presupposes a minimum level of expertise in both customary law and, of course, experience in Jersey because you cannot qualify in any other way. I think the most important thing to be taken into consideration in the appointment of a Solicitor General is the very best candidate is appointed from among those who apply.

The Deputy Bailiff:

Can I remind you, Deputy, that the Attorney General does not have responsibility for the appointment of the Solicitor General?

2.15.3 Deputy R.G. Le Hérisier:

No, I totally accept that and I think obviously this issue will be of great interest. Does the Attorney General, from his highly esteemed position, believe that even though he lacks responsibility he would like to make recommendations to improve the process so it could hopefully be more open and transparent?

The Attorney General:

At this point I have no intention of making any particular recommendations to change the process. I believe, in fact, that it is as transparent as it reasonably can be.

The Deputy Bailiff:

Very well, we come on to question 17. The Deputy of St. Mary will ask a question of the Minister for Treasury and Resources.

2.16 The Deputy of St. Mary of the Minister for Treasury and Resources regarding potential sites for concentrating new States' offices within the town centre:

Following his written reply on 21st September 2009, can the Minister explain why the former Jersey College for Girls was ruled out as a possible site for concentrating new States offices; in particular, why he thought that the road infrastructure in the area was a key factor and what progress has been made with identifying and evaluating other potential sites for concentrating new States offices within the town centre?

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

As I explained in my written answer on 21st September, the site was investigated as a possible single office site for the States of Jersey. However, there were a number of challenges in doing so. The site sits outside the area zoned for office accommodation. In addition, the cost of converting an S.S.I. (site of special interest) into a modern office block was prohibitive. In relation to the road infrastructure, initial overview of the site identified that the volume of traffic generated would significantly increase the concentration of vehicles on an already busy section of the ring road, and I would point out to the Deputy that we would be dealing with up to 1,500 employees. The site itself is located within a residential area and is some distance, of course, from public car parking. The access to the site is limited with poor sight lines. My view is that offices specifically on this scale should be located within the designated town centre. I consider that the resources should be spent better in considering more appropriate options. The project to consolidate office accommodation into one or more sites is now being integrated into the ongoing comprehensive spending review and organisational development reviews.

The Deputy Bailiff:

Is there a supplementary?

2.16.1 The Deputy of St. Mary:

Yes, a couple, if I may. One is the volume of traffic I find a very strange consideration. Has the Senator not heard of buses; in particular, the hopper bus which could obviously provide a link for members of the public as well as employees? The second part is what progress has the Minister made in identifying other potential sites and was it not all along the desire to rent some of the Harcourt development on the Esplanade Quarter?

Senator P.F.C. Ozouf:

The traffic is one issue, but the Island Plan approved by this Assembly designates the town centre as the preferred location for office facilities. I think it would be a completely curious decision to put an office block housing up to 1,500 people within a residential area quite in addition to the chaos that would ensue in getting up to 1,500 people in and out of a constrained site. There is the town centre for office development and the town centre is the most appropriate place for all sorts of reasons. In relation to progress, I can say that we do have a short list of sites. I do wish to pursue a single office centre for the States of Jersey. There will be all sorts of attendant benefits to the Island finances in doing so in terms of efficiency across the public sector. There is a short list. There is a possibility, but I would say only a remote possibility, of the Esplanade being part of that.

2.16.2 Deputy D.J. De Sousa:

Bearing in mind the Minister's answer to this question and the fact that he has mentioned traffic chaos if there were a number of people there, i.e. 1,500 employees, therefore, when the States debate the use of this property, will the Minister be objecting to intensive housing there as well? The same issues will arise with traffic.

Senator P.F.C. Ozouf:

The same issues do not arise in relation to residential as opposed to office centre. In consulting the Minister for Planning and Environment, his view is that this site is absolutely suitable for residential accommodation. It is within a residential area and, indeed, the Minister has given advice or his department has given advice in relation to an exciting residential scheme that will preserve the important aspects of the S.S.I. and provide much needed, valuable, quality town centre residential accommodation.

Deputy D.J. De Sousa:

Sorry, Sir, the Minister has not really answered my question. My question really is what is the difference between domestic traffic or office traffic.

Senator P.F.C. Ozouf:

The concentration of office traffic compared to domestic is enormous. With an office which is going to be operating in standard office hours, there is a huge influx and egress of traffic going in in the morning and the afternoon in a site that simply is not capable of taking the scale of parking and other arrangements which inevitably are required for a proportion of the people who cannot take the bus or the public transportation. It seems evident to me that the central office location is in the town centre, not on the periphery of the ring road.

The Deputy Bailiff:

Final supplementary, Deputy.

2.16.3 The Deputy of St. Mary:

I find the answers about traffic quite simply extraordinary. I asked the question because I saw the concept drawings for the offices at the J.C.G. (Jersey College for Girls) and they were very, very attractive. I believe that plan really does have merit. I suppose I would like the Minister to assure us that he really is not going to go for the Esplanade Quarter solution.

Senator P.F.C. Ozouf:

I am afraid the Deputy and I will not agree in relation to the suitability of J.C.G. as an office site and the decision has been made. In relation to an alternative site, we will look at value for money in relation to procuring a single site for the States of Jersey. The Esplanade I said is a remote possibility and remains a possibility if the financial arrangements could be made to stack-up.

The Deputy Bailiff:

Very well, the 2 hours and an additional 2 minutes have now expired, so that brings an end to Question Time.

3. Questions to Ministers without notice - The Minister for Transport and Technical Services

The Deputy Bailiff:

We now move on to Questions to Ministers without notice. The first Minister taking questions is the Minister for Transport and Technical Services. Senator Ferguson.

3.1 Senator S.C. Ferguson:

Would the Minister like to tell the House how far behind the work on Victoria Avenue is and when he expects it to be finished given that there are a number of important events like the motoring club event, the Battle of Flowers and the air display this year?

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

The work on Victoria Avenue is slightly behind schedule in that cold weather held up proceedings to a certain extent, but my department are well aware that the events are programmed to take place on the avenue and are content, I was told yesterday, that the works will be completed in time.

Senator S.C. Ferguson:

I am sorry, Sir, the Minister did not reply. When does he expect it to be finished?

The Connétable of St. Brelade:

I do not have the latest available date, but I can certainly suggest that it will be finished in advance of the Battle of Flowers, which is the primary Island event.

3.1.1 The Deputy of St. John:

Victoria Avenue also. Given the contractor is from off-Island and he is using all the facilities, i.e. the parking bays along Victoria Avenue, as an open workshop, could he tell us what return the States are getting for this given other contractors would have had to have supplied workshop facilities offsite? Can we have the amount we are losing in revenue for those parking bays and also the rental that he is receiving or his department is receiving within the contract?

The Connétable of St. Brelade:

Any contractor working in that area will require a laying out area which the parking bays are providing. The contractor is a Jersey registered company although I understand has subsequent English ownership, but the employees involved are local and, therefore, the local economy is benefiting as a result of this. In terms of lost revenue from the car parking spaces at the town end, I suggest that would be the same for whoever held the contract for the job.

3.1.2 The Deputy of St. John:

The Minister mentions that the employees are local. Could he give us a breakdown of how many employees are on site and also the number which are local and the number which have come from off Island? I am sure that the majority are not from on Island.

The Connétable of St. Brelade:

No, I cannot give that information now but I am assured by the contractor that local staff have been employed in line with the requirements of the fiscal stimulus regulations.

3.2 The Connétable of St. Mary:

Could the Minister just explain to me one more time, please, in what way he considers the refuge for cars which are leaving what is commonly known as the Hamburger car park - travelling eastwards along Victoria Avenue - is adequate bearing in mind that you cannot get a whole length of a car inside the refuge? Because I am afraid that this particular question is bringing serious marital disharmony in my household every time I pass that junction with my husband in the car. I would be grateful for his advice on how to respond.

The Connétable of St. Brelade:

Could I recommend that the Connétable suggests her husband buys a shorter car? [**Members: Oh!**]

The Connétable of St. Mary:

That was a very tongue in cheek question but I did expect a serious answer.

The Connétable of St. Brelade:

In seriousness, I think there is adequate space for one car which is notably angled as it approaches the eastbound carriageway. That formed part of the design process for that area. In fact, there is no record of accidents having taken place there since that took place.

3.3 Deputy D.J. De Sousa:

Just going back to the initial question, bearing in mind the vague answer that the Minister gave, can he inform the House, as he has intimated that the work will eventually be done by the Battle of Flowers and bearing in mind this money was allocated from the stimulus package, if there is going to be an overspend due to the delay?

The Connétable of St. Brelade:

Inevitably, in any engineering project there are things that crop up during the way. I am not aware of this point of whether there will be any overspend, although I would anticipate there could well be. There was an issue with drainage kerb blocks coinciding with some services running under the avenue which inevitably results in an alteration to the specification, and that may have caused an increase in costs. I am not aware of others at the moment but I can assure the Deputy that the department keeps a very close rein on the expenditure down there and we are confident that the job eventually produced will be satisfactory.

3.3.1 Deputy A.E. Jeune:

The Minister stated earlier that there is some delay, and I think we can all understand that. How long is that delay and is there a default clause in the contract?

[12:00]

The Connétable of St. Brelade:

As in answer to Senator Ferguson's question, I cannot be specific on the exact time apart from suggesting it will be completed before the Battle of Flowers. Yes, I believe there are penalty clauses within the contract but allowance has certainly been made for cold weather.

3.4 Deputy R.C. Duhamel:

Does the Minister harbour any intention to bring to this House a proposition to allow his department to import waste from any other jurisdictions to be burnt in the new incinerator?

The Connétable of St. Brelade:

No, at this juncture, no. Until such time as I get an approach from the Public Works Department in Guernsey I do not feel it appropriate for me to make any moves in this direction whatsoever. At this juncture that department is not mandated to approach us with regard to exportation so there is little point in my department spending any funding on this.

3.5 The Deputy of St. Mary:

Is the Minister under a statutory obligation to keep the main roads of the Island in a safe condition so that accidents are not caused, or does he do it for love? In either case, where will the money come from given that even the *J.E.P.* has written a leader about this matter and I myself from personal observation can see that the roads are in a very bad state?

The Connétable of St. Brelade:

Essentially, as a roads authority we are obliged to keep them in reasonable condition but within the constraints of the funding available and that we endeavour to do to the best of our ability. There are always areas that need to be done and they are prioritised as the department deems appropriate.

3.5.1 The Deputy of St. Mary:

A supplementary if I may. If an accident is caused and somebody is injured or killed as a result of defective road surfaces or, indeed, along the cycle track where it can be very dangerous at times - not now but at times - what is the situation with regard to the liability of his department?

The Connétable of St. Brelade:

I think that would be up to experts in those fields to evaluate.

3.6 Deputy M.R. Higgins:

Just following on from Deputy Duhamel's question, with regard to waste from Guernsey, BBC Guernsey reported that the Minister had been in Guernsey discussing waste coming from Guernsey to Jersey. Would he please outline any discussions he has had with the Guernsey authorities and also specifically whether he has encouraged them to send their waste to Jersey?

The Connétable of St. Brelade:

I have not been to Guernsey at all on this matter. The Minister for Public Services in Guernsey visited us on 5th February - and I have the agenda for that meeting here - together with his Chief Officer. The reason for their visit was really to look at our facility because, as the Deputy or other Members will be aware, there is a proposal to build a facility in Guernsey. They were given a tour round the facility and various other matters of common interest were discussed.

3.7 Deputy R.G. Le Hérisier:

Has the Minister received the consultant's report analysing the current Connex contract and suggesting alternatives? If so, will he be putting it into the public domain?

The Connétable of St. Brelade:

The Aecon report, which is I think the one to which the Deputy refers, has now been received and is being studied by the department. It will then be passed to scrutiny for further consultation.

3.8 The Connétable of St. Lawrence:

I would just like to refer back to the question of the Connétable of St. Mary regarding the exit on to the avenue from the Hamburger area. I would like to ask him for an assurance that he will ask his traffic engineers to revisit the exit because I too as Connétable am concerned about the exit there and I would like to have his assurance that it will be revisited and we will have confirmation that it is indeed either safe or not.

The Connétable of St. Brelade:

Yes, I am happy to do that.

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

As one of the most important roads I think as far as the holiday traffic is concerned - the one from Grouville to Gorey - the road is in a terrible state and it is really like being on a track at the moment. Is there any plan for that road to be resurfaced?

The Connétable of St. Brelade:

I understand the Jersey Electricity Company will be running a new main through there at some early stage and it would seem inappropriate for it to be resurfaced until that is done. So, my department are aware of that situation and also aware of the poor conditions of the Rue a Don and as soon as those works have been undertaken we will address the issue of resurfacing.

3.10 Deputy J.B. Fox:

I together with 2 others was on a subcommittee for speeding in the Island. I just wonder what the state of progress is, Minister, into implementing some of the recommendations, if not all, that were contained in that report that we produced.

The Connétable of St. Brelade:

I thank the Deputy for that question and also thank him and his colleagues who were on that committee for producing this very excellent report. I understand as a matter of a day or 2 we have had response from the Law Officers regarding the suggestions that were put forward. I in

conjunction with the Deputy and those on the panel am also keen that the results get progressed as soon as possible. I cannot give a date at this moment but I shall endeavour to ensure that we let those involved know as soon as possible.

3.11 Senator S.C. Ferguson:

Following on from my previous question, in view of the fact that Victoria Avenue is very widely used for events such as the motoring club event - the old car sprint - in June, did the Minister's staff take account of usage of Victoria Avenue before planning the work and will he agree to check with his officers that they did, in fact, take the agenda for the summer into account before planning the work? Will he come back to this House with it?

The Connétable of St. Brelade:

I can answer pretty well straight away that the permissions for the holding of events are given by me through my department as well as the work. So the person that gives the authority for works and liaises with the Law Officers regarding the provision of orders works in the same department, so I can assure the Deputy that the department is well aware of the planned activities.

3.12 Deputy C.F. Labey of Grouville:

As my parishioners and I have been promised bus shelters along Long Beach by Gorey and Rue a Don area for the past 4 years, could the Minister update us on the current situation, please?

The Connétable of St. Brelade:

In a word, no, but I shall ensure the Deputy gets updated in a short time.

3.13 The Connétable of St. John:

Is the Minister aware of any deficiencies in the specification of works when the utilities dig up roads and trench them, when the edges of the tarmac are not resealed properly and, therefore, water will percolate down and when ice forms it will break up the edge of that trench?

The Connétable of St. Brelade:

Yes, this was a question that was raised only yesterday at the Comité des Connétables and I have asked my department to look into it and will respond as soon as possible.

The Deputy Bailiff:

That brings an end to the first period of questions without notice. We now start the second question period for the Minister for Economic Development.

4. Questions to Ministers without notice - The Minister for Economic Development

4.1 Deputy R.G. Le Hérissier:

Would the Minister, given his propensity for bollards and expanding management structures, outline why the airport requires both a strategic planning manager and a strategic change manager?

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

I thank the Deputy for his question and his comments yet again about his interest in bollards. A great deal of work has been undertaken in recent times at Jersey Airport and Members will note there is a short-term increase in staff in areas such as compliance. It is important that the airport operates in a proper and safe environment and as such these new posts to which the Deputy refers fall into those particular categories. We have put in place a great deal of change and that will drive greater efficiencies in the future, which is essential for sustainability of the airport.

4.1.1 Deputy R.G. Le Hérissier:

I will at the invitation of the Assistant Minister be going, as he knows, to look at this in more detail, but I wonder could he distinguish between strategic planning and strategic change and tell us (a) why it is not an integral part of every manager's job, and (b) if they have to be separated why these 2 posts cannot be one post?

Senator A.J.H. Maclean:

I do appreciate that the Deputy will be looking in more detail at the airport and I think these matters and many more will become apparent. Clearly, these 2 posts are separate posts because it is important that the right expertise is in place for planning and the right expertise is in place for change. They are 2 separate disciplines.

4.2 Deputy P.V.F. Le Claire:

Recently a boat came into Jersey called "Tickled Pink". It was a big boat. It was in the marina and great play was made about the fact that big boats coming to Jersey was good news. Is this boat currently residing in a French port subsidised by the harbour authorities? Where has it gone and where are the other ones coming from?

Senator A.J.H. Maclean:

I can tell the Deputy that the boat in question has been sold. The owners of the boat, I understand, are in the process of acquiring a new vessel and I am sure there will be further large vessels that will benefit the local harbour and economy.

The Deputy Bailiff:

Let us hope the owners are tickled pink as well, Minister. [Laughter] Deputy of St. John.

4.3 The Deputy of St. John:

As half my thunder has been stolen, I will use the other half. Given the marina at St. Helier was due to be totally revamped over this winter, is it still to go ahead and, if not, will he let the marina users know? Also, given that a year ago I raised to his notice certain works to be carried out within the marina - defects which have still not been completed a year later - when will these repairs be undertaken?

Senator A.J.H. Maclean:

I can tell the Deputy that the work in question that he is referring to in the first part of his question, which formed part of the overall plans for reinvestment in the harbours, has been put on hold. That has been announced publicly both through the media and also directly to the various yacht clubs and associations. That was done specifically due to some misinterpretation of some plans that Jersey Harbours had for redevelopment in other areas of the harbour. As far as the second part of the question, the Deputy asked about works that he had identified. Some of those works I understand have been undertaken and are moving towards completion. I am happy to get an update on the timeline for the other areas that he is concerned about.

4.3.1 The Deputy of St. John:

Given that things have been put on hold yet again, all those people with winter contracts that could not partake in the use of the marina over the winter, how much has the department lost through not being able to sell all its berths for the entire 6-month period?

Senator A.J.H. Maclean:

As the Deputy will know, the Harbours Department has managed to create more berths in total around the harbour, therefore generating more revenue. If you look at the revenues of the Harbours Department and particularly Jersey marinas the Deputy will see positive responses.

The Deputy of St. John:

Can the Minister answer the question, Sir? Please answer the question: how much revenue was lost by not selling the winter contracts for the 6-month period which is the usual procedure?

Senator A.J.H. Maclean:

I think the Deputy needs to look at the revenue effect on an annualised basis, not just the winter contracts to which he is referring. There have, indeed, been additional berths created and, indeed, that increases revenue in a more positive way. If he would like further information, I am more than happy to meet with him to go through the details.

The Deputy of St. John:

Sir, can you instruct the Minister to answer the question and not to go around it?

The Deputy Bailiff:

It is a matter for the Minister as to how he answers the question. Deputy Vallois.

4.4 Deputy T.A. Vallois:

Could the Minister give an undertaking to provide a timescale in which the J.C.R.A. (Jersey Competition Regulatory Authority) will be able to implement the 57 recommendations identified in the Regulaid (Review of the Jersey Telecom Limited Separated Accounts and Wholesale Access Provisions) report which was published in 2009 on telecommunications?

Senator A.J.H. Maclean:

Yes, I am more than happy to do that. In fact, I had a meeting only yesterday with the J.C.R.A. and we discussed that particular matter. A number of the recommendations have already been implemented or are being moved to be implemented and I am happy for the Deputy to have details on the full list. I will supply those to her.

[12:15]

4.5 Deputy G.P. Southern:

In his response to my written question 10 earlier today the Minister gave the numbers of non-local jobs licences issued during the last 5 years. Would he undertake before the next meeting to put alongside that the number of (j) cats. and locals also issued in that time period, and will he state when he is likely to produce an answer on a sector basis as well as agreed in his question?

Senator A.J.H. Maclean:

I think if the Deputy looks at the answer to the written question, there is detail in there about (j) categories. If he would like more information I am more than happy to include it as part of a further written question or, indeed, separately.

4.6 Deputy T.M. Pitman:

A nice easy question for the Minister: could he advise if the intended meeting between his Assistant Minister, the police and harbours has taken place to finally conclude the intended barrier solution to the anti-social behaviour problems at Albert Quay?

Senator A.J.H. Maclean:

I understand the meeting has not yet taken place.

4.6.1 Deputy T.M. Pitman:

Could the Minister say why not and when will it take place?

Senator A.J.H. Maclean:

I will get back to the Deputy. I do not know the reason that the meeting has not taken place. We have recently had half term; it may well have been that people were away. I am happy to establish a likely date and inform him thereof.

4.7 Deputy D.J. De Sousa:

I will take this opportunity to get my question in that I did not earlier. What action, if any, has the Minister taken to combat gazumping within the property market? Will he be bringing proposals forward to the House to bring regulation to estate agents? **[Laughter]**

Senator A.J.H. Maclean:

Many Members will be aware that I am conflicted in this particular area. As such, the question was, in fact, going to be passed to my Assistant Minister if we had had an opportunity earlier to deal with it. I would be more than happy if the answer is circulated by email to the Deputy. My Assistant Minister will deal with matters in relation to this for the very reason that I am conflicted.

4.8 Deputy J.B. Fox:

The department at the present time is making progress on sea routes and, indeed, a Green Paper is shortly to be published which will involve Guernsey. Can the Minister give an update of where we are at the moment and when we are likely to see it being circulated?

Senator A.J.H. Maclean:

Yes, indeed. I thank the Deputy for the question. There has been a delay in terms of collating the particular questions for the Green Paper. As the Deputy is aware, we decided to join with Guernsey to do a pan-Channel Islands consultation in this matter and agreement over the exact questions, therefore, took a little longer. However, I understand that the paper is now ready and will shortly go out and so the consultation process will commence and I hope to be able to report back to the House by the end of April or early May.

4.9 The Deputy of St. Martin:

Twelve months ago I asked the Minister about the provision for free parking at the airport and I was informed and Members were informed that the matter was in hand and arrangements would be in place very soon. Twelve months on, can the Minister tell the House where he is with the pickup area?

Senator A.J.H. Maclean:

I am not sure that I said at the time - and I will check Hansard - that it would be available very shortly. I think what I did say was, in fact, that there would be changes with regard to the road system in due course as part of the capital programme at the airport and, indeed, that particular issue - which I understand, I have some sympathy; this point has been raised before not only by the Deputy - would be looked at. I would repeat that. Yes, it will be looked at but at the present time there are no immediate plans for the reasons stated.

4.10 The Connétable of St. Mary:

Earlier today the Assistant Minister waxed lyrical about the possible future ability to trace cow genes back to the original cow. My concern in questioning was simply to see whether we had had the ability to trace back the 7 generations required by the herd book at the time when we adopted P.43. I would say that patently we did not. Will the Minister undertake to review the systems currently in place to safeguard the purity of the herd and, as a matter of reassurance to people who really feel that this is an important heritage issue, report back to the Assembly to confirm the validity of the systems in place?

Senator A.J.H. Maclean:

Absolutely, I agree entirely with the Constable and I am more than happy to report back on that basis.

4.11 Deputy M.R. Higgins:

In his written answer to the States this morning, the Minister revealed that in 2009 passenger numbers fell by approximately 12.5 per cent or 20,000 while the airport directorate increased from 4 at the end of 2008 to 8 on 22nd February 2010, or 50 per cent. How does the Minister reconcile these 2 sets of figures and could he explain what these people are doing?

Senator A.J.H. Maclean:

In fact, at the end of December passenger numbers were down year on year by 8.5 per cent, not 12 per cent, so I am not quite sure where the Deputy's figures come from.

Deputy M.R. Higgins:

It is an extrapolation of a very poor diagram that you have produced which disguises the true falls in the figures.

Senator A.J.H. Maclean:

If the Deputy is referring to the graph, I do accept that in the written answer the writing on the graph is quite small. In fact, I do not wear glasses; I had to borrow my Assistant Minister's glasses to read it myself. I will give an undertaking to Members that documentation in written answers will be presented in a way which is slightly clearer because I do not think that is clear. So, in any event, 8.5 per cent was, in fact, the drop. If he is asking why we have had a drop in passenger numbers it is quite simple. Jersey, in fact, has fared relatively well compared to most airports.

Deputy M.R. Higgins:

I did not ask why the numbers fell; I asked why, if the numbers have fallen by 8 per cent, the actual size of the directorate has gone up by 50 per cent.

Senator A.J.H. Maclean:

Well, quite simply, they are not directly related. As far as passenger numbers are concerned, that is an operational issue for the airport to ensure that we maintain, sustain and develop routes. We are operating in a very difficult global financial market at the moment. Most destinations have suffered. We have suffered less. As far as the directorate - an increase in numbers, which is what the Deputy was asking about - there has been a requirement to increase numbers for safety and compliance. That is an area that I think he is referring to, and the safety of passengers is absolutely paramount and will remain so.

4.12 Deputy R.C. Duhamel:

In respect of the work that the Minister and his department are undertaking to diversify the economy to lessen the over-reliance that this Island has on the financial sector, would the Minister outline to the House the current top 3 high-flying ideas for diversification?

Senator A.J.H. Maclean:

Well, we continue to work closely with our key market, the financial services sector. As Members would imagine, that particular sector, although mature, is developing in many other regions and many other areas, both product development and towards the East Asia/Pacific ...

The Deputy of St. Mary:

Sir, the question was something different.

Senator A.J.H. Maclean:

I have been asked how we are dealing with developing the economy and that is a key part. It contributes a significant amount to the revenue for the Island. It is important that we look at new areas and new products. Outside of that, we will shortly be bringing forward the Intellectual Property Law to the House for their consideration. That is a major piece of work, more than 400 Articles, which we believe opens up opportunities for the Island. That is certainly a priority as far as the department is concerned.

4.12.1 Deputy R.C. Duhamel:

Would the Minister, therefore, then agree from his answer that there is no intention to diversify the economy into any areas outside of finance at this point in time?

Senator A.J.H. Maclean:

No, I would thoroughly disagree with that. There are many areas in which we work continuously through Jersey Enterprise to create new businesses. There were over 600 new businesses established in 2009 through Jersey Enterprise in all sectors of the economy. We continue to invest and work hard to develop new businesses and new ideas and that will always remain a key priority.

The Deputy Bailiff:

That brings an end to the second question period. There are no Personal Statements under J.

Deputy P.V.F. Le Claire:

In order to be helpful, I did anticipate that we would be in this position. I think I can probably deliver my speech within 20 minutes but there is another ...

The Deputy Bailiff:

No, we have a while before we come to you. There are no Personal Statements under J. Under K, Statements on a Matter of Official Responsibility, the Minister for Transport and Technical Services will make a statement regarding snow and ice procedures.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. The Minister for Transport and Technical Services - statement regarding snow and ice procedures

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

The Island has recently experienced the longest sustained period of snow and ice for many years resulting in significant disruption to the Island's roads, schools and businesses. My department is responsible for salting and clearing the main roads and ensuring that, where possible, severe weather conditions cause the minimum amount of disruption to the Island. Transport and Technical Services has a set of established procedures for dealing with snow and ice events. These procedures are activated by an early warning weather alert system which has been developed with the airport's meteorological office. This system has been in place for a number of years and allows T.T.S. to mobilise and react to predict severe weather conditions. If snow and ice is not predicted by the system then this significantly limits T.T.S.'s ability to deal with the event. However, the system has worked well since its inception and unpredicted weather events are, thankfully, rare. These procedures include liaising with Connex and the Education Department in the event that snow and ice is so severe that schools need to be closed. Again, the system has worked well in the past but the recent prolonged period of cold weather has resulted in a review of these procedures to see if any improvements can be made. Current procedures dictate that a decision is made at 6.00 a.m. as to whether the school buses will run and whether the schools will open. This decision is made based on weather and road conditions being experienced at the time of decision making. This decision closes the schools for the full day, regardless of any improvements in the weather that may occur. Following the recent extended cold weather period where schools were closed for a

number of days, my department has liaised closely with Connex and officers of Education to develop an improved procedure which aims to be more flexible and take account of changing weather conditions during the day. These improvements are: a decision will be made at 6.00 a.m. if there will be no school bus services and the schools will be closed for the day. This is no change to the current procedure. If it is thought that weather might improve during the morning, a final decision on whether schools will open or close will be made at 8.00 a.m. The school start time will then be delayed until 10.30 a.m. with the school bus service running 2 hours later than scheduled to suit this revised opening time. This new procedure will allow for parents and the school community to function as normal, albeit with a delayed start to their day. If weather conditions deteriorate during the day, a decision will be made no later than 11.30 a.m. if the schools are to close early. The schools will close at 1.30 p.m. and the afternoon school bus service will run early to suit the school closure time. The new procedure allows the afternoon school bus service to run and get children home safely in changing weather conditions. These procedures have been developed with and agreed in conjunction with Connex and the Education Department within the operational constraints of the schools and bus service and are intended to improve the flexibility of the current procedures. However, as weather conditions are constantly changing and all scenarios cannot be planned for, there may be times when variations to these procedures are required. Hopefully these conditions will be rare and the procedures listed above will assist parents, pupils, schools and road users in the event of prolonged snow and ice conditions. My officers will keep these procedures under review and will strive to continually improve them where possible. Following this statement, the Education Department will issue a letter to all parents detailing the above procedures.

The Deputy Bailiff:

There are now 10 minutes for questions. I call on Deputy Maçon.

5.1.1 Deputy J.M. Maçon:

A comment from one of my constituents over the period did comment how the website gov.je was not updated. Can the Minister give an undertaking that when these decisions are made that the decisions are promptly updated on to the website?

The Connétable of St. Brelade:

Yes, I shall ensure that happens.

5.1.2 The Connétable of St. Mary:

As a working mother with children at school who use the bus service, I find the idea of perhaps a delayed start until 10.30 a.m., with announcements being made at 8.00a.m., to be quite concerning. What parents need is a certainty, they need to be able to plan their day; we are talking about parents who need to not only change the time they get their children to the bus stop, we are talking about parents who need to arrange alternative childcare, parents who need to contact their employers to make their own arrangements. Surely it is much better to bite the bullet and to say: “No, the schools will not open” if there is any doubt and to make that decision as early as possible in the day. Will the Minister comment?

The Connétable of St. Brelade:

Yes, I think, unfortunately, the weather is not as predictable as we might like and there are variable conditions and I think it really would not be acceptable to close schools if we just get the slightest flutter of snow. We are often criticised, and Education is often criticised, for doing that and I think there has to be a balanced judgment on this. In the event of extreme conditions, the parents will have their own difficult issues in getting to work and, clearly, decisions on the hoof will have to be made on the day.

[12:30]

5.1.3 The Connétable of St. Mary:

The last time this happened, we had had a forecast which forecast the snow closing in between 1.00 p.m. and 2.00 p.m., we had had that for the last day and a half, and still the schools did not take an early decision. Parents need certainty. The loss of productivity must surely outweigh this. This does not happen very often. The loss of one or 2 school days is to be lamented but, put against the rest of the problems that arise, surely the Minister can see my concerns.

The Connétable of St. Brelade:

The department feel, in conjunction with Education and Connex, that the procedures put in place are, on balance, the best and one hopes that the events that we experienced last month will not be repeated but we feel that this is the best route forward.

5.1.4 Deputy R.G. Le Hérissier:

In contrast to Deputy Maçon's technically savvy constituents, I wonder if the Minister could, with the Education Department, liaise to ensure that at predictable and certain times people can tune into the steam Radio and get a clear announcement.

The Connétable of St. Brelade:

I agree; that would be most appropriate.

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

I am a little bit confused because we talk about extreme weather conditions. It is my experience over here, 2 snowflakes and we are off the road. Procedures are fine but what plans does the Minister have to equip the bus service, not excessively, but with better equipment so that they can cope and we could have some buses running rather than everything off the road at the sign of the first snowflakes?

The Connétable of St. Brelade:

The department has had robust discussions with Connex on the matter of the experiences over the last month and it is considered that there should be an encouragement course, perhaps driver-training in snowy conditions and the equipment of a few key buses on key routes with suitable chains.

5.1.6 The Connétable of St. Mary:

[Aside] Notwithstanding what the Minister has said, my ultimate concern from my own point of view as a parent was the safety of my child, bearing in mind that where we are there are no bus shelters; the children are left on the main road in what is bad conditions. Because of a failure to crystallise a time for deciding whether to open or close the school, I was left with a child 5 miles away from me, the opposite end of the Island, and was told suddenly: "And the bus will not come." So I really do think the Minister needs to think this through a little bit more carefully.

The Deputy Bailiff:

Is that a question?

The Connétable of St. Mary:

Will he undertake, before he totally revises policy and gets the Minister for Education to write to all parents, to give this one more thought?

The Connétable of St. Brelade:

I am not clear quite what the Connétable expects me to achieve. We feel that our revised procedures, as outlined, indicates to parents what decision is going to be made and when and procedures for promulgations to the public I think are crucial. I picked up the comments of Deputy Maçon and Deputy Le Hérissier. I think that is probably, on balance, the best we can do and there

has to be a degree of communication with the parents by the schools and I think we will achieve what needs to be achieved by following this route.

5.1.7 The Deputy of St. John:

Will the Minister review the Connex contract in relation to snow problems? But also, when the new contract for a bus service will be put out in the next few months, will you assure this House that a portion of that contract will also cover bad weather conditions within it?

The Connétable of St. Brelade:

Yes. The department is focused quite clearly on ensuring that takes place.

5.1.8 The Deputy of St. Peter:

In the Minister's robust conversations with Connex, can he give us some indication as to how they reacted to the idea of putting on chains and driver training?

The Connétable of St. Brelade:

Yes. Connex is keen to work with the department to achieve what has to be seen to be a satisfactory arrangement, not only with the schools but also the public, and I would add that all the T.T.S. Department vehicles are, in fact, fitted with chains so there has to be a bit of a balance on cost. This is possibly a once in 7 or 8-year incident and we have to balance the amount of chains that need to be kept.

5.1.9 Deputy D.J. De Sousa:

Bearing in mind the Minister's answer to the last question, yet this appears to have happened consistently for the last 3 years that I know of.

The Deputy Bailiff:

Is that a question, Deputy? Was there a question there?

Deputy D.J. De Sousa:

Sorry. Will the Minister not agree that it is a bit more than just a one-off?

The Connétable of St. Brelade:

No. The prolonged snow conditions were very unusual this year and certainly we have had the odd dusting over the past 3 years but it has not led to the disruption we had this year.

The Deputy Bailiff:

Very well. If there are no other questions, I call on the Chairman of the Privileges and Procedures Committee who wishes to make a statement concerning the absence of Senator Syvret.

6. The Chairman of the Privileges and Procedures Committee - statement regarding the absence of Senator Syvret

6.1 The Connétable of St. Mary (Chairman of the Privileges and Procedures Committee):

I am making this statement to update Members on 2 separate matters relating to Senator Stuart Syvret. In recent weeks there have been some calls in the media for P.P.C. to take some action in relation to the continued absence of Senator Syvret from the Assembly. Today is the 20th States meeting that the Senator has missed. The Senator has made his reasons for remaining away from the Island clear in the media and Members of the States and members of the public will have their own views on whether or not they believe those reasons are justified. Some have suggested in the media that steps should be taken to remove Senator Syvret from the Assembly due to his continuing absence or to stop the payment of his remuneration. P.P.C. has considered this matter carefully but

notes that the States have made a specific provision in relation to Members who become resident outside the Island. This is found in Article 8.2 of the States of Jersey Law 2005 which provides that a Member is automatically disqualified if he or she is resident outside Jersey for a period of at least 6 months. Under this provision, Senator Syvret will become automatically disqualified and a by-election will be ordered if he does not return to take up residence again in Jersey by 19th April 2010, as he stated last October that he had left Jersey on 19th October 2009. Notwithstanding any prerogative powers that the States Assembly may have to take action against its own Members, P.P.C. has concluded that it would be inappropriate and oppressive to take any action in relation to Senator Syvret's absence in view of the statutory provision that has been included in the States of Jersey Law 2005. That provision is quite clear in that it allows a Member to be away for up to 6 months before becoming automatically disqualified and P.P.C. believes that it would, therefore, be inappropriate for some other action to be taken before the expiry of that 6-month period. P.P.C. is aware that the 6-month rule was inserted into the States of Jersey Law 2005 in response to concern expressed about a Member who had taken up residence in France while still returning regularly to Jersey to attend States and committee meetings. It was not envisaged at the time of enactment of the law that a Member might take up residence in another jurisdiction and not fulfil his or her obligation to attend the Assembly and other meetings, and P.P.C. believes it may, therefore, be worthwhile for the provision in Article 8.2 to be revised in due course although it would be clearly inappropriate to suggest that this could somehow be done retrospectively in relation to Senator Syvret's absence. The second matter concerns formal complaints against the Senator under the Code of Conduct that are being dealt with by P.P.C. I believe it is important to explain why no action is being taken at present in response to these complaints it has received regarding the conduct of Senator Stuart Syvret. The complaints are unrelated to his absence from the Island and have all been formally notified to him, as required by Standing Orders. Members will be aware that there is, in addition, an outstanding matter relating to earlier complaints where a vote of censure, P.107/2009, was lodged by P.P.C. but withdrawn before debate when it was apparent that the matters had become *sub judice*. The committee has received advice that, if it were to deal with the complaints it has received, it could potentially prejudice ongoing legal proceedings and the position of either party, including Senator Syvret's own defence. Members will be aware that the legal action against the Senator is currently stalled until he returns to the Island and P.P.C. finds itself in the same position in relation to the complaints. As a result, P.P.C. cannot proceed until the Senator returns to Jersey and the outstanding court cases are concluded.

The Deputy Bailiff:

Standing Orders provide for questions if any Member wishes to ask a question. Deputy of St. John.

6.1.1 The Deputy of St. John:

I will put a question if I may, nothing to do with the Senator himself, but the general one as mentioned under Article 8.2. In the review that might happen in the future, would the Chairman look at where for health reasons a person may be off-Island, i.e. with cancer or something similar for 6 months, and take that into consideration as possibly some type of exemption?

The Connétable of St. Mary:

I think that would be entirely appropriate. It could be said that 6 months is indeed a long time. P.P.C. might look at bringing to the House suggestions for tying-in absence to the number of States sittings, perhaps, when a Member was en default, and in which case, of course, if there was a medical reason or some other good grounds for being absent, then that would be recorded in the minutes and it would not fall under that category.

6.1.2 The Deputy of St. Martin:

I know it is a difficult situation P.P.C. finds itself in but it does say here in the second paragraph: "The Senator has made his reasons for remaining away from the Island clear in the media and to

Members of the States ...” Can I ask what actual steps have P.P.C. taken to find a way or discuss the matter with Senator Syvret to see, in fact, if there is probably some merit in his grievance so maybe a way forward could be found because, quite clearly, his absence in the Island does the Island no service at all. At the same time, he may well feel there is justification. So the question is really what steps, if any, has P.P.C. taken and, if they have not taken any, would they consider taking some to act, maybe, as some intermediary?

The Connétable of St. Mary:

What I can say is that P.P.C. did contact Senator Syvret to ask him if he would like to formally give his own reasons rather than rely on media speculation, but Senator Syvret has taken his own decision to leave Jersey. If he is concerned in any way, it is up to him to pursue the normal channels that are available to every citizen of this Island and it is certainly not for P.P.C. to do that on his behalf.

6.1.3 Deputy G.P. Southern:

In the light of a potential for a by-election this year as a result of Senator Syvret’s continued absence, what measures has P.P.C. put in place to ensure that electoral registers are up to date and that people who wish to postal vote can do so?

The Deputy Bailiff:

That has the most tenuous connection with the statement which the Chairman has just made, if I may say so, but, Chairman, are you able to answer that?

The Connétable of St. Mary:

Very briefly, as I did mention I think the word “by-election” in my statement. As the Deputy well knows, the electoral registers are maintained by the Constables, although of course, P.P.C. does have charge under Regulation for maintaining the Public Elections Law. However, I would say that a by-election, of course, can happen at any time for any unforeseen reason or resignation or, sadly, a death, and the electoral register, as it is maintained at the moment, is up to date inasmuch as any members of the public, any electors who were on the register at the last election will still be on because you have to not comply for years with any registration procedures before your name is removed. Of course, there is a responsibility for people to register, and you can register to go on to the electoral register at any time at all, so anybody who is concerned has an ability to go on to the register.

6.1.4 The Deputy of St. Mary:

From the question of the Deputy of St. Martin, the Chairman of P.P.C. basically said that Senator Syvret was on his own, he has the same rights as any member of the public, but he is not an ordinary member of the public, he is a Member of this Assembly. My question is does the Chairman think that P.P.C. has a role in protecting the rights of Members and, in this case, perhaps helping to resolve this question by doing as the Deputy of St. Martin suggested and asking why he thinks that he cannot return and then perhaps doing something about it?

The Connétable of St. Mary:

P.P.C. has a role to defend the privileges of the States. My understanding is that the Senator has decided not to return to the Island for legal reasons. Legal reasons, I would argue, do not necessarily fall within parliamentary privilege. As I said, any member of the public of Jersey who has an issue has a remedy through the legal system.

6.1.5 The Deputy of St. Mary:

Does the Chairman not agree that having your house searched and your files taken does not fall within the privileges of this Assembly?

The Connétable of St. Mary:

If I might answer that question by simply referring the Deputy of St. Mary to an extremely comprehensive report produced by P.P.C. last year on the extent of parliamentary privilege which I think does not necessarily extend to all the areas that some Members would believe that it does. I believe he should look in there, which has much more information than I can recall off the top of my head.

[12:45]

The Deputy Bailiff:

If I may say so, Deputy, it is quite clear that parliamentary privilege does not prevent the operation of the criminal law. The Connétable of St. Brelade.

6.1.6 The Connétable of St. Brelade:

Notwithstanding Senator Syvret's particular situation, could the Chairman indicate when Article 8.2 will be revised?

The Connétable of St. Mary:

This is a matter that will be placed before the Committee for consideration. There are various ongoing changes to Standing Orders in the States of Jersey Law which are under review by the Committee and this is one that we will endeavour to bring forward in the near future.

The Connétable of St. Brelade:

Sorry, could the Chairman just define "near future"?

The Connétable of St. Mary:

Some time after today and before I retire from office.

The Deputy Bailiff:

If there are no further questions, we have reached 12.45 p.m. and ...

Deputy J.A. Hilton:

Before we adjourn, could I just make a comment on proposition P.10? I emailed Members on Friday to let them know that, depending on the answer I got to my question this morning, I may be postponing the proposition, so I am just happy to say that I am going to ask for this proposition to be deferred from today. Thank you.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Very well, the proposition is put that we adjourn. In favour? The States now stand adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

The Bailiff:

Before we move on to Public Business, Members will have heard the sad news this morning that Advocate Christopher Lakeman died suddenly in the early hours at the young age of 42. Although he had been in hospital, his death has come as a complete shock. Mr. Lakeman qualified as an advocate in 1995 but, from an early stage, he showed a desire to contribute to the public life of this Island. To state just 3 examples, he was a Procureur du Bien Publique in St. Helier from 1996 to 1999 and he was Chairman of the Audit Commission for the same period. He was also instrumental in setting up a pre-legal advice clinic at the Citizens Advice Bureau, and this was an

invaluable service for people who perhaps would not otherwise have thought of going to a lawyer or whose problems did not fall within the Legal Aid guidelines. He was elected as a Senator in 1999 at his first attempt. He served on a number of committees including Legislation, Home Affairs, the House Committee, Etat Civil, and Gambling Control, and he was also a member of the Special Committee on the Composition and Election of the States. But he will, perhaps, be best remembered for the fact that he was the first President of the Privileges and Procedures Committee which was established in 2002 as part of the implementation of the machinery of government reforms. That P.P.C. had a very significant work programme imposed on it by the States of the day and the then Senator Lakeman pushed the work programme forward with considerable drive and enthusiasm so the committee presented a very comprehensive report in October 2002 setting out recommendations about how scrutiny should operate, on the introduction of a code of conduct for Members, on facilities for Members and on Members' remuneration. After publication of that report, his P.P.C. then brought forward various propositions on the details of the future operation of these matters, on the introduction of Hansard and on the introduction of electronic voting. Although the draft States of Jersey Law was finalised after he left the States, Mr. Lakeman was very active in the early discussions about the new law and he was particularly proud to have had some involvement in the preamble which refers to: "Jersey's autonomous capacity in domestic affairs" and the affirmation of Jersey's constitutional position which this wording achieved. It can properly be said that he played a key role in the reform of the machinery of government. Eventually, the pressure of combining his legal practice with his responsibilities in the States became too much and he resigned as a Senator in February 2004. But even after that he continued to contribute to public life. Among other roles which he took on, he became chairman of the Opera House at a time when it was facing considerable difficulties. He chaired a committee of inquiry into third party planning appeals. He was a member of the States remuneration review body, and he became the Honorary Danish Consul in the Island. I am sure that Members' hearts will go out to his parents, who have now lost 2 sons as well as a grandson, and to his 2 sisters who have lost their brothers and nephew. Mr. Lakeman was a very caring individual and he always made time for those who were in difficulty and it is sad that his talents will no longer be available to serve the Island, which he loved. I ask Members to rise with me for a few moments in his memory. May he rest in peace.

PUBLIC BUSINESS

7. Natural Gas Pipeline: strategic study (P.157/2009)

The Bailiff:

Very well, then we come to Public Business and the first item on the order paper is the Natural Gas Pipeline Strategic Study - Projet 157 - lodged by Deputy Le Claire. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Council of Ministers (a) to commission a strategic study into the full benefits of providing Jersey with a natural gas pipeline, and (b) to report back to the States with findings and recommendations as soon as practicable but no later than 12 months following the date of approval of this proposition.

7.1 Deputy P.V.F. Le Claire:

Advocate Christopher Lakeman is an extremely difficult act to follow, if not almost impossible, and to stand to speak after his tribute that you have given today, Sir, is particularly difficult because of the fact that so many of us knew him and worked with him. I think maybe carrying forwards some of the qualities that he brought and trying to emulate at least 2 of them may be the best I can do in this debate, and that is to keep it focused on the topic and not become personal and to try my very

level best to deliver it in the most appropriate and succinct way as possible for the effective conduct of business rather than my own personal desire to ramble at length. I have brought a proposition today to ask the States Assembly to request the Council of Ministers to brush off the dust of a States report that was commissioned by the States that highlighted, among other things, that a dual pipeline for oil and gas to Jersey, and potentially on into Guernsey, has been identified as having a positive net benefit of at least £1.5 million, without taking on board any of the additional issues that I have raised in my proposition that relate to the land planning gains that might be afforded the States if they were to look at this thing once again or to move on, as recommended within the reports. Coming into the debate I realised a couple of things: (1) many Members have made up their minds already; (2) the longer I speak, the less likely I am to change any of those minds; and (3) those that are with me are not going to stay with me unless I get the points across and sit down and enable a debate to take place and respond accordingly. The reason I have tabled this proposition requesting the Council of Ministers to commission a study into the full benefits of providing Jersey with a natural gas pipeline are quite simple to explain. I believe that any public expenditure in relation to such key areas should result in the States owning any assets or at least having the right to own the assets. This is only natural given that the States are the guardians of the public purse. The second point is the issues and infrastructures are complex, requiring cross-departmental involvements. The Minister for Planning and Environment has no money for any such debate or any study so what exactly am I asking the States to do? I am asking the States to request the Council of Ministers to go away and commission a report on the basis that they would report back to us within 12 months, building upon the work that has already been conducted by Pöyry. It has been criticised that it is coming ahead of the Energy Policy but I think that this is the right time; it is coming after the conclusion of the North of Town Masterplan which I set this debate aside for and which I participated in. I believe the report would not cost a great deal of money to compile. It would effectively be asking States departments to work with each other on projects they are working independently of each other on at the moment. It would be building upon the Pöyry Report. So who is Pöyry? Pöyry is a consulting adviser to Europe's energy markets and it is one of the world's best and it gave us their report which we commissioned and in it, it spoke about sending fuel pipelines across France through the Ramsar sites into Jersey and how they would be beneficial for us in the long term and that how, if we included the natural gas pipeline with an oil dual-lay at the same time, there would be a net benefit of £1.5 million. The *Jersey Evening Post* covered the story about a natural pipeline which was up for discussion in October of 2007 and the Minister said the following: "£33 million petrol pipeline up for discussion." These are the Minister's proposals: "And the viability of a £33 million petroleum pipeline under the sea is to be looked at as part of the energy supplies to the Island. Environment Minister Freddy Cohen said that such a project could be feasible as part of a rethink of where Jersey gets its energy and how it is used. A pipeline could be used to import many different types of fuel, including road diesel, petrol and heating oil.

[14:30]

Although the initial outlay would be considerable and would require significant States funding, it is estimated that a pipeline to the continent would save £13 million over its 25-year lifetime. For example, shipping costs would be removed. The site of the fuel farm could also be sold for redevelopment to recoup some of the capital cost. Senator Cohen said that such a scheme was just about viable and added: 'It is certainly well worth careful consideration.' He made the comments at the launch yesterday of the draft Energy Policy which is called Fuel for Thought. It is a comprehensive consultation document outlining possible solutions to the twin goals of becoming greener and securing energy supplies, against a backdrop of diminishing reserves of fossil fuels. The document looks at a wide range of options to bring about a significant cut in energy consumption and carbon emissions. Suggested schemes to encourage Islanders to use less energy include offering grants for improved home insulation and the increased use of public transport. In

the immediate term, the goal is to manage existing resources better and, in the longer term, to reduce dependence on energy imports and oil-based fuels.” Much of the research that I have conducted into this has been facilitated and assisted by the Jersey Gas Company. I must go on record to say I have no shares in the Jersey Gas Company, I have no agreement with them to my benefit, and I do not use Jersey Gas as a consumer, but I do believe that there is always an issue about a politician’s involvement with a company that runs at difference... or at parallel perhaps in some instances, to the Council of Ministers’ policy, that that Minister might be somehow seen to be running too close to the wind. I certainly do not feel that that is the case and I certainly would like to go on record as saying that I am acting in what I consider to be the best interests of Jersey. It has been claimed that the work would duplicate the work of the officers. It has been claimed that it would be too difficult to dig up land from France. It has been claimed that it would be too difficult to lay the pipeline in the sea and it has been claimed, among other things, that it is not something the States should be doing because that is not what public funds are for, which is all contrary to the evidence within the report itself. So I wonder where the advisers who were advising the Minister for Planning and Environment have been getting their information. On 6th February 2009 the Deputy of St. John advised us that we are spending £25,000 a day on our energy bill in Jersey and, if an issue such as this is not worthy of further consideration at £50,000 - 2 days’ worth of energy supply - for the next 25 years then I wonder what else is worthy of our consideration. I am merely asking us to dust off a report that already recommends in its findings that we should continue to research the issue. It did not take on board at the time the issues that emerged when we were considering the hazards involved at La Collette when we were on Environment Scrutiny and Deputy Duhamel and myself went to the Council of Ministers and we told them the gas company had been to give us evidence. There was clear desire on their behalf to remove the gas container in Tunnell Street, free-up the land, exchange it for land at La Collette or do away with the La Collette’s site altogether if a gas pipeline could be supported by the States of Jersey, freeing-up not only significant opportunities for extending the Town Park but also removing what is a considerable and extended hazard from the fuel depot that we see on the chart on the wall in the corner which represents the new Island Plan. Since Buncefield, our opportunities in this key part of our infrastructure in our Island have been severely limited and the exclusion zones have been extended and the danger zones have been extended because we have learnt one thing from Buncefield, if nothing else: we need to make bigger safety zones around our fuel storage depots. I will not bore Members or labour the point by going through all of the reports that I have. Needless to say, I have them; I have read them; it has taken a long time. I have them with me and they all say the same thing: if we are going to store fuel at La Collette, we are going to store fuel at La Collette and nothing else. I am saying, or suggesting, as the Energy Policy suggested itself when it was presented in the first run by the Minister, that we should be looking to remove those hazards, lessen those hazards and take opportunity from the freed-up space. We could extend the Town Park and create opportunity for marine leisure into the future, mineral strategy developments, *et cetera*, deep-water berths, *et cetera*. The other thing that came out from our look at the storage sites is they do emit V.O.C.s (volatile organic compounds); the tanks leak. Some of those are dangerous, some of those are not dangerous, but, nevertheless, the site prohibits us realising what we could realise from it if we were to do away with it. There are mounds of paper available for Members to look at that is presented by the Minister for Environment himself that says exactly what I am saying to Members today: the public consultation discussion paper which was issued by the Planning and Environment Department on 24th September 2007 said practically everything I am saying today. We then have to look at what the opportunity is in relation to staying with nuclear. There is an issue around that but we do know one thing from past experience: prices can rocket, and they went up 24 per cent not so long ago and there was debate in the States to talk about that. We have hedged our prices, or the J.E.C. (Jersey Electricity Company) have done, and they have done a good job, but I remind Members at the time the Chief Executive Officer from the J.E.C. was saying the electricity price rise could have been even higher than 24 per cent. The difficulties that have been overstated in laying the pipe and getting through to Jersey beggar belief

because, within the Pöyry Report itself, it says that it has looked at these sorts of things and factored them in. There is a North of Town Masterplan: no positive outcome in relation to what was considered north of the tenement site; what could be achieved if we got rid of that gas holder in town and secured that building for a dry facility for the Town Park. If we look at pipelines that extend for hundreds of thousands of miles across Russia through Europe, across the Greek Island states and during the Second World War when oil pipelines were taken across the channel as far as Metz, hundreds of miles through French territory, and we are faced with the nonsense arguments that are emerging: “It is too difficult to get the French to agree.” Whose gas are we going to be buying if we were to purchase gas? The same suppliers that supply the energy that we use at the moment: E.D.F. (Électricité de France) and Gas France would be supplying the energy. What we would be doing, we would be extending our security of supply. All of those issues may or may not be acceptable, they may not be affordable, they may not be desirable but all I am asking - and this is all I am asking - is for us to request the Council of Ministers to get their chief officers to start talking to one another. I have got the charts from 1945, 17 lines, 500 miles, 4 lines 280 miles; how many years ago was it they did that? If our relationships with France are so poor then why are we formalising the body under the committee that represents French language through the Constable of St. Lawrence? Why are we formalising these arrangements? Why do we always get Christmas cards from Senator Jean Le Grand? Why are our relationships so bad that we cannot talk to them about securing energy for our future and Guernsey’s future? Why are we looking to make our energy from waste? Why are we looking to make our energy from rubbish? Why are we burning to make energy when we could be securing opportunities for future investment in renewable technologies such as bio-fuels? I am not an expert on these things and it can be argued, and it probably will be argued, that I listened to too much of a one-sided story but I would defend that by saying the direction I was coming in from was the direction that the Minister for Planning and Environment himself led me into. It was picked up on the scrutiny and only then did I go to Jersey Gas to talk to them about what they thought and what their beliefs were as an independent Member prior to rejoining the panel. I would ask States Members to engage with their minds open in this debate and to focus on what I am asking. I am not asking if there is climate change, I am not asking if we believe there is global warming, and I am not asking whether or not it is possible to lay an 8-inch pipe across the sea for 37 miles and across the land 18 miles, because all of that has been asked and it has been verified in the States’ own report as feasible and showing a £1.5 million net profit if we were to do it. All I am asking is for the States to back me to request the Council of Ministers to brush this report off. It is worth their doing anyway. Quite possibly the only resistance I am reading is because it is me and I would ask all Members to consider what is more important: a joined-up, collective approach to our future needs in energy today or playing catch-up tomorrow. I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Yes. Senator Cohen.

7.1.1 Senator F.E. Cohen:

I would like to recognise the detailed nature of the report brought forward by Deputy Le Claire and I commend his attempts to think through novel solutions to spatial planning and energy supply. Deputy Le Claire is an honourable person and I have absolutely no doubt that he has brought this matter forward as he firmly believes the case he makes has merit. However, I am afraid that I fundamentally disagree with many of the assertions put forward in communications to Members by the Jersey Gas Company. The proposition relies heavily on the input of Jersey Gas whom many would argue are biased in respect of this matter. Indeed, it makes it clear that one desirable option is for the States of Jersey to buy their company. I am further concerned that this proposal and some of its implications are leading the Assembly toward unmerited interference in the marketplace. Nevertheless, turning to the proposition itself, it asks that we should invest further public funds and resources into another pipeline feasibility study. I would like to make it clear that I am not opposed

to considering pipelines or any other novel solutions to the challenges of land-use planning and energy supply. Unfortunately, though, I am not persuaded by the merits of a pipelines project having had the matter fully researched in the Pöyry Report. Indeed nor, it seems, is the Jersey Gas Company who clearly state that they would not fund the development of a pipeline even if further work showed there to be some economic feasibility. I refer to the Pöyry Report that was carried out as part of the development of the Energy Green Paper in January 2007 which, I believe, puts the case clearly. The report concluded that the provision of a gas pipeline to Jersey was not economically feasible; it did go on to say that there might be feasibility of a dual-laid pipeline for oil if this was considered alongside a gas pipeline, if such a project was desirable. However, an oil pipeline has additional associated complications making it unattractive and it is unlikely that this would be considered viable.

[14:45]

In particular would be the need to have on-shore oil product bunkering which would reduce the land gains that the proposition refers to. In addition, there would be need for a refining plant to separate the different oil products arriving through the pipeline, this being expensive and needing land, further eroding the perceived economic and land-use benefits that this proposition claims. Also, one could imagine that if an oil pipeline was feasible, then the oil companies themselves would have or might have already brought this idea forward and, to my knowledge, they have not done this. Despite the unlikely viability of a dual oil and gas pipeline, one might consider a gas pipeline alone; however, conservative estimates of the cost of a gas pipeline are given in the report as between £22 million and £41 million, depending on the amount of shore-side storage. These figures take into account the benefits of land released. However, when Pöyry considered the alternative, which is continuing to import by ship as we do now, they considered that there was a net cost of up to £29 million. Therefore, there is no disagreement that building a pipeline brings with it extensive costs and this is acknowledged in the Deputy's proposition. As I have said, the gas company has stated clearly they would not make such an investment; instead, they propose that a charge is applied to customers' bills. This does not appear to me to be a solution that benefits all the customers of Jersey Gas. Moreover, in the event of a natural gas pipeline connection, all existing mains gas customers would need conversion to run on natural gas. Perhaps there are other significant benefits that would warrant investment by the States in such a project. Indeed, the proposition argues that it would increase security of supply. I am afraid I cannot agree. If Jersey wishes to continue to have some strategic onshore backup of gas supply, then there would be a need for storage facilities at La Collette. This means a further erosion in the amount of land freed. Jersey Gas suggests that it is normal for communities to be fed directly by gas pipelines; however, as an island we, in my view, should have a strategic reserve policy and not leave ourselves open to a pipeline failing or being shut down. The question, therefore, is why would government invest in a highly expensive project that ultimately reduced, not increased, storage facilities? The position makes much of the availability of land that a natural gas pipeline would achieve but it does not seem to account for the current gas company's customers that are on bottled L.P.G. (liquefied petroleum gas) gas. Without a natural gas network extending to the southeast and the town area, these customers will still need to be provided with bottled L.P.G. gas which will need to be imported conventionally. Page 14 of the proposition suggests that my department spends around £50,000 to further assess this subject matter in an environment where it seems clear to me that the industry would not be prepared to make investment even if an alternative opinion was reached. Lastly, I do not believe that it is likely that the French local and national authorities would be terribly keen on a pipeline that required over 20 kilometres of French countryside to be dug up to lay the pipeline. I am afraid this does not give me the confidence to commit the £50,000 funding and I, therefore, urge the House to reject this proposition.

The Deputy of St. Mary:

Sir, may I ask for a point of clarification; I did not want to interrupt the Senator when he was speaking. He mentioned the Pöyry Report gives a net cost of building the pipeline from £22 million to I think you said £40 million, taking into account land value. Could you clarify that, please? What exactly is the land value allowed for?

The Bailiff:

Could the Minister clarify?

Senator F.E. Cohen:

As I understand it, that means adding back the value of the land that would be released as a result of the building of the pipeline.

The Deputy of St. Mary:

But do you have the actual figure, is that in the report?

The Bailiff:

Does the Minister have the actual figure?

Senator F.E. Cohen:

No, but very clearly it will be the range of between £22 million and £41 million.

The Bailiff:

Does any other Member wish to speak? Deputy Southern.

7.1.2 Deputy G.P. Southern:

I was looking forward to hearing from the Minister for Planning and Environment greatly this afternoon. I thought we would get some strategic vision and I thought we might get some long-term planning. How disappointed I was, then, with the previous 8½ minutes. This does indeed sound like someone looking at the short-term costs and saying: “No can do” and that is the Minister for Planning and Environment, that is not the Back-Bencher who is proposing that we do examine afresh, with today’s costs and in the light of rapidly increasing fuels costs that we are going to face, exploring a new source of energy. Surely, this is what this sort of proposition should do properly. It says: “Examine in the light of today’s conditions where we are and what we can do with a vision to the way ahead.” As the proposer said, £50,000 or thereabouts, 2 days’ worth of energy on this Island in order to explore an issue which, I believe, needs to be resolved. I have no doubt about the merits of the proposal; it will settle the argument once and for all. What we have heard is: “I am of the opinion”, “I differ”, “My information is different”, “The values I put into there are different.” Basically, here we have an argument, one says: “Perfectly feasible, we have got some early work that is being done that says it was feasible.” The interpretation of the Minister is otherwise. It is: “I think I am of the opinion.” What is posed here can settle that argument, surely. Let us proceed with this proposition.

7.1.3 The Deputy of St. Mary:

Yes. I want to start with just a few comments of the Council of Ministers, which echo really what Deputy Southern said, and then have a look at the benefits which, if anything, have been underplayed by the proposer, or the potential benefits, of course, because we do not know unless we do the study. The comments of the Council of Ministers, there are 3 comments which I want to pick out and they, in a sense, say the same thing: the Pöyry study, they say, sufficiently, and I just have to find the comments: “The Pöyry study”, however you pronounce them, “sufficiently accounts for many of the issues highlighted by the Deputy in his report.” No, I would not agree, I think the Deputy’s report goes to different places and with a different emphasis from what I have briefly seen of Pöyry. They also say that: “There is no positive feedback. To invest public funds into an enterprise that has no positive payback.” That just illustrates the very narrow view of what

we mean by “payback” and I will give Members some idea of what the payback we are talking about might be in terms of land. The third comment that they make that I would like to pick up: self-sustaining renewable energy sources. Now, I am very much in favour of self-sustaining and renewable energy sources but the question in this context is when. The tidal issue, although I am fully in support of it, seems to be years away and wind for Jersey I think is going to - on the land mass certainly - come up against aesthetic and practical problems, although there are other places to put them. It is possible - but no moves have been made that I know of - to exploit wind in the context of Jersey in a serious way. So the comments seem a little bit ... well, they are quite short and they are not a case against the proposal seriously. I just want to look at the potential benefits and, as I say, I do believe the proposer has been very mild and gentle with these. There are a couple of minor ones but I think they are, well, minor. Maybe they are not so minor, a couple of, if you like, ones with a smaller scale around them, and that is the lower cost of appliances for users because they would then be standard appliances using standard natural gas and not our own L.P.G. Then there is the issue which I do not think the good Minister mentioned, that the cost of the pipeline, if the States were to invest in such a pipeline, can be recouped by a levy which would end up with the same cost of gas, because the gas coming in would be cheaper and then the States would cream off in some way or other that lower cost in order to pay for the pipeline. So that is a practical possibility; these are all possibilities, because what the proposer is asking for is a review. Now I come to the really big ticket items, if you like. The first is the use of infrastructure, which the proposer did not mention. The gas infrastructure is there. As I understand it, it serves around 10,000 homes and I well remember, I think it was in the Scrutiny Panel, I am not sure, but we had a discussion about were Jersey to go all-electric and the problem there is you then have these 10,000 customers who have to be provided for by the J.E.C. and that might very well mean the third inter-connector which would mean a massive additional cost. There is a benefit to keeping the diversity and using that existing infrastructure, so there is an issue there that we need to bear in mind. The second point is the biogas, which is surely the way to go in the medium term. It is compatible with natural gas, as I understand it from the proposition, and therefore if we were to move over to natural gas there is a new opportunity there for biogas production from waste food and possibly farm waste to go down the same pipes on-Island. The third aspect which the Minister referred to is the land value. Now, I have been very kindly loaned a copy of the Pöyry Report. The Pöyry Report does indeed estimate a land value that would be saved if we switched over to a pipeline, and I will just read Members a couple of lines from it because this is not the sort of land value that the proposer is talking about. This is a very much smaller kettle of fish: “Our land footprint reduction calculations covered only the plot of land currently leased to Jersey Gas.” So it is a tiny little spot of land compared to the whole of La Collette, but what the proposer is talking about is releasing the danger zone from the fuel farm if that can be arranged because of the pipeline. I can see people shaking their heads but these are the sorts of issues that are really, really important. The whole of La Collette is sterilised, effectively, because of that danger zone and the value is sitting there ready to be realised, maybe, if we were to look at this. I just wonder why we are not being more creative about uses of La Collette. When I brought my proposition about rescinding the incinerator I attributed a value on the basis of the value of the Esplanade Quarter, for which we have a value of £100 million, but this area is 4 times greater, so you are looking at a room with a view 4 times greater than the Esplanade Quarter. So, those are the sorts of figures. We are looking at a £400 million bonus in land if we can solve the Buncefield problem and this proposition goes some way to looking at that issue. So I would just commend those thoughts to Members and hope that the proposer in his summing up runs over the possible land values. I can see people shaking their heads. I hope they speak if they think all this is nonsense so that we can put this to bed one way or another and have an informed debate, but we cannot just go on head-shaking. I would like to hear why those potential benefits cannot be realised if that is what people are implying. Then lastly, and I suppose it is quite a big issue, is whether the gas reserves are as Deputy Le Claire says. He talks about 60 years for gas production running at present rates. I am not so sure about that but then that would again come out in a review. So, I just leave those thoughts with Members.

7.1.4 Deputy R.C. Duhamel:

Deputy Southern started to put his finger on the nub of the argument, as I see it. This States, this House and, indeed, other States and other Houses in the past have not engaged in long-term strategic thinking adequately, if at all, and quite often we find ourselves debating very, very narrowly on the floor of the House on sub-issues; or probably I would even go further and be pejorative, probably discussing trivial points and missing the bigger picture. I think it is a little bit of a shame that this proposition will have to be not supported because Deputy Le Claire ... and he was a valued member of my Environment Scrutiny Panel so I would like to take a little bit of the credit for expanding his horizons and encouraging him to think outside the box, while not taking all the credit.

[15:00]

Thinking outside the box is not easy. It requires us all as politicians to think a little bit further than the event horizon which is normally the next election time or period and perhaps engaging in issues on which we might never, ever deliver. But I have taken a personal interest in these long-term things because I think that even though it could be argued that we might not see a particular pet project to fruition, to have played a part in steering the Island in a better direction to which greater value will be derived must be a worthwhile process in its own right. So with that in mind, if we look at the proposition there are a couple of structural defects and, as I said, I am going to engage in them myself because that is what we do. The time is probably here to nit-pick a little bit, to show the shortfalls of the proposition and perhaps at the same time indicate how, had the proposition been phrased in perhaps a slightly more open form, which has been alluded to by reading through the report, then perhaps the acceptance of the proposal might have been more easy to secure. The first flaw in the argument I think comes back to the perennial problem that we have at the moment as to Ministerial government. We are asking the Council of Ministers to do something and yet we have the Minister for Planning and Environment, and indeed myself, coming forward with the counter arguments. It is true to say that should this proposition be accepted then indeed because the Council of Ministers do not necessarily have a particular interest in the particulars for the environment and they do have supposedly an overarching interest in how we all work together, then in some ways perhaps it was right to ask the Council of Ministers to be the ones to perform on this. But this strikes me as a little bit incongruous that the whole argument has dropped down a level to the Environment Committee or Panel or Department to find ways, whys and wherefores and means to knock the thing into touch. Long term it is about deriving whatever benefits we can get which will be better than the way we are doing things at the moment. I would like to refer to a much, much wider issue, which is the perspective of the U.K. in terms of burning gas. We have another argument that is looming, again brought to us from Deputy Le Claire's stable, about the carbon intensity of particular fuels. Likewise we have a draft Energy White Paper that is in the offing to determine how the States and Jersey as a whole ties-up to its Kyoto protocol agreements or the Copenhagen ratification agreements in terms of how we help with wider global environmental issues or problems, as seen by some. But going back to the U.K., the U.K. has determined that burning gas is not bad, and they probably would have said that because they were beneficiaries of the oil wells that they found in the North Sea along with the Norwegians and others. The U.K. burns a lot of gas, but that gas fuel is being used up pretty well, so to get the U.K. out of a bit of a hook, out of a little bit of a cleft stick in terms of trouble for providing energy - because they are reliant on coal-fired power stations or nuclear power stations and both of those have environmental drawbacks - they are having to not seek to put all their eggs into one basket but to try and diversify. Now, where have we heard that before? So, what have they done? Well, over the last 4 or 5 years they have ambitiously been looking to see whether or not the process of flaring gas from oil/petroleum wells is a sustainable process. Now, any of those States Members who have looked at the Internet pictures of oil reservoir exploration and fields being produced around the world cannot fail to be amazed at the amount of gas that is just flared off. It is deemed to be uneconomic

to produce, or has been until the very recent past, but a new technology is upon us. Just as we heard this morning that science is coming to our rescue or whatever with bovine semen and the dissemination of the genomes and genes within it, likewise the technology of liquefied natural gas and gasification is suddenly come upon us. So the U.K. have determined that they will contract with Qatar, an oil-producing country who were in the habit of flaring off their gas, and Qatar have decided - somewhat reasonably I think - that rather than just flaring off the gas, burning it and contributing to global warming in a very real way, then perhaps sharing the burden among other countries who would be burning petroleum products otherwise, then perhaps if they could get some added value from the burning of that gas then that might be a better way to proceed. We are talking about phenomenally huge quantities of gas, so the U.K. has entered into a long-term agreement with Qatar to provide them with significant quantities of liquefied natural gas. The interesting part, which brings this proposition into clearer focus, in my mind anyway and I am hoping to share that with Members, is that this strategic study that is being asked for only mentions that we commission a strategic study into the full benefits of providing Jersey with a natural gas pipeline. So whereas you could probably argue that maybe they have the right fuel, we do not necessarily need the pipeline. There is no pipeline that is stretching at the moment from Qatar to the U.K. and what they are going to do is to cool the gas down so that it can be bottled up in very large bottles, put on to a double-hulled ship and brought to Wales to a new port that has been built, which is adding to the economy of Wales at Milford Haven, and linking into the national gas grid. They are hoping to do that for the next 25 to 30 years. Those of us who read the papers cannot have failed to notice the other breaking news that the Falkland Islands have suddenly discovered, or are potentially about to discover ... those of us who were fortunate enough to go on a Commonwealth Parliamentary Association trip a number of years ago had it from the residents themselves that they were sitting on an absolute fortune and a gold mine, they thought, in terms of the potential petroleum deposits and gas deposits that they were about to find. That might have been a justification for the war or a reason for the war, I do not know, but from what is popping up in the news it is certainly going to be a topic of some conversation. So what are they going to do? Well, reading the figures of the potential gas that is going to be found off the Falkland Islands and off Antarctica, perhaps if the world decides as a whole - not Jersey but the world decides as a whole - that it cannot do without its carbon fix and they are going to burn petrol or they are going to burn gas, these fuels are going to be used. The Falkland Islands at the moment do not have any facilities for shipping liquefied natural gas anywhere, but you can bet your bottom dollar that if there is several trillion cubic metres - and that is what is being talked about, this is trillion, a million, million, million, very large numbers - then the economic case will be found for investing in harbour facilities to deal with the issue. This is the interesting point for me, because if you start to take off your blinkers and look at the multi-dimensional constraints that we should all be applying when it comes to looking at things long-term strategically, then some Members around the House are suggesting that we need a new harbour. The harbour facilities need reinvestment. Where is the money going to come from? The ships that we are getting to the Island are having to become smaller and smaller because our jetties have not got longer and boats are getting larger. So, do we need a pipeline? Not necessarily, I think there is another way. Perhaps an offshore terminal of some shape or form or description might be a way to square the circle so to speak and to provide natural gas facilities should the economic case be deemed to be possible for them or beneficial to the Island in a way that also meets environmental aims. But I would not necessarily at this stage write it off and say: "No, not over my dead body. That is something that we should not be looking at." Strategic planning is about looking everywhere you can to try and come up with whatever is the best, and before you make your decision you have to determine whether or not there is economic benefit or environmental benefit or social benefit or whatever, or general sustainability benefit in doing whatever it is you are going to do. So I think that Deputy Le Claire has missed a little bit of a trick because had he worded the proposition to openly suggest that the States as a body, as a whole, through the Council of Ministers endorse a long-term strategic policy - which we are going to be doing anyway in part with the draft Energy White Paper and the master planning exercises that are

going to have to take place for the reorganisation of the harbour and anything else - we are going to do the work. Whether or not we do it now, in part through this particular proposition, or in full later, I think we can be in no doubt that we will be doing the work in some shape or form; and, in fact, if inquiries are made with the Waterfront Enterprise Board some of these works have already been undertaken. So monies have been expended. So I think the difficulty for me is that £50,000 in the global picture is not a large amount of money to be spending in order to achieve perhaps economic, environmental, social benefits which are of an order of magnitude one or 2 or 3 or even more than the investment. But specifically the proposition does not go far enough in unhooking us into being in a position to look at the thing with the blinkers taken fully off, and I think in those terms those are the limited terms that I cannot support. But I think just to finish off, I can offer Deputy Le Claire some comfort in suggesting that if the work is undertaken through master planning processes for the harbour, for the North Town or for the Island as a whole for our energy report, then these issues will have to be grasped and looked at. So I think there is an opportunity for him and others to come back, if we do not go along with his proposition today, to be sure that when the consultation period comes forward - and we will all have to be consulted on these big issues - then his consideration and comments are worked into the process to ensure that whatever solutions are agreed to on the floor of the House they do encompass everybody's views and we are all happy and comfortable that we have come to the best decision that could have been made by taking into account all of the information that is available and not just part of it.

7.1.5 The Deputy of St. Peter:

Trying to avoid repetition, if I could just concentrate on a few of the issues that have been raised so far in regard to gain, the gain that we may get as a result of a gas pipeline being laid in Jersey. One of those gains has been emphasised as being land-gain. Now, that concerns me. It concerns me twofold because much has been made of the safety zones applied around La Collette. I would remind people there are 2 safety zones, one around the L.P.G. storage system and one around the fuel system, and the fuel system apparently is far larger.

[15:15]

This particular proposition is, as written on the can, dealing with a gas pipeline only. The previous report that we had that is now 3 years old was looking at a possible combined line. Let me make it absolutely clear, and the point has already been made by the Minister for Planning and Environment, that the idea of bringing a fuel line over here, which possibly has some merit as was discussed in a previous report, would not allow a huge amount of land to be regained. We have at the moment various fuel storages which are required here; we have aviation fuel, which is not the same as the petrol we have in our cars, which is not the same as the diesel that we have in our vehicles, which is not the same as the heating oil that we use in our houses. These all have to be stored on the Island and having a pipeline arriving in Jersey with oil *per se* does not resolve those problems. We will still have that storage requirement. Furthermore, with regard to that storage requirement we need a continuity of supply on this Island. The idea of having a gas pipeline and/or a gas pipeline and a fuel pipeline being controlled in part by other shores frightens the life out of me, because we do have a facility here where we do have a continuity of supply and I would want to see that retained. I have some concern over the Deputy of St. Mary when he was suggesting that we have 10,000 people here on the normal gas. That is I think roughly 10 per cent of our population so there is 90 per cent that are not. A lot of those people do utilise L.P.G. and L.P.G. has to be brought into the Island and stored. He also mentioned in passing that those 10,000 people would obviously be concerned about changing over to electricity. Well, I am sure that if those 10,000 people do not have electricity at the moment we will be having yet another debate on the floor of this Chamber. I just offer up these few small points to indicate that some of the gains that are being attempted to be delivered on the floor of this Assembly are not going to be delivered.

7.1.6 Connétable D.J. Murphy of Grouville:

That is one thing about Deputy Le Claire's propositions, they do get us thinking, do they not? I have given a lot of thought to this. My biggest worry is the long-term gain. I do not see the long-term gain. If we are going to spend, for the sake of argument, I know we are only talking about £50,000 at the moment, but looking much longer term over the £50,000 we are talking tens of millions of pounds to invest into a pipeline of natural gas which would be sourced somewhere in Europe, I assume. We only have to look back 2 years when the Russian Federation decided they were going to cut off supplies to Germany, to Austria, to Latvia and Estonia as blackmail, basically. There was I think an argument put up that they owed them money over something else so they used that as a tap. They said: "Right, we will turn you off unless you pay up." Whereas I am not in favour of not paying debts I think that perhaps that was going a bit too far. I also have to wonder that we are talking here about a commodity that is the same as any other commodity; it is oil, it is anything else, it is natural gas. It does not matter. It fluctuates in price. We could easily end up with a situation where the price goes through the roof and we do not want to buy it any more. We buy something else. There is no such thing as a guaranteed price or a guaranteed return on it. It just does not appeal to me, I am afraid. There is no stable price involved. Therefore, I will not be voting for it.

7.1.7 Deputy J.B. Fox:

Many years ago I had to deal with the economic key point security of this Island as strategic security, which basically you look at the security of the economy of the Island inasmuch as if everything works well we live and we progress very well. If everything does not work well then we rely upon other people, which could end up with a crisis if we do not have our strategic key point security considered for not only the present but for the future. This was a process that we have been through about 3 times so far over the years that I know of and probably more since I have retired, so it is an area that I am familiar with. I am going to try and avoid covering what we have covered before, but basically this Island will always have to have on-shore storage, or if it is not on-shore it will have to be immediately off-shore because although a pipeline can be considered, there is no question about that. There are lots of merits in having pipelines bringing supplies directly to you, but they come at a cost and right at this moment in time the cost that is being asked for as the consideration is to fall on the public purse. Let us face it, with the problems that we are experiencing worldwide, leave alone on the Island, of £50 million plus or cutting down services, *et cetera*, I do not think it is in the running. I do not see why we need another review at the moment. We have already had one and we have had various refinements on it and, indeed, we are looking at new harbours, but we also have a lot of reports that are still gathering dust and I wish we would dig some of these out because they provide many of the answers that are already being asked for and questioned, and although some of them will be historic ... the Farley report, for argument's sake, talks about an off-shore platform, basically an island where all our strategic infrastructure can come in on, and not forgetting things like cruise ships. Well, we do not have to have ships that are a certain size for us to be able to get our requirements into the Island, but it can be done and at this time it is these sort of reports that need digging out. We have also been having talks over the years ... President Legrand of Normandy has already been mentioned today. He is very keen to provide all the support that we want, but has anybody ever asked him what the feasibility is or what his opinion is for putting a 33 kilometre or an 18 kilometre pipeline to a given point, or are there any resources being planned for extending the national pipeline in France that would come past our shoreline or nearby shoreline in Normandy? Because those might already be things that are being considered. That would be the sort of areas that I would perceive that when we are liaising with our counterparts in France ... and, as many of you know, I have a house in France and I am highly delighted to have natural gas for supplying my heating because it is very reasonable and inexpensive compared to what it is in many other places, but I am also conscious when the Constable of Grouville was talking about the pipeline supply being used as blackmail or for other political reasons, and the concern is obviously the supply. I am aware from French people

that I speak to that they have huge backup supply that they perceive is necessary in order to maintain the good services, and bear in mind they have a lot of countryside as well. In Jersey we talk about the 10,000 but during the time we were discussing economic key point security we were talking about what it could do for industry. The glasshouse growers was the thing that was being mentioned - at the time when we had a glasshouse industry - that could benefit quite substantially, and there was also the argument that you have to have the checks and balances, you cannot have it all in one commodity or one strategy because if that commodity fails it is like buying the same sort of aircraft or the same sort of cars or whatever it is. If there is suddenly a fault with them you end up with nothing and you need to have alternative resources. It is the same here. But I do not think at this moment in time that we are ready for Deputy Le Claire's proposition. As well made as it is, I think I would go towards the suggestion made by Deputy Duhamel that this should be looking at a far greater strategic thing, and as he seems to be in a position as part of Planning and Environment and the Minister is on the Council of Ministers I would suggest that that could be brought forward in a much broader discussion and talk to our French counterparts, *et cetera*. I will leave you one thought. Many years ago my parents lived in Sussex. A natural gas line came through and there was a question in the report here of who is going to pay for the conversion to natural gas within your household. Well, my parents had a system which was Agas and Ascots, *et cetera*, but they did not conform to what was being supplied in the customary way and it was not because they were particularly old, so they ended up with 4 taps on each sink, each bath and everything as the only way that the solution could be done without it costing her money. Just be advised of that. It sounds daft but that is the truth.

7.1.8 The Deputy of St. John:

All I can say is the plumbers to the previous speaker must have made a few bob out of that. Over the last several years we have seen our sister Bailiwick of Guernsey have to go to the expense of a new fuel tanker because of the volumes of whether it is, in this case petroleum, that is required and the petroleum liquids because the fuel companies have found it too small an area to supply. I think we have to be thinking outside of the box here. It is time that we have to be thinking 25 to 50 years ahead. We cannot just go from day to day as we have until now because I think we will probably come up against the same problem. We are either going to have to consider an extended jetty, a fuel terminal out by the Demis des Pas or a gas/fuel pipeline to Guernsey. This is in the short to medium term until things like wave power and the thing that the Connétable of Grouville is looking into, wave energy. So we have to be thinking outside of the box all the time to put something in place until all these alternative energies come into fruition, which could be 25 to 50 years down the road to make it more viable. But there are viable energies out there at the moment, whether it is geothermal where you drill down a mile and a half into the earth's core and bring up the warm gases. This is possible especially in Jersey because we have our volcanic area down in St. Martin, down in the Rozel area, which in fact when I was in business we used to have one or 2 wells within the Island where in fact we could extract warm water and they are still there because there was a review some years ago when I was previously on the Scrutiny Panel and we had evidence to that effect. So there are alternative energies that can be and that should be being harnessed now, but for some reason nobody seems to be wishing to look in those particular areas. But there are gains to be made out of what Deputy Le Claire is mentioning - there are quite a number of gains - and we just have to look at his report and proposition and he mentions them, where the gains are. There are land gains, and I am thinking in my own Parish we have the Cosan Gas bottling plant. All these things can be brought into one area. We would not need to have an explosion zone in St. John, one down at La Collette, *et cetera*, one in Tunnell Street. These units could be brought into one area. There are gains, and particularly in an island where land is at a premium. I do not decry what the Deputy has brought forward here today, but it is a shame that he had not put a gas/oil pipeline and looked at the whole bigger picture.

[15:30]

It may not have gone down this road but a review is required in its entirety. We have to be thinking outside of the box and whether it is a gas terminal or gas pipeline we have to be looking forward. As Deputy Fox has already mentioned, I am sure we have already done a lot of these reports and they should be dusted off and circulated to Members so that all of us are brought up to speed. Yes, they may need just a bit of tinkering as historically most of these things do just to bring them up to date. Likewise we should also be talking ... and this is what I have found since I have returned to the House: we do not do enough talking with our neighbours. When we had the regular quarterly meetings with our French counterparts in France where we could get around a table on that day or 2 days when we went to the Normandy Regional Government, we had a real good working arrangement with our French counterparts where we could have discussed if there was an area that we could have put holding tanks in Normandy, secure areas, as we used to discuss things to do with the second power cable link that was put in. We would go over there and make things happen. Unfortunately, under the new Ministerial government we are not seeing any. It may happen, but when I see our Chief Minister going off to the Paris boat show and meets 2 or 3 senators and has lunch with them, he should have taken a whole delegation with him, a whole delegation of fellow Ministers and discussed a whole host of things. Not just go on this one jolly to open a boat show. I thought that was a total waste of public money. If we have an opportunity to meet with our neighbours in France on areas like this, we can discuss whether it is health, whether it could be a gas/fuel pipeline, whether it could be our agriculture industry. We used to work very closely and all that appears to have been lost. I am sincerely hoping that with Connétable Vibert's proposition later today or tomorrow that we can start working closer yet again with our colleagues from across the water. There must be a way forward out of this and if we could have had the Minister for Planning and Environment in here listening we may have been able to get him to nod in a certain direction and give us some hope that there is merit in incorporating a natural gas pipeline along with an alternative type of energy over from the Continent and talks could be held with our French counterparts, because that is where it is all going to happen, in Normandy, and it might be coming ashore on the north coast somewhere, not necessarily down on the south coast, it might be right below the Minister's front door, but we have to look forward. We have to put things in place for our grandchildren. Yes, the Minister is absolutely right in doing what he has done with the Connétable of Grouville's group but there is the bigger picture. We just must not be looking at one, we have to be looking at the entire... everything that is out there, and I would love to see more being done and it is only by Back-Benchers like in this case Deputy Le Claire, his work, that can bring it out. We all have something to give here and I think there is so much that can be drawn out, and I am starting to get a bit passionate about this, sorry about that, but there is so much that we can put in place for our children and our grandchildren just by working together. But by not listening to a Back-Bencher because we can see some flaws in this, yes, because it is not complete. We should be all trying to make something happen here. I was listening to Deputy Wimberley. We do not all sing from the same hymn sheet but we are all looking for the same end, and I would love to think that the Minister for Planning and Environment could take some of this on board and say: "Yes, let us have this group", and it would have to be a group from across the floor, and make something happen, because in all fairness it is areas within the Council of Ministers where people are blinkered. They do not seem to want to cross borders. They all have their own little job to do and unfortunately under the new system of government we are not seeing the cross-fertilisation that we used to have in the old system of government where people would talk. They would sit on 2 major committees and a minor committee and they would talk about various things over a cup of coffee. This does not seem to be happening; it is not happening. Housing has their own nodding man in the back corner over there but he is not necessarily talking to his colleagues in other departments on what type of heating may be required across the spectrum. You need this cross-fertilisation in a government and we are not doing it. This here is a good time to put something in place for our children and, Minister, I sincerely hope - and I see his is starting to nod - that you are picking some of this up [Laughter] because I think it is important, very important that we start doing something now and it is only by propositions that start making you think.

Senator F.E. Cohen:

Sir, if the Deputy would give way? I am more than happy to form a group to look at this and any other sensible idea. All I have said is I cannot give it £50,000 as recommended in this proposition.

The Deputy of St. John:

Put it this way, if the 53 Members of this Chamber all were to put £1,000 of their remuneration into it then I will put £5,000. It is not a problem. This is a problem because as far as I am concerned I am more interested in the future for my children than in anyone's back pocket. I think I have said sufficient. I am getting a bit passionate. There are one or 2 failings, it did not cover the oil as well as gas within Deputy Le Claire's proposition, but that said, there are merits in moving us forward.

7.1.9 Deputy J.A. Martin:

I hope the Deputy was proposing the exclusion zone in St. John only. That is very good news for St. Helier Deputies and we regain La Collette. What I would like to follow on with... and it is not my specialist subject but I always listen to Deputy Duhamel. I know, as he says, he reads all the papers and he is very knowledgeable. He started off by saying that in this Assembly many times we sit and talk and we basically nit-pick and then he went on to nit-pick the Deputy's proposition, where he has had at least 9 months as the Assistant Minister to bring amendments to it, and I would say very good amendments. He says it is blinkered; it does not cover things that he would have liked to see in it. Well, why not have the amendments? I am very disappointed with the roundabout way that he cannot support this. I am more interested and I am concerned with the bigger picture and the more immediate picture. I attended Jersey Gas and I have spoken to Jersey Electricity and we all know that as we have been told at the moment there are around 10,000 customers who use gas in one way or another, which is sustainable for Jersey Gas at the moment, but up until the Minister for Planning and Environment did a U-turn only a few months back, and I think it was from the Pöry Report, no new-builds or even extensions were allowed to use gas as heating or for cooking and the Minister has now done a U-turn on that, I am not sure for new-builds. So what we are hoping as a government? We are playing a game of poker with Jersey Gas Company. They can survive with 10,000 customers, maybe a few less, but if they go any lower than that and everybody starts to be all-electricity they will walk away. So we have to be prepared to either look at the bigger picture and look at it very quickly and strategically and be honest, because the Pöry Report did say we can live without gas, if you read between the lines, and that is what the plan was. Does everybody in this House know that and do all the people who use gas know that? I would say no. In the bigger picture is that the right decision? Again I do not know, I do not have the expertise, but the Deputy's report asked for a strategic look. As I say it might be listening to the Assistant Minister for the Environment, it might have been too small, but that was for them to amend. So, we really should be looking at the bigger picture. £50,000, well, I suggest as the Deputy of St. John has done his research, never mind about States Members giving the money, States employees turning the lights out for a few nights will bring in that sort of money to do this much needed ... because I still see late of a night many of our offices with the lights burning bright and if there are people working in some of these offices obviously I do not expect them to be working in the dark, but I am very, very surprised if they are on every floor in all of our buildings. It is shameful. So to say we do not have £50,000 to do a very, very important ... widen the terms of reference if they want to, look at where we need to be. I am told by the Deputy of St. Peter that it will not give us back a lot of space at La Collette, I do not know. If you look at the size of it and where it is what value would that have if it did not have a lot of old bottled gas and fuel farm stuff stuck on it? It would be a lot of value and it could be for homes which are all coming into St. Helier. There is a lot to be said for this plan. Again, I feel sorry for Deputy Le Claire as a Back-Bencher. He has had to work on this on his own. He has obviously consulted. On the day of the debate the most knowledgeable people in the House who have had the say have stood up and nit-picked his proposition as usual instead of taking him to one side. This has been lodged not once, it has been re-issued, and they could have worked with him if they really wanted to look at the bigger

picture for Jersey in years to come. I am absolutely ashamed this did not happen and I really hope people support this. £50,000 to start it off, as everyone says, even the Assistant Minister for the Environment, look at the bigger picture or within a few years, please, we will not have any gas on the Island. Now, this is where it is going and do not be mistaken, this is what will happen if it is not sustainable for Jersey Gas to stay here. They lose more customers; they cannot expand; they will walk away; they owe us nothing. We will have to pick up the flak and we will have to turn everybody over to electricity very quickly. If you think that will cost you anything near £50,000, treble it, double it, quadruple it, it will cost a lot of money and it will be panic stations.

7.1.10 Deputy A.E. Jeune:

I have to admit I am biased because I can only cook on gas and I openly admit I would prefer to use natural gas and I would be very pleased to have a much wider choice of appliances. Gas users get a very limited number of Calor and town gas cookers and the like. But this I see as a commercial decision for Jersey Gas and most of us will have received an email last week from Jersey Gas so I will not repeat it, but I did send them an email as a result and I asked them what financial support is Jersey Gas, part of a big international organisation I understand, willing to give to such a study? The reply I received was: “If P.E.D. wanted us to contribute towards the next step of the review we would consider it. However, as stated, the next step as outlined by the proposal is likely to be resourced by existing staff. We assume that States staff are already working on allied interfacing issues such as the town part of the St. Helier Masterplan, the La Collette plan and energy policy.”

[15:45]

I am not sure what they think staff in the States departments do, whether they think they are just waiting, sitting around for a commercial organisation to want to be doing something. I cannot imagine that the Minister for Planning and Environment would endorse that. Given the reply that I have had which suggests they might be willing to enter into some collaborative working while not supporting the proposition I would ask the Minister if he would liaise with Jersey Gas as to a possible way forward.

7.1.11 Deputy M. Tadier:

I do not have a great deal to say on this but it seems to me it was encapsulated earlier with the comments about the fact that this is simply a review we are looking into, we are not asking for a gas line to be built now. I think that is understood. We have heard that there is a lot to be said, even here on the floor of the House, by people who are not necessarily experts and so it seems to me that a review would be a splendid idea. I was looking through the financial implications. I cannot see any figures down there but I have heard the figure of £50,000 being bandied about. That is what the Deputy is saying. I know, for example, that tonight our Parish Hall will be voting on a sum of £125,000 for some refurbishment. That is at the Parish Hall, and that will go through probably without any resistance whatsoever, so if it is simply a question of £50,000 for something which could benefit the Island potentially, that seems something which we should also not be getting too hung up about. So I think certainly we need to be pursuing the idea of a pipeline, whether we do it now or whether it needs to be done later on is a matter for Members to decide, but I certainly think there is more information that needs to be given to Members about this idea and if there is merit in bringing it forward then let us do that.

7.1.12 Deputy M.R. Higgins:

Unfortunately, I thought I caught your eye earlier and a lot of speeches have gone by and taken a lot of what I was going to talk about. However, I do think that Deputy Le Claire is downplaying a very important consideration which one or 2 Members have already alluded to, and that is energy security. In the report to the proposition he states: “While people will be aware of the current dispute between Russia’s Gazprom and the Ukraine one should not be distracted by the short-term situation. Europe will respond to these problems in the short-term and reduce dependence on

Russian gas or mitigate against such action. Proven natural gas reserves are sufficient for demand for about the next 60 years and there are estimates that further reserves exist that will last for circa 200 years. This is significantly beyond the estimates made for peak oil.” I believe that energy security is an important consideration. Europe has become too dependent upon Russia for natural gas and I agree that as the Deputy stated it has considerable reserves and because it has those reserves Europe has tapped into that resource and it has become dependent upon it. The price of natural gas is largely determined by Russia because of its supplies of gas. The Russians have got quite used to turning off gas as a tool to achieve its political ends, and although a southern pipeline route is being built which avoids the Ukraine, unless my memory deceives me it still originates in Russia or in a client state or similarly-minded state. Also other states on the pipeline routes have been alleged to have diverted supplies meant for western Europe, for example the Ukraine was accused of that, and the important thing we should remember is we will be at the end of the pipeline, so depending on what is happening we are the last ones to get what is in the pipeline. So for those reasons I am not keen on the idea of tapping into gas which is not coming from France, as the Deputy was saying, it is coming through France. Like Deputy Duhamel I think that we should be looking more widely and strategically and not just at the natural gas pipeline from France. I do believe that we should be looking at natural petroleum gas, I do believe that we need to be looking at energy and tidal fuel going forward, but I think in the meantime it is nuclear energy. So for these reasons I will not be supporting the proposition.

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

I just rise to commend Deputy Le Claire for having the interests in particular of St. Helier at heart. I think it has not been mentioned much in the debate the area of St. Helier that is blighted by the gasometer. We have had issues in the past about the safety of that structure and the opportunities in terms of land use planning for St. Helier of the removal of the whole of that operation cannot be underestimated, and it is perhaps surprising that they have not been picked up very much by the master plan. Equally, Deputy Le Claire for as long as he has been in this Assembly has been concerned about the development of La Colette and this is just another aspect of that, and I think he is right to have that concern and to be looking at the bigger picture that sometimes escapes us in the Assembly. So I commend him for the work he has done, for getting us to think about energy supply, energy security. Whether this particular proposition is the way to go I am not sure, I am still a bit undecided whether to support it. I think many Members have spoken about the other opportunities that need to be looked into and I suppose it is an interesting question, if this proposition is approved, whether the States’ decision is confining whoever takes it forward to only looking at a natural gas pipeline or will that body be able to range further into the kind of issues raised by Deputy Duhamel, Deputy Higgins and others. But I just want to say I think Deputy Le Claire has done a good piece of work as a Back-Bencher and I think he should be commended for doing it.

The Bailiff:

Does anyone else wish to speak? Very well, I call upon Deputy Le Claire to reply.

7.1.14 Deputy P.V.F. Le Claire:

I would like to begin by thanking my Constable who I do make every attempt to support in much of what he does. He is quite right that I do have land use planning concerns, especially about La Collette. I have always had concerns about La Collette, particularly from the point that I grew up in Don Road, walked through the Howard Davis Park and used to enjoy myself on the dyke and Havre des Pas swimming pool and slowly watched the horizon disappear in front of my very eyes. I have been concerned for a number of years about what is happening down there and I am also concerned with what is happening in strategic terms in land planning use in relation to the area that was mentioned at Gas Place, and I have to defer that idea to Deputy Duhamel who did teach me everything I know. It did not take him long, as they say. It was his idea to look at the gasometer in

Gas Place when we were discussing these issues at Environment Scrutiny because of the Buncefield issue that had arisen. It was because of Buncefield that we started to look at these issues and it is because of Buncefield, which is still being examined, that I am continuing to be concerned about the way the States is planning. This body that I am asking us to convene is just States departments, it is just States Ministries, it is just the States Executive. Would they be confined in looking at other areas? Of course they are not confined. I am asking them to look at the tangible benefits that were not calculated in when they looked at the gas pipeline issue before that would be achieved through land planning use. Within the report it is quite clear, so to say you cannot support it because it does not include the oil pipeline is just absolute nonsense. It is requesting - it is not telling - it is requesting the Council of Ministers to consider that. They can come back and say: "No, we did not like that but we have thought of this halfway house." I am not even asking the Planning Minister to come up with the money which he does not have. I know he does not have it because he is always telling us that he does not have any money. It is ironic that the Back-Bencher has to find where the money is and where it can be saved from which part of the department, yet all the Minister has to do is stand up and say: "I have got no cash, I cannot do it", a bit of a get-out. Starting with the Minister then, first of all I would just like to say I was very touched by some of the comments and compliments, maybe because for once I reeled in my enthusiasm to go on at length. I tried to give my points in a limited fashion. I think Members appreciated that and I did appreciate very much and thank Members for their kind comments and I will try to address them quickly as well because I know we have got other business on. I would like Members to give me their support and I am going to keep it short and to the point. For those Members that do not think £50,000 of investigation is the right thing to do, then I would like them to consider again. It is the cost of the States' Energy Bill, not the Island's; the States' spend. It costs the States £25,000 a day, more now probably. That was then, that was before the 24 per cent increase, less than 2 days' energy use of the States budget to look at what could provide possibly a solution for the next 50 years. Let us get on with some of these issues: "European Commission looks to new powers over gas security [my, oh, my, oh, my, international law comes into play]. Last January, [which was 2008] the Russian-Ukrainian gas crisis caused serious disruption of gas supplies to the European community. It has been widely observed that the Commission failed to deal efficiently with the gas dispute. The existing legislation, Directive 2004/67/EC concerning measures to safeguard security of natural gas supply, has been deemed by Brussels to be no longer adequate to deal with supply disruptions, according to the European Commission. Member States instead have been asked to implement a Directive 2004/67/EC by March 2014 to ensure that international law will establish security of supply and allow Members through the Lisbon Treaty mainly to support other Member States. It is important to mention that the Lisbon Treaty's strength and solidarity by introducing an amendment to Article 100 which states, 'The Council, on a proposal from the Commission, may decide, in a spirit of solidarity between Member States, upon the measures appropriate to the economic situation in particular, with severe difficulties arising in the supply of certain products, notably in the area of energy'." In a nutshell, the Commission has looked at the problems and they have looked at the solutions, gas storage, *et cetera*, and they are implementing regulations: "This time the Commission decided to propose a regulation rather than a directive. This way the provisions would be directly applicable to Member States and gas undertakings. The national transposition phase would, therefore, be bypassed. Unsurprisingly, the Commission has proposed for itself a set of key new powers over security of gas supply." There is your security of energy. I will skip through most of this so people can feel a little bit relieved that I will not be going on too long. Bottled L.P.G. gas, yes, it will still need to be imported. I thought there were a number of good speeches and I am quite pleased about that, 2 of which came from the Deputy of St. John and Deputy Martin. I very much appreciate their sentiments and also agree with them that it is not about our future, it is about our children's future or grandchildren's future and why is everybody nit-picking? All I am asking is for us to dust off a report, a report that is our own that suggests that there is a net benefit (when it was done it was 2007 at the time) of £1.2 million to the States. In the words of the Deputy of St. John: "It is time to be thinking outside the box."

Deputy Martin brought out quite rightly the fact that the 10,000 customers that Jersey Gas have is a critical mess. Get in and around 7,500 the company becomes unviable and then it collapses. Then the Minister talks about me interfering with market measures. Well, the States will then interfere with market measures. It has got a Gas Law. It can walk in and take over the gas company under those circumstances and it can get an outside body to commission a study as to what the property is worth and what the equipment is worth once they are out of business and then get that off them, not to mention the 70-odd year lease they have still got down at La Collette. That is government interfering. No, this has been nit-picking, I am afraid to say, and I was pleased to have the support of some Members. I was pleased to have the support of most of the Members that spoke. If I do not receive enough votes from the Members that have not spoken I will be surprised that they did not rise to question or to query what it is I am doing because I might have been able to address those issues. Before I conclude, I think it is important just to make sure I have not forgotten any one thing that is ... Somebody said: “Let us stick with nuclear”, perhaps an argument for a different debate. Nuclear is not friendly. They underestimated the clean-up of nuclear fuel by £12 billion in the U.K. It was £120 billion. One of the 10 most polluted places on the planet is Chernobyl because of a nuclear accident and we are relying upon that energy.

[16:00]

Gas comes into Saint-Mère-Église in France. It is part of a grid network but so is electricity. The ships that were mentioned by the Deputy of St. John and by Deputy Duhamel that are in increasing demand and increasing sizes have been demonstrated by Guernsey to be in short supply to fit the harbours that we have, so much so that Guernsey told the gas companies and the fuel companies: “No, we are the States of Guernsey, go and buy us another boat” and the oil company said: “We sell more petrol at a motorway petrol station than we do for Guernsey. Go and buy your own boat, so you will not get any” and they had to and they did, 2 of them. It is about energy security. It is about thinking outside the box. It is about a low-carbon fuel. It is not discounting tidal power, which I am very keen on, and it is not discounting heat pumps or geothermal energies. It is talking about diversification, something the States struggles to grasp on any issue. I would ask States Members to please join me in requesting the Council of Ministers to see if they can get their heads around and their departments’ heads around the issues that I have mentioned today. They are certainly not my ideas. They are the ideas that were first brought to the table by the Minister for Planning and Environment, Senator Cohen. Let us get behind the Minister for Planning and Environment and support my proposition.

The Bailiff:

The appel is called for in relation to the proposition of Deputy Le Claire, Projet 157. I invite Members to return to their designated seats and the Greffier will open the voting.

POUR: 19		CONTRE: 28		ABSTAIN: 0
Connétable of St. Helier		Senator T.A. Le Sueur		
Connétable of St. Martin		Senator P.F. Routier		
Connétable of St. Saviour		Senator P.F.C. Ozouf		
Connétable of St. Lawrence		Senator T.J. Le Main		
Deputy R.C. Duhamel (S)		Senator B.E. Shenton		
Deputy of St. Martin		Senator F.E. Cohen		
Deputy R.G. Le Hérisier (S)		Senator S.C. Ferguson		
Deputy J.A. Martin (H)		Senator A.J.D. Maclean		
Deputy G.P. Southern (H)		Senator B.I. Le Marquand		
Deputy of Grouville		Connétable of St. Ouen		
Deputy J.A. Hilton (H)		Connétable of Trinity		
Deputy P.V.F. Le Claire (H)		Connétable of Grouville		
Deputy S. Pitman (H)		Connétable of St. Brelade		

Deputy of St. John		Connétable of St. John		
Deputy M. Tadier (B)		Connétable of St. Clement		
Deputy of St. Mary		Connétable of St. Peter		
Deputy T.M. Pitman (H)		Connétable of St. Mary		
Deputy T.A. Vallois (S)		Deputy J.B. Fox (H)		
Deputy D. De Sousa (H)		Deputy of St. Ouen		
		Deputy of St. Peter		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		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)		

The Bailiff:

Before we move on to the next matter can I just inform Members that 2 Projets have been lodged: Projet 18, lodged by Deputy Tadier, entitled “Public Holidays: designation of May 9th if on a Sunday”; and Projet 19, lodged by Deputy Le Hérissier, entitled “Public Holidays falling at the weekend: review.”

Deputy R.G. Le Hérissier:

I wonder if I could ask Deputy Tadier, as the great benefactor of public holidays to the House, is he withdrawing the one that is on the current Order Paper.

Deputy M. Tadier:

I am happy to clarify. I did speak to the Council of Ministers in order to see if I could gain some positive reaction to the one I have just submitted, and I presume that they have still got time but until I have heard anything back I will intend to leave the 2 running so that Members have a choice of which one they like. Obviously I believe that the first proposition, P.15, will be up for debate either tomorrow or the day after, unless I get lobbied by Members and they particularly want me to drop that proposition in favour then I will be leaving both of them to be debated.

The Bailiff:

Very well. The next matter on the Order Paper is Projet 211, Draft Employment (Minimum Wage) (Amendment No. 6) (Jersey) Regulations 200-. Do I understand, Minister, you would like to defer that until debate of Projet 14?

Deputy I.J. Gorst of St. Clement:

I would if the Assembly is happy with that. It seems reasonable and procedurally we would normally take the highest amendment and then work our way down. As my proposition is the lowest rated, it does only seem reasonable that we take it in the usual order. Thank you.

The Bailiff:

Very well. Do the Assembly agree then to defer debate on that matter?

8. Draft Jersey Mutual Insurance Society, Incorporated (Alteration of Rules) (No. 6) (Jersey) Law 200- (P.212/2009)

The Bailiff:

Then we come to Projet 212, Draft Jersey Mutual Insurance Society, Incorporated (Alteration of Rules) (No. 6) (Jersey) Law 200-, lodged by the Minister for Economic Development and I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Jersey Mutual Insurance Society, Incorporated (Alteration of Rules) (No. 6) (Jersey) Law 200-: A Law to vary the Fundamental Rules of the Jersey Mutual Insurance Society, Incorporated. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

8.1 Senator A.J.H. Maclean:

This draft Law will make 3 amendments to the fundamental rules of the Jersey Mutual Insurance Society, which is Jersey's main provider of household insurance. The Society was incorporated by Act of the States in 1908 and legal effect was given to its fundamental rules which continue to be embodied by statute. At the annual general meeting of the Society held on 5th December 2008 the members of the Society resolved by special resolution to make 3 amendments to the Society's fundamental rules. The first amendment is to grant the Society the power to carry on social or benevolent activities including the making of donations, the raising of funds, the giving of sponsorship and any other activities carried out on a charitable or benevolent purpose. The second amendment is to change the title of the Secretary of the Society to General Manager. The Society has determined that the title "General Manager" better describes the nature of the role and the duties undertaken and the functions performed by the bearer of this particular position. The final amendment will enable the Society to communicate with its members by way of electronic communication. This amendment will result in an increase in the administrative efficiencies of the Society and in significant cost savings with respect to printing, publishing and indeed postage. A petition to give effect to these changes was approved by this Assembly in July 2009 as P.71. I propose the principles of the draft Law.

The Bailiff:

Are they seconded? [**Seconded**] Does anyone wish to speak on the principles?

8.1.1 The Deputy of St. John:

Prior to that, I am a member in a number of different ways of this Society, with obviously policies and whatever, and I have declared that as an interest. I have to ask do we have to leave the Chamber, because it will probably affect quite a number of Members?

The Bailiff:

No, I think not. These are procedural matters in relation to the governance of the Society. I do not see that it affects a direct financial interest. Does any Member wish to speak on the principles? Very well. All those in favour of adopting the principles, kindly show? Those against? The principles are adopted. This matter comes within the Economic Affairs Scrutiny Panel of which Deputy Higgins is the Chairman but he is not here. Deputy of Grouville, would you like to ...?

The Deputy of Grouville:

No.

The Bailiff:

You do not wish it referred to you, thank you. Do you wish to propose the Articles together, Senator?

Senator A.J.H. Maclean:

Yes, please. There are only 2 regulations. Regulation 1 makes the necessary amendments to the fundamental rules of the Society, and Regulation 2 is a citation commencement provision. Those are the Regulations.

The Bailiff:

Are Articles 1 and 2 seconded? **[Seconded]** Does any Member wish to speak on either of the Articles? All those in favour of adopting Articles 1 and 2, kindly show? Those against? They are adopted. Do you propose the Articles in Third Reading?

Senator A.J.H. Maclean:

Yes.

The Bailiff:

Does any Member wish to speak in Third Reading? All those in favour of adopting the Bill in Third Reading? The appel is called for in relation to the Third Reading of the Draft Jersey Mutual Insurance Society, Incorporated Law. I ask Members to return to their seats and the Greffier will open the voting.

POUR: 35		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				

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

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

Excuse me, could I just take this opportunity of thanking the Minister for bringing this forward as I brought the petition to the States. I know there are some 10,000 members and I know they will be pleased that he has done it, so can I thank the Minister.

9. Jersey Overseas Aid Commission: Appointment of Commissioner (P.2/2010)

The Bailiff:

Thank you, Senator. We come next then to Jersey Overseas Aid Commission: Appointment of Commissioner - Projet 2 - lodged by Deputy Gorst, and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to appoint, in accordance with Clause 7.4 of the Constitution of the Jersey Overseas Aid Commission as set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005, Mr. Peter Le Seeleur as a Non-States Commissioner for a further period of 3 years.

9.1 Deputy I.J. Gorst:

I am pleased to be able to propose Mr. Peter Le Seeleur for a second term as Commissioner of the Overseas Aid Commission. He has been a valuable member in the first 3-year term of office. He brings a very commonsense approach to governance and due diligence and the questioning of agencies that bring forward projects to the Commission. Members will see from the addendum to the report his professional qualifications and his interest in this particular area. I would like to thank him for his first term and I ask that Members support him for a second term. Thank you.

The Bailiff:

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

10. Planning and Environment: Division into 2 Ministerial Offices (P.3/2010)

The Bailiff:

We then come to Planning and Environment: Division into 2 Ministerial Offices, Projet 3 lodged by Deputy Le Claire, and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Chief Minister to bring forward for approval the necessary regulations under the States of Jersey Law 2005 to allow for the division of the Ministerial office of Planning and Environment into 2 Ministerial offices to be known as the Minister for Planning and the Minister for the Environment.

10.1 Deputy P.V.F. Le Claire:

I have lodged this proposition on 2 other occasions and on both occasions the Minister has been kind enough to move the goal posts considerably, which in itself has been an advantage I think and

a sign that really we are top-heavy in Jersey in relation to our priorities. Everywhere else you look it is led by Environment and Planning as a sub-section of what they do. The States of Jersey, it is interesting, can under the States of Jersey Law Article 29: "Make regulations to establish and abolish Ministers, determine the name by which any Minister shall be described, confer functions upon a Minister, transfer all or any of the functions exercisable by one Minister to another Minister and direct that the functions exercisable by any Minister shall be or shall cease to be exercisable concurrently with another Minister." There is the dichotomy ... if that is the right word and I will have to speak with Deputy Tadier later to make sure because I am not certain if I am using the right context, but there is the difficulty inasmuch as are we masters of our own destiny or not? The States used to be supreme when I came here. Now it is more like chicken supreme and it is the Council of Ministers who decide what we do and we have to request all the time for them to do things. We have certainly lost the feeling of power that I thought used to belong to us so it is one of those dilemmas. It might be interesting to test the water to see if we have the power to regulate, as it states under States of Jersey Law, to do this rather than requesting it, but I am not sure if Members are going to be minded. By land, by sea, by air; a pretty regular theme running through my time in the marines - mostly by bus because we were in the band - but it certainly does concern me that the issues I have been looking at while I was in Scrutiny and as a Back-Bencher in Jersey in relation to what the States do that there is not enough protection, in my mind, to safeguard and champion the environment. I have stated in my report that I have been perplexed for some time and troubled over the structures and the arguments. I was recently over at the States Greffe researching something, I cannot remember what it was, and I asked the Greffier and the Assistant Greffier to dig out the books for me and they very kindly did. I found it ironic, looking back 10 years ago, that the same issues that are surfacing now were being debated among States departments then and the same problems that we are faced with now were being debated among States departments then. I was minded to think: "Well, it is just a never-ending circle" and we kick these ideas back and forwards to each other time after time after time. We did it with taxis and we are still doing it with those. We are doing it with sustainable transport and more importantly we are doing it with air quality. This morning I asked some questions about what the costs are to Jersey plc. (public limited company). I do not like that term but let us just get us focused on what I am talking about, what the cost is to Jersey and the taxpayer in relation to respiratory illness, and we had some very informative comments. I do understand the Economic Development Department do not hold this information so I thank them for those even though there was not a lot to that, but from the Minister for Social Security whose department, no doubt, was probably put under pressure to get this information out, I thank him for that.

[16:15]

I do not like to trouble departments with great deals of searches but I do appreciate this probably did take a minute or 2 to get together and it said: "Certified sickness absence relating to respiratory illness in the private sector for 2008 was 32,995 and in 2009 was 30,395 certified sick days [these are not even the ones that happened, those are the ones that are certified]. In the public sector in 2008 it was 8,547 and in 2009 it was 7,634." Those are in the answers, answer number 5 on the Written Questions that we received this morning, if Members want to look at them: "The prescriptions dispensed under the Health Insurance Fund in Jersey for respiratory drugs came to a total cost of £1.6 million" nearly £1.7 million and that was not even including antibiotics for respiratory illness. I then went on to ask questions of the Health and Social Services Department and I thank the Minister and her department for providing these answers because in it she speaks about the cost to her department, who provided her with the information, so she can speak about the cost of respiratory illness in Jersey. It does, however, represent a significant and growing cost, something that we need to have cognisance of: "4 out of the top 10 reasons for acute emergency admissions in Jersey, with the rate of repeat emergency admissions rising by 10 per cent in the past 5 years, were for respiratory illness. Outpatient respiratory referrals have also increased

significantly.” It is talking about 1,000 admissions a year, between 5 and 7 bed days per patient. So 5,000 to 7,000 bed days per year for respiratory illness and it talks about the fact that the over-70s are more inclined to suffer from those in the future and because we are going to have more of those in the future, the obvious result is that inevitably this will increase and the cost to the States will increase. What determines respiratory illness? There are a few things: “Viral lung infections in childhood or inadequate lung development in childhood, smoking or passive smoking, hereditary factors, air pollution, nutrient or social deprivation and occupational or accidental exposure to material such as dust.” I would like to focus on, if I could for a second, asking the States Members to think about that £1.7 million a year and about those 37,000 lost days at work. Just skimming the surface of our understanding, why it is that we are suffering from this bad air pollution? Dragging us back to the beginning of my speech, when I was talking about looking at the minutes from 10 years ago, I would like to read from the Health and Social Services Committee minutes of 10 years ago. This is the Health and Social Services Committee. It is the 2nd August 2000 (okay, 9 years ago): “The Committee, with reference to its Acts recalled that it had requested the Policy and Resources Committee to recognise it as being the competent authority for air quality pending the outcome of the review of environmental functions.” The Committee receives an Act from the Policy and Resources Committee advising the Committee that it did not support the Committee’s proposal to become the competent authority. The centre, the establishment, the Executive disagreeing with Health saying it did not think that it should be the competent authority: The Policy and Resources Committee agreed: “that it would be desirable for environmental matters associated with both air and water quality to be drawn together under a single area of responsibility and noted that the Planning and Environment Committee would shortly be considering the establishment of an Air Quality Steering Group which might also encompass water.” Having spoken to the Assistant Minister 2 nights ago he is telling me that he will shortly be comprising an Air Quality Steering Group, not yet but shortly (unless he did it last night) and no blame in his direction, I am just telling us where we are: “The Committee also noted an Act from the Public Services Committee rejecting the proposal that the Water Resources Steering Group and Air Quality Steering Group should be amalgamated as they dealt with dissimilar subjects. The Committee noted that one of the recommendations of the service review of the Planning and Environment Committee was that all monitoring services should be centralised and the implication was this would be under the Planning and Environment Committee.” Something the Planning and Environment Department are working generally towards at the moment, I understand: “The Committee decided that it wished to be assured that matters relating to human health, [this is the Health and Social Services Committee] for which its officers were responsible, would be adequately covered by any new arrangements. The Committee decided to request from the Planning and Environment Committee a copy of its service review and associated documentation on this matter for its comments. The Committee noted that the proposals for the centralisation of monitoring services have been made in the service review for the Planning and Environment Department without any input from the Chief Executive of the Medical Officer of Health under legal obligations of the Committee in that regard. The Committee decided to advise the Planning and Environment and Policy and Resources Committee that it opposed any transfer of environmental health functions to another committee until full consultation had taken place with particular regard to matters relating to human health.” That was in 2000 and that is exactly where we are now. At the end of our term in Scrutiny, 2008 I think it was, our last review in Scrutiny we conducted a short review on air quality. What we identified was that responsibility for air quality was ping-ponging backwards and forwards, as the taxis do at the moment, or did between Home Affairs and T.T.S. Air quality review was ping-ponging backwards and forwards and still is ping-ponging backwards and forwards between the Environment Department, the Health Department, the Anybody Else Department, and nobody wants to take ownership of it. In our States Strategic Plan we brought an amendment to say: “Let us have an air quality review approved by the States at the end of 2009.” We all signed up to that and, lo and behold, we did not get it. We did not get it because, quite rightly, Deputy Duhamel recognised that there was a body of work to do that had not been done, probably even sitting around

in a cupboard for 10 years waiting to be done. He started to commission that work and that work has begun but unfortunately that work is being done by one individual, who is tasked to do other things, from the Planning and Environment Department with a budget of about £30,000. With the timetable that I have been given this week as to the outcomes of those proposals, we are looking at... let us just give Members some idea: "Set up inter-departmental panel on air quality [well, that has not yet happened]; develop the scope in light of the findings of the AEA report, minimum 4 weeks; draw up and advertise invitations to tender for the more technical elements of work, up to 4 weeks; receive back tenders and appoint consultants, minimum 6 weeks; receive report from consultants, up to 12 weeks; draw together a draft report Green Paper, up to 6 weeks; in the absence of additional consultancy, this is likely to take around 12 weeks; allow time for a Green Paper consultancy and potentially Scrutiny, States department's best minimum practices, 12 weeks; draw together White Paper in light of findings from Green Paper consultation, minimum 4 weeks; take White Paper to C.M.B. (Corporate Management Board), minimum 3 weeks; take White Paper to C.o.M. (Council of Ministers), minimum 2 weeks; lodge for States debate, minimum 6 weeks." So, 57 weeks aiming for a quarter for 2010, only this was written in October 2009. Actually 57 weeks takes us to delivering this air quality strategy in April 2012, something that we said we would do in the States Strategic Plan by the end of 2009, that was identified as needing to be done in 2000. It was not just: "Oh, let us have a bright idea in 2000" that has been coming for years in 2002. Why is air quality important at £1.7 million a year to our Health and Social Services Department? Because it greatly affects us, it greatly affects our quality of life, it affects national monuments and it affects the marine species and the environment that surrounds us. With increasing population and increasing transportation issues that are coming to Jersey, more houses into Jersey, it is not about density, it is about cramming - cramming - new people into smaller units into St. Helier. We are suffering bad air quality and it is not a laughing matter, it is killing people. The panel, who were bravely led (a merry bunch of men) by Deputy Duhamel, delivered their Environment Scrutiny Panel reports and the response of the Health and Social Services Department came to the States on 20th August 2009. This week, having discussed them with the department, the Chief Officer and the Assistant Minister, who is responsible for the environment, I find that they really were not quite aware as to what these comments were and where they were heading. The panel recommended that: "The responsibility for air quality policy matters would best lie with Planning and Environment to enable the air quality strategy to be taken forward. There needs to be clear ownership of the process and sufficient resources made available, both of which are currently lacking." Maybe I should just tell Members where I am going with this. Elements of the new proposed Energy from Waste plant include a monitoring facility which there is a planning change for that they would like to remove out of the equation because they are not sure if they really need it. Although there is a bit of tension occurring at the moment between Planning and Environment and Transport and Technical Services about whether or not that piece of kit needs to be kept in, it is being looked at being removed because it will save money but it is also being spoken about being fired-up ahead of a new Air Quality Law. If we are not intending to use that incinerator until April 2012 what are we going to do? We are going to pass an incinerator based upon some other law and it will not be an Air Quality Law. It will be, hopefully, through the championing of this issue by the Assistant Minister for the Environment, with requirements for incinerators and that is also being strongly supported ... I cannot separate them at the moment because I think they are both trying their hardest. They are both trying to support it - Senator Cohen and Deputy Duhamel - but they do not have the money. The sponsoring department that we said should look after it should be P. and E. (Planning and Environment). The response of the Health and Social Services Department: "As the sponsoring department for the original submission to the Strategic Plan, it is appropriate for the Environment Department to take the lead in bringing forward an air quality strategy for Jersey." Paragraph 3: "Rightly identifies that the technical expertise, experience and current monitoring activity all rest within the Health Protection Services, the Public Health Department and Health and Social Services and considering the resource impact the Environment Department, set up to deliver an air quality strategy for Jersey, will impact on Health Protection Services and this must be a

material consideration in any resource assessment.” But we know Planning and Environment are not going to do it because they have got £30,000 and half a person for this £1.7 million a year impact upon health so Health Protection Services, we say: “Health Protection Services within the Health and Social Services Department should provide technical support to Planning and Environment. This should include identifying appropriate health protection standards, developing an appropriate monitoring programme and carrying out the necessary enforcement activities.” That is what Deputy Duhamel and his panel said and that is what we were arguing for at the time. These are both accepted recommendations, everybody accepted them but they went on to say: “It is important to ensure that the regulation is appropriate and joined-up. The waste management system, regulated by the Environment Department, places material constraints and controls on emissions-to-air for the waste industry. The expertise to deliver enforcement activities to protect air quality rests with Health Protection Services, a statutory consultee and the subject matter expert for air quality and nuisance elements of any waste management licence. In order to provide effective governance for any air quality management regime, with an economy of effort in delivering a timely waste management licensing regime, [this is where it gets good] the Minister is strongly of the opinion [I have never heard her being strongly of the opinion about anything before, I do respect her but never strongly of the opinion] that there should be a transfer of the waste management licensing regime from the Environment Department to Health Protection Services.” Exactly contrary to what was being proposed. They can only do this once they have shown there is a statutory nuisance. We have got the evidence from the documents (I cannot mention names) that the adviser from the Transport and Technical Services Department gave us with the head of Health Protection. We know that they cannot implement legal action unless they are subject to something that they have been doing that they have been told not to do. We have put all of our eggs into one basket but we have given them to the wrong person to look after. It is contrary to the panel’s recommendations. It is contrary to what the department is doing. We can look at all of the issues that revolve around environment and no doubt some people might take this opportunity to do so. I have got to make it quite clear to States Members, I am concerned that this department, capably and ably run by its politicians and its civil servants, have been under-funded for far, far, far too long. In a comprehensive spending review the easy bits that are going to go out the window: the tree-huggers, the cliff path wardens, the St. Ouen wardens and everything else, they are out the window. These people that look after the environment, that is the first target and I am arguing that that should not be the first target. I am arguing if you want to look at waste in Jersey and you want to look at spending that is not right, look at other areas.

[16:30]

Because the Environment Department is making sure our international obligations, which you have signed-up to with our international personality, and the protection of our human health and environmental health are safeguarded. They have been doing all of what they have been doing on a budget that has flat-lined for years, only they have been adding regulations and laws on top of that, year after year after year. With no increases in staff and no increases in resources the Minister does not have £50,000 to commission a study. He has £30,000 to address an issue that is costing us £1.7 million every year which is unlikely to reach us for debate until April 2012 which was in the States Strategic Plan for 2009. If States Members do not believe that we should be separating Planning and Environment, fine, but we should be investing to save and we need to invest more in environment than we are investing at this time. I have spoken probably for the appointed time. I certainly do not want to see us restricted on how long we can speak by being party to that problem. There are many issues about health. There are many issues about pollution. We talk about the Ramsar site with children holding shells in their hands and focus on the marine environment: “*J.E.P.*, 13th April 2009; I was interested to read your front page article ‘Marine Life put at Risk’ regarding the pollution caused by the works at La Collette. For over 4 years now I have walked my 6 year-old son Daniel around this area when the tide is out. This year it has become noticeable that

the cockles just below the reclaimed area are preferring to live above the seabed as opposed to beneath it when the tide is out; even the many seagulls around are not interested in a free meal. As there seem to be fewer and fewer living cockles as each week goes by, it was quite surreal a few months back. I have taken a picture of Daniel with some of the cockles still to be found lying around. The question is if Transport and Technical Services are so sure that this beach is not being polluted, why do the cockles prefer to risk life in the open instead of beneath the sand?" There is the little boy holding the cockles in his hands. Sometimes nature speaks louder than all of these scientists and people we employ to do reports and I certainly think it is speaking to us in Jersey. We have an article, I will not read it entirely but just highlight it; the environmental time bomb, pointed out by the late Peter Double, in relation to how we are stockpiling our ash at La Collette and the fact that there is a political grasp at the moment to get more waste into this incinerator from outlying jurisdictions with less monitoring being proposed by the people that want to run it, even though we have spent goodness knows how much money on it. Less money, it is being argued: "Well, we do not really need that if we can monitor it in some other way" and the Planning and Environment Department do not have the support of even their own politicians. They do not even have the support of even all of their own politicians on the Planning Applications Panel. In his first report the Minister said: "Why should we separate the Environment from the Planning? By keeping the 2 together we have strength, the Environment is going to get a say at the table." Yet I am being told, because of conflicts within the Environment Scrutiny Panel, I have got to resign from the Planning Applications Panel. Why, because I bring an environmental consideration to the prospects being considered? It does not make sense. It just does not add up. What I am proposing is let us have a debate. I will sit down, let us get their views but I would ask, in the first instance, that Members, instead of focusing on all of the different things we can focus, let us focus on whether or not we feel in the future, which is within the next 6 months and this is how long it is going to take, we can invest in this Environment Department, whether it is called the Planning and Environment Department or the Environment Ministry, and give them the money to start to put into place the funds and resources that we need for our new energy and for our new industry, tidal power, because without investments and without that responsibility and political oversight we will not achieve it. We will not achieve it in any way near the time that we could achieve it if we do it now. It is going to take us 10 years to gear-up for this industry and this industry is 10 years away from being ready. We need to get them to deliver, through the Constable of Grouville, their tidal power policies. We need to apportion part of those monies from the planning and the environment licences that they give, sector-off to make sure those departments do their job and are adequately funded and funnel the money back into the centre where it can be spent on maintaining hospitals and schools and drains and everything else you like. Members can shake their heads about the rangers here and the rangers there and the Environment Department here and the Environment Department there. If you have got poor air quality it is not just falling on the tree-huggers, it is falling on everybody. I ask somebody to second my proposition and hopefully we will have a little debate.

The Bailiff:

Is the proposition seconded? [**Seconded**] Do you wish to speak, Deputy Pitman?

10.1.1 Deputy T.M. Pitman:

I would love to speak, Sir. I can do it a lot more quickly than the Deputy. I have seconded Deputy Le Claire's proposition because I think it is important to be able to debate and I certainly share the great majority of his concerns. Indeed the lead boot, so to speak, does seem to be on the wrong foot. Environment with all the growing pressures that will only get worse, I think we would all accept in the future, simply has to be given greater priority. Sorry, I do not want to reiterate all those good and valid points that Deputy Le Claire has made. My concern, however, is what I need to focus on and it is the impact that accepting this would have on the Assembly if we do support it.

Another Ministry, another couple, perhaps, of Assistant Ministers. Yes, that is reality and the result, the ever decreasing bunch of Back-Benchers doing Scrutiny.

10.1.2 Deputy P.V.F. Le Claire:

On a point of order, may I ask the Deputy to give way for a second please? I did not quite make that possibly as clear as I thought. Members have not really grasped the issue. This is a spurious argument that is put across to make us consider that it is not possible. The Executive can never be in the majority. All I am asking for us to do is to redefine the amounts of Ministers and assign the amounts in the Executive. I am not asking to increase the numbers of the Executive, I am merely asking for a reassignment within the Executive. There will be no new Ministers in addition or no new Assistant Ministers in addition.

10.1.3 Deputy T.M. Pitman:

I thank the Deputy for clarification. I am not convinced, I have to say, and I am certainly not trying to use it as an excuse because, as I say, I have got much the same concerns that he has but in my view - and he can talk about this at length when he sums up - it will result in greater workload on to Scrutiny and there are too few people doing that work now. Some Members play no part. They may think that is valid. I have always been against it. I come increasingly to the view that they may be right, that Scrutiny, in its present form in Ministerial government, is a complete waste of time. I do not want to hold that view but it is the reality of 14 months. This, in my view, can only have that impact unless we go back to the drawing board and start again. If Deputy Le Claire can convince me otherwise then I will happily support him. I think he has got a lot of work to do to convince us that that will be so. Where does this stand with the Troy Rule? Please spell it out in the summing-up, Deputy, exactly how that will work because it seems to me that there will be an increasing number in one camp. That is the way it will work. The Assistant Ministers, as we know, will vote with their Ministers; that is the way it works. It should not. Will it be consensus government? I think it was Margaret Thatcher who said: "Consensus is something nobody objects to because it does not really do anything, you lose all your principles and your focus." That statement is probably the only thing I have got in common with Margaret Thatcher, apart from the fact I used to wear earrings but we will leave it there. This is my concern, if Deputy Le Claire can come up with a real answer as to how we can maintain a healthy balance - a working balance - without reaching a point where the pressure gets so much that people like me (and I do work hard on Scrutiny like a lot of other people) will simply walk away. I will just use my time, the time that I am not dealing with huge amounts of constituent work, to put in proposition after proposition to try and hold this Council of Ministers to account. That is the danger of what the Deputy is asking us to do. I support his concerns. With the best will in the world the Minister cannot be in 2 places even with his numerous Blackberrys so he is a man under pressure. Sometimes he cannot even be in one place. But please, I ask the proposer, convince me because I think there will be a few more like me who are going to be tempted to vote against this purely because of those concerns. Thank you.

10.1.4 The Connétable of St. Clement:

I wonder if I could seek clarification from the proposer because his clarification to Deputy Pitman has caused me more confusion. The proposer said that there would be no additional Ministers or Assistant Ministers yet his proposition turns one Ministry into 2 Ministries and I cannot understand how he can claim that there are no additional Ministers or Assistant Ministers. I wonder if he would be kind enough to clarify that.

10.1.5 Deputy P.V.F. Le Claire:

It is within Standing Orders and the States of Jersey Law. I am sure that had the Attorney General been here... perhaps the Greffier can point out the actual numbers in relation to those in Scrutiny and those in Back-Benches against those in the Executive. But the rule has been introduced so that

the Executive is never in the majority and all I am asking, which it fits the States of Jersey Law, is to request the Chief Minister (who is perfectly capable of doing... or the States are) to reassign and establish these Ministries into 2 Ministries. Why does the Chief Minister have 2 Assistant Ministers? Nobody saw that one coming when we debated Clothier. There it is in a nutshell, there will be no more of us, there will be no more of them (whatever us and them means), there will be no more in the Executive than there is now. They will just reassign those roles and reassign those Assistant Ministers accordingly. It may be that the Assistant Minister for the Environment can manage the job without an assistant but why does the Chief Minister have 2 Assistant Ministers? Why do we have 2 Assistant Chief Ministers? What for? What does the Chief Minister actually do?

The Bailiff:

I think you are going beyond the clarification sought at the moment, Deputy. Does any other Member wish to speak? Yes, Senator Cohen.

10.1.6 Senator F.E. Cohen:

I would personally like to thank Deputy Le Claire for highlighting the need to place weight on environmental matters and to say that he is correct in the vast majority of the issues that he raises. I agree that there is a tension between development pressures and the environment in which we all live. He is right in asserting that we need to have key people to speak up for and champion the environment, for us now and for future generations. In addition, he is right in stating in his accompanying report that we need to ensure that Members' questions in the House in relation to the environment are answered appropriately with the interests of the environment at heart. He is also correct in stating that we need to regulate the environment and the processes occurring within the environment in a correct and robust manner to prevent environmental damage and to provide public confidence that we care for the environment. I have thought long and hard about the issues which he has raised. However, I cannot agree with the proposed solution put forward, being splitting the department into 2 effectively new departments. I do not believe that dividing the Ministerial responsibility or the department's reporting line will achieve greater environmental protection nor will it address his other concerns. There are and always will be unavoidable tensions between development and the protection of the environment. These pressures are not unique to Jersey and are ones that all jurisdictions have to cope with. The tension needs to be reconciled wherever the Planning and Environment functions sit. My contention is that it is far better reconciled in one department under one Chief Officer and under one Minister and using this process, staff within the department work together under single leadership and work to a common aim. Splitting the department would remove the very structures that allow such conflicts to be managed and put them into 2 separate areas, thereby increasing the gulf between them. Planners would be separated from environmentalists. This would increase the inherent tension and will worsen the situation which the Deputy seeks to solve. It is also important to state that planning, as a function, is in its own right an environmental discipline, as anyone who has looked at the scope of training undertaken by planners can testify. The profession protects the Island's environment from inappropriate development, whilst facilitating development in a way which minimises harm. Planning is an environmental discipline and process; it should not be confused with development, which is the pressure that Planning is in place to control. I can, therefore, see little benefit in making this function more remote from other environmental tools and disciplines which we have at our disposal. The deputy also puts forward an argument over the environmental champion. A fundamental change has been made since the House debated the Deputy's last proposition in relation to this matter in 2008. The Assistant Minister for Planning and Environment, Deputy Duhamel, has been appointed with specific responsibility for the environment. He does champion environmental issues, both within the States and within the department.

[16:45]

He liaises with internal bodies, such as the Environment Scrutiny Panel, and external bodies such as the Jersey Environment Forum, the Advisory Group on Environmental Sustainability, otherwise known as the Environment Think Tank, the National Trust, the Société and other informal groups, and he ensures that the environment's voice is heard at all department meetings. I would also like to make it clear that as Minister for both Planning and Environment, I also speak on environmental issues in addition to the Assistant Minister when I feel that it is appropriate. My Assistant Minister and I would welcome support for the environment from all parts of the House and I would urge the Deputy and other Members to also champion the environment in the House as many do, many times. In doing this, I am sure we can strengthen environmental discussion and debate. Therefore, to increase the environmental champion role, we do not need to split Planning and Environment. In fact I would argue the reverse, we need to bring them further together. As recent discussions in this House on climate change have shown, we all have a duty to care about the environment and it does not sit with one Member alone. The Deputy rightly points out that all Members' questions must be answered in an accurate, timely and appropriate fashion, and I hope the way the Assistant Minister and I deal with environment questions accords with this principle. Splitting the Ministerial role will change nothing in this regard. The Deputy is also concerned that there are lax controls over the environment in Jersey and that these result in adverse impact on human health. I would not agree with this. Environmental regulation in Jersey continues to mature. Since 2000 we have introduced a new Waste Management Law, a new Water Pollution Law, a new Animal Welfare Law, an Environmental Impact Order, a new Plant Health Law, a Conservation of Wildlife Law, and a new Water Resources Law. In addition, there have been regular updates to the regulations affecting other areas of the environment including, for example, fisheries. We are also planning additional work to strengthen this regime in the areas of air quality and contaminated land. We are not standing still and we place high importance on environmental regulation. Splitting Planning and Environment would not help to further this work and would not make the role better. Needless to say, any splitting of functions will increase the number of Ministers and will place additional pressure to increase the Civil Service required to support these Ministerial functions. There would need to be consequential changes to the law, department structures and budgets to make change happen. I agree that we need to protect the environment and enable appropriate development. We need to answer questions appropriately and we need to speak up for the environment at every opportunity. I am determined to see the Planning Division and the Environment Division co-located in one building. This is currently a significant problem and if we are to infuse the Planning Department with environmentalism, it is essential that we are co-located. I am intending to implement a change that I hope will satisfy Deputy Le Claire that we are serious about the environment. I propose to look into changing the name of the Planning and Environment Department to just the Environment Department. Planning will thus be identified as a subset of Environment and by inference subordinate to all matters of the environment. I hope that, given this undertaking, the Deputy may reconsider his proposition. Thank you.

Deputy P.V.F. Le Claire:

Did the Minister just say he is proposing to look at ... can he just repeat his last sentences?

Senator F.E. Cohen:

I am proposing to look into changing the name of the department to the Environment Department and to make Planning a subset of the Environment Department, and thus effectively subordinate to it. Thank you.

The Bailiff:

Does anyone wish to speak?

10.1.7 The Deputy of St. Mary:

Yes, I fully endorse what the proposer said about the environment and about the priority it currently has, or does not have. We do support it nominally in the House, as I feel that - and it is not just I - people outside the House, many of them feel that the environment comes second. Why else would 7,000 - in fact, I made it well over 7,000 - people line up on St. Ouen's Beach - and the Minister was there - to protect the coastline if they did not feel that it was not actually being protected adequately? The people that the Deputy listed, those who go off sick with sicknesses due to air pollution and the drugs that they have to take in order to deal with their respiratory illnesses, they too are directly affected by a lack of priority given to the environment. On air quality, I would reckon that the proposer's figures were pretty well round about right. We did a study in a Jersey cycling group back in 1997, so that is over 10 years ago, and I remember the global figure for air pollution just due to traffic was around 7 million, the damage done. I am pretty sure that there is an estimated figure in the sustainable transport policy consultation document. I am sure I remember seeing a figure, a round guesstimate figure for air pollution. However, I went across just now and the dear ladies in the Bookshop are still trying to find the reference on our brand new wonderful website and they have not brought it to me yet and that is 10 minutes ago. So, clearly there is something missing there. But there you go. So, the air quality ... the costs of air pollution are very real, they are substantiated, it is roughly as the Deputy says. There is a very considerable cost there. Then, if we look at integrating carbon emissions ... now, we did vote about that and I hope I do not trail my coat to have it trodden on by Deputy Ferguson here. But if we look at the environmental statement for the ...

Senator S.C. Ferguson:

Can you get the name right, please?

The Deputy of St. Mary:

Senator Ferguson, I beg your pardon, Senator Ferguson. I was so keen that she did not tread on my coat that I got the name wrong. But the environmental statement for the incinerator mentioned CO₂ emissions, but in the wrong context, they talked about an incinerator being carbon neutral when it burns paper. Well, it is not because recycling the same paper would save on carbon emissions and there is a technical argument behind that. But the point I want to make is that the environment statement did not cover that issue. It just did not cover it adequately and that just went under the radar of the scrutiny review, it was one thing too many for us to pick up on. But the fact is that that important issue was simply not there, and we are talking 2006-2007. It is that kind of approach which is just missing, or rather has been missing in the past. The question is how do we bring these issues centre stage? What is the best way of doing it? I asked a written question today, as the Deputy did, about aquaculture and the answer was that the value of the shellfish and wet fish industry to Jersey is around £6.75 million a year. Now, I also asked what the costs were to the industry of pollution incidents that mean that a shellfish bed is downgraded from A to B or from B to C. The department's reply was the department does not collate information relating to the costs to the industry of downgrading beds. So, although this has happened 9 times in the last 10 years, the Department does not know and that is the kind of issue, that is an environmental cost, that is because we have not done the job of making sure that our seas are clean and so that our shellfish are also fit for consumption as they come out of the sea. It is that kind of area, that is another example of us not taking the environment seriously enough and not realising the costs that are involved when we fail to give the environment sufficient priority. Another example is the Environment Scrutiny Panel's report into the Energy from Waste plant and we highlighted the inadequacies of environmental regulation and control in the build-up to and into the planning application and also in the construction. I will not read out the quotes but the fact is Members will have seen our key findings and one after the other we summarise, we highlight the deficiencies of the environmental protection. But there are one or two that I do want to bring to the attention of Members and just think of this in the context of whether or not there is a Ministry for the environment or a dedicated, as we now hear, name change to say the environment does come right

at the top of the list. There is a lack of confidence among stakeholders in the ability or willingness of the regulator and relevant States departments to protect the marine environment. There is a lack of confidence amongst stakeholders. Our key finding 17, the resources required to enable proper implementation of the obligations under the Ramsar Convention, have not been forthcoming and shortfalls in both the one-off and recurrent costs remain today. Now, I think that might have been remedied since our report has been written, but the fact is that we studied this for a year and that was the conclusion of our expert advisor, that we had this commitment on paper to Ramsar, we have a Ramsar site, but we did not follow through with the resources, with the prioritisation. Recent studies - this is key finding 18 - have indicated that there has been a reduction in environmental quality over the last decade in the portion of the Ramsar site closest to La Collette. Then we say that this should have been reported to D.E.F.R.A. (Department for Environment, Food and Rural Affairs) as part of our Ramsar obligations and it was not. So, again we see that now it is our Ramsar site that we do not protect enough, so I think I have made the point quite clearly that there is a problem, there is a lack of priority, there is a lack of resources. Then, of course, the question arises if the problem is resources, if the problem is priority, what do we do about it? Is this the right solution, to have a separate Minister, or to find some other way? I am at a loss, I am not sure what the other way might be, but the Minister has suggested a get-out way and obviously the proposer is going to talk about that. Now, the Minister mentioned new laws and he listed, a bit like Tony Blair, the range of new laws that he has brought in to deal with this, the Water Resources Law, the Waste Management Law. There is a problem with these laws: you have to enforce them. You have to have the resources. He mentioned the Civil Service; if we had a Ministry we would have to have extra civil servants. I am sorry, we would have to have extra pollution control people. We would have to have extra people out there making sure that these laws are enforced. The Waste Management Law: the licence at La Collette still does not exist. 2005 that law came in; we are now 2010 and, as my understanding is, La Collette still runs with no waste management licence. It certainly ran like that in 2009, I believe there is no licence yet. Five years. So what sort of commitment does that indicate? So, unless I hear from the Assistant Minister maybe how this priority and these resources are going to be delivered with just a name change and without a Minister ... maybe the name change would magically produce more resources and more priority. So I am still unsure about what the best mechanism is. I know that the environment does not receive the priority, in practice, that it deserves, that it should have and that it must have, and we, as an Assembly, really do have to commit the resource to protecting the only environment that we have.

10.1.8 The Deputy of St. John:

A point of clarification: the Minister for Planning and Environment made an offer to Deputy Le Claire to basically withdraw this if he went down a certain road. Has the Deputy given it some thought?

10.1.9 Deputy P.V.F Le Claire:

I am still a bit dazed, really. I think the Minister's offer is exactly what I am after. I noticed the Assistant Minister was wanting to speak. If he wants to speak I can give way, but I am very minded to withdraw this on the offer that the Minister does go away ... and it is not going to just be a superficial name change, but a significant opportunity is before us at no significant cost.

The Bailiff:

Are you saying you wish to hear from the Assistant Minister?

Deputy P.V.F. Le Claire:

I am always willing to hear from him. If he wishes to speak I am very pleased to hear what he has got to say.

10.1.10 Deputy R.C. Duhamel:

I think it is necessary that I address the comments from the last 2 speakers. When this House, and indeed the previous House, brought forward for discussion their long-term strategic plans, a number of Members, Back-Benchers and others, were at pains to ensure that one of the guiding principles for doing whatever it was we were setting ourselves targets and plans to do was that long term it would all be set in terms of sustainability.

[17:00]

Now, in order to deliver properly sustainable policies and outcomes, there has to be a balancing between the environment, between the economy, and between the provision of social services. I think, really, this is probably the main reason why Deputy Le Claire is actually bringing forward the proposition. For as long as we have a 2-horse approach, if you like, for Planning and Environment - and Planning is seen to be the larger partner - most people's interpretation of Planning as land use planning is development and that is the fundamental problem. So there will always be an unsatisfactorily balancing between Environment, Economy and Social Services, or at least the suspicion that it is not delivering as much as could be delivered in environmental terms. Until we get the balancing factors right between all 3 sectors then, in essence, we are not going to come forward with the truly sustainable policies that we have all signed up to. I think the suggestion by the Minister for Planning and Environment to look into achieving not only a name change will solve the problem. It will, in my mind, give us a chance to position environment right at the heart of our policy making, which is where it should be, not in a way that delivers to this House proposals that are seen to be way, way off the scale in terms of deliverability of whatever lifestyles or things are most acceptable to the majority, but in terms of making sure that environmental considerations are at least spoken about in coming to whatever decisions we come to. So I do not think that the suggestion by the Minister for Planning and Environment is an empty one. It will be more than a name change if I have anything to do with it, and I think there are opportunities to perhaps reposition Planning and Environment in a better way so that we can get more out of both parts. One final point, Planning for the town in terms of the Masterplan, it is not just about creating a housing environment, it is creating the plants and other social service and other facilities which in my mind is the wider consideration of the word environment. That for me is what the Environment Department and the Ministerial responsibility should be all about. It is environment across the whole range of human and world activities and must encompass everything and anything by and large. That is probably enough. If indeed the offer is still on the table I would strongly urge Deputy Le Claire to accept and withdraw the proposition so we can get on with the job.

Deputy P.V.F. Le Claire:

Deputy Le Claire would be very willing to address the offer. I just thought that I would defer responding because the Constable of St. Ouen would like to speak. If I could just defer one more speech if possible.

The Deputy of St. Mary:

Could I have a point of clarification on what the Minister just said? Would the name change, in the Assistant Minister's view, deliver more resources to this area? Because without more resources to deliver the protection regulation that we need, I am not sure that this is going to make any difference.

The Bailiff:

I am sorry, Deputy, I do not see that as a point of clarification. That is simply another matter for consideration.

10.1.11 The Connétable of St. Lawrence:

I just want to say that I hope Deputy Le Claire does accept the offer from the Minister for Planning and Environment because he, or whoever holds the post in the future, should not be placed in the unenviable position that the Minister found himself in recently when during the debate for Plémont, which was surely one of the most important environmental issues that we would be debating in the House probably within this term, he found himself conflicted because he is Minister for Planning and he chose to withdraw. Our natural heritage and environment should be championed politically and I hope that if Deputy Le Claire accepts this and the Minister goes ahead with the amendments he has suggested then it will indeed not be second best to Planning in the future.

10.1.12 Deputy P.V.F. Le Claire:

In order to save Members any more time I will speak to them privately about the comments that they have made as it is only right to do, not given opportunities for other Members. I would like to take up the request of the Minister and request Members to allow me to withdraw this proposition because I do believe that what is on the table today is really what is more important than winning a debate or in continuing a debate I might lose. He has offered something substantial. I would like to accept it, please.

The Bailiff:

Very well. Deputy Le Claire wishes to seek leave to withdraw his proposition. All those in favour? The appel is called for in relation to the request of Deputy Le Claire that he be allowed to withdraw his proposition. I invite Members to return to their seats. If you wish to agree with Deputy Le Claire you vote pour, if you do not you vote contre. The Greffier will now open the voting.

POUR: 35		CONTRE: 3		ABSTAIN: 0
Senator T.A. Le Sueur		Senator T.J. Le Main		
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator B.E. Shenton		Deputy J.M. Maçon (S)		
Senator F.E. Cohen				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				

Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				

Senator F.E. Cohen:

May I make a comment or a point in relation to the matters raised by the Constable of St. Lawrence that I think is quite important? I am not sure that this change will affect the position of the Planning decision makers in relation to an application such as Plémont or indeed any other matter. I think that where there is a current planning application, it will always be appropriate for the decision makers not to participate in the debate and to abstain in the vote. Thank you.

The Bailiff:

Very well. The next matter is the “Jersey Financial Services Commission: appointment of Commissioner.” That has to be done *in camera*. May I throw open the possibility for Members of taking P.6 - that is the “Manual Workers’ Joint Council: Employers’ Side Membership” - next, perhaps followed by P.11, the “Assemblée Parlementaire”, if that was convenient, on the basis that then we could perhaps end with the matter to go *in camera* so as to save going into it and coming out again, if Members are agreed to see them that way. Very well.

11. Manual Workers’ Joint Council: Employers’ Side Membership (P.6/2010)

The Bailiff:

We will move next then to Manual Worker’s Joint Council: Employers’ Side Membership - P.6/2010 - lodged by the Chief Minister, and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with their Act dated 9th November 1961, as amended, concerning the membership the Manual Workers’ Joint Council, to approve the nomination of 5 of the 6 representatives of the States to serve as members of the Employers’ Side of the Council for 2010 as follows. Senator Paul Francis Routier, Deputy Andrew Kenneth Francis Green M.B.E., the Deputy Chief Executive and Chief Officer of the Resources Department, the Chief Officer for Transport and Technical Services, and the Chief Officer of Health and Social Services.

11.1 Senator T.A. Le Sueur:

Of the 6 representatives on the employers’ side of the Manual Workers’ Joint Council, 5 are nominated by the States and the sixth member is a representative of the Constables Committee. I am proposing the names mentioned on the proposition. Both Senator Routier and Deputy Green served last year also. As far as the officer members are concerned, they are down there by title rather than by name. Clearly in the case of the Chief Officer of Health and Social Services, that appointment is currently vacant and, as the report to the proposition clearly shows, it is intended the Acting Chief Officer of Health and Social Services fills that role in the interim. With that caveat, the other post holders - the Chief Officer of Transport and Technical Services and the Deputy Chief Executive of the Resources Department - have sat on the council in the past. I thank them for the service they provide, I thank them for agreeing to let their names go forward a further time, and I make the proposition to reappoint them.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Very well, all those in favour of adopting the proposition kindly show? Those against? The proposition is adopted. Deputy of St. Martin, I do apologise, I did not consult you about taking other matters ahead of the P.9, but I assume you do not want to start tonight?

The Deputy of St. Martin:

No, Sir.

The Bailiff:

Yes, so we will try and clear as many little matters as is possible to allow you to start tomorrow morning. So, Deputy Hilton, I am not sure whether this was dealt with earlier, your P.10. Did you get the right answer from the Minister this morning?

Deputy J.A. Hilton:

Yes, I did, and for that reason I am content for it to be deferred until the first meeting in May to await the outcome of the decision of the Royal Court.

12. Assemblée Parlementaire de la Francophonie, Jersey Branch - Branch rules (P.11/2010)

The Bailiff:

Thank you very much. So then we come next to Assemblée Parlementaire de la Francophonie, Jersey Branch - Branch rules, P.11/2010 - lodged by the Connétable of St. Ouen - and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to approve rules for the Jersey branch of the Assemblée Parlementaire de la Francophonie as set out in appendix 1 to the report dated 24th November 2009 of the Executive Committee and the transitional arrangements set out in appendix 2 to the report dated 24th November 2009.

12.1 The Connétable of St. Ouen:

The A.P.F. (Assemblée Parlementaire de la Francophonie) is an international organisation set up in 1967. It is the only inter-parliamentary organisation with the aim of defending and promoting the diverse cultures of those countries which use the French language. As is the case in Jersey, the French language is often the second or even third language of the country in question. It further acts as a forum for upholding the democracy of parliament and the work of parliamentarians. It is a venue for politicians from many nations to meet together to debate and exchange ideas on various common subjects of interest. The Jersey branch was formed in 1971 and promoted to full membership in 1980 and has hosted 2 European section conferences, the first in 1994 and the second in 2009. During this time members of the Jersey branch have taken an active role in encouraging meaningful links with other country members as well as taking the opportunity of promoting the Island. The Jersey section has also identified and promoted youngsters, one male and one female on each occasion, to attend the youth assemblies which are held in conjunction with the international assemblies. To date, the Island has been represented in Ottawa, Brussels, Gabon in Africa, and Paris in 2009. Up until now, the members of the Executive Committee of the Jersey branch were appointed by the States Assembly on a proposition made by the current Executive Committee. This proposition attempts to introduce a formal set of rules for the Jersey branch. All Members of the States will be able to opt-in to becoming members of the Jersey branch, the only stipulation being that they will need a reasonable standard of French to be members. A general meeting will be held every 3 years immediately following the elections of States Members at which a president and 6 members shall be elected to the Executive Committee. The Executive Committee, once appointed, will elect the Vice-President. The Honorary Secretary will be the

Greffier of the States *ex officio*. The effect of the new rules is to provide that the President and members of the Executive Committee are elected to post, but only by the French-speaking Members of the States Assembly. This election will take place every third year and the size of the executive is to be reduced from 10 to 7 members. At the same time, a set of transitional arrangements are included in this proposition to allow the branch to continue in operation until early 2012 when the first general meeting will be held. The effects of the transitional arrangement are that the branch will call a special general meeting within the next 3 or 4 weeks after this proposition is accepted, if it is, at which time members will be asked to vote in a president and 6 members of the Executive Committee. I make the proposition.

The Bailiff:

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

[17:15]

13. Jersey Law Commission: Appointment of Chairman (P.13/2010)

Would it be convenient for Members to consider whether to take P.13 now? That is the Jersey Law Commission. That requires Members to agree to take it despite it being lodged and not having been listed for debate. Do Members agree to take P.13? Very well then, I will ask the Greffier to read the proposition of P.13.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 30th July 1996 in which they approved the establishment of a Jersey Law Commission, and to appoint Mr. Clive Chaplin as Chairman of the Jersey Law Commission for a period of 5 years with effect from 1st March 2010.

13.1 Senator T.A. Le Sueur:

The Jersey Law Commission, as the report says, has been in existence since 1996 and the members of that commission give voluntarily a lot of their time in supporting work of a quite difficult nature at times, in reviewing aspects of Jersey legislation and coming up with areas where they consider there might be room for improvement. One such example came to us recently in the form of their report on the Jersey Law of Partnership and I pay tribute to the members of the Commission for the efforts that they put in to our benefit. The current chairman, Mr. David Lyons, is now retiring from practice and it is proposed to appoint Mr. Clive Chaplin, who has been a member of the Commission for some time, to replace him as Chairman. The curriculum vitae of Mr. Chaplin is attached to the report and I think he would be well known to many Members as a leading legal practitioner in the Island. Firstly, I am grateful to him for agreeing to accept nomination as a Chairman and I put it to Members he would be an excellent person for the job. I propose him as the Chairman of the Jersey Law Commission.

The Bailiff:

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

13.1.1 The Connétable of St. Clement:

I share the Chief Minister's admiration of the Jersey Law Commission and the excellent work and the excellent reports they have produced over the last 14 years. I am wondering if the Chief Minister could tell us how many recommendations made by the Jersey Law Commission over those 14 years has actually been implemented by the States.

13.1.2 Deputy R.G. Le Hérisssier:

It was a somewhat similar question and it is tangential to the appointment. I would like to praise that Commission. It labours in the dark recesses of the Government, so to speak, and I think sometimes they do feel unloved. I wonder if the Chief Minister has any ideas to integrate them more closely with how, for example, the Legislation Advisory Committee works so that, as implied in the Constable's question, we are more involved in the work that they are doing.

The Bailiff:

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

13.1.3 Senator T.A. Le Sueur:

The Constable of St. Clement has caught me on the hop there. I do not know how many of the reports have been implemented in full, but I do know that they are taken very seriously and they do form the basis of law drafting instructions.

The Connétable of St. Clement:

I would advise the Chief Minister it is a round figure. **[Laughter]**

Senator T.A. Le Sueur:

I would hate to mislead the Constable with a wrong figure, whether it be round or rectangular or any other shape. I can advise Deputy Le Hérisssier that in terms of links with the Legislation Advisory Panel, yes, there are strong links with that panel and I think also with Members of the States. I did write at the end of last year to all States Members indicating that the Law Commission was interested in setting their timetable for the next 3 years and inviting States Members to suggest topics that might be of interest. I am grateful to the Members who have responded with suggestions, which I have passed on to the Jersey Law Commission. That offer remains open, but meanwhile I do thank them for the work they have done and assure Members that their words do not fall on deaf ears, that they generally produce information of very useful assistance to us. I think one recently has been in respect of changes in the children's arrangements and in matrimonial arrangements, but there is far more that I could no doubt let Members know given adequate notice. I maintain the proposition.

The Bailiff:

Very well. All those in favour of adopting the proposition kindly show? Those against? The proposition is adopted. Now, before returning - perhaps it is the last item of business - to P.5, which is the Jersey Financial Services Commission: Appointment of Commissioner which must be done *in camera*, would it be helpful to Members just to clarify whether Members are going to agree to take P.14, that is the "Minimum Wage: Revised Hourly Rate from 1st April", and P.15, "Public Holidays and Bank Holidays", so that Members can be aware of how long this session is likely to last and what matters they need to prepare for debate. Deputy Southern is not here but the Social Security Minister, do I understand that you are going to be happy it should be taken?

Deputy I.J. Gorst:

Yes. I find myself in a somewhat strange position. I would encourage Members to take P.14 in this meeting.

The Bailiff:

We now have Deputy Southern here so perhaps I can just ask him to make the proposition. Deputy Southern, you are going to be asking, I think, for P.14 to be taken at this meeting. Is that right?

Deputy G.P. Southern:

Yes indeed I am, although I would rather it was not over the next 8 minutes. **[Laughter]**

The Bailiff:

No, I was not suggesting you should do it now. It was simply to take the decision in principle so Members know that it will be debated.

Deputy G.P. Southern:

Yes, Sir.

The Bailiff:

Very well. I am sorry I cut you off, Minister, but ...

Deputy I.J. Gorst:

Indeed, yes, I would support Deputy Southern in asking the Assembly to take the proposition now. Of course I will be changing my tune when we actually come to debate the proposition. Thank you.

The Bailiff:

Very well. All those in favour of agreeing to take P.14 at this meeting kindly show? Those against? It is. Then P.15, Deputy Tadier, are you going to be asking that one be taken at this meeting?

Deputy M. Tadier:

That is correct. Can I just say this point, just for Members' information. I will be submitting a corrigendum for the financial and manpower implications. It is purely a technical one. There are just a couple of words in there that come from the other proposition and that will be circulated as a corrigendum to save paper rather than reissuing.

The Bailiff:

Do Members agree then that P.15 should be taken at this sitting? The appel is called for then in relation to whether P.15 should be taken at this sitting.

Deputy I.J. Gorst:

Sorry, could I just ask for clarification? I am not certain, could it actually be taken tomorrow anyway or not?

The Bailiff:

I beg your pardon, is that right? It was lodged on 9th February. Is that right, Greffier? Very well then, that is not necessary then. We will leave it for the moment. Thank you for pointing that out. I am sorry, I misheard the position. What is required at the moment is a proposition under Standing Order 87 to take the matter at this meeting even though it has not been listed for debate. It is not to do with the period of lodging. So we do need to take a vote if Members wish to discuss and debate P.15 during the course of this States meeting. Now, that is what you are asking, I think, Deputy Tadier, is that right?

Deputy M. Tadier:

That is correct.

The Bailiff:

I think the appel was called for in relation to that, is that right? So the appel is called for in relation to whether P.15 should be debated at this meeting because the appropriate notice ...

Deputy M. Tadier:

Could I say a word on that? First of all, it has been submitted at the requisite time. It was deliberately submitted in time so that it could be taken at this sitting. I did that mindful of the fact

that already the previous proposition which was submitted for businesses was already leaving it quite close. I think that to leave this proposition on the table any longer would be disrespectful to the business community who need some closure one way or the other. If Members do not like the proposition, simply debate it and reject it, but I would ask that it be taken in this sitting and it has been lodged for 2 clear weeks by tomorrow.

The Bailiff:

Very well. Do you still call for the appel, Deputy? Yes, the appel is called for then in relation to adding P.15 to the Order Paper. So I invite Members to return to their seats and the Greffier will open the voting.

POUR: 35		CONTRE: 3		ABSTAIN: 0
Senator T.A. Le Sueur		Senator T.J. Le Main		
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator B.E. Shenton		Deputy J.M. Maçon (S)		
Senator F.E. Cohen				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisser (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				

14. Jersey Financial Services Commission: Appointment of Commissioner (P.5/2010) - In Camera Session

The Bailiff:

Very well. So I think then we will simply now return to P.5, Jersey Financial Services Commission: Appointment of Commissioner. That has to be debated *in camera* but the proposition will first of all be read, so the Greffier will read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998 to appoint the under-mentioned person as a Commissioner of the Jersey Financial Services Commission with effect from 1st March 2010 to 28th February 2013: Mr John Richard Harris.

The Bailiff:

Very well, I will ask the usher to clear the public gallery, please.

[Debate proceeded in camera]**The Bailiff:**

Very well. The vote has to be in public; therefore, I ask the usher to open the public gallery again. I do not know whether there will be sufficient interest for anyone to return. Very well, we are now back in open session. The matter before the Assembly is the vote on P.5, Jersey Financial Services Commission: Appointment of Commissioner. Is the appel called for? The appel is called for. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 35		CONTRE: 3		ABSTAIN: 0
Senator T.A. Le Sueur		Senator T.J. Le Main		
Senator P.F. Routier		Deputy J.A. Martin (H)		
Senator B.E. Shenton		Deputy J.M. Maçon (S)		
Senator F.E. Cohen				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				

ADJOURNMENT

The Bailiff:

Very well. Is the adjournment proposed? Then the Assembly will stand adjourned until 9.30 a.m. tomorrow morning.

[17:33]