

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 1st DECEMBER 2010

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[09:36]

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

**PUBLIC BUSINESS - resumption**

**1. Sustainable Transport Policy (P.104/2010): second amendment**

**The Deputy Bailiff:**

We return to the amendment of the Connétable of St. Helier.

**1.1 Connétable A.S. Crowcroft of St. Helier:**

Sir, I wonder if I might seek leave of the Assembly to withdraw this amendment. I realise some Members will have prepared long speeches on the subject but the matter has to go through the business planning process and given the pressure of business after this sitting I believe that it would be in the best interests of the Assembly to move on.

**The Deputy Bailiff:**

Members in favour of permitting the Connétable to withdraw the amendment? The amendment is therefore withdrawn. Members will no doubt allow the Chair just a moment to catch up with where things are.

**1.2 Sustainable Transport Policy (P.104/2010): amendment paragraph (1)**

**The Deputy Bailiff:**

We now come to an amendment lodged by the Deputy of St. Mary and I will ask the Greffier to read the amendment.

**The Greffier of the States:**

Page 2, paragraph (e) - (a) after the word: "policy" insert the words: "against the goals set out on page 8 of the policy" and (b) after the word: "results" insert the words: "at least."

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

Sir, perhaps I could intervene on the Deputy's behalf. He just had to leave the Chamber to adjust his tie, Sir.

**The Deputy Bailiff:**

Yes, it is very important to have your tie in the right place when you address the Assembly.

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

Apologies for that short ... I will just remind Members of the original, as this part of the debate stands in the original proposition of the Minister, what it says there under paragraph (e) is: "To request the Minister to undertake appropriate monitoring of the impact and effectiveness of the policy and to publish the results annually." That is what he is asking us to request him to do and clearly it is a good thing that that part of the proposition was in there; to monitor the impact and effectiveness of the policy is important. We should not have policies that we do not monitor and to publish the results annually so that both Members and the public can see how we are getting on with the various sub-aims of this policy. That does take me to the 8 aims. Just bear with me while I find the page. I think it is page 8 in the actual Transport Policy. The 8 aims which the Minister has proposed that he monitor and publish the results are: "Reduce congestion, reduce local air and noise pollution, reduce our greenhouse gas emissions, increase our levels of physical activity, protect and improve the built environment, reduce the number of road injuries, provide access for everyone and reduce oil dependency." Some of those are obviously easier to monitor and report back on than others but, nevertheless, he has proposed that he be asked to report back on those 8 aims and how well they are being achieved. Indeed he will have to be quite innovative with some

of them to think how you can report back on accessibility, for instance, for all. But, that said, it is important that we monitor our policies and whether or not we are succeeding. I am very glad that he has accepted my amendment which says to him that he must report back to the States on the impact and effectiveness of the policy with regard to those aims that I have just read out. His initial version did not include reference to the specific aims so he could have reported back in fairly vague terms frankly. By accepting this amendment we would be tying that down to those aims, which are the stated aims of the policy, and saying you must report back on that. I am very grateful for the support of the Minister. He has accepted this amendment so that is all to the good. But in his comments he says that he supports the amendment which, as I say, I am grateful for but there is a second part of my amendment: "After the words 'results' insert the words 'at least'" and that is to suggest to the Minister that an annual report is a good thing but it might be useful to have the option of reporting more frequently; not necessarily on all the goals but on some of them. The reason I put that in was that in Scrutiny we discussed with the Minister and with his officers about the time lag, if you like. If you wait a year for results to come through, to know, for instance, whether there are more people on the buses after introducing new services or whether the number of people crossing the screenline into St. Helier by vehicle has come down as a result of our policies. It might be nice to know that more frequently. Some of this data is collected automatically. It is collected regularly anyway and there really is a very small additional cost into making that information public. What the Scrutiny Panel was looking at, was thinking about, was that it would motivate the public if they knew how things were progressing on a better basis than once a year. We talked about this aspect of connecting with the public and keeping people informed on a more regular basis of how we are doing against the policy and what the results are month by month or quarter by quarter. I think that would have a good effect. If one could say that the noise levels on St. Saviour's Road had gone down or that the number of cars going through St. Mary on the main road there, which is an issue of my constituents, had gone down as a result of the policy, that would be a positive thing to be able to report back to the public. That is why I am asking Members to agree that the "at least" be added so that the Minister can, and so that we can press the Minister to, report back on certain indicators more frequently so as to take the public better with us with this policy. Thank you.

**The Deputy Bailiff:**

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

**1.2.2 Connétable M.K. Jackson of St. Brelade:**

With regard to this amendment there are a couple of details which I would like to just clarify because it is difficult to argue that we should not monitor against the goals suggested. Although in accepting the amendment I assume the interpretation will be quite liberal because I do not want to have to spend a fortune on unnecessary surveys.

[09:45]

In conjunction with the Environment and Health Departments we should be able to put values to almost all of these though I am not sure how it will measure, protect and improve the built environment. Some fairly limited roadside air pollution monitoring is done by the Health Department and is ongoing but noise pollution is not currently done and is difficult and expensive to measure. We have stated in our Scrutiny response that there are no resources at T.T.S. (Transport and Technical Services) or any other States department to do so. The significance of adding the words "eventual" to the "vision zero" target for serious road injuries relates to the need to establish these more achievable targets in the short term. My policy makes clear that "vision zero" is a long-term target and proposes that the task group which would identify the road safety measures that the Deputy alludes to, would also advise on these appropriate short term targets. I see no reason why the response should be diarised to the effect that States Members and the public

would receive regular communications. The Deputy's amendment simply adds a requirement to inform the States of the target to be set and rationale behind it and it has my support.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**1.2.3 Deputy P.V.F. Le Claire of St. Helier:**

Briefly, Sir, just to support the amendment which has been accepted. I wonder if the Minister for Transport and Technical Services could speak a little, if he has not already and I missed it, about the makeup of this task group that is going to be doing this work because I certainly would be interested if it was possible to become involved, or whether or not he might be thinking along the lines of the Minister for Economic Development that a board with an honorarium might be necessary.

**The Deputy Bailiff:**

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

**1.2.4 The Deputy of St. Mary:**

I thank all the multitudes who have spoken. Obviously we are in a "let us get on with it" mode which is good for the future of the debate later on. Yes, clearly as the Minister said, some aims are going to be more difficult to monitor than others but I think that is the point. If you have aims then it is a good thing to be put under some request or pressure to work out ways of saying: "What do we mean by this? How are we going to report back on it?" I think that exercise in itself is valuable because it focuses the mind on what you are really trying to do. On the noise monitoring, that did again come up in Scrutiny and we were disappointed that it is put in the "too expensive to do" box because noise is a major component in psychological health and well being and background noise and even louder noise, as we sometimes experience when we are trying to work in the States building, and it does have an effect. I think health studies have shown the effect of noise and we ought to be a little bit more proactive on that and again, find a way of doing it. What does please me is that in this strategy there is mention made of the Health Department, and indeed of other departments, and that gets us out of the silos. Indeed, Health will do the monitoring of air quality, I think that is the way the air quality strategy will go and that will be reported on by the Minister for T.T.S. and rightly so. I do not think there is much more to say and I move the amendment and ask for the appel.

**The Deputy Bailiff:**

The appel is called for and I ask Members to return to their seats and I will ask the Greffier to open the voting.

<b>POUR: 41</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				

Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
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 J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

### **1.3 Sustainable Transport Policy (P.104/2010)**

#### **The Deputy Bailiff:**

We therefore return to the main proposition. Does any Member wish to speak upon that?

#### **1.3.1 Deputy J.M. Maçon of St. Saviour:**

Where to begin? I will start off with a few points about how some Members have said that the Sustainable Transport Policy is a woolly document, it lacks detail, it is very vague. I hope Members, in doing their background reading for this, have remembered to compare the Sustainable Transport Policy to the draft Island Plan because one document relies upon the other in order to work. As I pointed out in Questions to Ministers yesterday, the draft Island Plan works on the assumption that the States will adopt the Sustainable Transport Policy. The point why I am making this is because the measures which are proposed in the Sustainable Transport Policy are implemented and manifest themselves in the draft Island Plan, and the specific area on which I will be focusing is domestic parking spaces. The Sustainable Transport Policy asks to change the Planning Law. I wish to make that point very clear to begin with. In particular ...

#### **Deputy P.V.F. Le Claire of St. Helier:**

Sorry, Sir, on a point of order, is that correct, can that be done?

#### **The Deputy Bailiff:**

In the absence of the Attorney I think it is unlikely that the adoption of this policy will change the law because that change in the law requires the approval of this Assembly.

#### **Deputy J.M. Maçon:**

Yes, but if the States adopt the Sustainable Transport Policy the draft Island Plan, as it is formed now, uses that as a template in order to form beyond going with the new policies if the States adopt the draft Island Plan and, in doing so, would change the Planning Law should the States adopt the draft Island Plan as has been formed by the Sustainable Transport Policy. I am just trying to highlight the relationship between the 2 documents and I want to make that very clear to Members.

**The Deputy Bailiff:**

Deputy, what you mean is that the adoption of this Transport Policy will be the adoption of an important policy which the Minister for Planning and Environment will have to take into account in deciding whether or not to give planning approvals under the Planning Law.

**Deputy J.M. Maçon:**

Quite and this has already been done with the formation of the draft Island Plan. In particular, just to illustrate this, turn to page 50 of the draft Island Plan and look at policy S.P.6: "Reducing dependency on the car: applications for new developments such as housing, shopping, employment, health, education and leisure proposals, must be able to demonstrate that they will reduce dependency on the private car by providing more economically-friendly modes of transport." In the blurb before that that is used by citing the Sustainable Transport Policy. This document proposes, or the way that it is being proposed, would suggest that it is to do with congestion and to do with the commute. However, if Members have been listening correctly, the policy states that it is an overall reduction in car use by 15 per cent; that is what it wants to achieve. The detail is not within the Sustainable Transport Policy but under the new Island Plan there is a change from when new applications come to the department, the way in which car parking provision is dealt with. In particular, although it is still a draft proposal at the moment, under proposal 19 on page 233 of the draft Island Plan: "Parking guidelines: the Minister for Planning and Environment will develop and adopt supplementary planning guidance which sets out new maximum parking guidelines." At the moment we are operating under minimum guidelines, that is to say the usual formula is one bedroom equals one car parking space, though there is some flexibility if you are in more urban areas, but not always. But why is that important? As I said yesterday with the amendment by the Constable of St. Mary, it is to do with practicalities; it is to do with how practical is it for people to go without cars? Now, I agree with some of the aspirations in the Sustainable Transport Policy and who would not when it is all about yes, better pedestrian provision; yes, it is better cycling provision; yes, it is better bus provision. However, if you look at the Scrutiny reports it states quite clearly that, in their key findings on page 10, point 46: "The budget allocated to the policy is not considered adequate to achieve its intended purpose of some aspects and may therefore have to be dropped or delayed." In other words, the Sustainable Transport Policy is a very aspirational document and does not have the funding to go with it in order to support what it wants to achieve. As the Scrutiny report also highlights, in the previous Transport Policy, the I.T.T.P. (Integrated Travel and Transport Plan), part of the reason why that did not go off as it did is because the States did not give the funding to match the policy. There are other examples, there is the culture of strategy and on and on. The point I am trying to make here is that there is absolutely no point in supporting the policy if the States cannot give the funding in order to back it [**Approbation**] unless of course you want to see less parking provision because, if the States adopt the new draft Island Plan, people - developers and architects - will be able to use that policy immediately, which goes back to what the Constable of St. Mary brought up in that you need to have adequate alternatives before you start getting rid of car parking spaces. But of course if the States adopt the draft Island Plan, immediately you will start seeing development where parking will be reduced. I can tell you now, because we deal with applications, there are people who are willing and ready and have booked things to go when the car parking requirements go down. I wish to make that point and make Members aware of that. As I say, this policy focuses on the commute which I do not think is a bad thing, I agree with it. I am a St. Saviour Deputy, I think it is a very good way of thinking. However, as I have demonstrated, it is not just about the commute. It is car parking provision in



total ... That includes every other aspect of your life; at nights, at weekends, holidays, that is what this policy aims to reduce. I have some criticisms of the policy. One example is the policy aims to reduce car use by planning out car parking spaces through the draft Island Plan. However, what happens now? What happens when we have situations whereby people do not have adequate car parking spaces? Well, in my own district, if we take Aubin Lane, Beach Road and Fountain Lane, for example, when you have got perhaps older Victorian buildings when they did not plan in car parking spaces, you have got people parking on the streets, have problems with the street cleaners with the cars being in the way, you have people who go around and park in other people's drives. Again, urban Deputy, these are the types of issues I have to deal with on a regular basis. It certainly did not help that the States supported Deputy Le Claire's ban on clamping, that has not made the situation any easier for my residents but I know that the Minister for Home Affairs is working on something which will help remedy that. The point is the policy assumes that if we back it people will go without their cars. Now, I hate to break this to Members, but that is not going to happen, people will simply find other places to park their cars. It will simply become a normal everyday thing which people have and expect to have. Whether you like it or not that is a normal assumption. I would ask Members not to be taken in by that. Of course you will also see or there will be greater pressure for residents' car parking schemes, love them or hate them. Again, I personally would argue it makes more sense to plan car parking spaces than to start producing residents' car parking schemes. As the Constable of St. Mary stated yesterday, if you have more people parking in the streets, which is residents' car parking schemes, it makes it more difficult for visitors to come and meet their relatives say, perhaps in urban areas, if the car parking is taken up by residents' car parking.

[10:00]

Moving on, working mums: I would ask the Minister and I would like him to answer this question, how many working mums had input into the formulation of this policy? In particular, we have discussed already the school run, extracurricular activities, all those types of things and the point is many people use their cars because they need to take their child around to do football here, swimming there and on and on. All around the Island this policy works on the assumption that somehow people are still going to be able to do their cycling and bussing it, which I do not think will happen. Yes, we are no longer living in villages; times have changed, people have become more mobile so if you go back 100 years when you had your farm and you went to the parish hall and if you were living in St. Ouen you did not go to St. Martin for 60 years, times have changed because people have got cars and they can go around. The point is by having private individual modes of transport people are able to move around with much more ease than they did previously. The point I am trying to make here is society has changed and I would ask Members to bear in mind, is this policy a step forward or a step backwards? The Sustainable Transport Policy talks about reducing carbon use, it talks about peak oil, and I do not challenge that, but it works under the assumption that alternative energy sources and supplies will not be produced. If we look at history, whenever one energy source has become too expensive, too difficult to get, what has tended to happen is people have tended to find an alternative energy source and this goes back to the car parking spaces. Yes, cars at the moment run on fossil fuels but that does not mean to say in the future that they will not run on something else, in which case they may be less pollutant which is one of the policies that the Sustainable Transport Policy tries to achieve by producing clean air for people. Again, it is all tied up with this concept of planning. The movement is good, this is a key point. Doing things like the weekly shop or whatever, do you know how difficult that is to do without a car? If you have got a family, you have got lots of things which you have to throw into the back of your car, you are supposed to do that on the bus, you are supposed to do that cycling, not quite so easy. I appreciate that this is not all going to happen at once but, regardless, that is the way in which the policy wants us to move. Again, it comes back to this idea of practicality. I have got other examples: if you go to St. Peter's Garden Centre and you buy a tree and you have got to

get that back on the bus well, good luck to you. At the moment, although there is an argument saying that the retailers will respond by giving better delivery services, again, there is no evidence in this policy to support that and the movement of goods, being able to get one item to another place, is very important and at this moment in time a lot of people rely on their individual cars in order to do that because it is not practical to do it on a bicycle or on the bus. Elderly: for many elderly people their car is incredibly important to their sense of independence in order to get around, in order to do many of the things which perhaps they would like to do. The Sustainable Transport Policy does not, from my reading, seem to understand that people age, people get older and that our bodies decay and become less functional. **[Laughter]** Yes, something to look forward to, I know. But the point is in order to walk that mile to the bus stop, in order to cycle into town, that becomes more difficult as you get older, whereas having a private vehicle allows many elderly people to retain their independence and not become isolated in their homes. Again, if you start allowing the development in planning out car parking spaces then that might be fine for a new family or whatever but 50 years down the line where does that leave you? This is the point I want to make. Also the policy, from my reading, does not acknowledge weather and as we all know, depending on the season, depending on the time, depending on the rain, affects people's mode of transport, what they choose to do. It might be fine on a nice spring day to cycle into town for your work but on a wet dark December morning or January morning, when it is icy, it may not be such a joy to do. Again, that is part of the reason why people tend to choose to use private cars et cetera. Again, it is for practical reasons. Also, in the summer as well, even if you are cycling or walking in, if it is very hot, I hate to tell you, but human beings do perspire and not every place of work has shower facilities for their employees. Again, this is what we are expecting, that all the practical bits that go behind it are not there and it is not just the practical bits which we as government have to do, it is all the other things we are expecting of other people as well. I have talked about the draft Island Plan and the change to the planning laws. It does strike me as, in the urban parishes, if you go by the policy, congestion is not necessarily caused by these people because they are able to walk and cycle and whatever into work, however, of course I accept that the school traffic is still a big part of that, regardless of where you live. However, you have to acknowledge the fact that in the outer parishes they have a large impact upon the congestion because they have to get from their homes to work. The point is, which I am struggling with, a solution to this is to reduce the number of car parking spaces for domestic residents in urban areas. That is how you will help with congestion issues. Again, I do not think that that is going to help much because I do not think that it is the urban residents that are causing as much as perhaps those in the outer parishes, which is where you need to concentrate your efforts, I would argue, unless of course you wanted to plan out car parking spaces. It has been argued that car parking spaces is not a good use of land. Well I would like to know who the department has been asking about that because I know many people want, desire and use their car parking space very regularly and to them it is very important. Now, I want to make a point here as well; on page 57 of the Sustainable Transport Policy: "4.12 Commercial parking on an off-street. It is important for commercial activities to be carried out efficiently. Tradesmen need to be able to deliver goods and go about their business without undue hindrance. Although our roads are often busy with competing demands for space, particularly in the town area, parking control officers offer day-to-day management which can enable our deliveries to be made at sensible times and locations while ensuring that traffic flows are not unnecessarily hindered at peak times." Then it goes on to talk about overnight parking. Again, this goes back to what I was saying. Many jobs, many professions require a private vehicle in order to carry out that occupation. If you start planning out car parking spaces you are making it much more difficult for those people in order to carry out their jobs. If you are a tradesman and you are trying to get to some of the shops in town to do work there, it can be a bit of a nightmare at the moment. My father is an electrician and I know exactly all the problems that he has when he is trying to park and carry out work within the town. But if you are moving to the point the way you are saying, car parking spaces are bad and we should do away with them, then you are making it more difficult in order for people to carry out their jobs. As I have read the part in the document

about tradesmen, the detail is lacking there about where we are going to make provision for this. Again, looking into the draft Island Plan, there is not a provision for tradesmen car parking spaces and again this is a bit of a nonsense, is it not? People need to be able to deliver their services in urban areas. Again, visitor car parking spaces, which are incredibly important, are not addressed in the Sustainable Transport Policy and the detail is lacking at the moment in the draft Island Plan, though I acknowledge that that is to come, but again we do not know where we are. Also, it is for other professions, for nannies and things like that as well, who require a car in order to do their occupation and I will make the point now; perhaps I am slightly conflicted, my sister is a nanny. Right, the Sustainable Transport Policy would get us to believe that, by cycling and walking, the Sustainable Transport Policy will be a panacea for all our health and obesity problems. Well, Deputy Pitman pointed out yesterday that I do not drive, so I do rely on public transport and I do walk. Since joining the States, though I am not proud of it, I have put on 3 stone so **[Laughter]** ... to fit my seat **[Laughter]** so the point that the Sustainable Transport Policy will be absolutely wonderful, it will solve all our obesity issues, I have to say ... no. It is down to, as we all know, proper diet and exercise. So, again, I do not believe that it is going to achieve that either. Also, what is not addressed, and Deputy Green pointed this out yesterday, is the whole concept around disability and how important it is for disabled people in order to get around, particularly on buses. More disabled buses are not addressed within the policy, having enough space for goods is not addressed in the policy, and all those types of things; they are not there and again the funding is not there for it, so it is all tied together and I do not think this policy is going to deliver all the things that it is being advertised to. But what it would do is influence how the planning law was formed if the States were to adopt it. Now, in point (a) of the proposition: "To agree measures described in the policy to reduce the Island's reliance on the private car" and that is the point. People rely, depend, they have to use their car and I think I have made this point already, movement of goods, being able to get to different places. I mean, buses are all well and good but that is only if you want to go where the bus is taking you. Sometimes it is not, for whatever reason, and I appreciate that you have got the problem of the lanes in Jersey, the routes that you can do, where the population is located; I appreciate it is all tied up in that but there still comes a point where practically for some people it is just not going to work, including those within urban areas. Time: time is money. We are leading busier and busier lives, we are having to compact more and more things into the hours that we have. Now, again, this is why the private car is very important because it allows people the freedom and the choice to be able to do what they need to do within that day. If you are tied to, as I am and I know how difficult and frustrating it can be sometimes, the bus timetable, if you have got a meeting out at St. Peters and then you have got a meeting in St. Helier and you have got a meeting in St. Clements, or whatever - it does not always happen but sometimes I do - that can be incredibly difficult to manage if you have only got public transport to rely on. Now, I am not saying that is a bad thing and of course I am grateful that we have got public transport in the first place, but again it is about the practicality of removing the private car. Now, the Minister has said if we do not support this policy we are doing nothing. Well, I have to disagree in that you already have other policies such as the I.T.T.P. which has already been adopted under the States, you already have the Island Plan that the States is operating under, so if you reject this policy all you are saying is: "I do not think this is the right way to go." You are not saying: "Do nothing" you are just saying: "I do not believe the Minister has got it right."

[10.15]

Back to money. Now, we have talked about financial pressures that the States are under, we have talked about the money allocation, but as we have been talking about the different elements of this policy you are seeing more emissions measuring, you are seeing different taskforce; wonderful, just what we want at this time, more bureaucracy, more civil servants, more people doing stuff which we cannot afford for them to do, and more admin. Also, yesterday this concept of adequate accessibility needs to be made and needs to be performed. Where have I heard that before?

Adequate accessibility. Oh, yes, Fort Regent, we are doing really well on that one, are we not? And that has not been rolling on for a while. The whole way that this policy has been framed and worded is about encouraging people, making better choices. Now, that is an interesting concept because if you are planning out the car parking spaces you are not giving people choice, if anything you are removing choice. You are saying: "You can only walk, cycle, bus because that is all you are allowed to have." So, for those great libertarians that are among us, this is the opposite. It is not about giving people choice, in a lot of cases it will be removing choice away and forcing people on other modes of transport which may not be suited to their needs. In the main proposition points (d), (e), and (f), all very laudable. Who would argue against a zero vision for road deaths and accidents and things like that? Of course we would all support that. Encouraging low emission vehicles: again, who would say no to that? However, for the reasons outlined I cannot accept what this policy does and what it intends to do upon the coming law. I think that it is much more difficult to put in a car parking space when something has been built rather than having one there in the first place and, for such reasons, I will not be supporting this policy and I would ask other Members to do so as well.

### **1.3.2 Deputy D.J. De Sousa of St. Helier:**

While I am extremely happy to follow the last speaker who has said absolutely everything that I would want to, I just want to reiterate what he said and the misquote that the Minister gave yesterday of what I said. I will be voting against this for the reasons that Deputy Maçon has stressed. It is not because I want to do nothing and I would encourage every Member in this House to really listen to the speech that has just been given and make the right choice.

### **1.3.3 Deputy J.B. Fox of St. Helier:**

It is always very difficult when you are looking at a policy document such as this to see all the merits that are contained within this document, but what we have to realise is that if you are a Town Deputy most of this is going to affect the people who live in St. Helier and the people who visit St. Helier, so therefore you have to think in the back of your mind of the other policies that are liable to be hitting the town residents, the business people in town, the people who come to work in town et cetera. Just to give you a flavour, we talk about the increasing ageing population and the next minute we talk about the Social Security, which we have all gone through, is going to reduce or otherwise change the transport allowance and it slowly disappears and then you have the hospital group talking about the transport that is provided to people going to the hospital, or going to their homes, or going there. That is without the other private supports et cetera. Then you think about the planning policies, which up to now has been building houses and apartments et cetera with totally inadequate facilities, recreational or parking, and all these have an effect on people's quality of life and as I briefly said to you yesterday we cannot even go to hospice, it is limited times to go to Overdale Hospital, people that are living in residential or sheltered accommodation outside the dense urban area like the ring road, all have their quality of life reduced dramatically unless some relative or kind soul goes to visit them, and then we have a problem with visitors' parking for them to be able to go and visit and restrictions on time et cetera. So, all in all there are a lot of things ganging up against you and we had a hopper bus service that was brought in experimentally and also had an electric version for a while and these proved very popular, although they were very limited because basically they over-arched an existing bus route and therefore there was obviously the finance bit that came into it, but they were never designed for the purpose and the only person that came up with it, and I have mentioned it before but I think him an important discussion of today, I should just briefly mention the late Bob Eaton. He was planning with Pioneer Coaches to have a shamrock version that went around covering all the outer districts of St. Helier and bringing buses every 20 minutes or so into Halkett Place where people could get in and out, go to the central market. It was on the higher part of St. Helier, so they wanted to go down to St. Helier. It was less walking. Like our bus terminus at the moment when you get off it you have to go up hill and, if you are trying to carry some shopping and you are less able or infirm in some way, or disabled, yes,

you have the use of mobility scooters et cetera which are a great improvement but they are not the panacea. We need to dovetail things in and it is easy for us to talk about things and have dates of 2013 and 5-year programmes but the reality is that I have been around for a long time and I have been hearing promises going on for year after year after year and then for some reason they do not materialise, or they get watered down, or whatever. So, I shall vote for this for the simple reason it is better to have something than nothing, but it is not the panacea, as a lot of words will say, because by its very nature it is a strategic document and it does not cover detail - and that is quite right - but of course people like us will stand up because it is our duty to do so. We represent a lot of ordinary people on the floor, whether it is in the dense populated area within St. Helier or whether it is affecting people coming into St. Helier, which affects the residents and the business trades people as well. I am not going to go on for too long, but the things that do affect us is like there are ... we had a count done, there are 650 so-called white vans that are overnight in St. Helier, many of which come from large companies, utility companies. In days gone past they used to go back to the depot, put their vans away, pick up their cars and go home, wherever that was. Now, for convenience, and I understand the reasons, they are in St. Helier, but we do not have enough designated parking spaces for these vans to go and slowly, as residents' parking comes in and other pressures, a place for temporary car parks or permanent car parks being utilised for other things, buildings et cetera. When I go around the countryside now I start seeing the entranceways to fields or sides of houses filling up with vehicles and you see planning permission for various things: "Can we have 12-hour limits on country car parks?" because people are using them all the time. So, what I am saying to you briefly is that there are a lot of side effects that can go on by decisions made in a policy like this and they have effects that sometimes and quite often have an adverse effect on what its original intention is. I think finally I just want to mention that, yes, there is no budget to cover these but there is also always coming up that when someone suggests you put something in free like a community bus service which works extremely successfully in Europe and in places like Christchurch, New Zealand, not every bus is free on main routes coming in, but the community bus is free and there is a reason why it is covered by its rates or its local income tax or some other form, is that it provides a quality of life, it takes out the pressure for parking for some people and the other aspect of it of course is that it encourages a lively community for people to go to visit their day care centres, or nursing homes, to visit people, or go to the shops. As I briefly said yesterday, we have a whole raft of people living on the outskirts of St. Helier that do not come into St. Helier because it is the only place that they have to pay every time, so they just take their car and they drive out to one of the country establishments. They are all well-known, and I am not going to mention them, they know who they are, but likewise when we had drinking and driving laws it killed the out of town entertainment, so everything comes into town. There were people that had the initiative that wanted to buy a bus and have a driver that would take people from St. Helier, take them out to places like Noirmont, to establishments in St. John's and I am not going to name them all, and then bring them back in at the end of the night, no drinking and driving, but it kept the establishments very, very healthy and gave entertainment and choice to the people of the Island, young or old. Unfortunately, if you want to charge 50p to just have a little resource to pay for the fuel you cannot do it without a P.S.V. (Public Service Vehicle) licence and that means that you have to hire a proper thing with all the necessary red tape and paraphernalia that goes in with it and that means that it does not happen and therefore businesses in the country start dying, or they get diverted to apartments or other things and it changes the whole concept of quality of life. I am going to leave it there with just a little flavour of the side effects that can happen through a policy like this over a period of time and we need to put some checks and balances in.

#### **1.3.4 Senator T.J. Le Main:**

I would like to follow Deputy Fox because he has touched on one or 2 points that I would like to raise. Deputy Fox is quite right about white vans in St. Helier and I have been saying for a long time, and I hope that the Minister will take note, that I believe that the time has come and I think the time should have been done some time ago where there should be a commercial operator's

licence for some of these large commercial operators and some of these businesses that have a huge amount of commercial vehicles. Since Housing stopped the large white vans parking on housing estates there have been a proliferation of those vehicles parking up in the streets in front of people's windows in certain streets of St. Helier and that to me is just not right, when you have to go in some of the streets in town where a large white van is parked every night or every weekend in front of somebody's window in a street. I know that at Les Cinq Chenes at Five Oaks people do park up there because they do not have any parking restrictions up there by Housing, park commercial vans there at night and weekends, leave their car in the day and they go off backwards and forwards to work and that is the prolific kind of thing that is happening. So, I believe that we should have commercial operators' licences. We should know where large commercials are being parked, or they should provide parking and I would like to see the town totally tidied up with these large commercials. The other thing that worries me, and I have said this several times and I do not know how you overcome it, but it is these P30s trundling up town over pavements.

[10:30]

I saw one a little while ago where it was driving up Beresford Street, turn left to the market, and went through into Don Street to deliver to the back of British Homes Stores and those stores and a huge P30 that could not get around the corner into Don Street and had to go over the pavements. It is killing our pavements and when I looked at that the operator was saying they would have to de-staff everything down the docks and it cannot happen, it has to come straight from the dock. That may be the case but I really believe that if you want to make the town a nice place and safe place that these are points that should be taken by the Minister. So, I would like to see a real movement in this area to try and sort this and Deputy Fox is right; we have some family land in St. Martin's and a block of flats not far away and one chap there who is a driver for a commercial operator with a 10-tonne truck asked if he could park his lorry at night and weekends in one of our fields in the entrance. So, it is a huge problem and it is a problem that I believe is affecting particularly the town areas and the built-up areas. The next thing I would like to go to is the difficulty that ... if any of you have been to France over the last 2 or 3 years, on some of the shows, you will see there a huge amount of dealers and manufacturers who have small electric cars and what have you, very small, little baby cars that would be ideal for Jersey. Now, if any of you have ever been down to D.V.S. (Driver and Vehicle Standards) and tried to register a vehicle or to try to get a sense out of D.V.S. it is an absolute nightmare. What I cannot understand - and I have been in the car business so I know a little bit about it - is, when in the legislation we are told by D.V.S. they cannot be registered in Jersey because they do not meet the type approval numbers, yet they are available in London and they are available in France, they are available on the Continent, and Jersey, 48 square miles, and of course we are being stopped at every quarter. It is time, Minister, that you sorted out D.V.S. and allow some of these little cars, put a speed limit on them if you like, but for goodness sake there is a real opportunity to make a real difference by having small electric eco-friendly vehicles which at the moment are being completely blocked, either by legislation or by the unwillingness of a department that will not see change. I would also like to see much more encouragement for mopeds and motorcycles. I know that the Minister in his document, in his policy, is in favour of this. I still believe there are a lot more opportunities in encouraging people to come into St. Helier and parking up with mopeds and motorcycles. What I would like to do is I would like to congratulate Deputy Lewis on his performance Sunday morning on the radio. I felt that he was well-versed with the policies, he was well-versed on many of the issues so I would like to congratulate him, and I was pleased to hear that there is going to be a provision of more bus shelters, but I would like to say that I believe that the Planning Department has a huge opportunity to really make a difference here, not only developers that are developing multi units in large commercial areas, but even developers that might build one or 2 luxury houses. There is an opportunity there to get them as part of a planning obligation to provide a bus shelter in those areas and I believe that should be much more focused by the planning applications' panel and the

Minister for Planning and Environment in the provision of more bus shelters. In fact, I feel that would be better as a planning obligation perhaps than a percentage that is currently being promoted, but that is just a view that I have and as I say, I think there is huge opportunities that have been lost in the provision of bus shelters and I believe that it would assist greatly. I would like to just make one other point and I have been involved recently in trying to assist someone who built a couple of houses down L'Etacq and 2 of the properties had ample car parking, 2 of them did not, and we have a huge car park in L'Etacq as you run into L'Etacq, massive car park, empty all day, empty every night - apart from in the summer when there was some tourism-related activities in the area - and yet there are being conditions put on by an environmental officer that the properties had to have conditions put on them that they had to lease, if you do not mind, car parking spaces on a public car park as part of the planning condition. Ridiculous. When you get into St. Helier and you have places like Clairvale Road and other areas where the Planning Department have agreed building houses with not even a car parking space and asking them to go and park in Midvale Road, or in the streets, and you get L'Etacq, an area there where there has been a development of ugly commercial buildings that have made a real difference now. I would like to compliment the planning application Members and the Minister on the style and the developments that have taken place; really, really good stuff coming through now in some of these developments. They really look nice, and often in areas like L'Etacq there they look traditional and they are a real credit to the planners. But the conditions, I mean, when you think that some of those homes ... they want to charge, as part of the planning conditions, so subsequently 2 of the homes now are not able to be sold because of this absolute stupid planning obligation, yet in St. Helier it does not make any difference, you get an odd case, as I say like Clairvale Road which I know is the issue that most people raise, although that has been some time ago now. It just does not make sense. We need to provide homes for people and that place at L'Etacq is a nonsense, I have appealed to the Planning Department and I am hoping that my appeal will be successful. I want to release these homes, I want them to be sold, I want people to live in them and people to enjoy them but this is absolutely ridiculous. So, with that I am very pleased that we have a Minister and Assistant Minister with Constable Jackson and Deputy Lewis who do listen to us and I compliment ... although my wife said he looked absolutely stupid with that hat in the bus yesterday; she said she does not know which Oxfam shop he bought it from, but he is doing his bit. But I must compliment the Minister and the Assistant Minister for really taking note. But please take note I have real concerns about the D.V.S. I have real concerns that we are not getting the issues through and I also have a real concern about the buses and the cabs, and that is a hot potato and that is something that really needs to be resolved, but no one has had the foresight or the guts to make a decision on that and that is an absolute nightmare. What I would also like to say is about the hopper bus. I am a great believer that this is a major contribution to a better St. Helier. **[Approbation]** As Deputy Fox has said, you take the Irish shamrock and that could make a real difference to Mont au Prêtre, to Mont Cochon. Even places like up Pier Road where there are a lot of elderly people living at the top of Pier Road and not having access and it is a very difficult road to walk down from those homes down into St. Helier and back again. I honestly believe that to make a real difference we really need a hopper bus service in St. Helier. Even I use the bus, I am a regular bus user, and I am not saying that today just to shout about it, I am a regular bus user. When I moved to where my home is at the moment we chose it for various reasons: (a) it was close to shops, (b) it was close to the beach, it had a regular bus service, but even I have difficulty in walking from here to Cyril Le Marquand with a bad knee and a bad hip. So, a lot of us with ageing population are having this difficulty. We definitely need a hopper bus. May I suggest to the Minister that instead of spending thousands and thousands of pounds on cycle routes in Gorey that go nowhere that the money would be far better spent in providing a hopper bus route for thousands of people to use. I will leave it at that.

### **1.3.5 Deputy M.R. Higgins of St. Helier:**

I would like to say from the beginning that I agree very much with what Deputy Maçon and Deputy De Sousa have said. In the document itself there are many laudable aspects to the policy that the

Minister is putting forward and there are many elements that I agree with, but I will not be supporting the main elements of the proposition. Now, the policy on parking certainly in the document is orientated to commuters and shoppers. It does not cater for the needs of St. Helier residents who do not have garages or parking spaces at their homes and who have to rely on the street parking. I have lived in First Tower for over 30 years in a Victorian house. I do not have a garage, I do not have parking, I have to rely on the street parking or a car park some distance from my home. Every day I have to fight for a space for my car with the white vans operated by, and the private cars owned by the same operators of those white vans, who park them on the street. So, it is not just the white vans in isolation, it is their other cars as well. I have also been subsidising T.T.S. (Transport and Technical Services) for years in the amount of parking fines I pay because I have no alternative; there are places that I have to go and if I am a few minutes late I get a fine. They seem to be very active in the First Tower area, in the wrong areas I might add, but certainly I have subsidised them enough. Now, unfortunately, what we are doing is making the situation worse. The Island has a policy that we all agree we want to keep the Island green and we want to try and keep building on brownfield sites or in town. However, what we are doing is adding to the problem and if I can just mention the Lempriere development which has been suggested near the Magistrate's Court. Absolutely diabolical: 11-storey building, totally inadequate parking. It is a joke. Now, we have had a fight in the States for 10 years to get a town park and to get some green, well, it is alright for the people in the countryside who do have the green and everything else, they have it, they also have the car parking spaces, but when they come into town they are adding to the congestion in town and what I would say to you is if we look at First Tower, the policy that is being talked about, about putting up car parking charges and other things in the centre of town will mean some people will park their cars on the periphery of town and maybe walk in, or come in, and they are going to be taking residential parking further out. So, it is not just the centre of St. Helier that is going to suffer, it is going to be the periphery of St. Helier. So, I do think that there are many things in the policy I agree with, but this is one for the residents of St. Helier which is not going to work. So, what I would say is please consider a St. Helier, which is the largest centre of the Island, and its needs as well as commuters and shoppers.

#### **1.3.6 Connétable P.F.M. Hanning of St. Saviour:**

I believe this policy is, to be fair, a bit vague. It is aspirational it is: "Mum and apple pie." We all want to improve safety; nobody wants to see people killed on the roads, so it goes almost without saying that we want these improvements. We want a greener Island, we want to cut down emissions; that is fine, but we have got to live in the real world.

[10:45]

I think a lot of the Members such as Deputy Maçon and Senator Le Main and various others have spoken about the problems of parking and white van man and so on. I think we need to be sure that we are improving the alternative transport before we start getting too heavy on the penalties. In St. Saviour, as Deputy Higgins has said with the peripheral parking, every time the cost of parking goes up in St. Helier, or there is anything that makes parking harder in St. Helier, we suffer with increased parking in St. Saviour. Cars are parked for people coming in. They are not stopping using their cars because the cost goes up in St. Helier, they just drive close to St. Helier and walk the last part. They are not changing their ways, they are just doing a little bit of walking and I do not think that is going to improve their health that much. People are going to have to continue to use their cars even if they are penalised. They are not using them just for pleasure. They are using them for need. I do not think all that many people decide to go out for a happy morning drive at 8.50 a.m. or 8.30 a.m. purely for the pleasure of being in their car, they are using them because they have to go there and because there is no alternative. Before we increase all the charges, and we believe the reduction in numbers of cars will happen by increasing charges, reducing the number of spaces, I would ask Members to look some 25 miles north of us. If their logic is correct, Guernsey



should be gridlocked, no car movement at all. They do not charge their parking. There are some small charges in some places. It is peanuts compared to us. Basically they have, in effect, free parking. Now, if the logic used by our transport Minister is correct they should not be able to move because they should be locked with cars. I am afraid their logic is wrong. It does not work. They are using the wrong argument. People are using their cars because they have to use their cars and to do anything that is going to change that ... it might put their income up, but it certainly is not going to stop the usage of cars. I would ask the Minister if we could have the carrot first before he starts applying the stick because people will have to use their cars. Yes, they will take more money from them by increasing parking fees, by increasing fines. That may be fine for running T.T.S. but it is not going to help people who need to come into town. There is a small relationship between the increase of costs and the number of cars. The cars are there because of a need and because we have no alternatives.

### **1.3.7 Deputy P.V.F. Le Claire:**

The Sustainable Transport Policy has been a long time coming and I would like to begin, in case I forget at the end, to congratulate the department, the Minister, his Assistant Minister, and the Deputy of St. Mary for the enormous amount of work that they have done in trying to bring this to us today. Interestingly, in the policy there is a letter from the consultants that helped Sustrans in developing this strategy and the clear indication from them is that, as the Regional Director says: "Of course the real challenge is not in producing a policy but is in delivering its recommendations, aims and vision. The greatest challenges lay ahead for the States of Jersey and the people of Jersey in providing opportunity for and choosing to use sustainable transport modes for at least some of their journeys. If Jersey gets this right then the benefits will be seen in people choosing to use transport modes other than the car at all times of the day and not just peak times which is critical to improving the health, wealth and quality of life in Jersey." The real challenge is not for us to debate the policy, but it is also for us to deliver the outcome that is expected. I heard a very interesting turn of phrase the other day which I thought was quite interesting. It was used in the political context and it was: "Yes, well, that is just for speeches." That, I am afraid to say, is what so many of the policies and objectives that we look at in the States of Jersey have now become, it has become a: "That is just for speeches" place. So, let us all stand up and make some speeches because that is the only thing we are going to be significantly contribute to if we have to. The quality of life in Jersey varies from parish to parish and there are some wonderful outlying parishes where the quality of life is significantly better than that of certain areas of St. Helier, and good luck to them. Good luck to Jersey; it is a beautiful Island, it has many different characters. The problems with transportation in and around Jersey is that we have built all of our schools and our town, as so many places do, on the waterfront with only 3 ways in and 3 ways out, unless you are talking about emigrating or immigrating. The seaside and that one quarter of the access way is negated. We have a number of issues that have been highlighted that I would like to touch on very briefly, each in turn, but I think it would be important to just congratulate, and not in any way demean, but completely congratulate the Minister for the consultation that he undertook. That, in my view, was one of the best pieces of consultation that the States of Jersey has ever done. On page 114 these are the sorts of outcomes that we have drawn from the consultation. People said this: "Transport and Technical Services should look at ways to develop a more efficient and integrated taxi service." 54.2 per cent of people either agreed or strongly agreed with that: "Pedestrian priority areas should be extended in St. Helier." 64.5 per cent of people strongly agreed, or agreed, with that. I am missing some out because I do not think some are as significant as others: "A regular emissions test should be introduced for all road vehicles." 64.2 per cent said that should happen: "A regular road worthiness test should be introduced for all road vehicles." 66.1 per cent agree with that. I believe we all received a letter recently from Mr. Peter Tab who is the ...

### **Senator T.J. Le Main:**

I do not agree with that.

**Deputy P.V.F. Le Claire:**

Senator Le Main does not agree with it, but certainly he put the view across to Members of the Assembly that there should be an annual road worthiness test and it is highlighted within this policy. Not only is it something that 64 per cent of the people want to do, politically it is suicide so hopefully a Member would be brave enough to do it when they are retiring, but Senator Le Main is not supporting it, I do not know why. In the policy itself it says that poor roadworthiness in vehicles significantly contributes to the degree of accidents and the severity of road injuries. Some people are shaking their heads but we have read it, have we not? It is in the document we are debating. Those are not my words, it is taken verbatim from the policy. So, the professionals identify the fact that the condition of the vehicles is impacting upon the severity of the road accidents and the injuries. The other thing, which I know Senator Le Main will agree with me on which he has touched upon, is a commercial operator's licence should be introduced to ensure that commercial vehicles are maintained properly, safely, and with appropriate facilities for housing and maintenance. 84.8 per cent of people agreed with that. The white van man, and we looked at this with the Deputies of St. Helier for the town park and I identified, along with a couple of other deputies, areas where we could take, for example, d'Hautrée School, and allocate that as a place where white vans could be set aside to park and everyone looked and said: "Oh, people do not want to walk that distance if they have a white van. What are we going to do?" Well, the white van man runs a business and has an advantage over the people in town who pay for rates to have their own businesses and it has been identified by many people that life in town that the white vans are causing significant issues with people's experience and their quality of life, which I referred to earlier. The Constable of St. Saviour is saying that I should keep them in St. Helier and I can appreciate that from the Constable of St. Saviour, but I am afraid I cannot agree with it. I think that the white van issue needs to be addressed and we need to maintain them, we need to make sure that they are licensed and they are housed correctly. We have been recently to a site on planning where we have seen these vans being maintained and stored in situations where they really should not be being stored. As we go back through the policy itself we look at the varying aspects of who is going to deliver these proposals and it is interesting and it is quite appropriate and proper that the strands of these achievements need to be apportioned to the departments but I think we have missed a trick. I think that the oversight of this should belong to planning and I am pretty positive that this is where we are going wrong and I do not believe that the Transport and Technical Services Department should be doing this, or running this. There is not enough money in Transport and Technical Services to deliver many of these things. They have been taking a hit on their operations for years now and they have been making do with less and less and less and less with more and more to do and difficult circumstances for any department to achieve but when you are talking about the nuts and bolts of things it really is difficult for them and I think we need to re-think about where this is coming from. If they have shortages in their budgets and they need to replace a filter in the new incinerator, that is this year's transport strategy out the window because the first priority for them is going to be fixing that incinerator. The costs element of this, which I think is why we are going wrong which needs to be from Planning is it needs to be described perhaps in a template for things like master planning, where you look at the costs that we are saying we are going to commit to this project. £500,000 a year and yet the same amount of money, exactly the same amount of money, is identified as a need for the bus service improvements. It says as a proviso that if we do achieve those improvements in the bus service we will probably get £600,000 so we might be up £100,000. That is if we get the passengers. This is just for speeches so I thought I would just cover this stuff. The actual cost is on page 83. When you add them up the cost of delayed travel into town is £6 million a year. The cost of road accidents a year is in excess of £18 million and the World Health Organisation - and I am joining Deputy Maçon on the hands-up, I have got well overweight since I came in here - notes the cost of obesity is likely to be in the region of £87 million in the future. So, if we add all of that up we are looking at costs to society because of our

poor public transportation infrastructure of £100 million a year. What could we do with £100 million? What if we managed to save half of it? What could we do with £50 million? We could fill that black hole. I am covering through some of the things because I know Members are getting a bit frustrated with the length of the debate because they all know, as I do, this is just for speeches. Taxis. The Taxi Union wrote to us and they levelled their concerns about the States' traditional approach to their industry which is concerning them and we have been doing this since 1999, if not before, when the Constable of St. Helier put me in charge of taxis on public services. It was the same message from the department as it is today: "Let us get them all underneath one roof, get them all operating out of one building, get them all under one set of circumstances, and let us not bother talking to them, let us just do it." Really we need to engage better with the taxis than we are at the moment and we are not doing that.

[11:00]

We need to look at things like the opportunity for them to retire from their business and how they could maybe sell on their plates and leave their business, as do market operators for example, and we need to look at whether or not it is fair for the people that have been in the industry for as long as some have been to watch their fares being taken by people who are in the business overnight that have been here 10 minutes. Also, the people that are doing this fairly for the other businesses that are not in the ranks they are getting charged a significant amount of money to work out of their bases, so all of these things are well-known, well-understood, but unfortunately the broken part in all of this, in my view, is the fact that the department has a view about what it wants to do and we are not being open and honest about it and we need more political discussion and dialogue. If the Minister engages properly in consultation with the taxis, as he has done with this policy in the round, then I think we might have a chance because I do have faith ... in fact I will scotch that, I have great faith in the current Minister and Assistant Minister. The road safety cost aspects I have covered. Hopper bus was mentioned and that was another thing that was highlighted when we did the work on the advanced scrutiny panel. I have been involved looking at these things for a number of years now. The suggestion for the first time that it could be a free service was quite staggering, but when they explained that the majority of people who would be using the service would be pensioners and therefore you are not going to use a lot of money, you are just going to increase a lot of flexibility for people. I know my late mother used to use the hopper bus service when it was running to get to church and back to her house, stop at the market, pick up some flowers, go to church, come back home. She had emphysema in the end, so she could not walk very far at all but she loved the hopper bus and it certainly helped her get around town. The money, as I said before, I am sorry, I just do not see it happening with the money we are setting aside for this. This is just for speeches. We do not have any money for it. The consultation was way ahead. Air quality, another part of this which we talked about. Air quality coming in to play for this policy. We were talking about a delay of a year past, as I said yesterday, the day that it was meant to be introduced. The last scrutiny panel work we did on Deputy Duhamel's panel was on air quality. We had a delay against the strategic plan of a year ...

**The Deputy Bailiff:**

I am sorry, Deputy, I must interrupt you, the States are not quorate. Can I invite Members to return to the Assembly Room? Thank you.

**Deputy P.V.F. Le Claire:**

It does not really matter, it is just for speeches anyway. The air quality strategy; a year delay, even though it has been going for 10 years, and now in the policy itself it says: "These situations will be formulated from the green paper that we issued mid-2010" and we know because of staffing levels within Planning and Environment which have taken a big hit they do not have the people to do the work, and yet we have 3 international obligations; 3 treaties that we have signed up to that say we

should be doing the stuff, yet when we get one person that is taken out of the frame in that department the whole policy goes to one side and air quality is a significant contributor, in my view, in Jersey to some of the illnesses we have seen. We have seen high cancer rates, we have seen asthma rates that are very high and those are having a significant impact upon productivity and health as well as the enjoyment and quality of life in town. Yes, we have spent £100 million making sure we have a new incinerator that is better than the one we have in the past but people think that is a good way to spend £100 million but yet they are unlikely to commit to another £500,000 to help us address the £100 million that I have highlighted in my speech today that we are losing because we are not taking these transport issues properly. But it does not matter because this is just for speeches. Pedestrianisation, I am afraid to say has not gone on far enough. We need to do more in town. I think there should be much more of it because I think the greatest improvement in town since I was a child when I saw the first part being pedestrianised, which was a small entrance to the market, was a significant improvement in town by the pedestrianisation of town, not only for residents and the shoppers, also for the visitors. It has made a remarkable difference to town and I think it is something that we led the world with at one stage. I did not go many places where I saw a town that was as good as ours. I still do not think there are many but we can do more. D.V.S. Get rid of some red tape. “God” says Senator Le Main; I would give Senator Le Main tomorrow because I know that he knows what a mess some of the red tape is in our system. I told Members I had to go and re-sit my test because they did not accept my licence from when I had it transferred over and I went down there and I had to do my theory test because that was all part of it, but I had not upgraded my licence for a number of years and the lady said to me at the desk: “You need your trailer test, you need to give me a copy of your theory test certificate.” I said, “Well, you know that I have done that.” She said: “Have you done it?” I said: “Well, you know that I have done that because my licence was issued after the day that you had installed that system, so obviously I have done my theory test.” “Well, you will have to show us that certificate” she said. I said: “Well, I do not have it. That was 10 years ago.” She said: “Well, I will give you one you can show me, if you give me £10.” When I asked her she said: “Well, that is the law.” It went worse than that because when I did my test ...

**The Deputy Bailiff:**

Deputy, I am sorry to interrupt you, I should probably have interrupted Senator Le Main earlier, but I am not sure that the licensing arrangements are part of this transport policy.

**Deputy P.V.F. Le Claire:**

Well, Sir, I thought we were talking about the transport policy that I have in front of me which speaks about the proper licensing and administration of vehicles and I was trying to join: “A commercial operator’s licence should be introduced to ensure that commercial vehicles are maintained properly, safely and facilities for ...” I thought those elements in the transportation policy ...

**The Deputy Bailiff:**

If you are talking about commercial vehicle operator licences that is absolutely fine; I thought you were talking about your own experience.

**Deputy P.V.F. Le Claire:**

It was because I was upgrading to a commercial vehicle-type licence that I had to go back and re-introduce my certification. So, it is people that go to get a commercial vehicle licence that will be required to show their certificates. Many people like myself might find ... but those sorts of examples exist within the system and it is just one example but it is a clear understandably ridiculous example of how can somebody look at a computer screen and see a piece of paper and ask me for £10 to show it to them? That is the kind of nonsense I am talking about. In the end I had to go back up to Highlands because I did it there and I spent 3 hours with one of the people up

there trying to go through the old database. In total it took me 6 hours and I think most of that time was conducted by either D.V.S. employees or employees for Education. So, 6 hours of public service time to track down a piece of paper that the lady could see on her computer screen. It is mind-boggling. Bicycles. So, I would give the job to Senator Le Main. If there is going to be a task group we should put him in charge of getting rid of that red tape. Bicycles. The Constable of St. Helier has put me in charge of bicycles for St. Helier and some of the issues that have been highlighted in the policy about greater provision for cycle racks, and it was highlighted yesterday by Deputy Jeune, about the provision for bicycles and motorcycles and there certainly does need to be an improvement. We have seen some good examples recently with Jersey Gas who have installed some bicycle facilities at their own cost, at my request, so that people who go to park there to use the showroom have somewhere to put their bicycles. But we need to do more. We need to do that with the private sector and the private sector can pay for that. I do not know why all of this has to be coming from public money. We have made some indication about bus services and hopper bus services being funded by way of advertising to offset small minimum costs. Street furniture in New York, I think the annual cost of street furniture in New York produces something in the region of about \$3 million to the authorities in revenues and we have seen some of that in the car parks in town where they are starting to use advertising. So, we need to look at that and in my view we need to encourage businesses to invest in the facilities themselves and that is where I end off, by saying bicycles need to be considered. That is another element of the air quality paper that will come through in future no doubt. We have a boat that goes to France on a regular basis and not too far from France, well, St. Malo, is a place called Rennes, in Rennes an hour's drive down the road they have, as in many French cities, facilities for bicycles that are run by private companies that you can access if you have a debit card and your debit card registers you taking the bike and if you do not put the bike back in another facility somewhere within Rennes then your credit card is going to get whacked for that money and you sign up as a user on the internet. So, you give all of your details and then you are free to use that bicycle. So, in the instances when you would want to use a bike and the weather is sunny it is available. Now, in this policy they are talking about: "We will look at that." Well, I am sorry, why have they not looked at that already, in my view? That is something so simple to do. I have got to the point where I will stop speaking and finish by saying this: I am going to support the Minister because I think he is trying his hardest in doing this, but I do not think this delivers for St. Helier and I think what we need to do is we need to get the Deputies of St. Helier - this is just for speeches - to work with the Constable in delivering a St. Helier transport strategy because the money that is set aside for this transport strategy is not going to go anywhere near enough, £500,000 a year for £100 million of cost to society a year: £18 million on accidents, £87 million on health and £6 million on delays, it is in excess of £100 million, we are spending £100 million. If we do not get behind this strategy - and I have got to appeal to Members who are not going to support this - which is aims and objectives, there is no way we can continue to voice our concerns and ask for the monies for these sorts of things. The first thing we have got to do is approve the policy and then we have got to go away and we have got to engage the private sector and we have got to try and find monies from within our own funds and try to ask the Council of Ministers to see the sense that they are not seeing at the moment, which is the need to invest to make savings.

### **1.3.8 Deputy J.A.N. Le Fondré of St. Lawrence:**

I will try and keep my comments reasonably brief. I think the reason I wanted to speak was just to rise at that time to endorse the comments made by Deputy Maçon but it was, in particular, regarding the draft Island Plan and the maximum parking limits for residential parking. But I did want to say I think there is a clear distinction to be made between the Sustainable Transport Policy, which is what we are debating, and the Draft Island Plan itself. By way of example, I have made quite strong representations to the examination in public on this matter and I see we have received the report today so I will be interested, when I get a chance, of seeing what their recommendations are in that area. But I supported, for example, the Constable of St. Mary in recognising that for

many people on the Island the use of a car is a necessity so I will be categorically reserving my position on the Island Plan in the area of residential parking and that type of thing, but I am relatively ambivalent on this particular aspect of the Sustainable Transport Policy because the policy itself seems to place the focus on commuting and related parking, with obviously, particular reference to St. Helier. But I think the 2 or 3 comments I would like to make in reference to the policy is if we look at the recommendations on parking, which talks about limiting or reducing the quantity of long-stay commuter parking, the caveat there is to match the changes in car use brought about by the Sustainable Transport Policy so therefore, as far as I am concerned, on the basis of what they state in the policy, they are looking to see the results first before they start trying to limit commuter parking and I would just hope that that is the view they are going to take, that they want to make sure that the plan is working before starting to restrict the facilities available to people. The caveat I do want to highlight is that, within the report, in great civil service jargon it says: "Should the reduction exceed" which is the reduction in private parking availability: "the reduction in overall parking demand" in other words, one goes faster than the other: "there could be a need to provide increased numbers of public parking spaces" presumably in St. Helier and presumably at the cost of the taxpayer. The one slight concern I have is, if this goes wrong, we might potentially be transferring a burden from something that is already provided by the private sector to something that we as taxpayers are going to end up paying for.

[11:15]

The other comment I do wish to touch on is the provision of private non-residential parking and the comment that is made on page 51 of the policy. Many people, and I will pick on a particular department, will find it ironic that the department that is encouraging maximum limits is the very department that sits on a prime development site in the Island and with access to significant amounts of free parking. What I will say is I am very encouraged by the views of that department, and I am sure that they are very willing to embrace changes that are being proposed, I hope, in the near future in this area. But the reason I comment on that is that, to me, a lot of private parking that is referred to is private parking that is already paid for by various individuals, they choose to have that convenience but it is generally not a free good. But equally, there are other individuals who have private parking because it is free because the layout of wherever they work allows them to go on and park cars in that area. So when we are talking about in the policy it: "May lead to the need to introduce a tax or levy system on private parking in the town area" what I would just ask is could consideration be given, if that becomes a necessity, to making sure that people who get free parking are the ones who incur the greater cost and perhaps as some form of credit system introduced for people who already pay. In other words, from a basis of equity, somebody who pays once should not be required to pay twice, you need to put them on a level playing field first before we then start increasing the costs further. I will stop on that note. Basically, as far as I am concerned, this is a policy, lots of comments have been made about policy versus detail and, on that basis, I think it is supportable.

### **1.3.9 The Dean of Jersey:**

One or 2 comments about human nature. I am fascinated that we are going to have a 15 per cent reduction, that is the aim. I am quite pleased about that because if everybody else reduces by 17 per cent, I will not have to reduce at all. There is a great temptation to think that somebody else is going to do the things that are hard and the things that will change a bit of lifestyle and it does depend on your viewpoint for your own preferences. Thinking of this debate, I was very much reminded of the way in which the animals change their opinion in Animal Farm; at the beginning, the chant is: "4 legs good, 2 legs bad" the same animals by the end are chanting: "4 legs good, 2 legs better" because the power and the point of view has changed. When I am in the car, pedestrians are a thundering nuisance, when I am a pedestrian, cars very often do not take me seriously. Your 4-wheel drive is an indulgent extravagance, my 4-wheel drive - I speak

hypothetically - is an essential part of family life. I am sure the Minister is right when he talks about the need for sticks and carrots. Last week I was in a different Parliament, the Parliament of the Church of England, the General Synod, and I must have a word with the Chairman of P.P.C. (Privileges and Procedures Committee) about one or 2 things we might learn from them. But I was staying in an area of London, the Old Kent Road, and needed to get to Westminster. You would be insane to take a car to do that journey, there is an extremely quick, cheap, cost-effective bus that gets you that distance in 10 minutes. In every possible way, it is a lovely carrot that makes you want to do that. I think human beings, by and large, react quite well to carrots, they tend to resent bureaucratic sticks. There is a battle to be won and it appears to me to be a battle of hearts of minds every bit as much as a battle of legislation. I do think Jersey has one immense advantage over London in this: I have mentioned this before and I make no apologies for mentioning it again, it is that mutual courtesy which is engendered by lovely things that other people find odd about us, like filter in turn. If you go to Hyde Park Corner, would that not be transformed if there was 10 per cent of the courtesy that is part of Jersey driving? We lose these things at our peril. I am not particularly interested in how they work out in academic English traffic studies, I am concerned about how they affect the way in which people drive here. When I sit outside the church, if I have had to go and get robes and I am in the car - which is very rare these days - and I am exiting out on to, is it Hill Street there, with all the legal firms? Sometimes there are quite large gaps and I get into them and I know the driver wanted to let me in, I just felt the need to help him make up his mind that that was the courtesy he was to show me. The more we can engender a sense of mutual respect between all road users, then shared use will not simply be a theory or a raised platform but will become a way of life. That does mean doing everything we can by our own example as well as by our policies to make sure that the needs of the country parishes are defended by town Deputies and the needs of the town are equally defended by Members representing the countryside. When we have done that, it seems to me, we may have moved beyond simply being speeches but interchanging practicalities and lifestyles.

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

With the Transport Policy, it is pretty much knowing where to start or even where to finish. I thank very much the Dean for his speech, I very much agree with what he has just said. My particular problem with the Transport Policy is that I have been in the States for the last 2 years now and stood on election in St. Saviour as Deputy for Sous L'Eglise on the problems of traffic within that area and my point in making this speech now is to make an awareness, not at the cost of £40,000 as Transport and Technical Services needs to do, but make an awareness of how bad the traffic is getting in that area and how, in 2 years of speaking to Education, T.T.S. and even arranging a meeting between them and the parish over 8 months ago, there has still been no response. Nothing has been done to rectify the problems that are there, there has been no communication between Education and T.T.S., no response back to me as to the way forward of us doing this. I understand we cannot do it tomorrow, we may not be able to do it next week, we may not be able to do it next month or maybe in the next year, but set something going so we know where it is going to go. I have constituents who are afraid to go outside their doors because they are going to get run over between 8.00 a.m. and 9.00 a.m. The school traffic is unbelievable in St. Saviour, you just have to stand on Wellington Hill or St. Saviour Hill in the mornings or the afternoons to see how really bad it is. I had a constituent the other day contact me with concerns of knocking down trees within St. Saviour because of the amount of pollution we already have in that area and I completely am sympathetic with that and I understand that there are plans possibly to plant more trees there, however, the point is that this is what it has come to, people are really concerned in that area. We have 6 fee-paying schools in the parish, Highlands College and Hautlieu School, all of which are not catchment-based, they are children from all over the Island. It is very difficult to be able to tell people that they cannot use their cars to get their kids to school safely, there needs to be communication there between people to understand the needs, to understand the reasons. These people have extreme pressures with having to pay more tax, with having to pay high cost of living

in Jersey, with having to live and put clothes on their kids' backs and send them to a good education and things like that. The time there to be able to work around the day so that you can get your child to school in the morning and get to goodness knows how many jobs maybe, and get your kids proper childcare, that comes at a cost, possibly after school. Then also having to do dinner and then getting your children to bed, et cetera, and maybe going out to do another job of an evening. These are the kinds of pressures that people today face and that needs to be acknowledged in this Transport Policy. It is not about just transport, this is about life, this is about people's lives and, in my view, I do not agree with this just being about Transport and Technical Services, there needs to be collaboration between T.T.S., Planning, Education and the parishes. It would be nice to see a bit more imagination in the plan, it would be nice to see: "Well, we are going to sit down and see if there are ways of maybe the car-sharing elements for the parishes" so that people can drop their kids off with maybe a minibus or a hopper service to get the children to the schools at some point, or even just communication would nice, it would be nice to have somebody to talk to who you know that eventually there is a name, eventually at the end of it you are going to get somewhere, not just a 15 per cent reduction. "Recommendations for public transport, a full needs-based review to be carried out to assist school, pupil travel patterns." Well, forgive me if I am wrong, but I believe possibly, most of that was done already a few years ago. I believe a review is just the usual way that we do things, is it not, another review and let us just hope that we can get something out of that. It just does not wash with me any more, I am afraid. 2015, well, there are more kids being born every year, more kids going to school, we have an extreme amount of schools in St. Saviour and, let us just say this nicely, it is getting beyond a joke. I just refer people to the actual Transport Policy here, page 123, 124 and 125 where it uses data on the volumes of traffic. I have added up the traffic movements for Bagot Road, Bagatelle Road and St. Saviour's Hill, all of which are in St. Saviour. During May quarter term approximately 17,000 movements in just those 3 areas between 8.00 a.m. and 9.00 a.m. They do not even mention Wellington Hill. This is from 2005, that was 5 years ago, this is 2010. I understand Deputy Le Claire saying: "Let us put the white van man's vans up at d'Hautrée" well, wonderful, but let us work together not just St. Helier saying: "Let us move it to St. Saviour." I am quite happy to work with anyone who wants to work with me and I have made that pretty clear, I have told that to Education, if they want me to come in and discuss things, I have asked for meetings, I have spoken to them on almost a daily basis on the traffic problems to try and get some kind of action plan. It is fine to listen and to acknowledge but we want action. I appreciate what the Minister for T.T.S. is trying to achieve but I really hope that, if this passed, that something will come of it, that there will be action at the end of all these wonderful ideas, let us say, a way forward. But do not pressure people to do things and use a stick to make them do things. We have legislation in place from the Minister for Transport and Technical Services and I have to question whether it is enforced sometimes, we have parking on pavements, which is against the law. I have seen kids almost getting knocked over because of people parking on pavements, parents pushing buggies that cannot get past the cars and have to go into the road. It is just not acceptable any more, I am afraid, and the sooner we can make people try to understand and respect each other as a community and start that way forward, we might get somewhere. **[Approbation]** But to depend on such a policy where we are just going to maybe use a stick here and there and: "Fingers crossed and hope for the best." I do not agree with just throwing money at things, let us all start working together, not just the department, but us as Members, to achieve something at the end of this.

[11:30]

### **1.3.11 The Deputy of St. Mary:**

I am glad to follow Deputy Vallois because she has really thrown down the gauntlet to the Minister that this cannot be just a nice heap of words, we have to see some action. I had a note to begin this by saying that we have heard a bit of negativity in this debate and I think we should be positive about this strategy but positive in the Deputy Vallois sense: "Get on with it" and that of course,



raises the issue of funding. But before I go into the detail, I do think this policy is a great opportunity and the Minister, I think, mentioned at the very outset of this debate some time ago that the time is now and I think what we are discussing is the direction of travel, we need to put, of course, nuts and bolts on that and we need also to find the money. But, as Deputy Higgins says, we all agree we want to keep the Island green and that applies to everyone. It implies we want a better Jersey for people living in the country, as do my constituents, and we want a better Jersey for everyone. In this speech, I am going to do a little roadmap because otherwise it can get wiffly waffly, can it not? The main point of what I am going to say is about money because I think at the back of people's minds is the question of funding and the question of whether this is deliverable, whether it is not just a heap, a little pile or row of bullet points that are nice to look at but will not happen. I think that is very important and in the end I will come to the issue of funding. But first, I want to spell out the financial benefits of this policy and secondly take a look a public opinion because obviously we want to know that the public is with us. But to start with the financial benefits, and they have not been brought out yet, apart from by Deputy Le Claire, who has filled us in on the accident side of things and I simply do not need to repeat that, I just endorse his figures there of £18 million. They are the same figures, more or less, as back in 1999. There is a consistency in how much accidents cost the community and that is leaving out the heartbreak, leaving out the pain to the individual. Then he also mentioned congestion. I have heard people query congestion saying: "Oh, well, people who are driving to work in the morning do not care about their time because, after all, they are just driving to work, it is not work time." But you have to think that a surprisingly large percentage of journeys in town in the rush hour are not journeys to work, they are people already working. That might surprise some of us, but people start at 7.30 a.m. or 8.00 a.m. to go to Normans, for instance, to pick up some building materials and then struggle out to get to their building site in the rush hour. Likewise, doctors and other essential people are going around at that sort of time in their work time. That is where the cost comes and I know from my experience of delivering on bicycles, but it is quite obvious that there is a cost there and the more cars there are around the more congestion and that imposes an economic cost on the cost of doing business in the Island: that is, 2 people sitting in a builder's van doing nothing and being paid for it and then, when they load up, they are paid again to sit in another traffic jam before they get to the site where they are going. I do think that is something we need to take on board and it is true, of course, throughout the day, but less so. Another aspect of financial benefit that is buried in this policy, if we accept the strategic direction, is the health benefits. These, again, have been mentioned by Deputy Le Claire but I just want to remind Members that on that page are the benefits at the back of the policy, I think it is page 83, there is a figure from the World Health Cycling Evaluation tool of, if we were to increase the numbers of people cycling in Jersey at peak by 100 per cent and in the rest of the day by 25 per cent that there would be a benefit, simply in terms of reduced mortality, of £250,000 a year. That is not a sort of random figure plucked out of the air, I have seen the studies that back that up; there is a reduction in mortality if you take regular exercise and cycling gives you that benefit, even if you take into account other exercise that people are doing and standardise the comparisons, taking into account the fact that some people play squash and some people do not. Nevertheless, there is an add-on benefit and that is cashable as well as in quality of life. So that is another financial saving, fitness does save. I will not get into the discussions around obesity because I am at the opposite end of the spectrum and I could well do with other people's surplus, or just a bit of it. Finally, I want to stress the car-parking issue. We have heard quite a bit about car parking and I do hope this debate does not overstress the parking issue, it is obviously important but we do have to look beyond parking. I have made a couple of notes about this before I talk to Members about the savings that are possible here. Deputy Maçon talked about people not abandoning their cars and that parking spaces for residents are very important. I do not disagree but the policy is not saying that people should abandon their cars, it is not a Utopian policy and the word "Utopian" was used earlier. It is a practical, as the Minister said, achievable policy, but it is indeed looking to realise some gains in parking spaces. We have to ask ourselves, do people want a car with the cost of ownership and the problems that are associated

with a car - mine has just broken down, so you do have issues when you own your own vehicle - or do people want access to what the car can provide? That brings up the issue of car-sharing. In the North of Town Masterplan, I was glad to see that Hopkins, when talking about the Ann Court underground car park say that: "We want to provide so many spaces, depending on so many units of accommodation above" and they include in their calculations an element of car sharing and they are right to do so because experience elsewhere - in Bremen, is my example but there are other examples - is that you save by having a good car-sharing scheme, you save 3 spaces for every 4 cars, the ratio is 4:1. So people avoid the cost of owning their own car, they have access to a car, in effect they can book it or hire it when they wish, there is a pool of cars of different types, larger and smaller depending on your use, and you get this saving in residential car parking, you get this saving in space, in precious space. I do urge both the Constable of St. Helier and the Minister for Planning and, indeed, Constables - particularly in the urban areas - to look at this because car sharing is definitely a way of saving parking space. There is another aspect which Deputy Maçon touched on. He talked about congestion in town but that is the whole point of this policy is to reduce commuting, it does not target residents, it talks about reducing the target, the headline target. I see he is waving the Island plan at me, so ... but the headline target in what we are discussing now is 15 per cent reduction across the screen line, it is 15 per cent reduction in traffic going into town, not all but most of which will end up in a parking space. So the congestion and the demand on parking is linked to that 15 per cent reduction. That is what the policy is after, it is not after chasing people off residential parking spaces although, as I say, there are ways of reducing the demand there as well. Somebody mentioned Guernsey, they have a completely different policy, as I understand it, they have a very-much-cheaper bus service, many people using it and they do not have the provision of car parking that we have; in fact, they are reducing the demand by simply not having the provision and people use the buses partly because of that and partly because they are cheap. That sounds to me like a different policy, it sounds to me like a complete package that makes sense and which does not mean that you have to provide so much car parking. The major point, I suppose, about this parking issue is removing choice and Deputy Maçon referred to that. Really, I have to disagree, I do not think that the policy removes choice in any sense but it adds choice. There are many people right now, and I know because I met visitors who said they could not get on a bike, they would not consider hiring because you just look out of the window of your hotel. That means that their choice was diminished, because of the conditions on the roads they felt that they could not, and I would have to persuade them once you get beyond a certain place, one you use your cycling map, there are plenty of places where it is safe and easy to cycle. But their impression was: "It is not safe, it is not possible" that was a reduction in their choice and we have to look at that aspect as well. Also, when we are talking about choice and removing choice, we have to remember that 25 per cent of the households in St. Helier do not have a car so what is the choice for them? The choice for them is the bus or biking or walking and that is why it is so important, from an equity point of view, to provide an adequate bus service allowing access for all. So that was a parenthesis about parking because I want to stress that there are very big savings in the area of parking, there is money to be made, if you like, by the States in this area. I circulated yesterday - and I apologise to Members for not making clear where this document came from - it is a plan of Lempriere Street and I had the ushers circulate that yesterday and it did not say who it was from and I apologise for that but, rather than print off the whole lot again with a little note saying it is from the Deputy of St. Mary, I thought I would save paper and just tell you that it is from the Deputy of St. Mary and not, as you might think, from the Constable or some other person. The reason I printed that off was that I think it helps to concentrate the minds of Members if they look at that sheet of paper. I hope everyone does have access to it. But it is a ground plan of Lempriere Street which, to remind Members, is the piece of ground to the right - which is not very scientific - of the Magistrates Court. Looking at it, I see that in that land, which has just been sold by the Parish of St. Helier - and I will come to that in a minute - but it comprises a surface car park and 2 properties and the total area is 1,250 square metres and the price is £2.7 million, £2.7 million is going to the parish's coffers because they have been able to sell this land. If you take the parking

element, 940 square metres, and do the sums you will find out that the 43 car parking spaces there were sold for £1,186,961, £1.2 million. You could buy a bit with that, whichever Minister I choose to look at, you could buy a bit with £1.2 million. The value for each space is £27,600. Just look at that piece of paper, look at the plan of Lempriere Street and see the pound signs where those parked cars are. I have explained that we are not talking about residents' parking we are talking about commuting parking and there is huge financial gains to be had by this policy of reducing commuting and thereby liberating ground space for sale or for other usage: you can either develop it as residential ... by the way, I am not entering the debate about 11 storeys, that is neither here nor there, the point is it is being sold for £2.7 million. It can be developed as residential, which we need, or it can be developed as environmental improvements for the town. That is the financial benefits aspect of this policy covered and just to recap: the accidents, the health benefits, the car parking, the congestion, those are big savings. Of course, there are other benefits too. I will not dwell on these too long but I just want one little bit of personal ... it might lighten the mood a bit. It is from Sustrans, it is about cycling and promoting cycling to school children and this is the kind of benefit which is down the line if we go with the Minister. It is a quotation from a parent in a school where they did a travel to school exercise run by Sustrans through their Bike It programme, and I find this quite moving: "I just wanted to thank you for teaching my son to ride a bike. I tried but I was hopeless. Before, you had to crow-bar him away from the computer but now there is no stopping him when it comes to his bike and you cannot imagine how proud I am when he says cycling is now his hobby."

[11:45]

The Minister for Health should be dancing for joy when she hears that, that is one child and you can multiply that by other children who will be fitter, who will be healthier and, coming into old age, will be less of a drain on the States finances, statistically speaking; obviously, there are exceptions but, on average, that child is heading for a fitter and healthier future. Then you multiply up by other children in the same position. There are serious benefits in quality of life and in health. The other example I want to show Members of the benefits of this policy is the buses. When I was doing the phone-in with the Assistant Minister on Sunday, the majority of calls were about the buses. There is a very big interest out there in (a): "Let us have a better bus service" (b): "Why was it not before?" and so on and (c) even people thanking the department for getting it better. I must say on a positive note that the recent improvements are real improvements. I came on the early bus from St. Mary Church this morning on the 7.20 a.m. bus and it was moderately used, there were about 10 or 12 people on it by the end. That is possibly just about paying its way but there are people in St. Mary who do not even know it exists. But the people I met said: "I like having this bus because I need to get to work earlier" so it is an additional provision that is really useful. At the other end of the day, I can get a 6.25 p.m. bus which did not exist before and it is packed every night. People are voting with their feet and Connex and T.T.S. working together are providing, in a small way perhaps, a better bus service bit by bit; and I think we should acknowledge that, the direction is already good. But if you look at the Jersey Bus Network Review final report, and I hope I am not breaking confidences, but certainly if this is not a public document by now it should be, this is the report done by the consultants **[Laughter]** for T.T.S. reviewing the operation of the bus service. The punch line is at the end, but some of the proposals they came up with were - and we have heard it, it has been in the news, it has been in the (*J.E.P.*) *Jersey Evening Post* and on the other media so I am not really spilling any secrets - but if you add these up and think where we are heading with this, this is real progress: "The provision of a new and frequent 7-day-a-week service between the airport, Red Houses, Liberation Square, Grouville and Gorey Pier." Of course, we now know that will be manned by double-deckers as well: "The removal of scheduled buses from using Broad Street to take out that loop and replace it with a hopper" then you do not have lying buses, great big 40-seaters, driving round the loop and wasting driver and large-bus time: "The provision of a frequent St. Helier town service" which many people have mentioned, it is in here:

“the introduction of a branded airport express service in the summer with very limited or no stops at a premium fare. The Island Explorer service, there will be a round-the-Island frequent Island Explorer route going round and connecting with the hubs in St. Mary, St. John, Trinity” and so on: “to allow breaks of journey when people wish to get back into town. Clock-face services” so that you know that at 10 past the hour there is your bus, or half past the hour, simplification of service timetables: “the provision of express and stop sections” it is really important for buses to not stop at every stop, particularly in St. Aubin Road because otherwise the commuters from far out are just sitting there watching other people getting on and off and it is unnecessary, and so on. The punch line is that: “The revised network can be provided with a peak requirement of 46 vehicles which is well within the capability of the current Connex fleet”, it can be done now, it does not require extra buses: “more bus miles can be operated with the same resources.” That is the direction of this policy, it is a better bus service that does not cost you more. That sounds like good news.

**The Deputy Bailiff:**

Deputy, will you forgive me for interrupting you, just to take the opportunity of advising Members the Greffier tells me that the schools will be closing at 12.30 p.m. and those Members who might have children for which they are responsible at that time may need to make other arrangements.

**Connétable J. Gallichan of St. Mary:**

Sir, sorry to interrupt, but do you know whether the school bus service is bringing those children home or not?

**The Deputy Bailiff:**

I do not know if the Minister for Education can help us on that or Minister for Transport and Technical Services?

**The Connétable of St. Brelade:**

Sir, I shall endeavour to pass that information to Members as soon as I can.

**Senator A.J.H. Maclean:**

I am a little concerned about the Deputy of St. Mary living so far out, he might want to ...  
[Laughter]

**Senator J.L. Perchard:**

While we have break in the proceedings, I wonder if the Deputy of St. Mary will allow me to just remind him that it was 25 minutes ago he used the words: “And finally.”

**Deputy D.J. De Sousa:**

Sir, on the announcement that you have just made can I just ask the Minister for Education to really think about these things because the same thing happened last year, the schools were told they were opening, the buses were on their way, children were left in limbo, parents have to make arrangements. This snow was forecast so something should have been done sooner rather than leaving it till now. It cannot go on like this. [Approbation]

**The Deputy Bailiff:**

Right. We return to the Sustainable Transport matter and the Deputy of St. Mary, I am sorry to have interrupted you but you will understand that Members may need to make arrangements.

**The Deputy of St. Mary:**

It does point out the need for some flexible funding within departments to get those gritting lorries out without having an impact on your core services. It has been out since 4.00 a.m., you say, so the buses cannot run even though ... I am now thinking a little bit on how to get home, part of my mind is on that, but it is only 6 miles, maybe a lift or 2, maybe some community solidarity, I do not

know. If we are to vote through a £500,000 strategy with an option on increasing it, and I think that is an important aspect, then we need to be very careful what the public is telling us. Deputy Le Claire mentioned the survey. I think the survey was a very important part of the Sustainable Transport Policy, it is not perfect, it is a survey, but it was a well-responded-to survey in terms of the States normal consultation responses 1,350 responses is a lot of people and I would not go into the detail of such a survey ... if 90 per cent of the people here say they want off-road cycling routes, well, apart from the one from Gorey which is being planned, it is not a very clever way of spending money because there are plenty of little lanes and you do not need off-road cycle routes. But what people mean by that is they mean: "I want to be able to travel safely by bike" which is something a bit different. In the detail, you can always question this but the direction in which we are being pointed by the survey results is really quite striking. Is the target of a 15 per cent reduction in rush-hour travel levels during term time realistic? "About right" 60 per cent: "Too low" 26 per cent, so 86 per cent of the public who responded is telling us that a 15 per cent reduction or more is what they want: "I would consider an alternative mode of travel", 47 per cent, nearly half would consider going by bus as an alternative to obviously the car. 35 per cent walk, 39 per cent cycle, 22 per cent car sharing. These are astonishing figures. I was bowled over by the extent of support for the direction the Minister wants to go in. Those figures, as I say, they are not an official M.O.R.I. (Market and Opinion Research International) standardised stratified survey but they are what people are telling us. This is for me the most important one: "I would consider using at least one of the above modes of travel less than once a week" hardly any: "Once a week" 20 per cent: "Daily" 67 per cent. Two-thirds of Islanders who responded to this survey can look at taking alternative means of transport every day and say that they would consider it. I think we are on a safe wicket voting for this strategy because one of the reasons that it is sound to vote for it is it goes in the direction that the public wants us to go in. They want us to go in that direction for the very good reason that they are aware of the benefits in air quality, in encouraging healthier modes, in the safety and security of children and their independence because they are more free to go out, and it is across the Island. I just want to mention once thing that a constituent told me because it is relevant to St. Mary, it shows that it is not all about St. Helier and it also points up this point about children and safety. A mother told me that she had her heart in her mouth, and I remember my Constable talking about her own child on St. Peter's Valley main road, this mum said to me that she was afraid every time her 10-year-old child went out from her house, which was 500 metres from the church, to meet a pal who lived near the St. Mary's Church, she was afraid every time he made that journey on his bike. Surely, we can provide a better environment for travel, for everyone, than that. People are aware of that, that is why they are telling us that they want to go in this direction and so we come to funding. What we are trying to do with this policy is desirable but can it be done? The 2 Ministers, in responding to different aspects of the policy, said interesting things, the Minister for Transport and Technical Services: "The S.T.P. (Sustainable Transport Policy) indentifies that significant benefits will arise from a more sustainable approach to travel in Jersey" which I have outlined: "considerably in excess of £500,000" which is the amount he is proposing to spend: "I believe that an argument can be made for increased funding but it must not be at the cost of the recycling budget" and amen to that. The Minister for Treasury and Resources reminds us, in a similar vein, that there is an option. He says: "In putting forward any approved additional expenditure, the Chief Minister would need to either" and he is talking about the Connétable of St. Helier's amendment: "have to remove money from another department's cash limit or increase the overall spending envelope" which we do not want to do: "or take the money from other aspects of T.T.S's budget." We do not need to go there, we do not need to take any additional money required from T.T.S.'s budget, and there are sums to be spent. The £500,000 is not going to be enough, we saw that yesterday with the safety, we saw it in considering Snow Hill; well, we have not even got the money to do a feasibility on Snow Hill. We have heard from Deputy Fox how frustrated he is: "I have been around, I have heard promises, they get watered down and, basically, it does not happen." We cannot keep on voting in strategies and then not finding the wherewithal to deliver them. It is the issue of invest to save, I cover that briefly because I think it is such an important

thing we have to get hold of as an Assembly. We were told the day before yesterday in the presentation about the Budget and the Fiscal Policy Panel, but it was the presentation about the Budget, that money had been found and put aside for management restructuring on the grounds that that was invest to save, and quite right, too. The only way that you can deliver re-engineering of processes is to do what the Minister for Health is now doing: look at the whole thing from the outside and then restructure. But on policy areas, we find it is difficult, we find it difficult to spend money on transport in a way that will save money perhaps in the Health budget or perhaps for the Minister for Planning or perhaps the Minister for Treasury and Resources will benefit, down the line in a few years time. We find this very difficult and it brings us to handbag economics, you know: “I have got a fiver in my pocket” Senator Ferguson is not here, she is the chief proponent of handbag economics in the Assembly, but she looks in her handbag and there is not a fiver so she cannot spend it.

[12:00]

That is not how governments work and the better analogy is corporations and businesses. No one in here who runs a business would go out there and say: “I am not going to spend money now in a way that will save me, every year from now, till the year dot” they would never buy a new computer system, they would never train their staff to improve the customer service because it would cost too much now but, of course, it brings benefits later in improved customer service, the customers become your ambassadors, they tell other customers who then come to you. It is an investment and we need to get hold of that. But we do not need to invent a new pot because I have found a source of finance for the additional spend which this policy demands and which we should do. There are 2 sources: one is bus contract itself and the other is energy efficiency. The V.E.D. (Vehicle Exercise Duty) which funds this Sustainable Transport Policy and funds the recycling initiatives, £500,000 each, also £1 million of it goes on the Energy Efficiency Programme. The Energy Efficiency Programme is a money saver. At the moment it is targeted to low-income families, quite rightly so, it is done by a grants scheme and so there is no return to the States, the return goes to the individuals who save a lot of money. The Minister for Planning and Environment has circulated a briefing on the Energy Efficiency Scheme to date and I will not read out the case studies, but just to say that one pre-1940s house, £260 a year saving, and that was just with modest measures like loft insulation and heating controls and draft-proofing, £260 a year and there are other examples in the document. But the main thing I want to highlight is the pay-back periods in the light of what I am going to say. Just remember this, loft insulation and the research that they have done on their own programme ...

**The Deputy Bailiff:**

Deputy, I am sorry, but I really cannot see the relevance of loft insulation on the Sustainable Transport Policy.

**The Deputy of St. Mary:**

I am sorry, Sir, the point I am making is that there is a source of funding for the additional work that will need ... there is a question in the Assembly about whether this policy is deliverable because of the £500,000 envelope and: “Therefore it is a collection of woolly words and therefore people should vote against it.” That is the proposition that some people have advanced. My argument is: “Yes, £500,000 is fantastically tight, it needs more money and, look, I have found a way of paying for it.”

**The Deputy Bailiff:**

That would lead, logically, to a debate on every part of the States spending and that, I am afraid, I am not going to allow.

**The Deputy of St. Mary:**

All right, Sir, but I am going to say that the pay-back on different types of energy efficiency is 6 or 7 years. The U.K. (United Kingdom) Government has launched a scheme quite recently to roll out a nation-wide Pay As You Save scheme and the principle of that scheme, and you can look it up on the Department of Energy and Climate Change website if you want, just search on Pay As You Save, and the whole point of that scheme is that the money is loaned up-front and then the householder gets it all back and there is an additional benefit. In other words, it is self-funding. At the moment, we are spending £1 million a year or we have ear-marked a £1 million from V.E.D. to Energy Efficiency and what I am suggesting is that £500,000 would be quite adequate to cover the low income element. We also have the J.E.C. (Jersey Electric Company) who, as a utility, have contributed £500,000, in the U.K. they are obliged to contribute to low-income measures to increase energy efficiency and reduce the bills of low-income families, so we do not need the full £1 million and some of that money can go into the Transport Policy where it is sorely needed. That is one way of solving the issue that some Members have mentioned that: "This is a nice wish list, but we cannot afford it" or rather, even worse, that it will not happen, because I believe that it should happen, can happen and there is a little pot that is crying out to be used. The other source of money is the bus contract. The bus contract, T.T.S. has told us in its document on page 85 that, if we succeed in doubling the numbers coming in at peak, that will give us £600,000 additional revenue. You remember that I read out those bits from the study into our bus service which pointed out that with no additional resource we can increase the capacity of our bus service, we can deliver that 100 per cent increase with no additional resource. That was an amazing finding; there are that many inefficiencies within the system that we can achieve that. That is £600,000 that can then be redeployed back into the bus service for yet more benefits and that is the way it should be. We are already seeing this happen, the extra services that Connex is putting on now together with T.T.S. are because more people are using the buses and because there is more revenue and therefore the States can afford to ask Connex to put on the extra buses. There is one other point on bus services which is really important, which is that the cost to the States of the bus contract is currently £4 million. We subsidise, in fact, we pay Connex around £7 million, they then provide a set bus service, although we lean on them to provide more buses here and there sometimes, and then the States takes the revenue. If we are renegotiating this contract, why do we not say: "It is not £4 million that you are going to get, we are going to spend £3 million on it" but to do that you have to get the bus company to share the risk and, if the risk is lower, if we show full support for this policy, if we show as an Assembly that the bus company has the support of the Assembly in garnering more passengers, then the risk is lower and this is what I call the policy environment, it is vital that we support this policy in a strong way to send a signal to future bidders for our bus contract that they will not have such a big risk because we will, I hope, be asking them to take some of the risk. If the risk is lower then the premium is lower and if the premium is lower then the subsidy needed is less. I think we should be heading for a situation where we have a minimum service level agreement, where we have a reduced subsidy; in fact, a subsidy that goes down year on year and we say to the bus company with our hands on our hearts: "Our policies will support your efforts to get more people on to the buses." One thing about the new route from St. Mary's is that there is absolutely no publicity about it at all, the new 7.20 a.m. early bus service which people in my parish have said they want, there is not even a sign on the bus stop saying it exists, they are still on the 8.00 a.m. start for the first bus. One mention in the newspaper and that, they think, is enough. They do not have the motivation, they do not have a need to go out and get those customers. T.T.S. has asked them, it has negotiated and they are putting on an extra service but Connex does not have that motivation and that should be built into the contract and then we would be paying less in subsidy, that is another little source of revenue for this policy. If we succeed in getting the contract right, then that £4 million, which is already inscribed, will come down and then we can spend it on yet more improvements with our Transport Policy. I think that is more or less it. I am just trying to find the page that says: "Conclusion" there are substantial savings: accidents, congestion, health, space released for development of one kind or another. The question is not: "Can we find the money?" it is: "How do we find the money?" I think I have shown that we can

find additional resources which are needed and please will Members vote for the gains in mental and physical health, the gains in air quality, the reduction in our fuel dependence, which I have not touched on but it is a very important issue in its own right, and the gains in social inclusion and equity when you provide a good bus service that serves everyone. I would remind Members that public opinion is with this proposal, they want to see a can-do Assembly and a: “Get-home Assembly before the snow”, mission impossible, and that they are fed up with no-can-do Assembly. Please can we vote for this and show that we want to take the Island in the direction in which the Island wants to go and needs to go for all the reasons that I have outlined and that the Minister has put in his policy.

### **1.3.12 The Connétable of St. Mary:**

Just to pick up on a couple of points the Deputy of St. Mary just said then, before I forget. The new route has been well publicised by St. Mary Parish Hall, there are notes up there, there are posters, or whatever, so I do not think it is fair to say that people do not know about it, they probably do. The mental and physical benefits; I have had more stress in the last 10 minutes trying to organise my daughter getting home on the bus sometimes it is not good for your health. I think I should just bring that one up as a slightly tongue in cheek but, nevertheless, heartfelt comment. There are a lot of things within this policy which are commendable. There are a lot of things which make plain commonsense. Establishing travel plans, especially to schools, could not agree more. These things should be done. But I do have serious reservations about some elements of this plan. I am relying on the Minister to deal with those if he can before I decide how to vote. I warn him that at the moment it is contre so he will have to work pretty hard. Of course I sit beside the Minister so he hears my moans, my groans and my concerns on a regular basis. Deputy Le Claire when he spoke talked about making speeches. This is a speech for everybody to hear and not just the poor Minister who sits next to me. The foreword to the Sustainable Transport Policy contains a couple of little words which I think I will just remind Members. What will Jersey look like under this policy? Well, there will be less traffic so there will be less pollution and congestion. Can we keep the same amount of traffic and achieve less pollution? Of course we can. It is all about what you drive and how you drive it. Can we keep the same level of traffic and achieve less congestion? Yes, of course we can. It is all about the routes that you use. It is about where you end up. It is about getting there in an optimal fashion and getting off the road. I do have serious concerns about the parking reductions. The Deputy of St. Mary said that was not important. It jolly well is. It is at the heart of this. It is at the heart of it not just for people who come from the outlying areas. It is at the heart of it for the people who live around St. Helier. We have heard from Deputy Maçon and Deputy Vallois. I could not agree more. We have had experience of this as far out as St. Mary. People seem to think it is okay to catch the bus having driven somewhere nearby and parked in the pub car park, for example. That is what people seem to think. Abandon things and catch the bus. There are issues all around the Island. I think the simple thing I can do is give you an illustration. I have lived in St. Mary for most of my life apart from a small aberration when I first got married. In fact when I lived in St. Saviour I walked to work every day so that was just to show that I am not against walking to work. In fact if I could walk to work comfortably I probably would do it now. What I would ideally like to have is a place to park on the town periphery where I could walk from there, get my exercise and have my vehicle available to me when I needed it for my social needs as well as my business needs. From the house where I live now where I spent most of my life, over the course of the years working in St. Helier I have taken different routes at different times. There was a time when it was much to my advantage to go all the way around St. Lawrence and through Le Couvent down Mont Cochon because the traffic was better that way. There were time when I went down New St. John’s Road and then changes on the structure there made that more time-consuming. But the biggest improvement ever was when they built the Esplanade car park because the congestion dropped dramatically, simply because the cars were not going through town to find somewhere to park. You could simply drive to town and park and then get out and go to your place of business. My question is why has the Minister not really given consideration to the fact that it is



the provision of parking spaces that cuts congestion. That is the simple logic. If you do away with the parking spaces, as has already said, the people who need to use a car - and there will always be people who need to use a car - will simply find these out of the way nooks and crannies in which to place their vehicles causing congestion for other areas.

[12:15]

What we need to do is manage it for everybody not move the problem around and around. I am all for supporting the Constable of St. Helier in getting traffic in town moved away. I think that is right. We should have been building peripheral car parks, park and rides. We used to have a great one at La Collette years ago. I used that a lot. We have gone the wrong way. We have said the car is the enemy. We need to cut congestion by cutting the car parking spaces. That will incentivise people. I simply do not believe it is true. I cannot see it happening in the particular way outlined in the policy. The cost of parking is highlighted in section 4.2. Yet we are told that the cost of parking although not huge outweighs the cost of the bus, et cetera so it should encourage people to use alternative transport. But if you cannot rely on the bus service for all your needs then you need to have the alternative transport. You need to insure it. Insurance and depreciation are by far and away the greatest cost of car ownership plus of course maintenance but they are massive things that you need to deal with whether you use your car once a week, whether you use your car every day. You have to factor in the cost of that. I am sorry but when you have paid that out, most people cannot afford then not to use that car. The incentive not to use the car is not great. My comments really range in no particular order unfortunately because the policy moves around as well but let us talk for a moment about motorcycles. I have had a motorcycle since I was 16. I have had them in all different shapes and sizes. My current one is about a 650. I do not ride it very often because I have got other commitments. I have got to carry a change of clothing. I have got to do all that sort of stuff. I have got to pick up children although my daughter loves to ride on the back of the bike. I am not the best person to be on the back with necessarily. The policy says that it is training for motorcycle riders and of course awareness of drivers that were the key issues. There are lots of other issues. Let us talk about the apparently uncanny ability for the people who put drains and manhole covers to put them in exactly the right line where a motorcyclist will take. That is by far and away my experience. The most common cause of minor accidents. We are not necessarily talking where everybody will hurt themselves and report that injury. But every time it rains you will see motorcyclists skidding on manhole covers. Why do we have this? Is the Minister able to deal with that? In my humble opinion, although we have a lot more motorcycle provision now it is all lined off and the lines are not generous enough. You need a little more space for some of those motorcycles. They lean when they are on the side stand. If I have got my panniers on, I am arthritic, I am old. I am not as fit and lean as I was by a long way. Deputy Maçon, you just wait until you are my age. I find it hard ... and I am going to resist saying the common phrase that we use. I find it hard the mount the motorcycle in an elegant way when I am cheek by jowl with a whole load of other motorcycles, hardly any room to manoeuvre. Quite often something large and heavy will have parked behind me. I find it a disincentive. I would like to have a little more room in some of those parking spaces or places where you can ride straight out without having to manoeuvre between all the other parked bikes to exit the car park. I would advocate motorcycling any day, rain or shine. For years I did not have a car because I used it all the time. But my family needs changed so I had to adapt. Having adapted and having got a lot older it is a lot harder to get back in the saddle but we will see. I will just find the rest of my notes. This is a real aspirational document. People have said this is concrete but it is really aspirational. I did use the word "Utopian" yesterday. I do think it is Utopian. In an ideal world this would be unquestionably the way to go but we live in a non ideal world. The Dean talked about the social pressures. I talked about that yesterday. I think it is very important to understand that the car is more than just a simple one way conveyance. By far and away my biggest concern at the moment really is something that I said and that Deputy Hilton said yesterday about courtesy. The Dean mentioned

that too. We talked about not overtaking pedestrians if it was dangerous for them, never mind whether it was safe for you. Part of that I think is now being built in to the way our road systems are designed. In the morning I come down Rue du Galet and I come along the avenue towards the Esplanade. That system is designed to encourage lane swapping by the way that you can go straight away or turn left in various junctions. You get to the traffic lights at the end of Victoria Avenue and there is a huge gap in front of the first car that wants to turn left because it cannot move any further over, encouraging cars to jostle to get past that. People go down the fast lane when they really want to go on the inside lane. They swap all the way through. Our road system does not design that out. People are always looking for the quick gain. Our underpass encourages people to go round the roundabout and then cut back in. There is no clear path. We are encouraging people all the time to cut in and out of traffic. I think that breeds aggression. We have talked about filtering turns in the past. I have asked the Minister questions. These calm the traffic naturally. They slow the traffic down. They make sure that pedestrians have enough time to cross between the cars because people are always coming to a halt, however brief. On the radio this morning driving into work I heard of a possible congestion at Cheapside because a filtering turn had been temporarily installed while the junction was being changed. Hallelujah! Why is it temporary? There are lots of things we can do to keep traffic flow moving, to inconvenience pedestrians less while not being punitive to the people who really do need to use their cars. I talked about environmentally friendly measures. We can reduce our impact on the environment without reducing necessarily the traffic. Bigger and smaller environmentally friendly cars do exist. Over time people will be encouraged to use them. I fundamentally believe that people want to make a choice to help the environment. I do not believe most people are saying: "I want my gas guzzler". I want my car but I want my car to be the best it can be for the Island and for the people in general. I do not think that is unreasonable because fundamentally my real concern is I think we have in some areas of the Island, as I said yesterday, an absolutely first class bus service. Some of the things the Deputy of St. Mary referred to, of course that was a consultation document and recommendations. It was not what is necessarily going to happen. But some of those things do exist. A fabulous service to and from the airport. If you live along that route it is fabulous. But maybe we should be concentrating on keeping the routes that are really viable and really work well going and acknowledging that for other routes we will never have the 100 per cent service that we would like to have or the vastly improved service. Maybe we should be investing in the routes that really do work well and making them work even better; keeping the Liberation Station open much later for those routes, keeping those buses working later and 7 days a week and acknowledging that in other parts of the Island, people will be making different choices and facilitating them to make that choice. That is better for everybody. Those people who come in their cars are still taxpayers. They are still contributing to the subsidy that keeps the bus service running. They are not saying we are going to drive our car, let us not pay that subsidy. That is not an issue. What we are saying is perhaps we do not need to invest so much in those outlying areas because they will never be 100 per cent and do what we need. Maybe we should admit that and plough that money into the things that the Minister has already shown work very well. I thank him again for core services that are being increased. It is very good. But even that early morning service to St. Mary, it does not work on a Saturday and a Sunday. It assumes that people work 9.00 a.m. to 5 p.m., Monday to Friday. Not everybody does. We still have people outside the hub that is catered for. I think the time has come to say that is how it is always going to be. Cycling in *Making Greener Choices* on page 7, cycling; non polluting. Absolutely, maybe itself. Non congesting. Not a chance. Anybody who has ever driven down Saint Peters Valley in the morning in a queue of 13 cars behind a bicycle that they cannot overtake will say that is not non congesting. But that is not the cyclist's fault. The Deputy of St. Mary said that people do not want to cycle on those main routes. I think most of the comments about that were not from the cyclists. They were from the motorists to get the cyclists off those routes. I really do. There is a footpath of sorts down Saint Peters Valley in sections now but it is a gravel path. It is well below the road level and it is not always easy to get on to and it does flood. It does flood so it is not ideal. But I say we have known about the lack of pavements

and we have known about the lack of cycle paths for years and years and years. With the best will in the world it has not been possible in most places to put them into place. What assurance can the Minister give me that by the termination of this plan in 2015 that that will have happened because the land is still not in public ownership. The roads still are not wide enough to accommodate 2 lanes of traffic and a pavement. We need to be realistic. Maybe we cannot get those cyclists off the routes and maybe encouraging more of them down those roads where there will still be cars. The Deputy of St. Mary says there are other greener lanes. There are. There are but those are not necessarily attractive to the cyclists because they go quite a long way out of their way. They are not the most direct route. The green lanes from my house into town would take me up and down behind St. Lawrence, up quite a few hills which when I was 20 maybe but not at 49. I think Deputy Maçon did mention we have the fact of the weather. It is not always sunny in Jersey. Most of the time; 360 days of the year maybe but we do have the occasional wintry day. This morning I came to park in Pier Road. I came around commercial buildings. The roads had all been gritted. South Hill was not a problem at all. But the pavement was not gritted. As Senator Le Main has said, there are a lot of elderly people in a sustained development up there. Sustainable transport is not just about the road. It is about the pavement as well. So I thank the Minister for the gritting which I think worked very well. I congratulate him for that. But to remember the pavements as well. Of course when we plan our infrastructure we are told that things will be taken into consideration. I have mentioned this to the Minister directly. We revamped the whole of the esplanade when the Liberation Station was built. Where is the cycle track along that section of road? Wide road, massive pavements now, bollards down parts of it but we never put in a cycle track. Surely fundamentally if we are serious about this, each time we design a new bit of road we will put in a cycle track or a cycle lane or something; somewhere that the cyclists can be safe and where they can be seen. We have recently spent an awful lot of money on Victoria Avenue. I do not want to rub the Minister's nose in that. He has enough from the Deputy of St. John. But the other day driving to work in my nice waterproof box on wheels, cyclists were getting absolutely hammered by the waves on the seafront. That is fine in the summer. It might be quite refreshing. But I do not think I would like to cycle along there. I just wonder are we encouraging people on to bicycles or are we just saying make the best of what you have got. It does not matter if you are wet. A lot of cyclists do not mind. There are some very serious cyclists out there. I see them every morning. I am sure they will cycle in the snow. More power to them. But we are not talking about the serious cyclist; the athlete. We are talking about Mr. and Mrs. Joe Bloggs. Everyday average people, we need to encourage them out of their cars. I am all for that but I just do not see it happening for everybody every day. I do not even see a 15 per cent reduction in traffic. But I do say there are ways we can work around it, reduce congestion and reduce pollution without needing to target that figure at all. I do not think that this document if I accept it will make that happen. Somebody said it is a step; we need to take a step. We do but a step in the wrong direction. A step which says this is where we are going is not what we need to do. We need to make sure we know where we want to go and that we really do understand the implications. I talked about that yesterday. We need to know what these changes will mean to everybody; socially, economically. We need to consider the whole community. I am sorry, Minister, I think you are going to have to talk pretty hard to explain to me why this does what I think it should do. Finally a little word about carpooling. Carpooling is very effective in some areas, especially where you have housing developments. That is I think where the Deputy of St. Mary was coming from. But at the end of the day, to paraphrase, there is no such thing as a free car. Somebody pays for that car somewhere along the line. So do not include that in your economic benefits until you have worked out where it comes from and who pays because you are expecting the taxpayer to pay for that and that is another subsidy for a small section of the community like they subsidise the bus route already. I think the taxpayer pay enough already. With that, I will leave it.

[12:30]

**The Deputy Bailiff:**

Another storming performance from St. Mary over the last hour [Laughter]. I will now call on the Deputy of St. Ouen.

**1.3.13 Deputy J.G. Reed of St. Ouen:**

I think it is rather ironic that we are debating a Sustainable Transport Policy at the same time that my department following consultation with both the Met Office and Connex are required to close schools because it starts snowing. I think it is a really important point that the Minister for Transport and Technical Services needs to take on board. We talk about encouraging more children and people to use the bus service but if the Island comes to a close every time it snows, it is a rather poor indictment I think for the transport services that we offer. With regard to some of Deputy Vallois' comments, I can understand her frustration especially as she does represent a district that has a considerable number of schools and colleges in a relatively small area. It would be great if I could wave a magic wand.

**The Deputy Bailiff:**

I am sorry, Deputy, I must ask you to pause. Can I invite Members outside the Chamber to return to the Chamber as swiftly as possible as we are not currently quorate? Thank you, Senator Maclean.

**Senator A.J.H. Maclean:**

Sir, can I point out I am not the only one [Laughter].

**The Deputy Bailiff:**

I am very grateful to you for returning, Minister.

**The Deputy of St. Ouen:**

As I was saying, it would be nice to be able to wave a magic wand and solve all the traffic problems in and around the Mont Millais and Wellington Road area but unfortunately that is not possible. However, it would be wrong of me not to flag up some of the areas that my department along with Transport and Technical Services and others have been looking at and working on. One is the School Travel Plan which is promoted in this policy. In fact a number of our schools have already commenced developing travel plans following the Eco-Active pilot School Travel Plans project which was run in partnership with local bank staff during the summer of 2009 that involved 16 of our schools. Can more be done? Yes. Have we actively been promoting the need to develop the travel plans and identify how we can further reduce school traffic? Yes. Also we have been promoting safer routes to school in conjunction with the Minister for Planning and Environment and the Minister for Transport and Technical Service. Indeed we have had quite a large input into the new draft Island plan. Have we been paying attention to concerns raised by Deputy Vallois and others? Yes. In fact further discussions are taking place about with the arrival we hope of the hopper service whether that can be used to ferry young people in and around town to our schools. Equally one has to question whether or not Liberation Station, now we have a purpose built bus station and covered and comfortable area, that that could not accommodate a school bus that originates from that station and also circulates to various schools giving parents the opportunity for another drop off point. Just in summary, I do support this policy. I do think that there are some areas that the Minister can prioritise. I certainly will support any efforts to improve access to our schools and safer access especially for our young people.

**1.3.14 Senator F.E. Cohen:**

Firstly may I commend the Connétable of St. Brelade for bringing forward this excellent initiative, this is a much-awaited policy. Some think it does not go far enough, some think it goes too far. However, in my view it is an excellent start and certainly the place from which to begin. We need to address our dependence on fossil-fuel-driven motorcars. We need to reduce emissions and we

need to meet our carbon reduction obligations. For my part, I have set an aspiration of delivering 10 per cent of new cars in either hybrid or electric form in the near future. I have also set an aspiration of the new bus fleet, when it is replaced, at least in part being hybrid. I must take issue with the comments made by the Deputy of St. Mary in relation to reducing the amount the States have set aside for the energy efficiency grants. He has suggested that these be reduced by £500,000 and that those funds be put into the transport policy. These funds are dedicated to the most vulnerable in our community to improve their lives and to ensure that they are kept warm and their homes are appropriately improved. We are now also extending those efforts to community groups. I would strongly urge Members to disregard the suggestion that funds be taken from that essential policy which generates a sense of wellbeing for those who are most vulnerable in our community. To conclude, I wholly support the proposition. I commend the Connétable and I urge Members to give him their full support.

### **1.3.15 Deputy R.G. Le Hérisier of St. Saviour:**

As a famous statesman said: “Is this the beginning of the end or the end of the beginning?” When Deputy Maçon spoke I was reminded of the phrase which of course has resonated much more loudly as the morning proceeded: “Abandon hope, all ye who enter here.” He sadly gave a fairly negative view. I can see why in many respects it was negative. But I think there are a lot more positives than negatives in the situation. I found that slightly disappointing. As the Dean said, in what I thought was a very good speech because in a way he looked at the whole psychology of transport, of car ownership, our ability to look at ourselves: “I have seen the problem and it is me” which is something we very rarely do when it comes to transport and ownership of cars and so forth. As he said, we often operate with 2 personalities if not 3. I think one of the things we fail to realise is that a lot of these programmes, they may be aspirational, they may motivate us at this level but a lot of our behaviour is ultimately very irrational. We run cars. I think she has done a very good defence of a very traditionalist position but I do not buy the Constable of St. Mary’s view that there are arguments for big cars and similarly there are arguments for running cars because once you take depreciation and insurance into account, for example, you have to run the car. That is a strange form of closed logic. You only have to do that because there are lots of hidden subsidies, e.g. the massive subsidy towards car parking in St. Helier, which lead you to that view. It is not that, oh, I have had to rationalise the situation. I have to run the car because I am putting so much money into it. Why do families run 2, 3, 4 cars? Not because they have to run them. It is often because they cannot do a sensible allocation of journeys and everyone has to have the ultimate convenience of these 4 cars which are bunging up a lot of our housing estates, for example. That is why. When people come up with these reasons, I treat them with a certain degree of scepticism. I have not even got to the car as status. We know a lot of the cars running around Jersey, unlike Bermuda where they define the size of a car. I am not sure at this time if they define the size of the engine which is probably even more important. But in a place like Bermuda they define the size of the car. Big status cars are simply not permitted. Tourists are not permitted to hire cars. They have to hire 2 wheel vehicles and so forth and so on. So there are other ways of dealing with these issues if you are prepared to look beyond the surface arguments. The other thing I would like to say, I was going to go into some detail on the bus side but the Deputy of St. Mary took away a lot of my speech. What I was going to say, of course one of the fatal flaws of the bus contractors we know there was no incentivisation for the private operator. The States took all the risk. Despite Deputy Maçon, for example, said where are we going to get the money from? We are already spending £4 million on the bus contract alone and it is an open ended contract. It is an open ended contract. We spend phenomenal amounts on the school bus service. It used to be each journey used to cost about £90 one way. I do not know what the cost is now. That was a few years ago we had that estimate. I suspect it is a lot, lot more. We run whole fleets of empty school buses back to town during the commuter rush hour, as the Minister knows and as I keep pumping away at. We run these whole fleets of empty buses because there is some sort of union agreement that does not permit that particular group of drivers to collect money. It is those kinds of perversities

we have to look at and force us to examine whether, as the Deputy of St. Mary said, we are indeed using the money properly. The other issue of course - and in a way the hopper is a sticking plaster to this issue - is the nature of the bus routes. We know because of Jersey's geography and the lead up of these steep valleys to the north and so forth that we have got a radial system which is largely focused on St. Helier. Attempts to have other centres like Les Quennevais and so forth have not been terribly successful. But we have got to somehow do that. I do accept what the Constable of St. Mary said when she said maybe we have got to abandon this notion that we have got to send 45, 55 capacity buses which we all see empty in the evenings in the winter lumbering along to the farthest parishes. We all know that one of the solutions of course is integration of a taxicab service or that form because if you go to places like Hong Kong, where I did live for several years ... if you go to places like that there are mini buses. You see this all round the Far East. There are mini buses that run from the end of established schedule routes. They deal with all those little peripheral areas. That is how they deal with it. There is that flexibility. The mini buses are run as a cross between a taxi and a full service bus. They are run as fully fledged P.S.V. operations. We do have some operators in Jersey who are moving in that way. We do have a company that does a lot of that. I do not know if they need the fully fledged P.S.V. cover. I suspect they do. But we do have the beginnings of that infrastructure. I also think the hopper bus is important not because it will necessarily be efficient and not because there always used to be a rumour that the main purpose of the hopper bus was that O.A.P.s (Old Age Pensioners) went on a continual circular drive through town every day which was a bit unkind, it has to be said, and they were on that bus for social reasons as opposed to getting off the bus. But it did connect people. For example, in St. Saviour there were people going to checkers at Rue des Prés in Deputy Maçon's constituency who were coming from the other end. They saw possibilities that had not existed before. Somebody said why do we not have one that serves the Central Market. It did serve the Central Market. When it used to run through the Christmas period they made special stops there. A bit of innovative thinking got it going. Of course if you go to towns in England ... in a way this is a contradiction because we go on and on about keeping St. Helier alive when we know a lot of people want the convenience of out of town shopping. They want the Marks & Spencer in its rural locations that have developed. But of course supermarkets do run buses. They do run buses regularly. You see this in a lot of towns, these dedicated supermarket buses. It is a 2 edged sword. It is killing off the town centres of course in a way but in the other way it is dealing with people who cannot manage with their shopping on their bicycles, as Deputy Maçon said. So there are other ways of dealing with it. What I would say is when the point comes to look at the bus service, it basically needs a radical restructure. Whether we can do that because it implies a radical restructuring of the taxi and the cab service and that, as I think Deputy Le Claire said, really has to be the big elephant in the room. It is the one area that we have not been able to deal with and where the territorial infighting is, as we know, very, very strong, where we have never been able to bring peace to the area.

[12:45]

That would be my main point and I will not go much further because other people have covered it. But one person - I think it was the Constable of St. Saviour - did ask why is Guernsey not gridlocked? You would draw the conclusion because it has got cheap buses apparently. I did ask about this. This is not necessarily the case apparently. We would like it to be the case but when I have spoken to people there, what they have said is the buses are filled during the day with pensioners who are running around, rather like a lot of the Jersey bus system because of the concession we offer. But there has not been a massive take up within their system by commuters. You would think logically that there has been cause and effect. There has not been apparently. I imagine the market, so to speak, in terms of congestion has simply found its level. People walk in or they cycle in. But it has not apparently brought a massive shift to buses. On those grounds I would like to finish my speech. That may be the beginning of the end. I am not sure what the House wishes to do, whether there is going to be an adjournment or there are more people to speak.

**The Deputy Bailiff:**

No one has proposed the adjournment yet, but then you are speaking.

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

I would like to propose an adjournment but before I do so I would like to point out that the transport policy is moving rather slowly. I am a little concerned about tomorrow morning. A number of Members, including myself, will be attending the funeral of the former Connétable of Grouville. I see that P.153, the proposition which I am bringing to the House which needs to be done before Christmas of this year, may well fall at that time. I will be at the end of the transport debate asking if we can move that forward.

**Senator T.A. Le Sueur:**

It has been put to me that the road conditions are getting increasingly dangerous. Not only have schools sent their pupils home but a number of businesses are also considering the same measures. I am conscious that we as the States should be setting an example in terms of health and safety responsibility. It has been put to me that despite the pressures that we are facing on an agenda which seems to be going on forever, it is perhaps also our duty to show some responsibility and leadership in terms of road safety. With that in mind I would like to test the temperature of the House, so to speak, by proposing that not only do we adjourn now but that we do not come back this afternoon. We come back tomorrow morning and continue the agenda then in the interests of public safety.

**The Deputy Bailiff:**

Is that proposition seconded? **[Seconded]** It is a very straightforward matter. I do not imagine Members will want to speak on it.

**The Connétable of St. Brelade:**

May I interject in slight support of the Chief Minister? Just the latest report from my Chief Officer regarding transport, in that the school buses went out at 12.30 p.m. to take cancelled school children home. The 3, 3A and 23 have been cancelled. The route 48 and 9 will terminate at Trinity Church, the 48 at St. Ouen's Church and St. Ouen's Parish Hall and 9 at St. Ouen's Parish Hall. The 12A will terminate at Jersey Pearl. Restrictions are coming in, Sir, and I cannot expect the buses to run in dangerous conditions. But they will run as extensively as they are possibly able but we are at the behest of the weather.

**The Deputy Bailiff:**

Chairman of the P.P.C., do you wish to add anything?

**The Connétable of St. Mary:**

It is just I do not know how many Members are dependent on the bus but we are here and we have business to transact **[Approbation]**. Tomorrow morning, Sir, I am concerned that we will be faced with the same situation all over again, possibly the school bus. I understand from seeing the weather forecast this morning - which made me contact both the Minister for Education and Transport at 6.45 a.m. about this very matter - that there is more snow coming in as the day progressed and into tomorrow. It is a question for Members whether it is better to work now and then get home because we have to get home anyway **[Approbation]** - I understand the gritters will be out and they will be endeavouring to keep the roads open - and perhaps avoid having to come in tomorrow. But I think we are in the lap of the gods, as they say.

**The Deputy Bailiff:**

Can I just say that I hope Members will not wish to speak on this? It is a straightforward matter. There is a proposition made and seconded to adjourn now until 9.30 a.m. tomorrow. The Minister

for Transport has made his position clear, as has the Chairman of the P.P.C. made her position clear.

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

Sorry, Sir, it is not a speech. It is just the indication of what the Constable of St. Ouen said. It is all very well coming in tomorrow morning but I do not think there will be a quorum. I would just like if people could indicate whether they are going to be here because we may not start work until 1.00 p.m. It is a consideration, Sir. I think many people are intending to go to the funeral of the late Constable.

**The Deputy Bailiff:**

We can test that very quickly by having an appel which I will call for myself. The appel is on whether or not Members are intending to go to the funeral of the former Connétable tomorrow morning.

**The Connétable of St. Ouen:**

Before you take the appel, Sir, can I also point out the possibility that at 10.30 a.m. tomorrow morning that there is a danger that the States would be inquorate because as far as I know there are about 10 Members going to the funeral?

**The Deputy Bailiff:**

This is why I want to take the appel now. I will ask any Members who are not in the Chamber to return but it is only indicative for the benefit of Members to know. I ask the Greffier to open the voting. Those intending to go to the funeral should vote pour. Those who are going to the funeral should vote pour; those who are not should vote contre. We can close the voting. Of those Members present, 13 have indicated they intend to go to the funeral tomorrow and 28 against. If that helps Members in their decisions of how to vote on the Chief Minister's proposition which is to adjourn now until 9.30 a.m. tomorrow.

**The Connétable of St. Mary:**

At the risk of incurring your displeasure, could I propose something alternative? Could we not conclude the transport policy and then go home?

**The Deputy Bailiff:**

If the Chief Minister's proposition is defeated that will be the next option. Do you call for the appel or should we do it on standing vote, Minister? The appel on the proposition of the Chief Minister to adjourn now until 9.30 a.m. tomorrow. I ask the Greffier to open the voting.

<b>POUR: 6</b>		<b>CONTRE: 36</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator S.C. Ferguson		Senator A. Breckon		
Senator A.J.H. Maclean		Senator B.I. Le Marquand		
Connétable of Grouville		Senator F.du H. Le Gresley		
Connétable of St. Clement		Connétable of St. Ouen		
Deputy J.B. Fox (H)		Connétable of St. Helier		
		Connétable of Trinity		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Saviour		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy of St. Martin		



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

**The Deputy Bailiff:**

Is there a proposal for an adjournment? The Chairman of P.P.C.?

**The Connétable of St. Mary:**

Might I propose that we do not adjourn now? That we carry on and finish the Sustainable Transport Policy and then if necessary if the conditions have changed we can review them.

**The Deputy Bailiff:**

Is that proposition seconded? The proposal is to continue until the Sustainable Transport Policy debate is ...

**Deputy D.J. De Sousa:**

Sorry, Sir, I have just been trying to make a point ever since this began. If this was next week when we have the budget debate we would regardless have to continue because the budget debate has to be debated whenever so what is the difference? We need to sit and finish this and stop messing about.

**The Connétable of St. Helier:**

Could the Assembly have an indication of Members still wishing to speak on this transport policy? That would help them make a decision on whether to adjourn for lunch or not.

**The Deputy Bailiff:**

At the moment I have no Members ... 3 Members wishing to speak in summing up. Chairman, do you maintain your proposition?

**The Connétable of St. Mary:**

Sir, I may as well, then Members can indicate their choice. But I think if we do not adopt this then we just go as normal.

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

Sir, can we not have a half hour comfort break and whatever so we can get some fodder and then come back.

**The Deputy Bailiff:**

The proposition made by the Chairman of Privileges and Procedures is to continue this debate until it is completed and then, as I understand that proposition, to adjourn for the day. You have asked for the appel? The appel is called for. I ask the Greffier to open the voting.

<b>POUR: 18</b>		<b>CONTRE: 23</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator S.C. Ferguson		Senator A. Breckon		
Connétable of Trinity		Senator A.J.H. Maclean		
Connétable of Grouville		Senator B.I. Le Marquand		
Connétable of St. Brelade		Senator F.du H. Le Gresley		
Connétable of St. John		Connétable of St. Ouen		
Connétable of St. Clement		Connétable of St. Helier		
Connétable of St. Lawrence		Connétable of St. Martin		
Connétable of St. Mary		Connétable of St. Saviour		
Deputy of St. Martin		Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérisssier (S)		Deputy J.A. Martin (H)		
Deputy J.B. Fox (H)		Deputy of St. Ouen		
Deputy of Grouville		Deputy S. Pitman (H)		
Deputy J.A. Hilton (H)		Deputy K.C. Lewis (S)		
Deputy P.V.F. Le Claire (H)		Deputy I.J. Gorst (C)		
Deputy J.A.N. Le Fondré (L)		Deputy of St. John		
Deputy of Trinity		Deputy A.E. Jeune (B)		
Deputy E.J. Noel (L)		Deputy of St. Mary		
		Deputy A.T. Dupré (C)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy D.J. De Sousa (H)		
		Deputy J.M. Maçon (S)		

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

Does somebody wish to propose the adjournment?

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

I propose the adjournment, Sir.

**The Deputy Bailiff:**

Before we adjourn, I can announce that there has been lodged the Pomme d’Or Farm: Refurbishment (P.177/2010) lodged in the name of Deputy Green. The States now stand adjourned until 2.15 p.m.

[12:56]

**LUNCHEON ADJOURNMENT**

[14:16]

**The Deputy Bailiff:**

The States now resume debate on the Sustainable Transport Policy. Deputy Le Hérissier, you were in good voice.

**Deputy R.G. Le Hérissier:**

It is okay, Sir, I have finished.

**The Deputy Bailiff:**

You have finished. Does any other Member wish to speak?

**1.3.16 The Deputy of St. John:**

I must say I was taken aback at lunchtime. I noticed there were no taxis on the rank before going to lunch and then when I returned there were still no taxis on the rank. I just wonder if that is telling us something. I note from within the J.C.R.A. (Jersey Competition Regulatory Authority) report which I have just been notified about that they recommend work is done on the taxi and cab situation. I sincerely hope the Minister will bring work in that area forward. That said, there are a number of things that can be done immediately. One of them is parking on the roads at night without lights in unlit areas. It is a danger to pedestrians and cyclists alike. Frequently I have had over the last 15 years a number of complaints from residents in my own parish. Something can happen immediately because the Connétables have the power to do something about it. I would hope that the Minister will put some pressure through his department on the parishes to start policing this particular area. Another thing that can be sorted out as roads are being repaired is the manhole cover situation. The manhole cover situation that the Connétable of St. Mary has referred to is a serious problem if we are promoting scooter, motorcycle and cycle riding because they are in the track of the vehicle. There are manhole covers which are covered in bitumen and the like which can be used. It obviously will not be feasible to move those manholes from their current position at short notice but those areas can be done. You can have a rather cheap win-win situations from day one. But given that my panel have given you an excellent report [**Laughter**] there are other things that do concern me; 2 areas in particular. We still need to see further progress - and I highlighted in the report - on noise pollution and air pollution. This is where the Chief Minister needs to make sure his Ministers are working together, given Health and T.T.S. need to work very closely. If funding is going to be used sensibly it needs to be worked in partnership. I believe there is merit in T.T.S. and Health working together in that particular area. It is known that we have an air pollution problem on warm days in the summer with exhaust gases in the lower parts of St. Helier, in particular on the ring road, so much so that people have to on a very hot day in the summer close their house up to stop the fumes getting into the buildings and setting off the fire alarms/carbon monoxide alarms. Connétable of Trinity, I can assure you I have seen it; been present when it has happened. More work needs to be done within the new bus station which was supposed to be a transport centre. We need to see that open until late at night. Move people away from the Weighbridge and into that transport centre. Yes, there will be manning needs but we are told now it is costing £20,000 a year to keep the marshals at the Weighbridge. Maybe use the transport centre and have a cafe in there that may be open late at night to give people cups of coffee and the like, waiting for their taxis. There are win-win situations. One might help finance the other. Rental coming in from a cafe operating between 6.00 p.m. or 7.00 p.m. until 1.00 a.m. or whatever time the taxis finish, there must be elements in there that can be put in place more or less straightaway. I note in the brief glimpse I had of the inspector's report on planning, when I was looking at it yesterday evening, they recommended that Thistle Grove become a larger industrial estate which I was not very happy about. But that said, given we have no footpaths in the area and that is approximately a mile from the closest bus stop ... no footpaths in the area, no street lighting and a lot of other things we do not have - mains water, et cetera - it is of concern that, if you are going to be putting a larger industrial site in that area, that the road infrastructure will have to be altered and to make sure that a bus service is appropriate, footpaths are appropriate and the likes. This covers St. Lawrence more so than St. John but it will work both ways because whether they go

from St. John's Church or from Carrefour Selous there will be needed a footpath in that area. Motorcycles, pushbikes and the like. There must be merit in taking a number of parking spaces out of some of the multi storey car parks. Some people would bring their 2 wheel vehicle into town if they had covered parking. They would be prepared to pay for that. I know when I bring my own 2 wheel vehicle down into Sand Street or somewhere I feel guilty going inside so I park out on the pavement. But on a day like today when it has been raining, you get on and you have got to sort of brush off water. I am sure some people would be willing to pay for that particular service. You could probably get 30 or 40 motorcycle spaces in half a dozen car park spaces. There must be merit in looking at that. Electric cycles and the like. Given if you live shall we say at Bonne Nuit, to get to town your batteries will probably more or less run out on your return journey to Bonne Nuit because it has got 2 big hills; one on either end. Therefore, you should be looking seriously if you want to promote cycling, i.e. with an electric booster on it, to have electricity points at your station or a number of stations in St. Helier where those electrically assisted cycles could be charged. Sorry to be jumping around a little bit. But buses and cabs, I think there is merit in a shared taxi/cab service at night. Once again if buses do not go into the country areas - which we know they do not go after 6.30 p.m. in the north of the Island - I believe you should be working towards putting in place shared taxi services where 4 or 5 people going in one direction can make use of one particular vehicle, pick up this shared taxi and share the cost. It probably will not be any more expensive than going on a bus. But that needs to be worked on tout suite. Another area which again for whatever reason I do not know has not been picked up on is bus advertising. When we had our previous operators who worked in the totally private sector - they were not being subsidised by the Island - we had buses that had advertising on them; considerable advertising which must create revenue. I think you should be looking at this time, when we need to be as innovative as possible in putting things together, there is another area where you can gain some income. Alternatively, you may wish to ask P. and E. (Planning and Environment) for funding. If they can afford this type of glossy magazine that we all received yesterday or today [Aside] ... I will not give way, Sir, if they can afford or if they can have it funded by somebody, I do not mind where it is being funded. I think you need to be talking to Planning and Environment for some of their help. On top of that, I will move across slightly as I did say I was going to jump around somewhat, but I see the Minister taking notes and I am sure his officers are taking notes outside. I think we have all had this letter from Motor Traders. Well, I would say I would not support what they are saying. The Honorary Police motor traffic office does an excellent job in locating defective vehicles. In my time as a Centenier and since, I saw quite a few vehicles come over here with a current M.O.T. (Ministry of Transport) only to see a permit which was 2 or 3 months old on the roundabout at Queens Road with a wishbone gone on the front wheel. Now, if that had a current M.O.T., it was an old Morris 1000, it would have been picked up or would it not have been picked up? I think that corruption is involved here, that people can buy or pay a figure to a garage somewhere in the U.K., get an M.O.T. and off they go without having passed the necessary tests. So I do not really want Jersey to go down that road and I would not support introducing M.O.T. on vehicles in our Island because that is an area that I think is wrong. I probably would be at variance with other members of my panel but I am not speaking on behalf of my panel in relation to that. I am speaking for myself. Can something be done about those many people who live in the outlying areas of the Island, who, in fact, have to walk approximately a mile to a bus stop? It seems absolutely ludicrous that you have to send a 40-odd-passenger vehicle out just for half a dozen people. Something definitely needs to be done and can that be looked at urgently or, alternatively, make some provision for those people who have to come into town from these outlying areas. Let them have a reduced permit for parking if needs be. If you cannot go down the road of providing the service, then provide an alternative. I think the Constable of St. Mary is absolutely right, we have to stand up and be counted; if we cannot do it, let the public know. It is important that they know that we will never get a service in certain areas but put something else in place for them, whether it is a car park that they have at 50 per cent of the cost of others, but we definitely need to do something. So there are a number of points that the Minister and his team can work on. The

document itself is ... well, in my words I think I put it in my foreword, it is really a wish list because, without proper funding, it cannot happen.

[14:30]

Unless the Chief Minister is going to knock heads together and work as a team and make sure that when we have got money that, wherever it comes from, can pay for this. That is not the way to spend our money, not at this time. Whether it is Health, whether it is T.T.S. on our main drains or a liquid waste strategy or on transport, the money should be spent wisely. I just wonder sometimes if because the departments have got basically their money set aside each year, more or less ring-fenced, that you should not take it and take it all back to the centre and let them apply to the centre for each of their grants so you have more control of it, Chief Minister. It may give you a little bit more work but I do worry that some of the things I see happening are not all in sync for the way that our climate is in 2010 going forward into 2011. So I sincerely hope the Chief Minister can get to grips and get all his Ministers working much closer together and we do not see this type of thing coming forward when we know the money is needed more so, as I have already said, at the hospital or T.T.S. or elsewhere.

**Senator F.E. Cohen:**

A point of information: the Percentage for Art brochure was prepared especially for States Members and it was not funded from the central budget at all.

**The Deputy Bailiff:**

Deputy Lewis, before lunch you were indicating you wished to speak. Do you wish to speak?

**1.3.17 Deputy K.C. Lewis of St. Saviour:**

As Assistant Minister, Transport and Technical Services, I would first like to remind Members of the key benefits of supporting the Sustainable Transport Policy. It is not just about reducing congestion, though this is an obvious issue. There are many other benefits such as reducing air and noise pollution from motor vehicles which can be damaging to our health and quality of life. We also have international obligations to reduce our carbon emissions to combat climate change and almost a quarter in Jersey come from road traffic. Jersey might be a very small contributor on the global scale but it is right that we play our part and honour our obligations. The need to provide for a high number of motor vehicles creates a high demand for both road space and parking spaces and makes many areas unwelcome, except by car. Parking spaces in town are valued at £20,000 or more so it is interesting to note that the annual expenditure of £500,000 on the S.T.P. equates to just 25 parking spaces and 12 per cent of households in Jersey do not have a car. We need to provide for everyone to get about safely and conveniently, not just car users. The benefits are clearly substantial and wide reaching. We have spoken a lot today about the detail within the S.T.P. but I would remind Members that it is not intended to be a detailed action plan. It is a high level strategy. We have provided some detail so that Members can understand what our policies can be expected to mean but inevitably further work will need to follow to develop these proposals. The detail will need to adapt to changing circumstances but approval of the S.T.P. today will give T.T.S. the green light to get on with it. It is certainly not an aggressive anti-car policy, more of an evolution than a revolution, but it will change the balance so that alternatives to private car use can become gradually more attractive to residents. Some Members have argued that we are not going far enough. I believe we have got it about right and our consultation and research proves that it is what the public want and it is realistic and achievable. Just some comments. I would like to thank Senator Le Main for his kind comments regarding the departments. Electric cars in Jersey: if electric cars are presented to D.V.S., as long as they meet type approval, they will be approved. Multi-storey car parks: the department is looking into A.N.P.R. which is Automatic Number Plate Recognition and swipe cards as alternatives to the scratch cards. Senator Le Main mentioned Pier Road in South Hill. There is not a weight problem with the buses here but because of the length of

the bus I believe there are 2 spaces where the bus bottoms out. The Minister and I walked this route several weeks ago and spoke to residents and this would be an ideal place for the hopper bus to perhaps present itself. Senator Le Main also mentioned P30s driving along pavements, this is in Don Street; this is totally unacceptable and I will ask the department to look into this. Speeding in town, and in the countryside for that matter, illuminated miles per hour indicators commonly known as “smilies.” As Assistant Minister for T.T.S. with responsibility for driver and vehicle standards, yearly we sell off the JSY number plates which goes into a small fund, which I control, and this goes towards community projects and I am delighted to be able to sign off on this to get more smilies on the country roads which I believe work well. Taxes have been mentioned but I will leave that to the Minister to tidy up. Park and ride has been mentioned and I would like to congratulate St. Martin and Grouville who are using an unofficial park and ride. They are parking at Longueville Beach car park and hopping on the bus. It is not officially organised but I congratulate them on their efforts. Deputy Le Claire and the Deputy of St. John have mentioned M.O.T.s with a letter from the Motor Trades Federation. I am sure the Minister will mention shortly we are looking at a commercial operator’s licence. Regarding M.O.T.s of motor vehicles, I feel that is going to be way down the road but it can be reasonably expected in the not too distant future that our colleagues in the United Kingdom and in France, in fact, the whole European Union, there will come a time when any car stopped in a road check will be expected to have a certificate of roadworthiness but as I say, that is well down the line. “White man van.” I think they tend to park wherever they can near where they live and that was going to be very hard to control. Wellington Hill has been mentioned by Deputy Vallois. We have 2 wardens in St. Saviour. One has just retired and sadly one is not well but I have spoken to the Constable of St. Saviour and the Honorary Police and the gap will be filled by Honorary Police for the time being so Wellington Hill will be patrolled to stop cars parking on corners and on the pavement. It is interesting to note with the school bus situation that we carry 1,000 children to school daily on the school buses but bring 1,400 home. There is room for improvement there by at least 400. It will stop cars criss-crossing across town because obviously if parents are going to work or going into town, they tend to drop children off on the way but cross backwards and forwards so, if we can get those children on the bus, that will reduce congestion. Also plans at the bottom of Wellington Hill for a double lay-by on the left-hand side as you come down so we can get the buses off the road, thereby easing congestion, and the department is also looking at other ways to improve access to the area and we will be taking on board the Constable of St. Helier’s comments with regard to the bottom of Wellington Hill which is in St. Helier. The cycle track has been mentioned. There is going to be a new cycle track running down commercial buildings once a new cable has been put in. That will be paid for by Jersey Electricity so one will be able to cycle from Corbière right the way round to Havre des Pas so slowly we are joining up the Island with the cycle track. Buses. Both the Minister and I have been, if will you pardon the pun, driving the department very hard to get double-decker buses in Jersey and hopefully we will not have one but 2 double-decker buses on the 15 route sadly not on the number 1 route because there are issues with a few pinch points around the St. Clement area but definitely double-deckers on the 15 routes and they will be available to tourists too during summer months. Also bus shelters. There are 6 bus shelters going up hopefully starting before Christmas and another 12 are in the planning stage. As I have mentioned before, this is not a detailed proposal but this is the blueprint and I urge Members to approve the policy.

### **1.3.18 Senator J.L. Perchard:**

Just briefly, there is one issue I wanted to bring to the Members’ attention and only one, other than to say that the draft sustainable policy deserves, I think, the support of Members as it outlines in a practical fashion the way forward. I say “practical” because we need to be practical. While we must respect that any transport policy must be sustainable and it must have proper green environmental credentials, it must also be practical and commercially viable. So I will be supporting it and I think this policy, as the Assistant Minister has just said, is not so detailed that it cannot do all those things as we evolve the way forward. I want to bring to Members’ attention one

point which I think has been touched on but I would like to emphasise it, that of road safety. I had no idea until I was involved in the Health Department as to the amount of accidents that happened with motorcyclists and how often we flew brain-injured motorcyclists to the U.K. Now, Members will start to realise that I am making a point here. Just the other day, a young man was flown to the U.K. with severe brain injuries. Now these critical motorcycle accidents happen all too frequently, in my opinion. If it were any other type of near fatal and often fatal critical accident involving machinery, the States would certainly have a huge interest. It is nearly once a fortnight we are having accidents and certainly once every 3 weeks, we have brain-injured road users, many of them motorcyclists. It does, in the document, suggest that road accident injuries cost the Island £18 million and I suspect it costs a lot of money. Quite often a brain-injured motorcyclist will become dependent on carers for the rest of his or her life and the cost financially of that is obvious but the cost of each individual tragedy is immeasurable. While the policy rightly highlights the need to educate motorcyclists and road users, I cannot emphasise enough what a sound investment that would be. I really do think we need to try and stop this awful flow of tragic accidents that are all too regular. I am not sure how the policy, as identified in 5.9 of the document, will attempt to stop this flow of dreadful, dreadful accidents but we need to. I suspect it is through education. It may be through revalidation of motorcyclists' licences, I do not know what the answer is, but it will need professionals looking at this and even if we can save one tragic accident and life-changing accident, it would be money well spent. The policy notes the cost of these awful accidents.

[14:45]

I want to just throw up in the air for the Minister to consider a new initiative which would possibly help the Treasurer and the taxpayer in this regard and that is insisting, before being able to be issued with a licence by D.V.S., that motorcyclists have a personal injury insurance cover. Now, I do not know how that works, if there are any other examples of that anywhere, that in the event that it was £500,000 a year for 30 years of the remaining life type of special care that motorcyclists may need, is it not unreasonable to ask that they would have some personal insurance that could sit alongside their normal insurance in the event that they had a tragic accident. I do not know if there are examples or precedents anywhere else but, in this time of prioritisation and austerity, I do think it would be something that should be considered with regard to the costs of caring for serious accidents that usually happen as a result of motorcyclists but, of course, they do happen elsewhere. With that, I just wanted to highlight motorcyclists and the personal cost to them and their family and, of course, that of the taxpayer.

**Connétable G.F. Butcher of St. John:**

I wonder if I might ask for a point of clarification from the previous speaker. He seemed to be inferring that motorcyclists cause most of these accidents. I have been riding motorcycles since I was 16 years old and I ride my motorcycle with full headlights on and invariably it is a car driver that will pull out in front of you. I just think some of the comments that were made are outrageous.

**Senator J.L. Perchard:**

Of course I was not suggesting that motorcyclists cause this and I know most States Members know I did not say that. They are victims, for whatever reasons, of terrible accidents and it is tragic to see young people damaged permanently and to make political capital, as the Constable just has, is a shame.

**1.3.19 Connétable D.W. Mezbourian of St. Lawrence:**

At the end of a long debate, I would just like to make a few comments that are very pertinent to me personally and I would like to begin by thanking the Minister and his officers for the co-operation that they give me as Connétable when I contact them with my concerns over traffic issues in the Parish of St. Lawrence. They have always been very amenable to discussing my concerns with me and I must admit that I notice that under this new Minister, there has been a distinct change of

attitude, I think, among the officers in his department [**Approbation**] and so I commend Constable Jackson and Deputy Lewis, his Assistant Minister. That is a personal point. We have heard bus shelters mentioned a lot during the course of the debate and, again, I would like to thank the department because I have been successful in working with them towards erecting a bus shelter on La Grande Route de Saint-Laurent, which I understand is due to begin on 13 December. Again, I thank them because a former Deputy of St. Lawrence came to speak to me the other day and had heard Deputy Lewis on Talk-Back mention the bus shelter in St. Lawrence and this former Deputy had been trying for many years to have a bus shelter erected in this position and he had been unsuccessful. It seems to me that the emphasis in the policy is very much on providing a sustainable public transport system and unless we provide the bus shelters to protect our bus users [**Approbation**] we are never going to succeed in encouraging the public to use our public transport system. So again, the fact that we hear that there are 12 shelters due to go up around the Island can only be encouraging to us all and I look forward again to working with the department to identify other areas in my parish where we can work towards further provision of bus shelters. One thing that has occurred to me and I did listen to some of the Talk-Back programme on Sunday and again we have been talking about the new contract that is due to be brought forward, I think, in 2012 and I understand terms and conditions are being looked at at the moment but it seems to me that there is no single channel for the public to be able to identify their concerns and their views on what they want by way of delivery of our public transport service. I know that there used to be, I think it was called a bus users' forum or a bus users' group and I wonder whether the Minister will tell us when he sums up how he intends to address the thoughts and the views of the travelling public with respect to their thoughts on what would be the best system for our public transport system. We recognise, of course, that not everyone who lives down the far lanes of St. Lawrence is going to be reached directly by a bus but we do need to take the views of the travelling public into account. On that basis, I would be very pleased to offer St. Lawrence Parish Hall to the Minister to hold a public meeting to get the views of not only St. Lawrence parishioners but others. The Deputy of St. John, who is noticeable by his absence in the Chamber at the moment, commended the Environment Scrutiny Panel on the report that they did on the Sustainable Transport Policy and I would like to echo his words because I found this to be a very interesting document and one of the problems I think with this policy is that it is so overarching that there are a number of issues that have been overlooked. I was speaking to another Member at lunchtime who said if he or any other back-bencher had brought such a proposition, it would really have been shouted down because there was no detail in it. I think I have heard someone say today the devil is in the detail but nevertheless the panel have certainly raised enough points in their report, I believe, for the Minister and his officers to be going away and spending a lot of time in coming up with detailed responses. Indeed, I hope they will take on board the recommendations that have been made. Having said that, I am minded very much to support the Minister and his aims in this policy and will be doing so and I urge other Members to do likewise.

### **1.3.20 Deputy A.E. Jeune of St. Brelade:**

Much of what I would have said has been said but I really feel I must stand to defend motorcycling as a good way of travel. We should encourage motorcycling and to suggest that motorcyclists should have the excess cover, should they be so unfortunate to have an accident, and even more unfortunate to have the accident caused by the stupidity of others who are not motorcyclists, I think is grossly unfair. I will support the Minister in this proposition and his strategy but I would remind everybody here that it has to be done within the budget that he has. There comes a time when we have to act responsibly in terms of our spending. I believe the Connétable of St. Helier yesterday mentioned about having your cake and eating it. Well, yes, you can have your cake and yes, you can eat it if you can afford to buy it. Given the situation we find ourselves in today with the rather inclement weather although some would say it is rather attractive, I would like to suggest to the Minister that he encourages Connex to use the smaller type hopper buses which can be used around



the town generally but at times like this would probably be more conducive to our smaller roads and getting people home.

**1.3.21 Deputy J.A. Hilton of St. Helier:**

Just very briefly because most of what I would have liked to say has been said by previous speakers but really just to touch on the aspect of road safety again. I think for this policy to be successful, the issue of road safety will have to be addressed. I spoke yesterday about speeding vehicles in and around St. Helier and I requested some information from Transport and Technical Services this morning which they very kindly sent me to do with the speed of vehicles on New St. John's Road which has been a particular bugbear of mine for a very long time. I was quite disappointed when I read the data to see that my worst fears were confirmed in that roughly 23 per cent of vehicles were travelling between around 35 to 40 miles an hour down New St. John's Road and anybody who knows that road will know that it is a narrow bendy road with very, very narrow pavements which makes it extremely hazardous for pedestrians in particular to navigate on a daily basis which they do and, in fact, children walk up and down that road to either go to Haute Vallée school or Rouge Bouillon school. But what was particularly alarming for me was to note that between the times of 3.00 p.m. and 4.00 p.m. when children would be using that route, that 32 vehicles were reported to be travelling at around 35 miles an hour. Now to some Members sat here, that might not seem particularly fast to them but I can assure you if you are walking up there on a pavement that is not much more than 2 feet wide in places and 2 vehicles are passing at the same time, it is a pretty horrifying experience. I believe the St. Helier Roads Committee is recommending a 20-mile per hour speed limit within the ring road. In my experience, a lot of the speeding vehicles are occurring just outside of the ring road and I think really, on the basis of this data I have received and additional data that I have requested, I think probably the time has come for the Minister for Home Affairs, myself and the Constable of St. Helier and T.T.S. to get together and really get to grips with this issue. A couple of Members have mentioned very serious accidents that have taken place recently, the latest one being on Queen's Road and I think it would be very, very interesting to know in all these serious accidents that have taken place in the last year or so, the serious injuries and deaths, how much or if speed was a factor and I think it is important that we have got that information so we do need to know that. I think Senator Le Main mentioned this this morning about the percentage for art. We were sent a booklet with the different projects that have been carried out which are absolutely fabulous. I think they enhance the built environment in St. Helier and I applaud it but because there is an issue around money to implement some of these road safety projects, I think I would ask the Minister for Planning and Environment whether he would consider for a period of time postponing the percentage for art and using that money that he would have got for enhanced road safety improvements. So I would request that he give that serious consideration. Maybe he would be prepared to talk to the Council of Ministers about that. It may require a policy change but I think this is one way round the funding issue. We do have serious funding issues and we do need to think outside the box so I think it is something that should be considered. The last thing I just wanted to mention, I believe the Constable of St. Lawrence mentioned that she had experienced a distinct change of attitude among the officers at T.T.S. in her speech. Can I just say in the 8 years that I have been in the States, I have always experienced an efficient, courteous service from all the officers of Transport and Technical Services.

[15:00]

**The Deputy Bailiff:**

Does any other Member wish to speak? Then I call on the Minister to reply.

**1.3.22 The Connétable of St. Brelade:**

I think that it would be reasonable for me to sum up the comments of Members which have been carefully noted, not only by me but officers outside and I think to labour through them all, while I

appreciate them, would be inappropriate but I do want to just pick up on one or 2, I think particularly my much respected colleague Senator Le Main, because he was quite derogatory in his comments regarding my staff at D.V.S. which I do take objection to and I note that we have no record of Senator Le Main applying to register any vehicles from France. Electric vehicles have been registered in the past, both with type approval and also there is a particular vehicle called the Reva G-Wiz which is registered in the U.K. as a quadricycle and this is where the difficulty comes but it is sold as a car. This was tested in Jersey against legal requirements for registration and it passed and it is now registered. Vehicles have to be type approved and it does cost a significant sum of £370 to get an inspection. There are safety systems required such as collapsible steering wheels, anti-burst doors, seatbelts and the like and invariably these vehicles are registered under quadricycle legislation in the E.U. (European Union) which we do not have. The U.K. government is challenging this and it is seen as a mechanism for circumventing the requirements of safety systems contained in car construction legislation. We can change legislation but we have to accept the consequences of the risks associated and I would welcome a proposition from the Deputy to do that should he so wish. I also note that he, in fact, voted to support the eastern cycle track so I am not sure where he lies on that but in terms of cycle tracks and the eastern cycle track particularly, I think it will provide in time a valuable asset. I know my colleagues in the east are sceptical but certainly with the experience in the light of the western cycle track, we have to get this link through and I am sure it will be an Island asset as time goes on. We have got excellent cycle path routes in the Island which are well laid out, well spread out, but we need to add to those to make cycling a more pleasurable and safer experience. The “white van man” situation I am conscious of and quite frankly, most of the points that Members make, I agree with entirely and it is a question of bringing those into the policy. Deputy Maçon made capital over losing parking spaces and such like. I tend to agree with him. I do not think we should lose private parking spaces to the detriment of the public, if you like, and force people on to the public places. There is a question mark whether there is, shall we say, a God-given right for a parking place in a public area and that is something maybe we need to address in this Chamber but certainly there is no intention for us to change anything drastically and I have to say the States Strategic Plan calls for us to persuade people out of their cars. I consider our policy is practical. We are not asking everyone to give up their cars but I would suggest that if someone wants to buy a Christmas tree, well, take the car. That seems to me the best way to do it. The policy is about evolution and change will be supported by the increased provision of facilities and the main targets, I would suggest, are very often the single occupant commuter trips. So in the sum up, what are the benefits of this? It is less pollution, less congestion, more exercise through active travel leading to health benefits, less road injuries, protecting the built environment and access for all. What we are proposing basically is a significant shift to more sustainable travel habits, thus walking and cycling, use of less polluting vehicles at all times and, in particular, the 15 per cent reduction in peak hour traffic levels by 2015. That means in numerical terms 1,800 less people coming to town by car in the peak hour. 100 per cent increase in main bus use at peak times which means an increase of 900 passengers, increased use of low emission vehicles and how are we going to do it? We are going to improve the main and school bus services mostly through the contract commencing January 2013, ongoing improvements to walking and cycling facilities as I mentioned just now, giving improved priority to these modes of transport. Gradual increase in parking charges but only if the impact of the measures I mentioned just now does not work and assessment of those measures will be critical to establish that. It is the last thing I want to do I have to say. Revision and modernisation of the taxi service and the Deputy of St. John referred to a report from the J.C.R.A. which will have a significant bearing on that, I have no doubt, and I have yet to read it but I am aware that it has just come out. There are obviously what I would call soft measures, workplace travel plans, school travel plans and awareness campaigns which we will work on and, of course, the incentives for low emissions vehicles. We are aiming to do what we can within the budget we have. Money is tight. There is no question about it and we have to do what we can within the budget allowed and we shall make our utmost to achieve that. So I thank Members for their contributions and the input, particularly

from Scrutiny which I contend has worked to challenge my policy and produce a better result. I ask Members to support my Sustainable Transport Policy and call for the appel.

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats and the vote is upon all paragraphs together, Minister, is it not, of the transport policy?

**The Connétable of St. Brelade:**

I am quite happy to take them all together but if Members particularly wish to split them up, I am equally happy with that but I suspect that in all practicality, all together would be most convenient.

**The Deputy Bailiff:**

Very well. The vote is on all paragraphs in the Sustainable Transport Policy as amended and I ask the Greffier to open the voting.

<b>POUR: 43</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Connétable of St. Saviour		
Senator P.F. Routier		Connétable of St. Mary		
Senator P.F.C. Ozouf		Deputy M.R. Higgins (H)		
Senator T.J. Le Main		Deputy A.K.F. Green (H)		
Senator B.E. Shenton		Deputy J.M. Maçon (S)		
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S. 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 A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy D.J. De Sousa (H)				

**The Connétable of St. Ouen:**

As I alerted the Assembly before lunch, I would like the Assembly to consider moving P.153 to this next item on the grounds that as we are in the programme of projets, it may well fall as an item tomorrow morning and due to the fact that I, along with a number of other colleagues, will be attending the funeral of the late Connétable of Grouville, I would like to take the matter now. There is some urgency because if this projet is adopted, the forms need to be printed for sending out between Christmas and New Year.

**The Deputy Bailiff:**

The Minister for Economic Development is indicating he has no objection to this course of action. Do Members agree that we should take P.153 at this stage? Very well. I ask the Greffier to read the citation of the draft.

**2. Draft Rates (Amendment of Law) (Jersey) Regulations 201- (P.153/2010)**

**The Greffier of the States:**

Draft Rates (Amendment of Law) (Jersey) Regulations 201-. The States in pursuance of Article 49 of the Rates (Jersey) Law 2005 have made the following Regulations.

**The Deputy Bailiff:**

Connétable, do you wish to propose the principles?

**2.1 The Connétable of St. Ouen:**

Can I firstly thank everyone for allowing me to do this. This amendment addresses an issue which has arisen since the introduction of the Rates (Jersey) Law 2005. Assessors, especially in the urban parishes, have highlighted a problem with the assessment of properties which are owned by a body corporate. Of particular difficulty is the assessment of communal areas where, for instance, a block of flats has a communal area such as hallways or garden areas. In this case, the question arises as to who should be treated as the owner of such areas and therefore who is responsible for the payment of the rates, both parochial and Island-wide rates, on those parts of the property which are communally used. As outlined in the report, the advice from the Law Officers is that the company is the owner and occupier of communal areas but the shareholder can be regarded as the owner and occupier of the flats. However, this causes particular difficulties for the body corporate, the shareholder and the parish in terms of making returns, the levying and the correcting of rates. Taking these points into account, the Connétables have received legal advice that the best solution is to clarify the definition of “owner” to make it clear that this relates to the company in the case of share transfer property. That is what this amendment provides for by inserting a definition of share transfer property and by amending the definition of owner. In conclusion, therefore, the proposed amendment will clarify that the body corporate is to be regarded as the owner of shared transfer property. Once this is established, the examining definition of occupier in the law means that the body corporate is also the occupier of the property. The body corporate will therefore make the return to the parish each year and will be liable for the payment of the foncier and occupier rates for the property both parish and Island-wide rates. The amended definitions will come into force, if accepted, in 7 days and will therefore take effect for the 2011 rates year. The amended definition will be included in the notes which are circulated with the annual return. I make the proposition.

**The Deputy Bailiff:**

The principles are proposed. Are they seconded? **[Seconded]**

**The Deputy of St. John:**

Can I declare an interest, being an owner of property in this particular manner? I have a number of different ...

**The Deputy Bailiff:**

Deputy, I do not regard that as being an interest that would cause you to withdraw in any sense, Deputy.

**The Deputy of St. John:**

Thank you, Sir.

**The Deputy Bailiff:**

It is not a specific interest. Does any Member wish to speak?

**2.1.1 Deputy A.E. Jeune:**

I wonder if the Connétable could explain how this will affect States-owned blocks of flats and Trust-owned blocks of flats? Will it have an impact on them, as they have communal areas?

**The Deputy Bailiff:**

Does any other Member wish to speak? Connétable, do you wish to reply?

**2.1.2 The Connétable of St. Ouen:**

I was waiting for a host of other questions. I may need a nod from the Attorney General but as far as I know, the Trusts will be the body corporate as far as this proposition is concerned so I maintain the proposition.

**The Deputy Bailiff:**

Deputy, you have your nod. The appel is called for. I invite Members to return to their seats. The vote is on the principles as to whether or not to adopt the Draft Rates (Amendment of Law) (Jersey) Regulations 201-. I ask the Greffier to open the voting.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				

Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**The Deputy Bailiff:**

Senator Ferguson, as Chairman of the Corporate Services Scrutiny Panel, do you wish to scrutinise these Regulations?

**Senator S.C. Ferguson:**

No thank you, Sir.

**The Deputy Bailiff:**

Very well. Connétable, do you wish to propose the specific Articles?

**The Connétable of St. Ouen:**

I do, Sir.

**The Deputy Bailiff:**

Are they seconded? **[Seconded]** Does any Member wish to speak? All those Members in favour of adopting these Articles, kindly show? Those against? The Articles are adopted. Do you wish to propose the Regulations in Third Reading?

**The Connétable of St. Ouen:**

I do, Sir.

**The Deputy Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak? Very well, the appel is called for. I invite Members to return to their seats and ask the Greffier to open the voting.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				

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

**Deputy P.V.F. Le Claire:**

May I take a second of the Assembly's time to lighten our load a little if possible. I have got down for debate today 2 significant proposals that will be no doubt at least 3 or 4 speeches long. I have been approached by the Chief Minister, the Minister for Economic Development and also by a discussion this morning with the Chairman of the Public Accounts Committee to put off for now my Shadow Boards because, although they would like to get behind the premise, they are struggling with some of the terminology of words in the actual proposition. So if it was acceptable to Members, I would suggest that perhaps I would be allowed to accede to their requests and put that and the less pressing debate 171 off until 1st February.

[15:15]

**The Deputy Bailiff:**

Very well. You wish to defer P.170 and P.171 until 1st February?

**Deputy P.V.F. Le Claire:**

Yes, Sir.

**Senator B.E. Shenton:**

I would just like to thank the Deputy for holding off the proposition to do with the Ministerial Boards. It does mention P.A.C. (Public Accounts Committee) and the P.A.C. would like to have a look at it. We do not have the powers that Scrutiny panels have to call in propositions and so I had a chat with him before the Assembly this morning.

**Senator T.A. Le Sueur:**

Can I just endorse those comments and say I will endeavour to work with the Deputy and the President of the P.A.C. to come up with a suitable solution.

**Senator A.J.H. Maclean:**

Can I just echo that as well. We have had already some constructive discussions with Deputy Le Claire and I thank him for agreeing to this. I think it is a sensible way forward.

**The Deputy Bailiff:**

Very well. We now return to the Order Paper with the Draft Intellectual Property (Unregistered Rights) (Jersey) Law 201- and I ask the Greffier to read the citation of the draft.

### **3. Draft Intellectual Property (Unregistered Rights) (Jersey) Law 201- (P.141/2010)**

**The Greffier of the States:**

Draft Intellectual Property (Unregistered Rights) (Jersey) Law, a law to restate and amend the law relating to copyright to establish rights equivalent to copyright, to establish the rights of persons in relation to designs and performances and remedies for infringement of those rights, to establish rights in respect of the fraudulent reception or decoding of transmissions, to make provision for criminal liability in respect of copyright and other rights established by this law, to provide for the civil and criminal liability of information society service providers in respect of rights conferred by this law and by the Patents (Jersey) Law 1957, the Registered Designs (Jersey) Law 1957 and the Trademarks (Jersey) Law 2000 and for connected purposes, the States subject to the sanction of Her Most Excellent Majesty in Council have adopted the following law.

**The Deputy Bailiff:**

Minister, do you wish to propose the principles?

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

Yes, Sir, thank you. I hope that this proposition will be seen as another clear signal that we are serious about economic diversification. There may indeed be no silver bullet or single emergent sector that can rival our financial services industry in terms of economic impact but there are still many ways that we can create the business-friendly environment to attract entrepreneurs, support business development and drive economic growth across a range of new and existing sectors. We should never lose sight of the fact that it is not government that delivers economic growth, it is businesses. Government's role is to ensure up to date modern legislation is developed to allow businesses to benefit from commercial opportunities in an increasingly global world and that is exactly why this new Intellectual Property Law is so important. It will assist e-commerce to flourish and allow the creative industries to consider Jersey as a place to invest and to do business. As such, I have no doubt that it will help to attract commercial activity that will create jobs and generate tax revenues. Today I am asking Members to support P.141 which deals with Intellectual Property (Unregistered Rights). This is a sizeable and complex law with 411 Articles and 2 Schedules. Due to the size and complexity, we recently invited Members to attend 2 open briefing sessions to gain a greater understanding and ask questions of Law Officers, Law Draftsmen and I.P.



(Intellectual Property) experts that we assembled. I would like to thank all those who were able to attend and I hope they found the meetings informative. I would also like to thank the Economic Affairs Scrutiny Panel for the efficient and professional way in which they handled their review of this legislation. They appointed a leading U.K. figure in the I.P. field who has undertaken a thorough appraisal as Members will see in the attached comments from the Scrutiny Panel, a scrutiny review that is not only supportive of this legislation but also in areas, complementary. This law will effectively replace hopefully our existing copyright law, that is, the U.K. 1911 Copyright Act. Our existing copyright law provides a strong right to control copying of protected material but it does not take into account technological developments that have occurred over the last 100 years or so such as broadcasting, digital technology and the internet. The knowledge economy, as it has been described, is an ideal type of business opportunity for Jersey to develop. It is a typically high value low footprint business opportunity that will support our existing infrastructure of high quality professional services such as lawyers, accountants and so on, its low footprint principally as a result of global outsourcing. In the modern world, many businesses are now able to outsource their price-sensitive and labour-intensive functions while leaving the high value development and management of their intellectual property to jurisdictions such as Jersey. With modern I.P. laws, Jersey can position itself as a centre of excellence for the creative industries. Among the many activities that my department undertakes to diversify and grow the economy is to attract quality inward investment businesses to relocate here. The first question that we are often asked is do we have modern I.P. laws to which the answer is no. The second question we are often asked is are you members of any international conventions or treaties? Again, the answer is no. Finally, do you have any double tax treaties and again, the answer is no. Today is the first step to removing these barriers so that we can attract this type of business. I should begin by making it clear that this new law is about unregistered intellectual property rights only. Copyright is the main unregistered right. An unregistered right is automatic. There are no forms to fill in and no fees to pay. I should also make it clear what this law is not about. It is not about patents, trademarks or registered designs. So what exactly is copyright? It protects original literary material. It grants limited monopolies to creators to protect their works from exploitation. A good law will seek to strike a fair balance between the rights of creators over their works and the access to those works by consumers and other users. Jersey has a long history of protecting the interests of those who have invested in creating things that we all use in our daily lives whether it be for work, education or for pleasure. Examples include books, newspapers, poems, reports, instruction manuals, the words of a song, magazines, blogs and so on. Copyright also covers dramatic works, musical works and artistic works, those with eye appeal such as paintings and sculptures but also things like maps and plans. Also protected are computer programmes, including computer games. The development of computer games and video games is believed to be an area of significant opportunity. This is a multibillion-dollar industry that we could benefit from if we have a strong intellectual property law. Other areas covered by copyright are databases, both paper and electronic ones. The law also protects films, from amateur videos to the latest blockbuster. I should add that if there is any chance of developing a film industry in Jersey, this law would be an important ingredient. The law also protects sound recordings of music and/or words. It protects broadcasts, both television and radio, including satellite and cable. It does not matter how the material is recorded or how it is stored. A great deal of copyright material can exist as a digital file stored on a device owned by an individual such as a DVD or an iPod. Material available on the internet only can also have copyright. Members will see from these examples the extent of copyright coverage but a key question is who benefits from copyright? Copyright law in Jersey gives rights that incentivise and reward talented individuals and companies. Members may be aware that we have several highly successful individuals who develop creative content who are living in the Island right now but it is difficult to attract them to Jersey and, indeed, to get them to stay here and provide employment opportunities for others without up to date intellectual property legislation. As an example, we have the creator of some of the content used in the highly successful programme X-Factor Living in Jersey. I am sure Members will be well aware of that

particular programme. Currently, such content is created in the most cases off-Island in order to protect the copyright. I would like to see this content created in music studios here in Jersey. With the protection that this I.P. law offers, that could indeed become a reality. Others who would benefit are those who work with or support the industries that I have just mentioned. That would include distributors, web hosting and legal services to mention a few. I can summarise by saying those who create or invest in the creation or distribution of original material will value the effective copyright protection that this law offers. I should mention that the U.K. updated their laws on copyright and related rights in 1988, although there have been many amendments since and, indeed, Guernsey updated their laws in 2005. Our proposed new law, therefore, largely mirrors the tried and tested versions operating in both Guernsey and the U.K. In fact, about 200 or so of the Articles in our law are identical to the corresponding provisions in the U.K. law. Many of the others differ only in specific details of drafting. Using the U.K. 1988 Act as the basis of the law has many advantages that were identified by the intellectual property expert employed by Scrutiny to review this legislation and I will quote just one of his comments. He said: "In localising the 1988 Act within Intellectual Property (Unregistered Rights) Law, the opportunity has been wisely and effectively taken to consolidate the various provisions of the U.K. copyright law." This is a global opportunity where creative industries need worldwide protection as content is freely made available online. Consistency is therefore very important between jurisdictions as such as our new law ensures that on key issues we make very similar provisions to the laws in much of the rest of the world. Although we are undoubtedly late to the party, it has allowed us to learn from the experiences of others. For example, it does not look like Guernsey have made any provision to that in Schedule 1 of our law about limited liability of and responsibilities of internet service providers with respect to copyright infringement. We therefore hope that the extra time spent in drafting our law has led to a well thought out and well drafted package. In particular, we have looked at I.P. and how, as part of an e-commerce strategy, the full commercial opportunities could be exploited. Make no mistake, Jersey is still in a very strong position to capitalise on the many and growing commercial opportunities in the intellectual property space. This is definitely not a boat we have missed. I would like to give Members a very brief overview about how copyright works. Those who create or invest in creating copyright material get automatic rights. The rights enable copyright owners to control how their material is used. Copyright owners can get a payment for any use they agree to. Examples are, of course, the sale of books or the download of music. As such, copyright generates financial rewards for creativity. Expectation of such rewards provides an incentive for people to create and importantly to invest in creativity. Turning now to the rights that copyright gives, the current copyright law in Jersey includes the right to control exploitation of protected material by copying, adapting, publishing or performing in public. The right to control copying covers copying any material form and so permits much activity on line and off line to be controlled. The new law will add clear rights to control, commercial rental of copies, communicating to the public by broadcasting and making available on demand on the internet. There will also be moral rights for authors. These rights protect an author's reputation. It is essential to remember that copyright is more important than ever in today's world because in the past, copying things was quite difficult, especially at the time when the original law was drawn up in 1911 for which, for example, there were no photocopiers or video recorders and such like. Today, a great deal of material that attracts copyright is just a digital file and there are many ways of copying a digital file. Without copyright, many people, both commercial competitors and consumers, could legally copy and distribute digital files widely and those who created the material would get absolutely no benefit.

[15:30]

An obvious question is whether copyright will stop people using copyright works that they already have. The answer is no because most works may have copyright licences that permit their use. In addition, not every use of a copyright work needs permission. Some uses do not infringe any rights

such as reading a book, listening to music on an iPod or watching a film at home. Other uses may fall under the scope of copyright exceptions. Exceptions permit use without infringing copyright although it should be noted that the current law has very few exceptions. This is something that we have corrected in the new law which modernises copyright exceptions to provide an up to date and balanced framework. This will benefit consumers, schools and businesses. As an example, I was surprised to learn that under the current law, recording my favourite television programme at home to watch at a more convenient time is not clearly free of infringing copyright at the moment. This is something that we should all be able to do without worrying about copyright and so the new law will make it clear that this time shifting of broadcasts at home cannot give rise to any claims of copyright infringement. I have already touched on some of the likely economic benefits of the new law but I would like to expand a little further on the size and value of the market. Many creative industries depend on e-commerce and global markets. As such, they need effective and enforceable copyright in every country. We are targeting a large global market that is growing fast. As an example of the growth to date, in the U.K., the creative industries represented 6.2 per cent of G.V.A. (Gross Added Value) in 2007. Between 1997 and 2007, they showed 5 per cent annual growth compared to the rest of the economy at 3 per cent. An area that offers great opportunity is software, computer games and electronic publishing and growth here for the same period averaged 9 per cent per annum. Employment in the creative industries grew by 2 per cent per annum between 1998 and 2008 which was roughly double the rest of the U.K. economy. Employment in software computer games and electronic publishing grew by a staggering 5 per cent per annum. The video games industry was worth \$10 billion in 1990. Today, it is estimated to be worth approximately \$50 billion. The I.P. expert employed by Scrutiny said in his report: "Most developed economies can point to studies which suggest that between 5 to 10 per cent of their G.D.P. (Gross Domestic Product) depends on the existence and enforcement of copyright." In conclusion, if Members support this new law, it will represent a major leap forward in opening further opportunities for our economy to diversify. We recognise that a new copyright law is only one part of a jigsaw to develop e-commerce opportunities and attract the creative industries to Jersey. We already have many of the skills and infrastructure to support creativity and the distribution of creative products. Other skills, training and job opportunities will flow from these developments. We believe that the technical skills in the e-commerce area are already developing fast in Jersey. As the project is developed, we are continuing to consider changes to other areas of law in order to further enhance Jersey as an attractive jurisdiction for the creative industries. We are also working on updating laws that already exist in Jersey on registered intellectual property rights, that is trademarks, patents and registered designs but these laws were not as badly outdated as the copyright law but they will still need some adjustments in due course. This law, if supported, will form the cornerstone for the growth of the knowledge economy. It will attract entrepreneurs, it will protect creativity, encourage innovation and secure valuable inward investment, especially in the area of e-commerce. I propose the principles.

**The Deputy Bailiff:**

The principles are proposed. Are they seconded? **[Seconded]** Does any Member wish to speak?

**3.1.1 Deputy R.G. Le Hérisier:**

Other than the fact that we know the Minister is a great fan of Strictly Come Dancing, would he identify the areas in particular. He has taken a very broad brush to the whole issue and we all welcome this obviously and it is a brave new world but like internet gambling, we have obviously come, as he said, very late to the party. Could he tell us what kind of analysis his department has undertaken and where he thinks the Island will be best placed to move forward because there is an awful lot covered. Secondly, what does he mean by the moral rights of authors?

**3.1.2 Senator B.E. Shenton:**

Throughout the document, the term of “a prescribed library” is used. Could he exactly say what a prescribed library is? The reason I ask is I know individuals that have private library collections and by holding your documents within a library, it gives you a number of exemptions from the Intellectual Property Law Regulations. It gives you the right to undertake copying and so on and so forth. If you define your collection as a library, you seem to be able to exempt yourself from a number of onerous requirements that are in the law and, indeed, if you take it to an extreme, you could argue that your collection of books at home is a library of books and you can get round the law that way. There is no definition as far as I can see of a prescribed library and I would like to ask the Minister to clarify that, please.

### **3.1.3 Deputy K.C. Lewis:**

I will be brief. In the 1960s and 1970s, the United States had a record industry worth tens of millions of dollars. Within a decade, it was all but gone because compact discs came in. I have often said we need another string to our bow and this is definitely another string to our bow. I congratulate the Minister for bringing this forward and indeed Scrutiny who have been very constructive.

### **3.1.4 Deputy J.A. Martin:**

I do have very limited knowledge of trademarks, patents and copyright and as the Minister said, this is just the first part and this is copyright and we be prepared to see much more 2-inch thick documents that nobody is particularly bothered to read but the Minister tells us that it has cost a lot of money. He is not, I have asked him the question and he tells me he is going to tell me in his summing up exactly how much specialist time this took to draft and how much it cost. I looked up yesterday the dependent registry, the intellectual property in Jersey and a Jersey patent trademark and design register are dependent registries. This means that registration of any intellectual property right on the Island is dependent upon the registration first being obtained in the United Kingdom and this has worked well for years. When this was first mooted, we brought in when I was on that then scrutiny panel a representative from 2 of the big firms, Boreham Fisher and C.P.A. (Computer Patent Annuities) in Jersey and basically if it is not broke do not fix it and, if you do, this wrong as the Minister says we are talking about millions of pounds we could attract, but I think I agree totally with Deputy Le Hérisier, we are very late to the party. I have also contacted Guernsey today who has a patent office; it is called now an intellectual property office because nobody knew who I was looking for. They were always, when I worked there, called patent offices but anyway it is called the intellectual property office and I wanted to know how much international business they had attracted in the last 5 years and if there were any fines, if there had been any incidences because it is a very, very complex business and laws and where you have to register all around the world. If you miss a deadline - and it does happen sometimes - you are liable, your patent office, in this case it would be the licensing authority in Jersey; it would be taxpayers' money that will be liable for millions. The Minister also says it is e-commerce, it is about attracting low-footprint workers. I am very sorry, these workers are highly specialist and they will be on-Island. In fact, the 2 companies I already have mentioned, there are specialists there and they do not have a problem with doing it how it has been done for many years. So if people care to really read what the eminent adviser to the Scrutiny Panel said: “Do we really need this?” the answer would appear to be no. That is on page 6. He also talks about how we are already in the world of copyright ... because of what Deputy Lewis says and the downloading and everything, it is not CDs now; they have lost 30 per cent in copyrights alone just for illegal downloading and sharing of sites. But there is a Digital Economy Act of 2010 already up and running in the United Kingdom. Where were we? And it has given some very strong powers to Ofcom to regulate the unregistered and illegal downloading. And as for being not to be able to video Coronation Street, it has been illegal in England and everywhere for years but everybody sells videos and videotapes and now DVDs. Do not be fooled that this is somehow going to protect you against being able to legally tape your favourite TV programme and I presume I would have

said his was Yes Minister but there you go. **[Aside] [Laughter]** He looks like a very young Yes Minister does he not to me. And the Minister knows I am not convinced and we have had discussions. I have not heard back from Guernsey. The girl said it was a very, very interesting question. She was not high enough up in the office to possibly tell me that or give me the information but I did not get a sense of rush that, in 5 years, this is something that has been really stirring Guernsey up. I followed the Minister and I absolutely totally agree with him on the gambling. I was a champion of that, I championed it when I saw the roadmaps. This one I really do think they are underestimating the problems if this is not done properly. The 2 experts who did come in to see us said - and I will not mention the Island again - but they are not doing it well, they are employing 4 staff and they are not doing it well. So if they are not doing it well, we must do it better. Are we considering a joint patent agency? There is only one in the whole of England and Wales. So if this is how big this is and these are specialists ... and I am sorry, as I say, a lot of this, the technical part of this, what it covers and all that is not the point. To me, this is another limited liability wedge and we will pass it and we will pass another 3 or 4 and, as far as I can remember, the limited liability has never ever been used. So I am very sorry, I cannot support this and I am sorry to rain on the Minister's parade and, as big as it is, it will probably take about 10 minutes to go through on the nod, but I just want to register my total ... it is not going to be, and I really do hope in 5 years' time I am proved wrong. I hope this does replace the finance industry but, as I say, be warned: if it is not done right, it could wipe your rainy day fund out in a go.

### **3.1.5 Deputy A.E. Jeune:**

I have to say I attended the presentation that the E.D.D. (Economic Development Department) offered to Members and I did find the officers who spoke did so very well and certainly helped put things into perspective for me. But a couple of things still come to mind that the Minister may be good enough to answer in his summing up. If this law was so out of date, why does he believe it took so long for Jersey to wake up to that fact? If this is about unregistered rights, what is the position of our Registered Rights Law? Does that also need to be addressed and, if so, when will it be addressed because are we here, in Jersey, losing business in that area as well?

[15:45]

### **3.1.6 The Deputy of St. John:**

Having attended the presentation, which I found very useful, I also found that it covers a lot more than what was given to us by the Minister. In fact, somebody who maybe worked with his hands, a woodturner, a woodcarver, somebody who might dress granite and make statues out of granite and the like, it covers all of these things over and above. It covers what is said. If the Attorney General uses certain terminology, it can be basically licensed to him or attributed to him. So if another lawyer uses the same terms, it would be licensed to the Attorney General, that is the way I received it when I put the questions to the experts at the presentation. I could understand that, that is fine, but what had a little bit of bother with is, if I am teaching somebody how to be a woodcarver or how to dress stone and when you pass that on to him, I need to know whether or not because you have taught him how to, shall we say, carve an eagle and he goes off and does the same thing, is that a licensed product? Does it have a copyright on it? I think that needs to be drawn out, Minister, exactly who owns that copyright; given that he has been taught by his master, the apprentice comes along and becomes a master craftsman himself in that particular field, who owns that copyright? It was one of the most interesting presentations - that was looking both forward and looking back - that I have been to because some of these presentations we have are usually to try and pull out as many of the arguments as possible prior to coming to the floor of the Chamber. This one was so very, very informative in more ways than one. I think about a dozen Members attended overall, maybe 15. It is a shame that more Members did not attend because it answered so many questions and I sincerely hope that this law does go through because it is important that we update our 1911 law because 100 years later, these things have not been brought up to date. When

it comes to the I.T. (Information Technology) side of things, those things are beyond me, to be truthful. I leave it to the young whippersnappers like our Minister for Treasury and Resources who is more up to speed on things to do with I.T. than I am but that said, I think it is the right way to be going and I sincerely hope it goes through.

### **3.1.7 The Deputy of St. Mary:**

When I first took on board that this was coming, a Jersey attempt to do something about intellectual property, I knew that we were in very complicated waters and that was my starting point. This is not going to be easy for a little jurisdiction like Jersey to tackle an issue like this. The Minister has presented the positives and they boil down to consolidating the provisions of the existing laws, many of which are quite old and modernising them, protecting local creativity; and that is not just Jeremy Reed the poet, it is software developers and possible filmmakers and so on, and that point is well taken - and clearly, if people have to make their product elsewhere in order to protect the copyright, then that is us missing a trick - and then exemptions for libraries and education. Fine, that is all unproblematic. By the way, I should apologise for not coming to the briefings. I just had other commitments in advance but obviously I was on the Scrutiny Panel so I am familiar with some of the documentation. But I do just have little alarm bells going because on the one hand, we are being told that this is basically a modernising job. We are taking a 1911 law, among other laws, and bringing them into the 21st century. On the other hand, we are being told that it is a business opportunity, that our existing lawyers and accountants can be recycled into this area, that it is low-footprint, we can outsource the actual work and just manage the high value intellectual property or rather by managing the intellectual property, we collect the high value. That is where the alarm bells start to ring. With this particular law, I think it probably is, on balance, a tidying up although it is 400 pages long and there may be issues of detail around that that we will go through as we plod through the law. But I am just a bit concerned about the direction of travel and I would just like to make a few points to reinforce what I have been saying and, in fact, Deputy Martin said some of it. Do we realise just what we are letting ourselves in for? The initial report that began this process, the Draft Intellectual Property and E-commerce Optimisation Project, this was the first report along this path and they talk about the complexity of where we are going and they just have a little quote here from the introductory remarks of a report by the S.A.B.I.P., the Strategic Advisory Board of Intellectual Property in the U.K. and there is a little quote there: "The combined resources of the Strategic Advisory Board for Intellectual Property Policy (S.A.B.I.P.) and the Intellectual Property Office are small relative to the identified research programme and the issues to be tackled are global." So the U.K.'s 2 leading bodies, S.A.B.I.P. which does the plod, plod, plod and the intellectual work on top of that and the Intellectual Property Office, they have small resources relative to the identified research programme. This is a huge, complicated area and I would echo what Deputy Martin said. Do we have the firepower to be in this market and not come a cropper? There are dangers and I will come to those. But on the overall thing, this again is the point I am making about how uneasy I do feel about some of where we are going. The W.I.P.O. (World Intellectual Property Organisation) document: "An I.P. strategy is useful," and then it talks about: "All nations have rich human capital" and I ask Members to relate what I am just about to say to Jersey. "All nations have rich human capital, universities, research institutions and entrepreneurial businesses." Well, we have the third of those but not the universities and the research institutions. "The goal of I.P. strategy is to provide a plan over time whereby all national stakeholders can work together to create, own and exploit research results, innovations, new technologies and works of creativity." Now, I just struggle a little bit to relate that to little Jersey with 90,000 people, the odd poet, the odd software developer, the odd person who does indeed invent staggeringly wide-reaching and wide-ranging innovations in terms of the Web and internet and programming and so on but the fact is, it does not sound the same as what I have just read out. Then the document goes on, not the W.I.P.O., the Jersey document: "Jersey's focus to date has been to identify areas where the jurisdiction might differentiate itself from other providers of I.P. services." I just wonder what this is all really about and when we look at the stakes involved, and I have here a press cutting from

I am not sure what paper, but it is one of the broadsheets and it is about AstraZeneca, and it is about some complicated infighting about a patent for or a particular drug, and I have to get my magnifying glass out because it is badly photocopied. But this is the sort of area we ...

**Senator P.F. Routier:**

Could I just interject for one second. This is not anything to do with patents at all so if you are quoting from AstraZeneca, it does not relate to this in any way, shape or form.

**The Deputy of St. Mary:**

I take that point but that I covered at the beginning. This is the direction of travel and this is building. We are being told by the Minister who said there will be business opportunities for a whole new sector for lower footprint and that we will manage intellectual property here but we will not generate that intellectual property. It will come from elsewhere and I am just pointing out to Members the difficulties inherent in that strategy. This is step one of a step 2 and a step 3 where we are going and I think ...

**The Deputy Bailiff:**

Deputy, perhaps I can just say this. The Senator is right to point out that this is not a debate about patents. It is the debate more about copyright. You are entitled, of course, to talk about the direction of travel but it is a point which is slightly off the relevance of this debate.

**The Deputy of St. Mary:**

I shall forego then reading out the details of that. Suffice the key figure is \$5.2 billion in sales over one year for AstraZeneca in their drugs market and that press cutting was about one particular drug, one particular conflict. Another company wanted to manufacture it generically. They paid them off basically because they did not want to fight the law suit and then another company in India has already got the rights to produce that drug cheaply in a few years' time but within the patent protecting that drug, and those are the sorts of areas where we are heading, and I am just putting a little cautionary note in Members' minds. There is a risk in this whole area. Not so much perhaps with this legislation right now but we need to be aware that step 2 may not be quite so risk-free and I would call on the Minister to say to what extent he has been doing risk analysis of the risks. Questions were asked in the Chamber, I think back in 2009 I asked a question about transfer pricing in relation to the Plant Varieties Law and whether the Minister was aware of the reputational risks around that issue which is a hot political issue around the world, transfer pricing and locating profits in low-tax jurisdictions. I do not need to remind Members what has just happened to the Irish economy and part of the Irish economy was Microsoft. Microsoft Europe was based in Ireland. They had a limited presence of workers to justify them saying that they were based in Ireland and every time I, you or anyone else buys a Windows program the profits are booked in Ireland. That is how I understand what was going on. That was to do with the corporate tax regime there and so on. If you base your economy on that kind of innovative but virtual economic activity you are at risk, as we have seen, so I am just saying that if that is the direction of travel we need to be very careful. I would again remind Members what Deputy Martin said: we are a little fish in a very big pool. One of the directions in which we are being taken is to become members of various international treaties; the Berne Convention, Paris and the W.T.O. (World Trade Organisation). I have a particular problem with the W.T.O. in that it will ban us from discriminating, for instance, in favour of our agricultural industry and in favour of the local breed of cow. I know that has also obviously been changed by recent developments but I think there is still an element of protection by being very wary about the W.T.O. and if we were to join it we would be a minnow and there are some very big fish in there. There are even corporations who are swimming around in this pool whose turnover from one drug is bigger than our entire G.D.P. so if they decide to take us on it is going to be an expensive loss. I just wanted to make those cautionary remarks. I think they are worth making even at this stage, and I am being reminded to make one little point of detail about ...

well, maybe it is not such a detail, and it is in the report of our Scrutiny Panel's adviser on page 4 of his original version, page 6 of the report that is in Members' hands, the report from the Scrutiny Panel. It is the 3rd paragraph from the bottom and the way I read that paragraph it suggests that to date we have been sheltering, and maybe we can have guidance on that ... I see the Attorney General referring to the paragraph I am talking about. But to date we have been essentially under the wing of the U.K. with respect to our copyright law. We have relied on the 1911 Act and that itself comes under certain provisions and therefore we just run along with those provisions. Our adviser says in the 2nd paragraph from the bottom: "Detailed analysis of the constitutional elements of the copyright law reform process are out of scope for the purposes of this report. It is assumed therefore that appropriate investigation of the constitutional requirements has been conducted to ensure that the provisions of I.P.R.L. (Intellectual Property Reference Library) as necessary replace any existing regulation of copyrighting in Jersey." I would welcome the comments of the Minister on that in his summing up whether those constitutional complications there have been taken into account, because it looks like we are swimming in the pool on our own from this point on.

[16:00]

### **3.1.8 Deputy G.P. Southern of St. Helier:**

I suppose I rise to echo the previous speaker who has made some of the pertinent points involved not just in this particular step but in the whole set of steps we are about to take in engaging in this area. Certainly it is interesting to hear the Deputy of St. Mary's perspective, having studied a little what the impact of these moves might be, and he has serious reservations. The fact is that in a previous life as Chairman of the Economic Affairs Scrutiny Panel, the previous one, I too like Deputy Martin sat there and received advice from an expert in this area who said, effectively, and I paraphrase, I probably do it badly but effectively I hope: "If you want to be a major player in this area it will cost you a substantial investment in resources. If you are expecting to make a lot of money and generate a lot of business through this Island you are probably mistaken." The fact is you are a little offshore jurisdiction attached to the U.K. who have a perfectly viable and centuries-old reputation in the maintenance of these copyright issues and there is absolutely nothing to stop anyone in Jersey or elsewhere going through their system, registering in the U.K. and that is what we have done for years. It is solid, it is rock solid, people know about it and it has its reputation. If you **[Interruption]** please, please, Members. Comments from the background are not appropriate and are very disturbing. As I said, in response to the interruption, this is the first step down the road of many which have been presented by the Minister for Economic Development as opening the gateway to potential riches. So, if Members behind me will allow me I will point out the advice we were given, which was: "And if you expect this to open the gateway to untold riches, think again. The U.K. has already got this sewn up." The newcomers like Guernsey have been very innovative and have carved their little niche. There is absolutely no reason why anyone in Jersey or outside of Jersey should be saying: "Ah, I need to register some copyright with my idea. I need to have some protection. Where shall I go? I will go to Jersey." It simply will not happen. It will not happen without massive investment which may well be money down the drain and effectively that is what the advice was that we got over 3 years ago now. I do not believe that has changed in any way, shape or form and while it may be totally justified for the Minister for Economic Development to come along here and say: "This is an updating of an out-of-date law that we have, it is big, is it not? I hope you have read it." To suggest that it is the gateway to diversification of the economy, et cetera, and that there is an enormous amount of business to be generated through this, that I do not believe is the proof and that is a false picture that is being painted. So, by all means vote for this as an updating of out of date law but do not, please, vote for it expecting this to be the key to some sort of hidden treasure. It is not going to happen.

### **3.1.9 Deputy M.R. Higgins:**



I note the comments of my colleagues here and Deputy Southern just before me. First of all I do believe that we need up-to-date laws and I do welcome the law being brought up to date. The one thing that this law does have is a consolidation of the law in the U.K. The U.K. copyright law was 1988. There has been an awful lot of legislation, an awful lot of court cases since then and there has been other legislation which has relevant parts to it and what it has done is drawn it all together into this one document, which I think is very, very useful from the point of view of going forward. We have other laws to do with intellectual property rights which are going to be coming and I support those coming forward. One of the reasons why I do is, I have been going on since I got in the States about the need to diversify the economy, and I do believe that one of the ways of diversifying the economy is getting up-to-date laws and bring us into the 21st century and enabling firms to come in and develop in whatever area it is. Again I have to admit I am sceptical in terms of the amount of business that will be generated from intellectual property rights. I do believe that the knowledge economy, and using knowledge rather than manufacturing, is the way to go but at the same time we are rather late in the game, an awful lot of people have had the march on us, but at the same time maybe with - it is not always popular to talk about - the Island's tax structure and everything else, it may make it more attractive to others to come here. On the question of diversification, something that I have been thinking about a lot of late are other types of business that could come here. I accept what Ministers have said in the past: you cannot pick winners and losers, our governments cannot do that, it never works. I can remember studying regional policy way back in the 1960s and 1970s in the U.K. and looking at some of the disasters of spending a fortune bringing an industry ... I was thinking of the car industry was taken to Glasgow from the Midlands and they had all the transportation costs going north and south and it totally failed. So, you cannot just throw money at something and think you are going to get an industry in but what you do is you create the conditions whereby people may come in. They will look at the whole range of things and up-to-date laws are one of them. One of the things I would like to see, because I have also mentioned I have a grave concern about the future of finance in the Island, I do not share some of the views necessarily of some of the Ministers, there are threats to Jersey's finance industry out there. In fact if you look at the answers to some of the written questions you will see for example the one I asked about upstreaming of deposits to the U.K. and you will see that there are questions about enhanced liquidity and requirements coming in from Europe and elsewhere which are still in the melting pot which could affect the banking side of our finance industry because, let us face it, our banking industry primarily, as we keep on saying, is we take in deposits from expatriates and others from all over the world, we upstream them into London into the money markets or the head offices, we receive interest on that and, on the profits that they get from those interest payments, they help the Island here. If that area is under threat, and there are other areas under threat all the time regulation is changing, the same as if you think of the financial crisis: it is not over yet. There are still things going on. We have been watching Ireland, Portugal looks like it is next, Spain and so on, so we have a very fragile base. We can talk it up as much as we like but there are many people out there who are doing things independently of us in this Island that can affect our major industry and therefore we need to be looking wider for a whole range of other potential industries. So, it is creating the climate for it. I happen to believe that we have an awful lot of graduates. For example, Jersey is very fortunate in that we send an awful lot of people away to the U.K. and elsewhere to get a good education and we have people who have done chemistry and physics, marine biology; all sorts of subjects, and they come back to Jersey and basically they are faced with finance. I would like to try and encourage, for example, some of the science industries. If you look at Cambridge and look at some of the science parks, let us try and bring forward things that might be biochemistry, be nanotechnology, anything. You do not need a big footprint. It is basically knowledge is what it is about. We could have, for example, a trading estate where you have some of these things or some buildings where these things can be brought together and we could use the skills of our students, who I am sure would love to use the knowledge they have gained from their prime interest and use it in Jersey, and it would provide an alternative to finance. So, I see this as part of this sort of framework. Let us get the laws in place.

It may or may not happen that we can develop these things but I think we should explore them and we should try and encourage firms to look at us and I think part of that is that we have up-to-date law in this area. I shall be supporting the Minister on this and I shall no doubt probably, maybe with a few reservations depending on what the actual provisions are in the other piece of legislation put forward, but I do support updating our laws in this way and giving us the widest possible advantages for the future.

**3.1.10 Senator P.F. Routier:**

I really just wanted to pick up on one or 2 comments which I want to say I thought were very negative from Deputy Southern regarding this legislation. He seems to be ... I do not know if he has had a good chance to read this carefully but even looking at the front cover of the document the title of it is Draft Intellectual Unregistered Rights and he was commenting about the people being able to use the U.K. legislation for registering whatever they wanted to register. So, he was totally off beam with regard to his comments with regard to using the U.K. legislation for registering their rights. Because this legislation gives an automatic protection for people who produce the type of work which they have done and gives them automatic cover for that. So, I am afraid Deputy Southern's comments were a little off beam. The opportunities this legislation does give I think Deputy Southern was very dismissive about what opportunities there are. There are local people who have business opportunities which they want to take where they can, want their rights protected within Jersey. We have people who are living here, who are producing works and they can produce them here. They are currently though going away to have those rights protected. We can get those rights protected in Jersey and in doing that they can use all the services which are in Jersey; the lawyers, the accountants, the financiers, they are all prepared to support people who have these opportunities for them. I am sorry that Deputy Southern seems to have got the wrong end of the stick with that but I do hope that Members recognise this is an opportunity for the Island and we should not deny local residents the opportunity to take advantage of it.

**3.1.11 Deputy P.V.F. Le Claire:**

As a musician I sell my songs online, not making a great deal of money, I declare that interest. But my experience as a musician who has registered songs for copyright purposes, in the past I have gone to the Library of Congress in Washington D.C. because it is recognised if you deposit material there then their lawyers in America will pursue infringements around the world and people are less likely to mess with that body than they are or would be with other bodies. I know that this has been a long time coming and I know from speaking with Her Majesty's Attorney General today that we have a fantastic, cutting edge piece of legislation in respect of the take-down provisions and notice for people who conduct their business through the service which does lead the way under this law ahead of the U.K., which may attract business. So, I do think that we have a significant advantage there, but I am just a bit concerned, having heard Deputy Martin speak about the fact that our rainy-day fund could be wiped out and we could catch a cold with this, which I had not considered that before. I am wondering if I could ask Her Majesty's Attorney General to just calm my concern that has been raised by Deputy Martin that we are not going to introduce something here that would put us at significant risk by doing so. I think that certainly would be having that effect these days. I certainly do think it would be appropriate, Sir, for me to request on this occasion for Her Majesty's Attorney General to satisfy me that we are not enacting something here that might potentially put us at risk, if I could.

[16:15]

**3.1.12 Mr. Timothy John Le Cocq QC., H.M. Attorney General:**

I think I am able to go this far at least. The draft law, as I understand it, creates rights which would be justiciable between a copyright owner for one part and a person who might infringe copyright. In other words it would not involve the State. It will provide a statutory basis upon which one

individual may vindicate his rights against another individual. To that extent I see no exposure. The only time that the state becomes involved are the activities of the licensing authority and there are express statutory provisions saying that the licensing authority, whether it is the Minister or an authority subsequently set up, are not liable for any of the acts that they do in pursuance of the law. I cannot speak obviously to the financial or political consequences or the infrastructure that may or may not be necessary but in terms of the potential legal liability I do not think that there is a large risk to the Island.

**The Deputy Bailiff:**

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

**3.1.13 Senator A.J.H. Maclean:**

Thank you to all Members who have contributed. I will try to briefly answer the questions that have been raised. Deputy Le Hérisier raised some questions. First of all he asked about the moral rights of authors. That is twofold: one, the right to be named and the right to object to derogatory comments that a third party may choose to proffer with the use of the creative work by the author. It is giving protection to the authors in that respect; it is protecting, in particular, the author's reputation. The other question and area that the Deputy was interested in was the potential commercial benefits and yes, one of the things we have done with regard to this law, in conjunction with the law, we have also been working to look very closely at the commercial opportunities. It has not simply been a case of dreaming up the thought of a brand new law hoping we would be able to monetise it at some point in the future, what we have done is we have had consultation with a number of experts in the field, we have consulted and had a report prepared, which is almost complete, with Deloitte on the subject and some of the areas that have already been identified both in the private sector and the report that we have had prepared indicate that video games and software is an area of particular value that will, without doubt, be exploited or exploitable by the fact that we will have these laws in place. I would also add as an aside to that that we have been approached by a number of organisations over the last few years who have been very keen to relocate themselves and utilise the advantages that Jersey offers in the Island and, when they found out that we did not have modern laws, they have been dissuaded. There is one in particular international company which holds a whole range of internationally recognised brand names that is very keen to establish itself in the Island as soon as this law in particular has been put in place. So, there are demonstrable arguments and examples of businesses that will find value by having this law. I should add that it is quite curious in many respects the fine reputation that the Island has. From a regulatory point of view we have a world-class financial services industry, as Members know, and yet here we are in this particular area of intellectual property where we have a law which dates to 1911. It is not a good issue, aside from any of the other key points, it is not a good thing for the reputation of the Island to have such outdated laws. For that reason alone it is important that we update our laws. Senator Shenton asked about prescribed library, that is a matter that would be by order of the Minister but there is certainly no intention of causing any problems with regard to his home library. In particular this is included to make provision for public libraries and in school libraries. There is nothing more sinister than that intended. I would like to thank Deputy Lewis for his comments about the record industry. He is right, that at the time was a huge opportunity and of course this does open up commercial opportunities for us, the development of this I.P. (Intellectual Property) (Unregistered Rights) legislation. Deputy Martin, I have had some discussions with her, I sense that she is not unmoveable on this particular matter but there are some areas where I think there is a degree of confusion. Before I go into those I would just answer a question that she has raised. She was interested in particular to know the cost of drafting this particular legislation. Clearly it is not absolutely feasible to give a nearest figure but we can give a rough estimate because clearly staff that are involved in the process commit to other activities, they are not solely involved in just drafting this law. Nevertheless it has been estimated the cost to produce it is about £295,000. Deputy Martin also raised concerns about us doing something here that was not really

necessary and there was significant cost associated. She was talking a lot about, in effect, patents and registered rights which a number of Members talked about. This is very much just unregistered rights. It is an automatic right, there is no cost associated with it, per se, and indeed the level of risk is minimal at this stage. I accept that we are moving forward to modernise our other laws in due course but they are in a much more modern state than current copyright laws. For example patents and trademarks, one is 1950s and the other one was updated more recently in 2000. Deputy Martin was also mentioning that she had been in contact with Guernsey although had not had a reply with regard to their particular registry. They have a full suite of primary legislation dealing with registered and unregistered rights but our approach has been very much a measured approach. We are doing unregistered rights and we are progressing to the other ones at a later stage. That is a view that was supported by Scrutiny, interestingly and perhaps not surprisingly. I think the measured approach is absolutely right. We deal with that which is most urgent to be dealt with and that is our copyright law and the updating of it. Are we consulting with regard to patents and the way in which we will modernise that law? I think that is a matter for another day. All I would say to Members is, when we deal with registered rights, that will be something that will come back to the States and really is not to be dwelt on any further at this particular point. Deputy Jeune asked a very correct question as to why this has taken so long. Quite rightly I could say it is very complex, which it is. Guernsey managed to update their laws in 2005. I would have hoped that we could have been at least in line with them, but it is a matter of resource as well. We are there now and there are some advantages in not being at the forefront. We can learn for example by the experiences of others. The U.K. updated their laws in 1988, there have been a stream of amendments since then which has not made it a particularly ... it is a workable law clearly but it is a little unwieldy with the number of amendments. We have a much cleaner version and that indeed was another point that was commented on by Scrutiny. So I think we are there now hopefully with the support of Members with this copyright law and I think we have without doubt a very good piece of legislation. The Deputy of St. John, I thank him for coming along to presentation, I am pleased he found it useful, raised a number of comments. One point was about proof of copyright and I think he was referring to carvings, or whatever it might be, where a tradesman has learnt from somebody else and has created a piece of artwork. As far as that would be concerned in the law it would very much be a case that if somebody had created something they would need to demonstrate to be able to prove that what they have was something that they have created and was not the creation of somebody else so it is a matter of proof, which is subjective in some respects. The Deputy of St. Mary made a number of comments. He seemed surprised or uncertain about the level of risk. I hope the comments of the Attorney General will have given him some satisfaction and comfort with regard to risk. He did talk a lot about registered rights again, like one or 2 other Members. This is not about registered rights, it is unregistered rights, so I will not dwell on his comments any further other than to say both for this and for future registered rights we have employed experts in the field, it is a specialist field, and it is absolutely right that we should both employ experts and also seek the advice of independents within industry who have also been very helpful in advising on the monetisation of the opportunities that exist within the I.P. space. He was in some ways slightly derogatory, saying that there might be the odd poet or the odd author in the Island, but it is not much of an opportunity. It is the fact that there are not many which is attractive to Jersey. We are looking for small numbers but high value. I used the example in my opening remarks about X-Factor. One individual creating content for a highly successful programme, significant value, we would like to have some of that and it is these types of opportunities that, by removing what is effectively a barrier to entry at the moment by not having modern, up-to-date laws, we are precluding ourselves from these types of opportunities and they are potentially significant opportunities that the Island could indeed benefit from. He also used the phrase: "We are a little fish." Well yes, we are a little fish, but we have a world class financial services industry that plays on the international stage. There is no reason why Jersey could not do exactly the same with regard to intellectual property. It is not only my belief, it is the belief of many experts that with high quality, up-to-date modern laws in I.P. we can play on the international stage and we will

be extremely attractive for all the offerings that we have; the infrastructure, the skills and so on that already exist in the Island we can leverage it will be a big opportunity for the Island to develop I.P. There is absolutely no question of doubt about that. The other issue that the Deputy raised was one about constitutional matters which he was concerned about. I can tell him that we have had during the course of the drafting of this legislation contact with the Ministry of Justice. We have also had contact, as I am sure Members would expect, with the U.K. Intellectual Property Office, both of those organisations, well the I.P. office is an organisation and government with the Ministry of Justice, are perfectly content with our legislation. They have seen it through the drafting stages as we have moved forward with it and of course we can make our own laws on copyright. Any litigation about patents, I do not want to get into that area or anything else for that matter, is very much a matter between third parties and the Attorney General dealt with the area of risk. Deputy Southern, I found his comments extraordinary. He seemed to be suggesting that: "The U.K. have fabulous laws and why would anybody want to come to Jersey, you really should go off to the U.K. because they do it much better than we could ever hope to do it." I am almost speechless at that as a position to take. This is an opportunity for Jersey and one where I believe we can create a centre of excellence with regard to intellectual property. We can build on the expertise and skills that we have locally, in any event, and there is no question of doubt from the experts we have spoken to. I do not know the Deputy's level of expertise in this area but we have certainly spoken to some very genuine experts in the field of intellectual property both in the private sector and elsewhere and there is absolutely no doubt of the opportunities that exist. I thank Deputy Higgins for his comments and for his support. He might be interested to know that we have an inward investment case where an individual has brought a biochemistry laboratory to the Island and is operating it in the Island. Our inward investment programme covers a whole range of different businesses and that is one that has relocated here. He is right, there are opportunities in these areas. Again I.P. laws are absolutely essential to be able to underpin those sorts of opportunities. I very much thank him for his comments. I thank him, in particular, as Chairman of the Scrutiny Panel for the support of Scrutiny through this process. My belief is that this demonstrates how effectively Scrutiny can work. Sometimes it gets some negative press. I think in this instance it is a very good example of the way in which Scrutiny has supported the process and scrutinised this legislation as it has come forward. I do not want to add any more than that. I thank all Members for the comments they have made, for the support that many have shown so far, and I would just like to say that I, as I have already pointed out, have no doubts that the introduction, if this is supported, of this intellectual property unregistered rights legislation is a big step forward for Jersey. It is a huge opportunity and it is very much removing a barrier to entry and growth for diversification of our economy. Sir, I maintain the principles, thank you.

[16:30]

**Deputy A.E. Jeune:**

If I may ask, when I put the questions to the Minister earlier I did ask, because a distinction was drawn between registered and unregistered, what the position of registered was and whether there was any impact on that current law on any business activity we might be losing.

**Senator A.J.H. Maclean:**

No, both trademarks and patents are much more modern. I think I did cover it in my comments, in 1957 I think it is and also 2000, those were the dates those 2 pieces were updated. Yes, there needs to be some additional work done, these matters move relatively quickly, but it is certainly not in itself a barrier to entry; a 1911 law, which we currently have with copyright, certainly is.

**The Deputy of St. Mary:**

May I ask a question for clarification? Just to know from the Minister whether the current provisions in Jersey with regard to patents and trademarks and industrial designs, we are still under the U.K. provisions until and unless we develop our own legislation. Is that correct?

**Senator A.J.H. Maclean:**

I believe that is the case. I do not know if the Attorney General has any comments but I believe that is the case.

**The Attorney General:**

I am afraid I have not looked precisely at those laws because obviously they are not the subject of the current matter under debate but my understanding is the regime remains unchanged. It is certainly not affected by anything that this law says and yes, as has been explained, I believe our patent law is a derivative law, in other words one would register first in the United Kingdom Patent Office before one registers here, and I believe that will continue to be the case.

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

Just for the sake of transparency really, although this law does not relate to patents or trademarks I wish to declare to Members that I am in fact a non-exec director of an I.P. professional firm here in the Island but as I say, this will not have an impact on that business.

**The Deputy Bailiff:**

The principles of the draft law have been debated. All Members in favour. The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the principles of the draft Intellectual Property (Unregistered Rights) (Jersey) Law 201- and I ask the Greffier to open the voting.

<b>POUR: 46</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur	Deputy J.A. Martin (H)	
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator J.L. Perchard		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F. du H. Le Gresley		
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisssier (S)		
Deputy J.B. Fox (H)		

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

**The Deputy Bailiff:**

Deputy Higgins, do you wish to scrutinise the draft legislation or does your Panel wish to scrutinise?

**Deputy M.R. Higgins:**

We do not because we have already scrutinised it and the Members have the comments of the Panel.

**The Deputy Bailiff:**

I see that you have scrutinised something but I am required I think to put it to you, nonetheless. Minister.

**3.2 Senator A.J.H. Maclean:**

I was considering going Article by Article, Sir [Laughter] but I sense the mood of the House might not be supportive of that. I suggest that it might be wise to split into 3 groups, 3 parts or 3 units. We could do Part 1, which would be Chapters 1-9, that is effectively 191 Articles.

**The Deputy Bailiff:**

It is for you, Minister, to determine how you wish to go forward.

**Senator A.J.H. Maclean:**

That is what I will do with the first one, Sir. The first unit I would take would be Part 1, that is Chapters 1-9 on copyright, 191 Articles, so Articles 1 to 191.

**The Deputy Bailiff:**

Are you going to propose the adoption of those Articles? [Seconded] Does any Member wish to speak on Articles 1-191?

**3.2.1 Senator A.J.H. Maclean:**

I was just going to make a few comments, Sir, if I may?

**The Deputy Bailiff:**

That is what I was inviting you to do before Deputy Le Claire seconded.

**Senator A.J.H. Maclean:**

Just very briefly, as I have already said, copyright is the main unregistered intellectual property right. Part 1 of the Intellectual Property (Unregistered Rights) (Jersey) Law 201- provides a balanced framework for copyright that complies with the most recent international treaties. There are 9 chapters in total in this section. That is Articles 1-191. The first chapter is an introductory. Chapter 2, subsistence, ownership and duration of copyright. Chapter 3, rights of copyright owners. Chapter 4 deals with the acts permitted in relation to copyright works. Chapter 5 deals with moral rights. Chapter 6 deals in copyright works. Chapter 7, remedies for infringement. Chapter 8, copyright licensing and Chapter 9, miscellaneous and general matters. What I would propose is that if Members have any particular questions with regard to the individual Articles, that is Articles 1-191, I would be more than happy to answer questions. Otherwise I would propose that first block.

**The Deputy Bailiff:**

Articles 1-191 are proposed and seconded. Does any Member wish to speak?

**3.2.2 Senator B.E. Shenton:**

If I could just ask the Minister, prescribed libraries, to be prescribed you have to make a Ministerial Order. Do you have to create a list of all libraries on the Island at schools, offices or whatever and make an order for them to operate it legally?

**3.2.3 Deputy J.A. Martin:**

The Minister says we are going to take Articles up to 191 but he have covers the 8 parts. You have covered the 8 parts in your opening speech up to licensing authority under Part 8, which is Article 380. I am a bit confused of where we are in the debate, that is all. Because I only want to ask about one Article but it is not under 191, it is over that.

**3.2.4 Senator A.J.H. Maclean:**

What I have done is I have taken Part 1 which is a section copyright which is Chapter 1, Chapter 2, Chapter 3, not Parts 1, 2, 3. It is chapters. So it is Chapters 1-9 under Part 1 of copyright which is Articles 1-191 inclusive.

**3.2.5 The Connétable of St. Brelade:**

I wonder if the Minister would kindly elaborate on what States Assembly copyright was in 182?

**3.2.6 Deputy R.G. Le Hérisier:**

Under 89, recording of folk songs, it reads very strangely. Does it mean that only songs that are defined under an author can be recorded or does it mean all songs of a folk nature?

**3.2.7 The Deputy of St. Mary:**

Just one point that keeps coming up and was mentioned by our adviser which is that references to lending are excluded and I just wondered what that does cover. Whether it covers the library and why that exception is not written into our law as it is apparently in the U.K. I just want clarification about that. It occurs in our advisers' report. Article 10 is the first one and there are many, many other references. Article 33, Article 54, and it goes on like that.

**3.2.8 Senator A.J.H. Maclean:**

If I could just confirm the question from the Connétable of St. Brelade. Was he referring to Article 182? Yes, Article 182 is the first of several Articles making special provisions in very specific circumstances on qualification for copyright protection. In this Article we ensure that copyright works made by or under the direction or control of the States Assembly have a special copyright called States Assembly Copyright. The States Assembly will be the first owner of that copyright but in general the normal rules of copyright will apply. So, for example, it would be



possible for the States Assembly to license or sell the copyright to someone else. I hope that answers his question. Deputy Le Hérisier was querying Article 89. Folk songs may be an important part of the country's cultural heritage but it is often difficult to know when they were first written. Whether the words and the music have subsequently been adapted and who the author of anything was. Knowing whether or not there is any copyright or who owns it, especially where the words are unpublished, can therefore be somewhat of a problem. This Article therefore makes provision under which it may nevertheless be possible to make a recording of a performance of such songs for the purpose of putting it into an archive. The Deputy of St. Mary asked about lending rights. Loans by public libraries in the U.K. on non-commercial terms is included in the U.K. I.P. law, it is not included in ours. It was necessary in the U.K. under I believe an E.U. directive; it was E.U. law rather than international law and so consequently we did not need to include it in ours. It came along late in the drafting process and we will consider it again in due course but it was not deemed to be necessary. I do believe that Senator Shenton also asked a question. I did not get a note of it. I do not know if he would like to repeat it again but I think it was in relation to the public libraries again.

### **3.2.9 Senator B.E. Shenton:**

It was to do with prescribed libraries but I am told that you can prescribe them by type, you do not have to name the libraries.

### **3.2.10 Senator A.J.H. Maclean:**

That is correct.

### **The Deputy Bailiff:**

Articles 1-191 are proposed and seconded. All Members in favour kindly show. Those against. Articles 1-191 are adopted. Minister, which do you wish to propose next?

### **3.3 Senator A.J.H. Maclean:**

The second unit I would like to propose effectively deals with the other unregistered rights. That is Parts 2, 3, 6 and 7. If I could just make some initial comments on those. I am just about to give you the Articles. Part 2, Articles 192-217. Part 3, Articles 218-115. Part 6, Articles 254-340. Part 7, Articles 340-379. Part 2 is a database right. Database rights apply to databases where there has been substantial investment in obtaining, verifying or presenting the contents of a database. This right is very similar to the copyright but the term of protection is much shorter, generally 15 years from making. Databases are generally protected by copyright at the moment and those involving intellectual creativity will still attract copyright. This split in protection with a much shorter term for more mundane databases but which may have cost a little bit to compile matches provisions across Europe. Under Part 2, Chapters 1-4, chapter 1 is subsistence ownership and duration of the database rights, Chapter 2 is the acts permitted in relation to the database rights, Chapter 3 is dealing in the infringements of database rights, Chapter 4, database rights licensing. Then under Part 3; Part 3 is not divided into chapters, Part 3 is publication right. Publication right is a right of those who invest in first publication of material which was still unpublished when copyright expired. That is Article 219.1. The right is like copyright and is provided here by applying the rights, exceptions to rights and so on as they apply to copyright. That is under Article 220-224. The duration of publication right is though much shorter than the copyright, it is 25 years from the first publication of the material which appears under Article 219. This is justified because what is being protected is investment in publishing rather than an author's creativity and 25 years gives plenty of time to obtain a return on that investment. The provision in this part matches that in the U.K. and other parts of Europe.

[16:45]

Part 6 is performers' protection. The rights for performers in this part enable them to control and be remunerated for making of audio or audio/visual recordings of their performances. Rights similar to those in Part 1 for copyright also permit performers to be paid for exploitation of their sound recordings or films. Part 6 comes under 7 Chapters. Chapter 1 is an introductory Chapter. Chapter 2 deals with the economic rights. Chapter 3 deals with the acts permitted in relation to economic rights. Chapter 4, dealings in performers' economic rights. Chapter 5, remedies for infringement of performers' economic rights, Chapter 6, licensing of performers' property rights and Chapter 7, moral rights in performance. Finally Part 7 deals with design rights, the rights in this part for those who create original designs to enable them to control and be remunerated when articles are made to the design to be sold. The rights apply to the shape or configuration of articles regardless of whether chosen for aesthetic and/or functional reasons. The rights are therefore about what an article made to the design looks like, not how it works, although patent protection might be possible for the latter. Under Part 7 there are a total of 5 chapters. Chapter 1 is an introductory. Chapter 2 deals with subsistence, ownership and duration of design right. Chapter 3, exceptions to rights of design right owners. Chapter 4 dealing with the design right and Chapter 5 remedies for infringement of design right. I propose Parts 1, 3, 6 and 7 and the associated Articles that I have already mentioned.

**The Deputy Bailiff:**

Parts 2, 3, 6 and 7 are proposed and seconded. Does any Member wish to speak on Parts 2, 3, 6 or 7?

**3.3.1 Deputy R.G. Le Hérissier:**

Under 235, is this the provision whereby people who illegally download on to their iPods will be caught out and if so is there going to be a Draconian implementation of that provision? I know that is not for the Minister but he may wish to talk about that. Under 255 illicit recording, we know that I think there is a custom in some countries that people go in with video recorders and do the most recent films and then they pirate them. Do I read 255 to say that you can in fact go into a cinema, take a recording of a film and as long as you say it is for private purposes that is okay?

**3.3.2 The Deputy of St. Mary:**

Just one point, I think it is Articles 215-225 on all of those there is no corresponding provision in U.K. law and that is quite a series so I would like the Minister just to explain that departure from the law on which this is based.

**The Deputy Bailiff:**

Deputy Le Hérissier, were you referring to Article 235? That is not under consideration. The Minister does not have to deal with it. That is in Part 4 which as I understood it the Minister is not dealing with at the moment.

**Deputy E.J. Noel:**

I believe the Minister meant Article 255.

**The Deputy Bailiff:**

If you are referring to Article 255 the Minister will no doubt deal with it in due course.

**3.3.3 Senator A.J.H. Maclean:**

Article 255, for Deputy Le Hérissier, he is referring to illicit recordings. No, the Article ... in fact it is not legal to go in and record in a cinema. It is illegal to do so and indeed that will we hope clarify the position. With regard to the Deputy of St. Mary, Articles 215-225. As I mentioned in my opening remarks there are more than 200 Articles which are identical to the U.K. There are in fact quite a significant additional number which are only differing in a matter of drafting. There are some others which are specific to Jersey where it has been deemed applicable to improve on what

we have seen before. It is one of the advantages of coming as I have described late to the party. You can learn from the experiences of other jurisdictions in this regard. Article 215, rather than set out in detail how the licensing authority can be asked to adjudicate on terms and conditions in licensing schemes for use of databases protected by database rights in this Article we apply the equivalent provisions for copyright to database right. Article 215 is about licensing schemes operated by licensing bodies and this Article is about licensing offered by such bodies as the Article applies to database right. The copyright provisions relating to the adjudication by licensing authority on terms and conditions of licenses offered by the licensing body. The Deputy will note that the series that he is referring to effectively talks about the licensing body and in this instance the licensing body, and I think the Attorney General referred to this earlier, is in fact the Minister or whoever the Minister should appoint at some point in the future. That is quite simply because from experience from other jurisdictions it is shown that first of all there are very little calls on an authority and it is much more cost effective to deal with it as the Minister being effectively the authority should it be necessary or indeed as it is a specialist area he may wish to for particular requirements appoint a specialist in that particular area. So, that was an improvement as far as we were concerned on what was available specifically through the U.K. legislation. I hope that answers his question.

**Deputy R.G. Le Hérisier:**

I thought 235 was included under this part of the debate.

**The Deputy Bailiff:**

Article 235 is in Part 4 and we are dealing with Parts 2,3,6 and 7. The Minister is proposing Articles 191-235, and Articles 254-380.

**3.3.4 The Deputy of St. Mary:**

The Minister answered part of the question, he answered the first 3 and talking about database rights, I can see those go back to database rights, but the whole of Part 3 is new and it would be useful I think if we knew why that was new. He has probably got some notes to tell him to tell us why that is new.

**The Deputy Bailiff:**

The whole of the law is new. Do you understand the question, Minister?

**Senator A.J.H. Maclean:**

Not entirely, Sir.

**The Deputy Bailiff:**

Before you answer it then, Deputy, could you make the question clearer?

**The Deputy of St. Mary:**

I have had a quick look but I would like him to explain why we have this new section on publication rights.

**The Deputy Bailiff:**

You have already spoken on this matter. What clarification are you asking for? Are you making another speech?

**The Deputy of St. Mary:**

I asked the Minister about 215-225 and he has answered with respect to the first 3. That is all, I am just asking for the answer.

**3.3.5 Senator A.J.H. Maclean:**

I thought I had covered it with saying that what we have sought to do in areas where there was a need or requirement or advice that we could improve the licensing, as I was explaining with regard to the Minister dealing as opposed to setting up an expensive and unwieldy licensing authority, it was deemed more appropriate and cost effective for the Minister to do it. Examples like that are the reasons that we have made any other alterations. Out of a total of 411 Articles 200 are almost identical, a further 180 or so vary only in minor drafting issues. There are only about 40 or so that there are any differences and the reason is an improvement on what was already existing. If the Deputy would like me to talk to the particular Articles I am more than happy to do that one by one.

### **The Deputy Bailiff:**

We have reached the stage now of having to vote upon whether or not to adopt Articles 191-225 and Articles 254-380. All Members in favour kindly show. Those against. Those Articles are adopted. Minister, you wish to deal, you said, with the last tranche which will be Part 4 and the remaining Parts.

### **3.4 Senator A.J.H. Maclean:**

Yes, Parts 4, 5, 8 and 9 and I will include if I may Schedules 1 and 2 which hopefully just tidies up the remaining parts. I will just make some remarks, if I may, on each of these and I will give Members details on the Article numbers. First of all Part 4 is Articles 226-248 which will deal with Deputy Le Hérisser's 235. Part 5 is Articles 249-253. Part 8 is Articles 380-389 and Part 9 is 390-411. I should add, Sir, that it may seem slightly complicated to Members that I have mixed and matched like this but it does make sense from the law's perspective that they do hang together slightly more effectively, although we have been bouncing around a bit. So Part 4 is circumvention of protection measures and electronic rights management. This part makes provision about technology used with material protected by copyrights and other unregistered rights to control its use or identify it. Technical protection measures, T.P.M.s, or digital rights management technology, D.R.M.s, may be used by copyright owners to support a range of new business models. Consumers can benefit from a choice of, say, a film screened to them for a lower payment than the cost of the one downloaded to keep but D.R.M.s may be used to ensure only access to the service which is paid for. This part, therefore, enables action to be taken against those who circumvent - that is Article 231 - or facilitate the circumvention. That is Articles 235, which the Deputy was querying before, and 237. D.R.M.s are used with copyright material. There is though a remedy which enables continued enjoyment of certain exceptions to copyright where D.R.M.s prevent this, that is Article 243, Deliberately removing or facilitating the removal of electronic rights management information for copyright material is also illegal where, for example, this conceals a copyright infringement. Members will find that under Article 245. Electronic rights management information identifies facts relating to the copyright material or terms and conditions of copyright licences and Members will also note that Part 4 is not divided into chapters, so I have just made some comments about the Articles contained under Part 4. Moving on now to Part 5 - again, not in chapters - Part 5 is Fraudulent Reception of Transmissions. The provision in this part is similar to that of Part 4 but it is about the use of technology for services like satellite television rather than copyright material. Conditional access transmissions contain much valuable copyright material though and are encrypted to limit unpaid for access to them. Technology, therefore, ensures that only those who have paid for the service have a decoder which enables the service to be received. This part, therefore, enables action to be taken against fraudulent reception of pay T.V. (television) - that is under Article 250 - and dealing with the illegal decoders for reception of such conditional access transmission. That is found under Articles 251 and 253. Moving on to Part 8, Part 8 is the licensing authority to which we were referring briefly before. The Minister is permitted to appoint an individual or body to be the licensing authority or establish a body for that role. That is under Article 381. The Minister is the licensing authority until an order is made. This flexibility ensures that appropriate provision can be made depending on the need. The cost of the licensing authority can be recovered by charges made to those who refer cases to it. That is available, as we have seen,

under Article 383. Looking at how equivalent independent adjudication has been used in both the U.K. and the Isle of Man, the expectation is that there will be few or even no cases to deal with, as I have already mentioned.

[17:00]

Part 9 is General and Closing. This part makes general provisions on a number of things such as territorial extent which can be found under Article 393, Ministers' powers of delegation which is under Article 394 and search warrants for the criminal offences which is under Article 398. Then, finally, we have got the 2 schedules. Schedule 1 is Liability of and Remedies Against Service Providers. This schedule provides clarity about the circumstances in which internet service providers are not liable for infringement of copyright but it also imposes obligations on internet service providers for certain types of assist in dealing with third-party copyright infringements or alleged infringements. There is different provision for the services providing mere conduit and that is paragraph 3, posting, which is paragraph 4 or caching, which is paragraph 5 of the material or provision of electronic links, including by search engines, and that is under paragraph 6. Internet service providers who host third party material must take action when served with a notice of alleged infringement of copyright and that can be found under paragraph 10. A notice of alleged infringement generally requires removal if the material owner provides no counter notice disputing the infringement claim under paragraph 11. Hosting service providers must also remove or disable access to the stored material if they have knowledge of the copyright infringement in relation to the material and that is paragraph 4. Finally, under paragraph 16, the Royal Court can grant an injunction against any service provider who has knowledge of his or her service being used to infringe copyright. Schedule 2 deals with Repeals and Amendment of Enactments. The main repeal provided in this schedule is the existing copyright law in Jersey. Consequential amendments to some other laws are also included. There are 2 parts. Part 1 deals with the repeals, Part 2, the amendment enactments. Sir, I maintain the proposal for the Articles.

**The Deputy Bailiff:**

Are the remaining Articles and the schedules proposed and seconded? [**Seconded**] Deputy Martin.

**3.4.1 Deputy J.A. Martin:**

Just one small question. On such a big piece of legislation, I do have a concern under 381 that the Minister is the one and, only by order, will make a provision to whoever is a licensing authority. The Minister also said that he could never see this authority being used, maybe that is why it will not cost us anything. I wonder about that and that is where I think the Deputy of St. Mary was getting confused because the other parts referred back to the licensing authority but it was in Part 8. In the U.K., it is established that all the copyright is under the copyright tribunal and I just want to know, firstly, why we have completely gone away from that. We all know what an order ... it does not really come to the House at all. Then under 5(c), the remuneration and reimbursement of expenses of Members of the body which will all be in the order, I would just like to know a ballpark figure of what we are talking about for each or one or 15 people on the authority because the competition regulatory authority started off very small and very lean and it seems to have grown. So I would just like to have that question answered, or is it an honorarium, I have just been asked, thank you, Sir.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**3.4.2 Deputy P.V.F. Le Claire:**

I would like to ask 2 questions. The first one is on the same topic as Deputy Martin has raised which is the licensing authority: "Few or even no cases to deal with" in the words of the Minister. Then I would like to ask him in particular can he license the licensing authority so it can be a

licensed body if it is not going to be done under the current resources that he has so, in the future, we are not saddled with any final salary pension scheme for somebody that is sitting there doing very few things or nothing at all? The second question I have got is in the Minister's accompanying financial and manpower implications for this law, it does not tell us that it costs £295,000 or thereabouts, which I find quite incredible. Not that it is has not been a good investment but if I brought a proposition saying: "£50,000", it would be: "No, we cannot debate that. We cannot afford it." Or, if I was £25,000 out, I would be castigated for it. I would like to know, in the second question, what money has been set aside, if any, or what mechanisms the Minister intends to use to educate the public about the law; when it is going to be introduced and when it is going to come into effect, because there is a significant amount of younger people who have file-sharing devices, downloading abilities et cetera who may become criminalised in the future, perhaps where this law is introducing new legislation where it was not in the past. I am wondering what effort we are going to make as a States Assembly to educate and publicise past activities, where they may have been permissible and are no longer permissible and what the financial implications of educating the public about these laws is going to be. I think we need to bear that in mind in the future, when we bring legislation of this kind that might begin to criminalise certain sectors of our society, that money needs to be set aside to educate society.

#### **3.4.3 Deputy R.G. Le Hérisier:**

Yes, building on Deputy Le Claire, so is 235 the provision which will run after people who are illegally downloading on to their iPods and, secondly, under 209, Part 5, Fraudulent Reception; I understand there is a custom where games cannot be received via Sky U.K. - I am not sure this happens here, by the way - they are often beamed into pubs from countries like Norway, the games that are unavailable on the Sky U.K. system and does that mean that these people will also be subject to searching out under the law?

#### **3.4.4 Deputy J.M. Maçon:**

Just a quick question to the Minister. On my reading of the law, in the situation where perhaps you might make a C.D. (compact disc) for a friend or something, provided that you are not profiting from that and providing you are not making a sale of it, that is still permissible. Can the Minister confirm or clarify that please?

#### **3.4.5 The Deputy of St. John:**

I have not seen it in the works. Is any of this retrospective in any part?

#### **The Deputy Bailiff:**

Does any other Member wish to speak?

#### **3.4.6 Senator A.J.H. Maclean:**

Deputy Martin raised the issue about the licensing authority. The intention for the licensing authority in the way it has been structured is intended as a safety net, quite simply, a safety net. The reason that I said that it is unlikely to be used is simply based on experiences from elsewhere. I have said a number of times the advantages of coming late to the party with regard to the updating of our legislation, we are able to draw on what has happened in the U.K. and the Isle of Man for that matter, both of whom have experienced virtually no requirement for the use of a licensing authority which is the reason why we have, within this legislation, proposed the model that is here. The idea is that it is low cost, it is easy to establish, if need be, and in terms of cost, the cost, if it does have to be established for a particular requirement, can be recouped from those that are using it. So it should end up ultimately not being a liability but we do not expect to be in a position where we are going to be having to call on it in any event. With regard to remuneration, I think the Deputy asked with regard to that same body; at this stage, no, I cannot give figures clearly but what I can tell her is that it will fall in line broadly with whatever other existing bodies were around at the time for comparative reasons, for example, the Depositors' Compensation Scheme Board,

another board that would be called upon, should there be a requirement and the J.C.R.A. rates and the J.F.S.C. Jersey Financial Services Commission rates and other bodies would be considered. Any appointment process would go through the Appointments Commission and would be open and transparent in that respect, so I hope that gives the Deputy some reassurance. Deputy Le Claire; I think I probably partly answered his questions with the comments I have just made. As far as the cost of drafting this law, in some respects it is quite an unusual question because in many respects, the cost of drafting legislation is not something that is normally included in the financial implications as part of a particular debate. But what I would say to him is that the £295,000 cost of bringing this legislation forward has been included in the Economic Development budget and business plan, a business plan that has been supported by this Assembly in the past. Those are the costs when you drill down that are accounted for there and this is all part of developing and diversifying the economy and so on. The other point that Deputy Le Claire made was about the way in which the public would be educated in due course. Of course this legislation, should it be supported by Members today, will need to go to the Privy Council so there is a period of time, clearly, but it is intended as a light-touch approach. I think a number of Members have raised points about, if you like, personal consumption of copyright, whether it is watching a T.V., a C.D., iPod or whatever it happens to be. There is no requirement or desire to criminalise people on that basis. It is purely to protect the creators of copyright that has been seeking to make commercial gain out of it. In other words, reducing and distributing in large quantities and that is really the basis for the law. It is under "Reasonableness." While I am just finding Article 235, Deputy Le Hérisier asked a similar question about individuals. I hope the comments I have made have alleviated some of his concerns perhaps about the fact that individuals are not going to be prosecuted for personal use. Article 235; deliberately dealing in infringing copies of copyright works is a criminal offence under this law. It is also appropriate for this Article to make dealing in devices that circumvent technological protection measures applied to copyright works a criminal offence in certain circumstances. Widespread availability of circumvention devices could lead to many people using them to make illegal copies which undermines sales of legal copies of copyright works. But, essentially, it goes back to what I was describing before. It is only if commercial exploitation should occur and there are large quantities that people are going to have an issue under the law as far as that would be concerned. The other ...

#### **3.4.7 Deputy R.G. Le Hérisier:**

Does the Attorney General agree with that view? The reason I ask is there have been cases on the mainland where, out of the blue, people from the Performing Rights Society - these are the people who monitor background music being played in restaurants and so forth - turn up and individuals are then accused of having illegally downloaded music. In order to set an example, so to speak, a few of these individuals have indeed been prosecuted and not necessarily the most prolific downloaders. Is this the policy that will be followed by our highly esteemed judicial authorities or does it rely on people like the Performing Rights Society initiating action which we cannot comment on?

#### **The Deputy Bailiff:**

Minister, it is too late to ask questions directly of the Attorney General unless you agree. Are you prepared to agree the Attorney General may answer that question?

#### **Senator A.J.H. Maclean:**

I am very happy for the Attorney General to answer. I am not sure that Article 235 is about downloading. I think it is copy infringement as a matter of fact but the Attorney General perhaps could assist on that.

#### **3.4.8 The Attorney General:**

Deputy Le Hérissier mentions the Performing Rights Society. As far as I understand it, the Performing Rights Society is not something which is involved in criminal prosecutions at all. It vindicates private rights on behalf of the people who are members of it and, therefore, that is nothing to do with the criminal sanction set out in Article 35 under “Criminalisation.” Do not think Article 235 is about downloading at all. As I read it, it is about the importation and distribution of the means by which protective measures can be circumvented and there is an exception, as I note, to the importation for private and domestic use. I do not think there will be any intention to criminalise actions by single individuals for their own personal benefit. The general idea is that criminal sanctions will apply to people who exploit commercially the rights belonging to others.

[17:15]

**Senator A.J.H. Maclean:**

Thank you, Attorney. Deputy Le Hérissier I think also had a query. Was it Article 249 which is going to be difficult because we have not got that many? Is it 249?

**The Deputy Bailiff:**

It is under Part 5.

**3.4.9 Senator A.J.H. Maclean:**

Yes, thank you, Sir. Article 249, this part of the law, like Part 4, is about technology used to protect copyright content. In this part, we make provision about illegal reception of conditional access broadcasts and other transmissions such as satellite television. Transmissions are often encrypted and require a decoder to receive them legally. Where illegal decoders are made available that can undermine the businesses of those who have paid to include the valuable copyright content of the transmission, this Article provides some relevant definitions in particular.

**Deputy R.G. Le Hérissier:**

If I wish to download the collected speeches of the Deputy of St. Mary, that would be totally illegal? [Laughter]

**Senator A.J.H. Maclean:**

Indeed, Deputy. I am not quite sure why you would want to. Then, finally, a couple of other questions: Deputy Maçon was referring to a C.D. for a friend being downloaded I think or a copied C.D. Technically, that would be infringing the copyright because of course your friend would not be purchasing it so the copyright owner would lose out. Is it likely that, for a single use, a copyright owner is going to prosecute your friend? No, it is not really worth chasing it so, again, it is all down to reasonableness and what have you but, technically, it would be illegal. The Deputy of St. John’s: “Is it retrospective?” The answer is: “No.” I think I have answered all the questions and I maintain the Articles.

**The Deputy Bailiff:**

Parts 4, 5, 8 and 9 and schedules 1 and 2 are proposed. All Members in favour, kindly show. Members against. Those Articles and schedules are adopted. Do you now propose the law in third reading?

**Senator A.J.H. Maclean:**

Yes, Sir.

**The Deputy Bailiff:**

Is it seconded? [Seconded] Does any Member wish to speak?

**Deputy P.V.F. Le Claire:**



Could I just congratulate the Minister and his department for bringing a very complex law for debate today in a way that was understandable, the briefings they put on and also the work that the Scrutiny Panel did but, in particular, to Her Majesty's Attorney General who, I understand, spent 2 days reading through the law scrutinising it, and his officers. It is a very complex law and I just hope that it works out for Jersey and I wanted to just congratulate them.

**Deputy J.B. Fox:**

Could I just say the same thing about the pre-meetings that we had? It was very worthwhile having those specialised people come in and give us the rundown. It is a very thick document and it made life an awful lot easier. Thank you.

**Senator A.J.H. Maclean:**

Thank you, Sir. I thank Members for their comments. I would also like to, if I may, Sir, just take this opportunity very briefly to thank all those who put a considerable amount of effort and time into bringing this legislation forward, in particular, the law officers and law draughtsmen who, quite often, are unsung heroes that do not get any recognition but put in a considerable amount of their time [**Approbation**] into bringing forward legislation that is going to be to the benefit of the Island and so I think they should certainly be thanked. The Attorney General himself has been of great assistance and I thank him for all the effort that he has put in, as I know Members would as well. I would also like to thank staff at Economic Development who have spent countless hours on this particular project to date. I think they have done a fantastic job and I have certainly had some incredible support and I would like to thank them for that and I would like to include in it my 2 Assistant Ministers who have been very helpful as well as we have brought this forward. So, for everybody, I think it is a very good decision and a very worthwhile advancement to bring this law up to date and will generate, I have no doubt, significant opportunities for the Island. Thank you, Sir.

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

Can I ask for the appel please, Sir?

**The Deputy Bailiff:**

The appel is called for on whether to adopt the Intellectual Property Unregistered Rights (Jersey) Law 201- in third reading and I ask Members to return to their seats and ask the Greffier to open the voting.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				

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

**The Deputy Bailiff:**

We now come to the Draft Employment (Amendment No. 6) (Jersey) Law 201- P.143 lodged by the Minister for Social Security. I invite the Greffier to read the citation of the draft.

**4. Draft Employment (Amendment No. 6) (Jersey) Law 201- (P.143/2010)**

**The Greffier of the States:**

Draft Employment (Amendment No. 6) (Jersey) Law, a law to amend further the Employment (Jersey) Law 2003. The States, subject to the sanction of Her Most Excellent Majesty and Counsel, have adopted the following law.

**4.1 Deputy I.J. Gorst (The Minister for Social Security):**

When I brought the Appointment Day Act earlier this month, I explained then that Members would have an opportunity to consider a number of issues as part of this amendment. I will speak to those a little bit more in detail when I get to the Articles but, to summarise, they are, firstly, a widening qualifying criteria for a redundancy payment. Secondly, removing entitlement where an employee has unreasonably refused an offer of the same or similar suitable employment and, thirdly, adjusting the requirement to consult with employee representatives about proposals for redundancies so that representatives are consulted on behalf of employees only in appropriate collective redundancy situations. Earlier this month, Members adopted the Appointed Day Act and qualifying employees will have the right to a redundancy payment from 1st January next year. These amendments will come into force, at a later date of course subject to Privy Council approach. I make the proposition, Sir.

**The Deputy Bailiff:**

The principles are proposed. Are they seconded? **[Seconded]** Does any Member wish to speak? Deputy De Sousa.

**4.1.1 Deputy D.J. De Sousa:**

I just wonder if the Minister could clarify for me if somebody is employed by someone and they are then made redundant but re-employed under a different contract by the same employer, does the 2 years still cover them or does a totally new employment period start?

**The Deputy Bailiff:**

Does any other Member wish to speak? Deputy Southern.

**4.1.2 Deputy G.P. Southern:**

Before we get to the detail or the nitty gritty, as it were, of the extension of the number of employees needing to be made redundant in order to trigger collective consultation, I would like to Minister to talk in general principles about why, since he was instructed by this House to put the number 6 in the law, he did not do that and has returned now - I do not know how long it is - some months later saying: "I have got a better idea than you, the States Members. The number should be 12. I have gone away and I have not put number 6 in the law which you instructed me to do. I have been away and consulted further and decided that, following further advice, 12 is the number." That is not an instruction that this Chamber gave to the Minister and I would like to know why the Minister feels able, when he wishes, to ignore the wishes of this Chamber after lengthy debate of the number 6. It seems to me an act of supreme arrogance to deny the will of this Assembly in doing so and so, he has to, before he goes into the detail of this, justify that in some considerable terms.

**The Deputy Bailiff:**

Does any other Member wish to speak? No other Member wishes to speak, Minister. I call on you to reply.

**4.1.3 Deputy I.J. Gorst:**

Perhaps I could talk about the curtailment of the contract and then a renewal of a contract. As the Deputy will be aware, that is currently covered under the employment law as it stands under Article 57 and it deals with the fact that that would be considered a continuous period of employment. That would mean, therefore, when it comes to a redundancy payment, once that law is in place at the beginning of January, that would be again considered a continuous period of employment. This is where our law differs from the United Kingdom law. However, I should just say that I am also reviewing that particular section of the law and I expect to return to the Assembly with some proposed changes in that regard but that is not part of this amendment and the law currently stands that that would be considered a continuous period of employment, as I said, under Article 56. I thank Deputy Southern for raising that particular issue. Of course, we will be dealing with it in the Article when I get there. Deputy Southern did succeed in bringing an amendment to the original law for not just 6 but for 2 and 6 differentiating between union and non-unionised environments. I said, at that time, that I and my department and my Assistant Minister, considered very carefully the balance between the number where a collective consultation was required, that is collective consultation. Of course, there is a requirement to consult individually and that has always been the case, that remains the case, but this was a second tier of consultation whereby either a union member or a union representative or a representative of a group of employers consulted collectively with the employer. The forum initially suggested the number 21. I said at the time that if the Assembly was minded to accept the Amendment (and it was), that I felt that I would have to consult again with the forum and that is the process that I went through; I have consulted with the forum. Members who will have read the forum's consultation response will see very clearly that the majority of respondents felt that I should return to the Assembly with the

number 21; not with 2 and 6 and not with 12. I took on board what Members said during that debate and, although they felt that 21 was inappropriate, they felt that they had no other option but to go with the smaller numbers of 2 and 6 because there was no middle ground, but a number of Members stood and said they would prefer to have a middle ground. I always listen to what this Assembly asks and I have come forward with a middle ground. I hope that Members will, having considered what the forum said, they are the independent body that look at employment issues, they consult with employees and employers, that consultation quite clearly said that first, they did not believe that there should be a differential between a union and non-unionised environment and, secondly, the majority of respondents believed that it should quite clearly be 21. I was, at that point, put in an unacceptably difficult position and I came forward with what I believe now is a balanced proposal. I should say as well that of course, before the Assembly at that point there was no amendment to change the qualifying or consultation period so it remained at 90 days for 2 or 6, which was completely out of sync with what the forum proposed and, therefore, I am giving Members today the opportunity to accept 12 in a period of 30 days. I do believe that, on balance, it is fair and it is appropriate. This is collective consultation; it does not affect the individual consultations which will take place with those individuals within a company whereby they are being made redundant. Quite clearly it would be more appropriate, if you are talking about the numbers of 2 and 6, simply to have individual consultation. Having a collective consultation situation, you could argue, would take away power from those 2 and those 6. We will, of course, come on to the detail of the argument; perhaps I have already moved into it. If that is the case I do apologise but I was asked that question. I do believe that this is a balanced proposal, that I have taken on board what a number of Members requested me to do during that debate and I have come forward with this recommendation and that is what some respondents to the employment forum requested; that perhaps, if I was not able to bring forward 21, then 12 or 15 would be a more appropriate number.

[17:30]

**Deputy G.P. Southern:**

I realise we are approaching the time for adjournment, but I have serious concerns about this. It seems to me that this Assembly gave a clear instruction to a Minister and that Minister has then not followed that instruction but returned with his own thoughts and has just started to reiterate a set of arguments that he lost once in this Chamber some months ago; to put the numbers 2 and 6 in there.

**The Deputy Bailiff:**

What was your point you are making to be known? Is it a point of order? Is it a point of clarification?

**Deputy G.P. Southern:**

I believe it is a point of order.

**The Deputy Bailiff:**

Is it a second speech?

**Deputy G.P. Southern:**

No, I am asking you to consider ... it just shocks me beyond belief that a Minister has not done what this Chamber said.

**The Deputy Bailiff:**

Then the answer, as has been said by your colleagues in the Assembly is to vote against the principles if that is what you feel, or alternatively there will come a time when you will be asked as Chairman of the Scrutiny Panel, whether you wish to call in the legislation for scrutiny and it may be that that will give you an opportunity for advancing your point when it comes to the relevant ask

it. At all events, the matter before the Assembly now is the question as to whether to adopt the principles of the Draft Employment (Amendment No. 6) (Jersey) Law 201-, and the appel is called for. I would like Members to return to their seats and I will ask the Greffier to open the voting. If all Members have had the opportunity of voting Deputy Southern, in your anxiety you have left your microphone on, which also means you cannot vote, so I have asked the Greffier to reset the voting and we will open the voting again. The vote is on whether to adopt the principles of the Draft Employment (Amendment No. 6) (Jersey) Law 201-, all those in favour kindly vote and all those against kindly vote. Thank you very much.

<b>POUR: 32</b>		<b>CONTRE: 7</b>		<b>ABSTAIN: 4</b>
Senator T.A. Le Sueur		Senator A. Breckon		Senator B.E. Shenton
Senator P.F. Routier		Deputy of St. Martin		Connétable of St. Helier
Senator P.F.C. Ozouf		Deputy R.G. Le Hérissier (S)		Connétable of St. Lawrence
Senator T.J. Le Main		Deputy J.A. Martin (H)		Deputy M.R. Higgins (H)
Senator J.L. Perchard		Deputy G.P. Southern (H)		
Senator S.C. Ferguson		Deputy P.V.F. Le Claire (H)		
Senator A.J.H. Maclean		Deputy of St. Mary		
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (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 A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

**Deputy R.G. Le Hérissier:**

Can I move the adjournment, please?

**The Deputy Bailiff:**

Deputy Southern, as Chairman of the Scrutiny Panel, do you wish to call this legislation into Scrutiny?

**Deputy G.P. Southern:**

I wish to consider my position overnight, if you would permit that.

**The Deputy Bailiff:**

Very well, the adjournment is proposed and ...

**The Connétable of St. Mary:**

I want to say, if there might be an opportunity to hear from the Minister for Transport, he has an updated weather forecast which indicates, I think, that we might be better to carry on tonight.

**The Deputy Bailiff:**

I am sure that the Members cannot object to hearing from the Minister on the weather forecast.

**The Connétable of St. Brelade:**

In the hope that the Members have not heard too much from me today, just to update them with regards to the weather; the Met Office are forecasting heavy, wintery snow showers from 6.00 p.m. until 9.00 a.m. tomorrow, with temperatures to minus 1. T.T.S. will have full grit spreaders out until 10 p.m. with a second shift of 4 spreaders starting again at 2.00 a.m. to prepare for the morning traffic. A decision regarding school opening will be taken at 6.00 a.m.

**The Deputy Bailiff:**

The adjournment is proposed.

**The Deputy of St. John:**

Can I propose we continue and get the business done?

**The Deputy Bailiff:**

In those circumstances we will have a vote on whether the adjournment should be adopted at this stage. The appel is called for; the vote is whether to continue at this stage until 9.30 a.m. tomorrow. I will ask the Greffier to open the voting ...

**Deputy I.J. Gorst:**

With the amount of talking, unfortunately I am not certain what we are voting on. Is this a vote to adjourn or to remain?

**The Deputy Bailiff:**

The vote is whether to adjourn at this stage, so those in favour of adjourning will vote pour and those against will vote contre and those who do not know will abstain. The Greffier will now open the voting.

<b>POUR: 18</b>		<b>CONTRE: 27</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator P.F. Routier		
Senator T.J. Le Main		Senator P.F.C. Ozouf		
Senator B.E. Shenton		Senator J.L. Perchard		
Senator A. Breckon		Senator A.J.H. Maclean		
Senator S.C. Ferguson		Senator F. du H. Le Gresley		
Senator B.I. Le Marquand		Connétable of St. Helier		
Connétable of St. Ouen		Connétable of Trinity		
Deputy R.G. Le Hérisier (		Connétable of Grouville		
Deputy G.P. Southern (H)		Connétable of St. Brelade		
Deputy of St. Ouen		Connétable of St. John		
Deputy of Grouville		Connétable of St. Saviour		
Deputy J.A. Hilton (H)		Connétable of St. Clement		
Deputy P.V.F. Le Claire (H)		Connétable of St. Peter		
Deputy K.C. Lewis (S)		Connétable of St. Lawrence		
Deputy of St. Mary		Connétable of St. Mary		
Deputy M.R. Higgins (H)		Deputy R.C. Duhamel (S)		

Deputy D.J. De Sousa (H)		Deputy of St. Martin		
Deputy J.M. Maçon (S)		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy S. Pitman (H)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		

**The Deputy Bailiff:**

So, I come again, Deputy Southern, to you again as Chairman of the Scrutiny Panel, do you wish to call in this legislation at this stage?

**Deputy G.P. Southern:**

I wish to seek the advice of the Chair and of the Attorney General or the Solicitor General as to, what I believe, is an unprecedented challenge to the authority of this Chamber, in that a Minister, having been instructed to put one number in a piece of legislation, has not amended the legislation at the time, has not put that number in and has returned to the House some months later not having obeyed that instruction. I believe that is a shocking indictment of the system and the powers of this Assembly and I wish to consult the Attorney General overnight before I decide whether to call this in on those particular grounds. I think it is a serious issue and the fact that we are going on now puts me in, quite frankly, an untenable position.

**The Deputy Bailiff:**

Deputy, there is nothing out of order in what is being proposed at the moment. I am afraid you will have to determine whether you wish to call it in or not.

**Deputy G.P. Southern:**

In that case I have no choice but to call it in.

**The Deputy of St. Martin:**

May I just correct Deputy Southern? It is not unprecedented. This is the second time. It happened to me with my States Employment Board membership and the States had agreed to one way in which we could operate and it was changed, so just to correct Deputy Southern; it is the second time.

**The Deputy Bailiff:**

It all goes to show that it was not out of order. We now come to the Draft Harbours (Protection of Cables in Territorial Waters) (Jersey) Regulations P.144, lodged by the Minister for Economic Development. I ask the Greffier to read the citation of the draft.

**5. Draft Harbours (Protection of Cables in Territorial Waters) (Jersey) Regulations 201-(P.144/2010)**

**The Greffier of the States:**

Draft Harbours (Protection of Cables in Territorial Waters) (Jersey) Regulations; these States in pursuance of Article 4 of the Harbours Administration (Jersey) Law 1961 have made the following regulations.

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

These regulations will maintain legal protection for the under-sea cables that now supply almost all of Jersey's electricity. They prohibit fishing or anchoring close to the cables; this is for the safety

of ships and crews as well as to ensure that the cables are not damaged. The exclusion area remains marked clearly on all relevant charts. The existing regulations are triennial and expire on 13 December 2010. Previous triennial regulations have been made repeatedly over the last 20 years. The States made changes in 2007 to the Harbour Administration Law 1961 and in doing so provided for these to be made as ordinary regulations that do not have to be repeated every 3 years. Of course it remains the States' prerogative to amend, extend or cancel the Regulations at any time. Before the existing triennial Regulations came into force, discussion took place with fishermen, personnel from the J.E.C. and the Channel Island Energy Group. The possibility of extending protection to include the Guernsey and Jersey link has been considered but is controversial and for the time being is not being suggested. It is felt that the Island's strategic needs are met by protection of the French link as far as Jersey's territorial limits. This partial protection is considered better than none and all parties have been kept fully up to date in the drafting of these new Regulations. Enforcement, as now, will be through the courts if warnings were ineffective. To date, there have been no prosecutions and the current Regulations appear to be effective as a deterrent. I propose the principles.

**The Deputy Bailiff:**

Are the principles seconded? [**Seconded**] Does any Member wish to speak?

**5.1.1 Deputy P.V.F. Le Claire:**

Thank you. The offence for somebody laying on anchor can be unlimited in both fine and carries a prison sentence of up to 3 months. The latitude and longitude positions given on page 11 do help people understand where the position is but would it be possible, I wonder, if the Minister was able to provide Admiralty charts in the future to help ordinary sailors, seamen, boat owners to understand a little bit more easily the positions that we are talking about? We have updated recently the property transactions with maps and I think it might be ... I do not wish to be difficult but I just thought it might be a suggestion that might be helpful for mariners if it was possible to include charts in the future.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**5.1.2 The Deputy of St. John:**

For the previous speaker's information; most Admiralty charts carry submarine cables. That said, can I have the Minister confirm that he said: "All Jersey electricity comes from France"? Can he confirm that that is what he said? Can he confirm that J.E.C. do produce something like 6 percent of their own electricity and also will he tell us what, in fact, they buy in which is supplied from T.T.S. via our Bellozane plant and what he is doing about that when he made that statement because I believe it is probably closer to 10 percent that is going into our own grid.

**The Deputy Bailiff:**

I am quite sure that the Minister will say that that is not relevant to these present regulations. [**Approbation**] Does any other Member wish to speak?

**5.1.3 Senator A.J.H. Maclean:**

Deputy Le Claire is absolutely right with regard to offences. The unlimited offence is a potential 3-month imprisonment, the unlimited fines; this is not unusual but clearly for a minor offence it would be a question of assessing if it was a genuine error or not or whether it was a repeated offence. Clearly it would be an escalation basis; one that would be dealt with appropriately by the courts. As far as charts are concerned; these matters are all charted so those that would need to know would have the availability on the charts. Just for the Deputies' and Members' interest; the exclusion area either side is about 1,000 metres, so it is not a huge area but it has proven to be very successful over the last 20 years or so. There have not been any cases thankfully of any problems



in that area or indeed the need for any prosecutions, I might add. The Deputy of St. John, thank you for your advice with regard to the way I should answer that question and I am tempted to agree with you but I would just briefly say that my understanding is that approximately 95 per cent comes from France, the balance the Deputy could work out and indeed in the future I am sure, like the Minister for Transport and Technical Services, that the shiny new energy from waste plant will be producing more and more on-Island energy and that will be something that we can all be very pleased about. I maintain the principles.

**The Deputy Bailiff:**

The principles are proposed. Members in favour kindly show, those against, the principles are adopted. Deputy Higgins, what does your panel wish to scrutinise?

**Deputy M.R. Higgins:**

No, we do not.

**The Deputy Bailiff:**

Minister, do you wish to propose these Regulations en bloc ballots?

**Senator A.J.H. Maclean:**

I will propose them en bloc but I would just like to make a couple of brief comments, in particular about Regulations 3 and 4. They ensure that those responsible for a breach of the Regulations have proper legal liability. While these are largely the same as at present, they do represent a change and that is why I just wanted to mention that the opportunity has been taken to ensure that the directors of a company owning a fishing boat could also be liable if they were directly responsible or negligent in any way. That is a change from previously and I just wanted to mention that for Members' benefit, that is Regulations 3 and 4. Otherwise, the other Regulations are relatively straightforward and I will take them en bloc until we have further comment.

**The Deputy Bailiff:**

Are the proposed regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations or the schedule? The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the Regulations 1 to 6 inclusive and the schedule of the Draft Harbours (Protection of Cables in Territorial Waters) (Jersey) Regulations and I ask the Greffier to open the voting.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				

Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
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 Deputy Bailiff:**

Minister, you proposed the regulations in third reading. **[Seconded]** Does any Member wish to speak? Those Members in favour of adopting the regulations in third reading kindly show? Those against? The regulations are adopted in third reading. We now come to P.151/2010, the Draft Housing (General Provisions) (Amendment No. 27) (Jersey) Regulations 201- and I ask the Greffier to read the citation of the Draft.

**Senator T.A. Le Sueur:**

Before the Greffier reads the proposition, in view of the time, I would be prepared, if Members were also prepared, Sir, to defer this item until the following agenda. I take my chance.

[17:45]

**The Deputy Bailiff:**

Very well, this item is therefore deferred until next week.

**The Connétable of St. John:**

Can I ask what time on the agenda next week that will be deferred until, because I know there are people waiting on this decision?

**Senator T.A. Le Sueur:**

I think, in fairness, the budget has to be the first item and I hope that it is the first item after the budget.

**Deputy P.V.F. Le Claire:**

Can I counter this proposal? I think people have waited for a very long period of time; we can wait a little bit longer tonight and get this through the Assembly.

**The Deputy Bailiff:**

I advise Members that it is up to the Chief Minister in the absence of the Minister for Housing to determine whether to go ahead or not but you can see and have heard what the Members have said.

**Senator T.A. Le Sueur:**

I have heard what Members have said and judging by the urgency to do this, I will propose tonight but I will make it brief. I hope Members will also.

**The Deputy Bailiff:**

Very well. I invite the Greffier to read the citation of the Draft.

**6. Draft Housing (General Provisions) (Amendment No. 27) (Jersey) Regulations 201-(P.151/2010)**

**The Greffier of the States:**

Draft Housing (General Provisions) (Amendment No. 27) (Jersey) Regulations 201-; these States in pursuance of Articles 14 and 21 of the Housing (Jersey) Law 1949 have made the following Regulations.

**6.1 Senator T.A. Le Sueur:**

I am glad to be able to make this proposition in the absence of the Minister for Housing and I would anyway because I think it is very much in line with my principles. Some years ago we moved to a 20-year qualifying period and at the time that may have been necessary but we have been trying ever since to reduce that period in a manageable way. We brought it down from 20 years, down to 11 and now this is the final step to bring it down to a 10-year period. I do not believe it is appropriate at this time to go any lower than 10 but I think that at a ten-year period, we have struck the right balance. I am concerned that there are people who have contributed to the Island activities and who feel that they are second-class citizens while they do not have those rights. Equally said, I am well aware of the pressures on the housing market. Looking at both official projections and past performance, I am confident in saying that this does not add significantly to the pressures on the housing market. The people who we are talking about are already in the Island. They are in lodging accommodation or accommodation of a sub-standard nature. If we do not add to the number we will hopefully add to the quality of the accommodation for the benefit of all those concerned. I could go on further but we have had this argument now 8 times and we have brought it down from 20 years to 11. Members have approved the previous reduction and I have every reason to believe that they will also approve this final reduction which I now propose.

**The Deputy Bailiff:**

The Regulations and principles are proposed and seconded. **[Seconded]** Does any Member wish to speak?

**Senator T.A. Le Sueur:**

I feel that it is appropriate I should declare that I have an interest in 2 property businesses. It is not a pecuniary interest as far as it is going to affect me; I do not think I need to withdraw from the Assembly but I just wanted ...

**The Deputy Bailiff:**

If it is not a direct pecuniary interest then you do not need to withdraw.

**6.1.1 Deputy P.V.F. Le Claire:**

Deputy Martin earlier made a speech; I think it was today, it could have been Tuesday, I do not know; it is all a blur at the moment ... when the migration policy was adopted by the States Assembly, this was a critical part of the overall move towards a more just society and giving people

a more fair and level chance at having equal opportunities and protecting rights and granting privileges. I certainly will be supporting this 100 per cent. I also do believe that until we get the housing situation at least in our grasp, we will be making a mistake in my view if we were to reduce it any further until we have got a better grip of what we are doing. We had this morning circulated to us the Auditor General's recent review where he has highlighted the fact that the home-buy scheme which works in turn in providing the homes for these sorts of people has demonstrated that the oversight and the standing orders under which the Minister for Treasury operates, has not been adequate or robust and has not enabled the Minister for Treasury to safeguard in some respects things that we should be safeguarding. Deputy Martin made the point, and it is certainly intertwined with this overall approach, that there was a call at the time that the migration policy was adopted, that the gradual reduction in housing qualification periods down to 10 years from 20 would also run in tandem with the increase in qualifying period for those people that could work up until 10 years to protect the rights of people who are already in the Island. I stood up on every single occasion to support the reduction and I think it is quite right and it was absolutely disgraceful that they went to 20 years ... I think it is absolutely right that we should stand up and support the reductions as I have done so but I do think, at the same time, the local population ... there are 400 people on the housing waiting list at the moment ... there is no knowledge as to how many people will qualify under this in the Minister for Housing's own report. I do think it is disingenuous to suggest for one minute that we should have an agreement and just chip away at one end of the scale without providing a protection at the other end, because now all of these people are going to be in a new section of the community which I belong to and lots of other people in Jersey have belonged to for many, many years where we do not feel that our rights have been safeguarded and our needs are not being met and our jobs are not being protect and our rights to property are not being delivered by this States Assembly. So it is all very well reducing things but if it is not being protected at the other end of the scale, what are these qualifications worth?

#### **6.1.2 Deputy A.K.F. Green of St. Helier:**

In a similar vein to the last speaker but I would go slightly further; I will support this because I think it is totally wrong that we have been trying to control the number of people who come into the Island by forcing them to live in sub-standard and squalid accommodation and that is what we have been doing. I do not think it is right though to start looking at increasing the qualifying period for work from 5 years, 6 years, 7 years, because that is just as wrong, just as immoral. What we are saying is that we will run a black economy of people that we think do not exist but we know exist and providing they can hang in for 5, 6, 7 years, whatever the level is that we set, then they can apply to get jobs and when they have been here 10 years they can apply to get a house. It is totally wrong. We need to control the number of people coming in to this Island. We control rigorously with J-Cat people coming in but we fail to control every Tom, Dick and Harriet (as I always call them) who just want to turn up on the boat who are prepared to work illegally, who are prepared to be living in sub-standard accommodation and we have got to do something about it. We have got to work at both ends and I urge the Chief Minister to do something about it.

#### **6.1.3 Senator A. Breckon:**

Just a few words; first to thank the Chief Minister for taking this tonight and he obviously presented this fairly briefly but I think there showed some care and compassion in what he said and he showed some sympathy to people who find themselves in this situation. I say that and Senator Le Main will remember this, the hardship cases and when things have improved tremendously over the years but it is something, a loyalty reward, if you like, to parents, especially where there are children involved and there are still some difficult circumstances. We are talking about people who have contributed to the Island in Social Security and taxes and also made some contribution to the community, so for me it is a welcome move. It is something we as a House said we would do and would work to, circumstances permitting, and there is never going to be an absolute perfect time to

do this but this is probably as good as any time to do it because the housing situation for people without qualifications has improved but I still think this is a welcome move and it is a move in the right direction and as such I do not think it will aggravate the housing situation which the law was set up to protect.

#### **6.1.4 Senator P.F. Routier:**

Members will know that I am currently chairing the Migration Advisory Group and I can assure Members that this proposal today is consistent with what is being proposed within the new legislation which is going to come forward next year. The comments made by Deputy Green with regard to the amount of years that people are required to be in the Island before they qualify for work; I can assure him that the new legislation does not alter what currently exists, the 5 years. I know that there was some intention in the original debate on migration legislation that it would gradually increase but there is no intention of going there. After the consultation that we have carried out over the years, we have recognised that that is not an appropriate thing to do. It may not go as far as what he is wanting to do, to have no qualification period, but certainly there is no intention to go the opposite way. I support this proposition wholeheartedly and, as I say, it is consistent with the migration legislation which is coming forward.

#### **6.1.5 The Connétable of St. John:**

Just a few notes from the department as much as anything. This is a very modest change without any expected impact on house prices. For example, 60 per cent of persons that qualified in the last tranche one year did not move into controlled accommodation. The extra demand on social housing is also going to be very tiny. In the 16 month period from May 2009 to September of this year 14 persons qualified and moved into States housing and only 10 into housing trusts. Housing demand is very slow at the moment. Therefore, this seems an appropriate time to be looking to change this now. I am just trying not to cover things that have already been covered. I think most things have already been said, apart from the fact that many times we are being accused of doing these things to suit developers but I can assure you that no developer has been lobbying the Population Office to bring this forward, and other than to say that there are a number of people who have been waiting patiently for this long-established Island residence and it would be a great shame to disappoint this small group of people and I look forward to the support of the Assembly.

#### **6.1.6 Senator T.J. Le Main:**

I totally support this proposition. This Assembly has made a promise. It has made a promise that, when reasonably being able to, they would reduce the housing qualifications for those who have committed themselves in this Island; many of them working in jobs like family nursing, health, education and many other important posts they occupy in this Island. They have come to Jersey with the expectation that we would grant them, after 10 years when it was possible ... so there was no aggravation of the housing situation, there would be a 10-year qualifying period. What I would like to say is that, although there is still some very bad non-qualified accommodation, I would like to compliment very much the Minister for Planning and Environment and his officers and those who serve on the Planning Applications Panel who have pushed forward the policies now that the standards of unqualified accommodation have to be completely and utterly raised to meet the standards that we would expect ourselves. Quite honestly, this is making a huge difference to people that are waiting patiently to get their housing qualifications. I have got to say that people who are going to qualify, many of them are married, many of them have got children and if you ever saw youngsters being brought up and going to school and being educated and living in some of the accommodation that we have, it is quite disgraceful. I brought up my children and grandchildren and have seen them being able to bring friends home and all that sort of thing.

[18:00]

Many of these children that are being brought up now, we talk about the social problems that are occurring but some of that does lead to having not the right type of accommodation where they can entertain and bring their own friends back home and entertain. So I think that this is a great day for those people that are going to qualify. It puts certainty in the market so that everyone will know now that it is 10 years, not 5 years or 6 years or 7 years. It is going to meet the migration policy objectives and 10 years is a very good term of time where people can aspire to being able to purchase and to lease in their own names. I thank all these people that have come over the years to Jersey. Many of them have had to live far longer than 10 years and 11 years. Some of them have had to do 20 years and they have lived in absolutely crap accommodation, some of them.

**The Deputy Bailiff:**

I am afraid I must ask you to withdraw that ...

**Senator T.J. Le Main:**

Well, creepy accommodation, Sir. Yes, substandard.

**The Deputy Bailiff:**

Substandard is the best.

**Senator T.J. Le Main:**

Yes, Sir. But I feel very strongly about that, as you can imagine. As I say, I would like to thank those people that have contributed to this Island and keep contributing to this Island. But I have say that I disagree with Deputy Green about his assumption that there are loads of people coming into the Island, many of them working illegally. Having been on the Migration Working Party and involved with the Population Office, I can assure Deputy Green that, as Connétable Norman did say yesterday, there are now strict controls on employers and who they can employ and who they cannot. I know that Connétable Norman and E.D. (Economic Development) are reducing the request by ... Well, if Deputy Green has got cases of illegality, people working illegally, he should bring the names and the issues to the authorities. You are shaking your head, Deputy Green. Quite honestly, if you have got cases of people working illegally then we would like to know. I am certain it is unfair on the local population if a Member can stand up in this Assembly and accuse people of working illegally and coming into the Island when we have got a huge unemployment problem. Come forward with the information and I know that Social Security and E.D. will deal with the matter. Quite honestly, it is unfair to make these allegations. I would support this 100 per cent and urge Members to do so.

**6.1.7 Senator J.L. Perchard:**

Senator Le Main touched on the point about illegal workers on the Island. If Deputy Green knows of any illegal workers or any employers employing illegal workers he has a duty to inform the police. If he cannot name anybody, he really ought to be careful before making such lightweight allegations in this Chamber. If he knows of criminality, report it to the police.

**6.1.8 Deputy A.E. Jeune:**

Just picking up on that last point: Social Security, I am sure, would like to know of any illegal work that is going on. But I am really having a problem in supporting this proposition. I believe we are tinkering around the edges and we should wait for the proper migration policy and deal with the whole lot. I am also quite anxious in that the Housing Department has been unable to provide statistics on the effect on social housing of ... the numbers that would be going on to social housing as a result of reducing the number of years. I have asked for the numbers and they have not been received.

**The Deputy Bailiff:**

Could we please resume the normal standards of debate?

**Deputy A.E. Jeune:**

I have put in a question. I have asked for it and I have not been able to receive it by number of years of residency.

**The Connétable of St. John:**

Will the Member just give way for a moment?

**Deputy A.E. Jeune:**

I will, Sir.

**6.1.9 The Connétable of St. John:**

Thank you. I did say that in the last 16 months, since the last one-year drop, there had only been 24 people. There were 14 went into social housing, our stock, and there were 10 went into trust accommodation and that was it.

**Deputy A.E. Jeune:**

Then I would ask for a point of clarification. Were those numbers people who had achieved what was then the 11 years? They were additional to the other people who were applying?

**The Connétable of St. John:**

Yes, it was.

**Deputy A.E. Jeune:**

It is a pity I could not have had that information earlier.

**6.1.10 The Deputy of St. John:**

I must ask: what about the rights of the Jersey-man? We have still got a stamp in our passport to say we cannot work outside of this Island, other than in the U.K. We have also got people from E.U. (European Union) States coming over here with an automatic right to work, yet in the U.K. they do not have a right of work. You just have to get on the Home Office website and you will see it for yourself. There are 2 countries that joined recently and they have not got a right to work in the U.K. without a work permit and yet we give them automatic rights over here.

**Senator P.F. Routier:**

Sir, will the Deputy just give way?

**The Deputy of St. John:**

I will not give way.

**Senator P.F. Routier:**

I just make the point this is about housing rather than work.

**The Deputy of St. John:**

I will not give way.

**The Deputy Bailiff:**

I am sorry, Senator.

**The Deputy of St. John:**

Although I will support this I have just got to get this off my chest. It is time that the Ministers and Chief Minister and his Ministers put in place the same rights for Jersey people as we are giving the Europeans within the European Union and I think it is totally wrong that my children are permitted to work in the U.K., other people's children are not permitted to work outside of this Island other than the U.K. I know people will say or Members will say that it is happening but they are

probably in very grey areas if they were challenged abroad. I ask the Minister to sort it out once and for all because weekly or monthly I hear the comments of fellow Jersey people on the radio asking for this to be sorted. **[Laughter]** It is all well and good for Senator Le Main to make light of this but it is of concern. I do listen to the concerns of the Jersey resident and the Jersey persons who were born here and, in particular, I take note and I do feel for them. They have opened their Island to others and yet we are not making the headway that we should be in making sure that Europe is open to our young people.

**6.1.11 Senator B.E. Shenton:**

I got elected to the States Assembly in 2005 and was promised a migration policy fairly shortly after election. It is now 2010 and we are still waiting for a migration policy. This policy is just playing at the edges and what I find quite unbelievable is the thought that by increasing the demand for a finite asset, you are not going to have any effect on the price of that asset. In 2003 this policy started chipping away at the number of years of residency required to buy a house and over that period house prices have increased significantly from around £300,000 to about £500,000, which is around about a 66 per cent increase in house prices. Now, it is all very well for the people who come over to now have the opportunity to buy their own home but what has happened (partly as a result of this policy, because this policy will have increased the cost of home ownership to the local Jersey person) is that it has pushed house prices out of the reach of many of the people that were born and educated on the Island. So this has been a very successful policy for the Assembly. It is allowing immigration into the Island and it has been a very successful policy at pushing up the prices of houses for the developers. But from the point of view of looking after our own and making sure that local people can afford housing, it has been an absolute disaster and I will not be supporting the reduction to 10 years. I would prefer to look after the local person first and I think we have done them a great disservice over the years by allowing more and more people to buy and pushing up the price of local houses for local people.

**6.1.12 Deputy A.T. Dupre:**

I am very fond of Senator Le Main and I have a lot of time for him but unfortunately he is talking about people who have just been over here and the accommodation that they are living in. Being part of St. Clement, if we look at the people in Le Squez flats and the sort of accommodation that they are living in, it is absolutely disgraceful and I think that is far more important because these are Jersey people who are in there and they are the ones who are living in bad conditions.

**6.1.13 Senator F.D.H. Le Gresley:**

I had thought to only speak very briefly but Senator Shenton has moved me to get quite emotional about this. What is inferred is that people who come and live and work in our Island are not worthy of buying property in our Island, which I think is disgraceful. Many a job available in the Island at minimum wage is only filled by people who are willing to come and live and work in our Island and that is a fact that the Jersey Hospitality Association will confirm. So I think our Island depends on immigrant workers and we have a duty to house them once they have done a period of residence, which, if this is approved today, will be 10 years and I very much hope it will be approved. I have to say (and I hate to refer to my previous job) I do know that there are individuals and families waiting for this decision today and their needs are very great. I would also like to say, because I have been criticised by some landlords that I always criticise landlords and that is not true, that lodging house standards have improved considerably over the last 5 to 10 years. Although there are problems in the private sector where people take up to 5 lodgers, I would say, particularly because lodging houses are regulated, that the standards have improved and it would be untrue to say that there are people who are living in appalling accommodation within the lodging house registered sector, because I think it would be unfair to say that. There are situations, I am sure and I am aware of, in the private sector where people can take up to 5 lodgers. I hope all Members, with the exception perhaps of Senator Shenton, will be supporting this proposal today. The only thing I



would say (and unfortunately the Minister for Housing is not here today) is we have been promised deposit protection which is mentioned in the body of the report. I would like to know when we will see that, because this is another big issue for both non-qualified and qualified residents of our Island.

**6.1.14 Deputy M.R. Higgins:**

In fact Senator Shenton mentioned some of what I was going to say, although I must say that, whereas he is going to be voting against the proposition, I am going to vote for it. My main concern was the fact I do not like the way the report was written. It mentions, for example, in the body on page 5: "While these statistics could strike a note of caution in any decision to reduce the housing qualification period, it is the general economic health of the Island and the overall supply of housing which is the key determination of house prices and rents, not a gradual reduction in the qualifying period." The truth of the matter is, as all the free marketeers across the Chamber from me will tell you, it is supply and demand. Therefore, yes, we have a limited housing stock within the Island but it is also demand and there is no doubt that by reducing this we are increasing the demand for housing; maybe only marginally but it is having an effect on pushing the prices. The other point, too, is I agree there is some appalling housing in this Island and we are making people reside in it, both locals and also people who have come in and are within the qualifying period. It is something that is a scandal and needs to be addressed.

**6.1.15 Senator A.J.H. Maclean:**

I was not going to make any comments on this but I just briefly wanted to follow Senator Le Gresley and endorse what he said. He is absolutely right about the importance of immigrant labour to support our key industries, particularly tourism and agriculture, and they do deserve to have appropriate accommodation to live in. I will not cover the other points he made, all of which I thought were extremely valuable. What I would like to pick up on just very briefly is what Senator Shenton said, a typically emotive speech; emotive but somewhat short on factual accuracy. I say that because, although supply and demand is clearly important in any market, there are other factors that bear considerable scrutiny when considering impacts on things like house prices.

[18:15]

I would say in particular that in the current market, this proposal, there could not be a better time to do it. The market at the moment is very weak. Transaction levels are down by about one-third and have been for the last 2 years and we have a weak economic climate where salaries are weak, job security, unemployment has risen, access to finance is a problem.

**Senator B.E. Shenton:**

Sir, is this a speech on behalf of Mulberry Estates or the Minister himself?

**Senator A.J.H. Maclean:**

Sir, I am not giving way and that is a thoroughly unnecessary comment, as the Senator knows. I am simply demonstrating, from a factual perspective, that what the Senator says in this regard is not accurate and I think we need to bear in mind that there are many issues and factors that drive markets. At the present moment in time this is about being fair; it is about being fair to people that are coming into the Island, providing valuable service to the Island and we need to, of course, bear in mind what impact this particular decision is likely to have. But at the current time there is never a better time to do it. On top of that, I would also point out that the previous changes to the housing period have seen a relatively light take-up in terms of people who have gone on to purchase. That is all I wish to say on this matter and I will be supporting the proposal.

**The Deputy Bailiff:**

Does any other Member wish to speak? I call on the Chief Minister to reply.

**6.1.16 Senator T.A. Le Sueur:**

I said I thought it was a fairly short proposition but, anyway, I am grateful to the 14 Members who have spoken, many of whom I think spoke in terms of the migration policy rather than the housing reduction policy. This, of course, is a policy that we approved many years ago and agreed then it would be brought in by instalments and this is the last instalment, as I said. I thank those Members who spoke and I do not think there are any particular questions that need to be answered because Deputy Jeune’s question about the figures, as pointed out, was on page 6 of the report. What I should have done at the outset is to thank Senator Le Main, who was previous Minister for Housing, who brought forward many of the earlier propositions in this respect and paved the way for this final one. I am grateful to him and to all who have spoken. I am sorry for some of the comments made, which I think were regrettable, about labourers working illegally. I also believe that Senator Shenton’s views on the reason for house prices are misguided but I think they have been put right by Senator Maclean. Senator Le Gresley asked when depositor protection is due in. They are certainly with the law draftsmen and I hope it would be on the States agenda early next year. I cannot give a firm date at this stage but it is certainly underway. Meanwhile, with those comments, I maintain the principles of the regulations.

**The Deputy Bailiff:**

The appel is called for on the principles of the Housing (General Provisions) (Amendment No. 27) (Jersey) Regulations. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 35</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Senator B.E. Shenton		
Senator P.F. Routier		Deputy A.E. Jeune (B)		
Senator P.F.C. Ozouf		Deputy J.M. Maçon (S)		
Senator T.J. Le Main				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
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.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

## 6.2 Senator T.A. Le Sueur:

There are 2 regulations and I think they are self-explanatory. All it does, in essence, is change the words “11 years” to “10 years.” I cannot explain in any more detail than that and I propose Articles 1 and 2.

### The Deputy Bailiff:

Regulations 1 and 2 are proposed. Are they seconded? [**Seconded**] Does any Member wish to speak?

### Deputy G.P. Southern:

Can I just confirm that the Chief Minister or the Minister for Housing will go away and return to this House with a different number other than 10?

### The Connétable of St. John:

I can confirm that this Assistant Minister will not.

### The Deputy Bailiff:

Does any other Member wish to speak?

### Senator T.A. Le Sueur:

No need for comments, Sir.

### The Deputy Bailiff:

The appel is called for. I ask the Greffier to open the voting on the adoption of Regulations 1 and 2.

<b>POUR: 34</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator T.A. Le Sueur		Deputy A.E. Jeune (B)		
Senator P.F. Routier		Deputy J.M. Maçon (S)		
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				

Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				

**The Deputy Bailiff:**

Do you propose the regulations in third reading?

**Senator T.A. Le Sueur:**

Yes, please, Sir.

**The Deputy Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak?

**The Deputy of St. John:**

After a number of years since we took it out of not being permitted to buy or lease a house permanently on-Island it is good to see that we have got to the goal, but I sincerely hope that this will be the last time this has to come back to the House because our own people have to have a 10-year qualifying period. A Jersey-born person, if they move off-Island, has to make up to 10 years of their time. So I hope this is the last time we see this.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**Senator T.A. Le Sueur:**

I thank the Deputy for his comments and I maintain it in third reading.

**The Deputy Bailiff:**

The regulations are proposed in third reading. Members in favour kindly show. Those against. The regulations are adopted in third reading. We now come to P.173, the re-appointment of the Data Protection Commissioner, and I ask the Greffier to read the proposition.

**7. Data Protection Officer: re-Appointment (P.173/2010)**

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to renew the appointment of Mrs. Emma Martins as Data Protection Commissioner for Jersey in accordance with the requirements of the Data Protection (Jersey) Law 2005, Schedule 5, on the terms set out in the report of the Minister for Treasury and Resources.

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

I am grateful for Members to stay to deal with this. If we did not deal with this today we would not have a Data Protection Commissioner as the term of office expires. As Members will know, the Data Protection Commissioner is an independent statutory body, appointed by this Assembly to administer the Data Protection (Jersey) Law. The Commissioner fulfils an important role in our

democracy where data on each of us is held by many individuals and organisations. I am sure that Members do not need reminding, but personal data covers a whole range of information that can be held by Government and all sorts of other organisations. This appointment is important as the Commissioner is responsible for upholding the rights of individuals as set out in the Data Protection (Jersey) Law and enforcing the obligations of data controllers. The increasing prevalence of technology means that this role is even more important than it was when we made the original appointment 5 years ago. The States appoint the Commissioner but he or she (in this case, she) thereafter is independent in the exercise of the functions. It is important that the Commissioner must be free to apply the powers, if necessary, to any part of our Government, too. The Commissioner offers advice to data controllers and individuals who feel their rights have been infringed and can complain to the Commissioners who will investigate the matter and take whatever steps may be necessary to resolve it. The Commissioner is only accountable to the Data Protection Tribunal, the Royal Court or the States Assembly. The current Data Protection Commissioner was appointed as Data Protection Registrar in April 2004 and then subsequently appointed under the new law. The Commissioner has successfully fulfilled her role and has reported annually on her activities of her office at the Data Protection Office and these reports have been made public. It is a legal requirement for the Island to have a Data Protection Commissioner and the terms of the appointment require that the contract is renewed every 5 years. I recognise and thank the Commissioner for her service over the last 5 years and I recommend to Members that we should renew. **[Approbation]** I am sure that she will appreciate those foot-stamping and I propose that we should renew the appointment of the Commissioner for a further 5 years. I make the proposition.

**The Deputy Bailiff:**

The proposition is proposed. Seconded? **[Seconded]**

**7.1.1 Senator A. Breckon:**

Just a few words. It is a difficult job with a public profile and, in my opinion, it has been well done. **[Approbation]** The post has come out with credit and I have, on a number of occasions, worked with the Commissioner. I must say I am impressed by the professionalism and the standard that is in what is a very small department and under a certainly amount of pressure because of people's expectations. Perhaps people do not exactly understand the role but I think in the first term the work that has been done has been done well and there has been service, I would say, with civility. Having said those few words, I have no hesitation in supporting this appointment and I think, as Members have said, thanks should be extended. We have a public servant who goes the extra mile and does try and connect with the public and provides us with a level of service inside and outside the Island of which I think we can be proud.

**7.1.2 Deputy M.R. Higgins:**

I do not quite share Senator Breckon's full support of the Data Protection Office. I do have some concerns about the way the office has operated and, in particular, it seems to me that they have been somewhat inconsistent with some data protection breaches and also things like Google and the vehicles going round. They seem to take a lead from Guernsey or the U.K. rather than making their own decisions upfront. I must also say, too, that I may well be bringing to the States shortly an issue involving the Data Protection Office and the way that they are conducting their activities, which involves a public servant who is off work with stress although they are being supported by the Comptroller and Auditor General and their departmental heads. I am most concerned about the way and length of time that they have taken on this particular issue. So I will not be voting for this particular one because I have concerns about the way the office is being run.

**7.1.3 The Deputy of St. Martin:**

I do not have a particular problem with the appointment because I have worked with the lady and we have agreed to disagree at times and, I have to be fair, I have found her a very useful person to work with. But I would just like to raise this issue. I am delighted this particular appointment is, as indeed all appointments should be, in the public. We should not be *in camera* and I would just like to raise the point that maybe we will have a day when all appointments made in the House are done in the public and not *in camera*.

**7.1.4 The Deputy of St. John:**

Unlike Deputy Higgins, I found the Data Protection Officer number one; top of the tree. She has come into the Chairmen's Committee to advise us on occasions and there was not a question that anybody could floor her with. She was really on top of her job and to see a local person achieve these top positions is excellent. I would not want it to go outside this Chamber (and it probably is because it is being reported) what has been said. If Deputy Higgins has got complaints he needs to do it in the correct place. I am disappointed he has done it here this evening. **[Approbation]** But I will not say further than that. All I can say is I have got 100 per cent confidence in Emma Martins.

**7.1.5 Connétable L. Norman of St. Clement:**

I am probably just being a little bit of a pedant but I cannot find in the proposition, in the report or in the appendix for terms of appointment the start date of the appointment or the expiry date of the appointment. It simply says: "5 years." It does not say from when and it does not say when it finishes. I wonder if the Minister could help.

**7.1.6 Senator F.D.H. Le Gresley:**

I would just like to confirm my support for the Data Protection Commissioner and the work that she has done over the last 5 years. Unlike the Deputy of St. Martin, I would have hoped that this debate might have been *in camera* but I would just confine my one final sentence to say that I think she has fulfilled her duties professionally and I am appalled at the unfair attacks on her integrity via blogs over the last 18 months. **[Approbation]**

**7.1.7 Deputy E.J. Noel:**

I would just like to echo the sentiments from Senator Le Gresley. I have had the privilege of working with the Commissioner for just over 12 months now in my role as Assistant Minister for Treasury and Resources and I found her and, in particular, her staff to be excellent. I do not wish to be associated at all with the remarks from Deputy Higgins.

**7.1.8 Deputy G.P. Southern:**

I, too, rise to praise the efforts of the current Commissioner and to recommend her for a further 5 years. In particular, she was heavily involved at the beginning with the Migration Steering Group and its machinations and thoughts about how they were going to develop the population register and migration policy. She set them straight over a number of issues without which I think they would still be thrashing around and we would not be seeing a migration policy next year, even though it has taken 5 years.

[18:30]

**The Deputy Bailiff:**

If no other Member wishes to speak I call on the Minister to reply.

**Senator P.F.C. Ozouf:**

I think only one Member spoke in terms of any less than positive and congratulatory remarks ...

**Deputy M.R. Higgins:**

There would have been some others if they had not gone early.

### 7.1.9 Senator P.F.C. Ozouf:

I did not give way, I do not think, Sir ... less than congratulatory remarks about the Commissioner, and I am sure that she will be extremely grateful and cognisant of the remarks that Members have made, first of all by Senator Breckon and others. The office has been challenging. It is a growing area and all Members will be aware of some of the difficult issues which she has independently dealt with. Indeed, Deputy Southern and I do not always agree but he is absolutely right: the Commissioner has shown herself to be fiercely independent. She is not afraid of taking on States departments. She is not afraid of taking on Ministers and, indeed, I do not think she is afraid of taking on Google either in respect of protecting the rights of Islanders, in terms of their protection. I do not really want to add any more than that. The overwhelming view of this Assembly is that I think that she deserves re-appointment and we recognise again her significant contribution and wish her well for her next 5 years. **[Approbation]** I move the proposition and ask for the appel. I beg your pardon, Sir. To respond to the Connétable of St. Clement, I believe the appointment, which I have had email correspondence with the Connétable of St. Mary about, is as of when the States appoint under the Data Protection (Jersey) Law. So it is as of today for a 5-year term, as I understand it. I am sure the Attorney General will correct me if I am wrong. He is nodding. I move the proposition and ask for the appel.

### The Deputy Bailiff:

Very well, the proposition is made. The appel is called for on the renewal of the appointment of Mrs. Martins as Data Protection Commissioner. I invite any Members to return to their seats and ask the Greffier to open the voting.

<b>POUR: 34</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy M.R. Higgins (H)		
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy A.E. Jeune (B)				

Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

**The Deputy Bailiff:**

Now, Chairman?

**The Connétable of St. Mary:**

The business for forthcoming meetings will be as per the lavender sheet with the following few exceptions: on 1st February 2011 sitting we need to add: P.170 from today's sitting, that was the Shadow Boards and Ministerial Boards: Approval by the States in the name of Deputy Le Claire; and also P.171 moved from today's sitting, Ministerial Officers: Reduction, also in the name of Deputy Le Claire; and also the new proposition, Pomme d'Or Farm: Refurbishment, lodged by Deputy Green, P.177/2010. We have, as Members will know, referred to Scrutiny, P.143: Draft Employment (Amendment No. 6) (Jersey) Law. According to my records, that will go to the sitting on 15th February, which is in accordance with the Standing Orders. Those are all the changes that I have.

**The Deputy Bailiff:**

Are there any matters that any Member wishes to raise? Senator Perchard.

**Senator J.L. Perchard:**

I just wondered if you could give a judgment on the vagaries of a Minister, in this case the Minister for Treasury and Resources, proposing a proposition then proposing an amendment that, in fact, contradicts his proposition and whether it is unprecedented and, in fact, if it is in order?

**The Deputy Bailiff:**

The amendment has been approved by the Bailiff, so it is in order. Are there any other matters? No. Chairman, that is where we stand and the States now stands adjourned until 2.30 p.m. next Monday, 6th December.

**ADJOURNMENT**

[18:34]