

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 1st NOVEMBER 2011

QUESTIONS.....	8
1. Written Questions	8
1.1 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING ‘VULTURE FUNDS’:	8
1.2 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING PROGRESS ON THE PUBLICATION OF THE ANNUAL REPORTS ON THE ENVIRONMENT AND CLIMATE CHANGE AND THE AIR QUALITY STRATEGY:	8
1.3 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING A PROGRESS REPORT ON E-GAMING:	9
1.4 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE GRANTING OF PLANNING PERMISSION:	11
1.5 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE TENDER FOR WASTE METAL OPERATIONS:	12
1.6 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING MANAGING A MAJOR INCIDENT:	14
1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE REMOVAL OF SUPPORT FOR HOLIDAY CLUBS:	16
1.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING BREAKDOWN OF BENEFITS IN THE ANNUAL REPORT:	19
1.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING IMPLEMENTATION OF RECOMMENDATIONS IN THE I.D.S. REVIEW:	20
1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE REVISION OF CSR TARGETS SET IN 2009:	21
1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING ESTIMATE OF COSTS OF INCOME SUPPORT:	24
1.12 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING ELECTION PROCEDURES:	26
1.13 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING CONSTRUCTIVE DISMISSAL:	28
1.14 SENATOR F. du H. LE GRESLEY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PUBLICATION OF THE REPORT ON FARM SHOPS:	28

1.15	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DETERMINATION OF SENIOR CIVIL SERVANTS' PAY AND CONDITIONS:	29
1.16	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING DETAILS OF HOSPITALITY EXPENSES:.....	30
1.17	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING HOSPITALITY EXPENSES:.....	31
1.18	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING HOSPITALITY EXPENSES:	31
1.19	DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE AWARDING OF CONTRACTS:.....	32
2.	Oral Questions.....	51
2.1	Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the scheduled delivery date of the £100 notes to commemorate the Jubilee:.....	51
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	51
2.1.1	Senator S.C. Ferguson:	51
2.1.2	Deputy F.J. Hill of St. Martin:	51
2.1.3	The Deputy of St. Martin:.....	51
2.1.4	Deputy M. Tadier of St. Brelade:	52
2.1.5	Deputy M. Tadier:	52
2.1.6	Deputy G.P. Southern of St. Helier:.....	52
2.1.7	Deputy M.R. Higgins of St. Helier:.....	53
2.1.8	Deputy P.V.F. Le Claire of St. Helier:	53
2.1.9	Deputy J.A.N. Le Fondré of St. Lawrence:	53
2.1.10	Deputy J.A.N. Le Fondré:	53
2.1.11	Senator S.C. Ferguson:.....	54
2.2	Deputy P.J. Rondel of St. John of the Minister for Economic Development regarding the qualifications held by the Ships Master at the time of the accident involving the States tug:.....	54
	Senator A.J.H. Maclean (The Minister for Economic Development):.....	54
2.2.1	The Deputy of St. John:	55
2.2.2	Connétable M.K. Jackson of St. Brelade:.....	55
2.2.3	The Deputy of St. John:	55
2.3	Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding the use by families of holiday clubs in 2010:	55
	Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):	55
2.3.1	Deputy G.P. Southern:.....	56
2.3.2	Deputy D.J.A. Wimberley of St. Mary:.....	56
2.3.3	Deputy M. Tadier:	56
2.3.4	Deputy J.A. Martin of St. Helier:	56
2.3.5	Deputy G.P. Southern:.....	57
2.3.6	Deputy P.V.F. Le Claire:	57
2.4	Deputy P.V.F. Le Claire of the Minister for Health and Social Services regarding the monitoring of the nuclear power station and reprocessing facilities at Cap de la Hague:.....	58
	Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):.....	58
2.4.1	The Deputy of St. John:	58
2.4.2	Deputy P.V.F. Le Claire:	59
2.5	Deputy M.R. Higgins of the Minister for Economic Development regarding the number of people directly and indirectly employed in the fulfilment industry:.....	59
	Senator A.J.H. Maclean (The Minister for Economic Development):.....	59
2.5.1	Deputy M.R. Higgins:.....	59

2.5.2 Deputy J.A. Martin:	60
2.5.3 Deputy G.P. Southern:	60
2.5.4 The Deputy of St. Mary:	60
2.5.5 Deputy A.T. Dupré of St. Clement:	61
2.5.6 Deputy M. Tadier:	61
2.5.7 Deputy M. Tadier:	61
2.5.8 Deputy M.R. Higgins:	62
2.6 Senator F. du H. Le Gresley of the Chief Minister regarding delays in settling the claims against the States of Jersey for compensation by some of the former residents of children's homes who suffered abuse whilst in care:	62
Senator T.A. Le Sueur (The Chief Minister):	62
2.6.1 Senator F. du H. Le Gresley:	62
2.7 The Deputy of St. Martin of the Minister for Treasury and Resources regarding the long-term consequences for business ownership and locally generated personal income tax returns:	63
Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	63
2.7.1 The Deputy of St. Martin:	63
2.7.2 Deputy T.M. Pitman of St. Helier:	63
2.7.3 The Deputy of St. Mary:	64
2.7.4 The Deputy of St. Mary:	64
2.7.5 Deputy M. Tadier:	65
2.7.6 Deputy M. Tadier:	65
2.7.7 Deputy G.P. Southern:	66
2.7.8 Deputy M.R. Higgins:	66
2.7.9 Senator J.L. Perchard:	66
2.7.10 Deputy T.A. Vallois of St. Saviour:	66
2.7.11 The Deputy of St. Martin:	67
2.8 The Deputy of St. Mary of the Minister for Transport and Technical Services regarding the processing of items collected for recycling:	67
The Connétable of St. Brelade (The Minister for Transport and Technical Services):	67
2.8.1 The Deputy of St. Mary:	68
2.8.2 Deputy M. Tadier:	68
2.8.3 Deputy M. Tadier:	68
2.8.4 The Deputy of St. John:	69
2.8.5 Deputy S. Pitman of St. Helier:	69
2.8.6 Deputy S. Pitman:	69
2.8.7 The Deputy of St. Mary:	69
2.9 Deputy M. Tadier of the Minister for Treasury and Resources regarding the proposed Lesquende development in St. Brelade:	70
Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):	70
2.9.1 Deputy A.E. Jeune of St. Brelade:	70
2.9.2 The Connétable of St. Brelade:	70
2.9.3 Deputy M. Tadier:	71
2.10 Deputy M.R. Higgins of The Minister for Treasury and Resources regarding the impact of the recession on the Island:	71
Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	71
2.10.1 Deputy M.R. Higgins:	71
2.10.2 The Deputy of St. John:	72
2.10.3 Deputy G.P. Southern:	72
2.10.4 Deputy G.P. Southern:	73
2.10.5 The Deputy of St. Mary:	73

2.10.6	The Deputy of St. Mary:	73
2.10.7	Deputy A.E. Jeune:	73
2.10.8	Connétable A.S. Crowcroft of St. Helier:	74
2.10.9	Deputy M.R. Higgins:	74
2.10.10	Deputy M.R. Higgins:	74
2.11	The Deputy of St. Mary of the Minister for Planning and Environment regarding who made the decision to grant permission for the redevelopment of the former Portelet Holiday Village site:	75
	Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):	75
2.11.1	Deputy P.V.F. Le Claire:	75
2.11.2	Senator A. Breckon:	76
2.11.3	Deputy M. Tadier:	76
2.11.4	The Deputy of St. Mary:	76
2.11.5	The Deputy of St. Mary:	77
2.12	The Deputy of St. Martin of the Chief Minister regarding a review of the U.K. Human Rights Act 1998:	77
	Senator T.A. Le Sueur (The Chief Minister):	77
2.12.1	The Deputy of St. Martin:	77
2.13	Senator F. du H. Le Gresley of the Minister for Planning and Environment regarding an update on the review of the draft supplementary planning guidance for Island Plan Policy H3 (Affordable Housing):	78
	Deputy R.C. Duhamel (The Minister for Planning and Environment):	78
2.13.1	Senator F. du H. Le Gresley:	78
2.14	Deputy G.P. Southern of the Minister for Treasury and Resources regarding the cost to the taxpayer of support (through supplementation and Income Support payments) of minimum wage jobs:	78
	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	78
2.14.1	Deputy G.P. Southern:	79
2.14.2	Deputy M. Tadier:	79
2.14.3	Deputy M. Tadier:	79
2.14.4	The Deputy of St. Mary:	80
2.14.5	Deputy G.P. Southern:	80
2.14.6	Deputy G.P. Southern:	80
3.	Questions to Ministers without notice - The Minister for Home Affairs	81
3.1	Deputy T.M. Pitman:	81
	Senator B.I. Le Marquand (The Minister for Home Affairs):	81
3.1.1	Deputy T.M. Pitman:	81
3.2	The Deputy of St. Mary:	81
3.2.1	The Deputy of St. Mary:	82
3.3	Deputy J.B. Fox of St. Helier:	82
3.4	Senator F. du H. Le Gresley:	83
3.5	The Connétable of St. Helier:	83
3.6	Senator T.J. Le Main:	83
3.6.1	Senator T.J. Le Main:	83
3.7	The Deputy of St. Martin:	84
3.8	Deputy M.R. Higgins:	84
3.9	Senator T.J. Le Main:	85
4.	Questions to Ministers without notice - The Chief Minister	85
4.1	The Deputy of St. Martin:	85
	Senator T.A. Le Sueur (The Chief Minister):	85

4.1.1	The Deputy of St. Martin:	85
4.1.2	The Deputy of St. Martin:	85
4.2	Connétable D.W. Mezbourian of St. Lawrence:	85
4.3	Senator F. du H. Le Gresley:	86
4.4	The Deputy of St. John:	86
4.4.1	The Deputy of St. John:	86
4.5	Deputy G.P. Southern:	87
4.5.1	Deputy G.P. Southern:	87
4.6	Connétable D.J. Murphy of Grouville:	87
4.7	Deputy M.R. Higgins:	87
4.8	Deputy M.R. Higgins:	88
4.9	The Deputy of St. John:	88
4.10	Senator J.L. Perchard:	89
4.11	The Deputy of St. John:	89
4.11.1	The Deputy of St. John:	89

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY.....89

5. Statement by the Minister for Treasury and Resources regarding relocation of the States of Jersey Police Headquarters90

5.1	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	90
5.1.1	Senator T.J. Le Main:	90
5.1.2	Deputy J.A. Martin:	91
5.1.3	Senator S.C. Ferguson:	91
5.1.4	Senator P.F. Routier:	92
5.1.5	Senator F. du H. Le Gresley:	92
5.1.6	Deputy T.M. Pitman:	93
5.1.7	The Deputy of St. John:	93

PUBLIC BUSINESS.....93

6. Draft Currency Notes (Variation of Maximum Denomination No. 2) (Jersey) Regulations 201- (P.131/2011).....94

6.1	Senator P.F.C. Ozouf (The Minister for Treasury and Resources):	94
6.1.1	Senator S.C. Ferguson:	95
6.1.2	The Deputy of St. John:	96
6.1.3	The Connétable of St. Peter:	96
6.1.4	Deputy J.B. Fox:	96
6.1.5	The Deputy of St. Mary:	97

LUNCHEON ADJOURNMENT PROPOSED.....97

LUNCHEON ADJOURNMENT.....97

6.1.6	Senator P.F. Routier:	97
6.1.7	Deputy J.A.N. Le Fondré:	98
6.1.8	The Connétable of St. Ouen:	100
6.1.9	Deputy E.J. Noel of St. Lawrence:	100
6.1.10	The Connétable of Grouville:	101
6.1.11	Deputy J.A. Martin:	101
6.1.12	Deputy M. Tadier:	102
6.1.13	Deputy G.P. Southern:	103
6.1.14	Senator T.A. Le Sueur:	103
6.1.15	Deputy T.M. Pitman:	104

6.1.16	Senator J.L. Perchard:	104
6.1.17	The Deputy of St. Martin:	105
6.1.18	Deputy M.R. Higgins:	105
6.1.19	Senator P.F.C. Ozouf:	106
	Senator S.C. Ferguson (Chairman, Corporate Services Scrutiny Panel):	109
6.2	Senator P.F.C. Ozouf:	109
6.2.1	The Deputy of St. John:	109
6.2.2	Senator P.F.C. Ozouf:	109
7.	Disciplinary and grievance hearings: right to a friend (P.112/2011)	109
7.1	The Deputy of St. Martin:	110
7.1.1	Senator T.A. Le Sueur:	111
7.1.2	Senator A. Breckon:	113
7.1.3	The Deputy of St. Mary:	113
7.1.4	Deputy J.A. Martin:	115
7.1.5	The Connétable of St. Brelade:	116
7.1.6	Deputy I.J. Gorst of St. Clement:	116
7.1.7	Deputy G.P. Southern:	118
7.1.8	Senator P.F. Routier:	119
7.1.9	Deputy M. Tadier:	120
7.1.10	Deputy M.R. Higgins:	121
7.1.11	The Deputy of St. Martin:	122
8.	Clos des Sables: further development – petition (P.121/2011)	125
9.	Draft Policing of Parks (Amendment No. 3) (Jersey) Regulations 201- (P125/2011)	125
9.1	The Connétable of St. Brelade (The Minister for Transport and Technical Services):	125
9.1.1	Deputy G.P. Southern:	126
9.1.2	The Deputy of St. Mary:	126
9.1.3	Deputy J.B. Fox:	127
9.1.4	The Connétable of St. Brelade:	127
	The Deputy of St. Mary (Vice-chairman, Environment Scrutiny Panel):	127
9.2	The Connétable of St. Brelade:	127
9.3	Draft Policing of Parks (Amendment No. 3) (Jersey) Regulations 201- (P.125/2011): amendment (P125/2011 Amd.)	128
9.3.1	The Connétable of St. Brelade:	128
9.4	The Connétable of St. Brelade:	128
9.4.1	The Connétable of St. Helier:	128
8.4.2	The Connétable of St. Brelade:	128
10.	Draft Money Laundering and Weapons Development (Directions) (Jersey) Law 201- (P128/2011)	129
10.1	Senator T.A. Le Sueur (The Chief Minister):	129
9.1.1	Deputy T.A. Vallois:	130
9.1.2	The Deputy of St. Mary:	130
10.1.3	Senator T.A. Le Sueur:	131
9.2	Senator T.A. Le Sueur:	132
10.3	Draft Money Laundering and Weapons Development (Directions) (Jersey) Law 201- (P.128/2011): amendment (P.128/2011 Amd.)	132
10.3.1	Senator T.A. Le Sueur:	132
10.4	Senator T.A. Le Sueur:	133

10.4.1	Senator F. du H. Le Gresley:	133
10.4.2	Deputy M. Tadier:.....	133
	Mr. H. Sharp, H.M. Solicitor General:	133
10.4.3	The Deputy of St. Mary:.....	133
10.4.4	Senator T.A. Le Sueur:.....	134
11.	Jersey Financial Services Commission: extension of Commissioners' appointments (P.129/2011)	135
	[Debate proceeded in camera]	135
	ARRANGEMENT OF PUBLIC BUSINESS.....	136
12.	Connétable J. Gallichan of St. Mary:.....	136
13.	Draft Employment Tribunal (Amendment No. 2) (Jersey) Regulations 201- (P.135/2011	137
13.1	Deputy I.J. Gorst (The Minister for Social Security):	137
	The Connétable of St. Lawrence (Vice-Chairman, Health, Social Security and Housing Scrutiny Panel):	137
	ADJOURNMENT.....	138

[9:30]

The Roll was called and the Greffier of the States led the Assembly in Prayer.

[9:45]

QUESTIONS

1. Written Questions

1.1 THE DEPUTY OF ST. MARY OF THE CHIEF MINISTER REGARDING 'VULTURE FUNDS':

Question

Can the Chief Minister outline what progress, if any, he is making on ensuring that so called 'vulture funds' cannot operate or pursue claims in Jersey?

Answer

On 14th September a Ministerial Decision was made to present a Green Paper Consultation on Debt Relief for Poorer Countries as a report to the States Assembly. I duly presented the report (R.114/2011) to Members on 15th September and the Green Paper was put out to public consultation later that day.

The consultation closing date is 8th December 2011 and once all responses have been received the views expressed by respondents will be reviewed and decisions will be made on the next steps to be taken.

1.2 THE DEPUTY OF ST. MARY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING PROGRESS ON THE PUBLICATION OF THE ANNUAL REPORTS ON THE ENVIRONMENT AND CLIMATE CHANGE AND THE AIR QUALITY STRATEGY:

Question

Would the Minister give a progress report on the following documents and outline the reasons for the delays in their publication –

- (i) 'Annual Report on the Environment' promised in the Strategic Plan
- (ii) 'Air Quality Strategy' promised in the Strategic Plan
- (iii) 'Annual Report on climate change and peak oil and the impact on policies of the States', which resulted from my amendment to the Strategic Plan?

Answer

The Deputy will recall that the department pledged to combine item iii (Climate Change and Peak oil) with item i (Annual Report on the Environment). We are pleased to report that this has been published and is available on the Greffe website (R126/11). The Department regrets that this has taken longer than we would have liked and that we had indicated previously.

The reason for the delay is resource pressure within the Department and thus the decision to prioritise operational issues. For example the Department over the past few months has had a significant workload in relation to scrutiny reviews, the emerging fisheries management issues with

Guernsey, a restructuring of the fisheries team following voluntary redundancies, and overseas work in relation to the rural economy.

Item ii – The Air Quality Strategy (or Air Quality Action plan) is in an advanced state of development and only requires a final consultation phase before it can be implemented. Some delays have occurred for good reason. These include very positive discussions with the Health Minister around cross departmental transfer of functions and resource constraints around key officers with the Environment team.

1.3 THE DEPUTY OF ST. MARY OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING A PROGRESS REPORT ON E-GAMING:

Question

Can the Minister outline what progress, if any, has been made on the following issues upon which he gave assurances during the debate on P.28/2010 (Establishment of a regulatory and licensing regime for e-gaming for Jersey) on 21st April 2010, namely

- (a) a report on all aspects of e-gaming, including the likely scope of any potential problems, the measures to be taken to reduce the harm caused and so on;
- (b) the consultation into the Code of Practice for the e-gaming operations which might set up in Jersey?

Answer

The debate on P28/2010 (Establishment of a Regulatory and Licensing Regime for E-gaming for Jersey) was an *In Principle* proposition debated Wednesday, 21st April 2010. Having scrutinised the Hansard transcript of the debate I can find no reference to an agreement to the broad undertaking set out under point (a) of this question or the specific requirement of point (b). Understandably, the Assembly have debated various pieces of gambling legislation over the last two years, and I propose the Deputy of St Mary must be alluding to an undertaking made at the conclusion of the debate on the Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey) Regulations 201- (P.199/2010), on Thursday, 3rd March 2011.

Here I assented to 2 specific requests from Deputy M.R. Higgins, namely:

- (a) To report on the progress of strategies and programmes to reduce any social harm.
- (b) That e-gaming licences should not be issued until the Codes of Practice have been approved.

As the Deputy for St Mary was active not only in this particular debate, but was also a member of the Scrutiny Panel that examined P.199/2010, I am confident this proposition is the premise for his written question. Each area will be addressed in turn.

(a) Strategy to reduce and prevent social harm

The Commission established a Social Responsibility Panel to inform policy and offer advice on how best to meet its key objectives, for example, to:

- protect children and vulnerable persons from addiction and other forms of harm associated with gambling; and

- make assistance available to persons who are or may be affected by problems related to excessive gambling.

The Panel is made up of an independent Chair, a representative of the gambling industry and a specialist from public health. These individuals are experts in their own particular fields and all members give their time free of charge. To date and in line with its remit to investigate and engage a bespoke counselling service for Jersey, the Panel has agreed to trial an online help provider. This provider is Gambling Therapy and www.gamblingtherapy.je has been established as a dedicated website for Jersey residents. Counsellors may also be contacted by e-mail Jersey@gamblingtherapy.je.

Staff and trained counsellors from Gambling Therapy have visited Jersey a number of times; they know the local gambling sector and understand the pressures that a problem gambler and their family may face. The Panel has approved posters and leaflets for this service, which have been distributed to betting offices, Citizens Advice and the library. It should also be noted that CI Lottery terminals already carry responsible play banners but the content will also refer to Gambling Therapy services. Dependent on the data returned from Gambling Therapy and the assessment of individuals seeking help through this service, the Panel will move to arrange either regular or *ad hoc* face-to-face sessions with a Jersey based counsellor.

The Panel have also been active in the production of the Responsible Gambling Codes of Practice, in particular the area of self-exclusion. Having requested a brief survey of self-exclusion processes across the betting industry in Jersey, it was evident that the majority of operators have in place a mechanism for self-barring from betting. With the pending adoption of the new Gambling Law in 2012 and the overhaul of the 1960s regulations, the Gambling Commission will be enabled to impose licence conditions on the terrestrial industry above those operational requirements prescribed in the 1965 Regulations and for the first time compliance with schemes such as self-exclusion procedures will become mandatory.

The majority of off and on-course bookmakers made voluntary contributions to the Social Responsibility fund at the level recommended by the Commission. These firms and individuals will be acknowledged in the 2012 annual report of the Commission.

(b) Codes of Practice

The Gambling Commission (Consultation on Codes of Practice) (Jersey) Order 2011 (R&O.136/2011) was made on 18th October 2011 and came into force on 25th October 2011. This Order specifies, as the title suggests, the procedure for consultation on codes of practice about gambling, and for publication and effective dates of approved codes. It should be understood that prior to this Order being made the Jersey Gambling Commission had no vires for the inception and adoption of Codes of Practice. While a licence could have been granted governed solely by licence conditions and not predicate on a Code of Practice, this, in line with my undertaking, has not occurred.

The Commission launched consultations on three different Codes of Practice on 28th October 2011:

- Responsible Gambling Code of Practice applicable to E-gaming Operators;
- Responsible Gambling Code of Practice applicable to Land Based Operations;
- Code of Practice in Respect of Technical Standards applicable to Remote Gambling Operators.

The first two Codes of Practice deal directly with responsible gambling measures for the remote and terrestrial industry; the third code details those technical standards required by e-gaming

operators to meet licensing criteria and once again this includes the use of tools in respect of age verification, play limits, spend limits and other social responsibility requirements. Copies of these consultations are available on the Commissions website www.jgc.je and have been sent to current (terrestrial) licensees, individuals signed up to the consultation register and other interested parties.

1.4 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE GRANTING OF PLANNING PERMISSION:

Question

Does Jersey have an equivalent to a Section 106 Agreement found within the UK Town and Country Planning Act 1990 which allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission?

What amount of money, if any, was levied from flats that were approved during both Senator Ozouf's and Senator Cohen's tenures as President of the Environment and Public Services Committee and Minister for Planning and Environment respectively and how many were approved?

Answer

Planning Obligation Agreements were first introduced into Jersey via Amendment No. 8 of the Island Planning (Jersey) Law, 1964, which was adopted by the States in November 2002. The provision was carried through into the Planning and Building (Jersey) Law 2002, when it was adopted in 2006.

In both cases, the provision allows the Minister to enter into agreement with the owner of an interest in land to

- (a) restrict the development or use of land in a specified way;
- (b) require a specified operation or activity to be undertaken in, on, over or under the land; or
- (c) require the land to be use in a specified way.

Typically, planning obligation agreements are used on larger projects to ensure that a developer adheres to a States policy objective which cannot be controlled by a condition on the planning permission. Agreements must be relevant to the development under consideration by the Minister and also to a reasonable planning objective. Examples include the carrying out of infrastructure improvements (provision of a footpath or bus shelter), controlling the occupancy of residential units to a particular group of people (either to first time buyers or the over 55s) or to the handing over of monies for the supplementation of a public service (such as enhancements to the bus service).

In relation to the second part of the question, the amount of money required from Planning Obligation Agreements relating to flats is as follows:

Senator Ozouf.

Bergerac Apartments, St. Brelade (54 flats and 45 houses)

- a) Bus shelter - £3,000

Fields 181, 182, 183 St Peter (24 flats and houses)

a) Extend cycle track from airport to railway walk - £30,000
Westview Farm

a) Highway improvements on road junction

Senator Cohen

Portelet Holiday Village (46 flats and 7 houses).

a) Bus shelter - £6,000

Old Canning Factory, Chellow Dene etc., Plat Douet (14 flats and 20 houses)

a) Junction improvement – work carried out by developer - sum unknown

b) Pedestrian refuge – work carried out by developer - sum unknown

Esplanade Quarter (outline permission for 388 flats, plus offices, retail, restaurant, hotel and other uses)

a) Public art - £825,000

b) Transport (dependant on set tariffs per square metre of final floor space, not yet decided) - sum not yet calculated

Castle Quay (280 flats, plus office, retail and restaurant uses)

a) CCTV - £68,000

b) Transport - £105,877

1.5 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE TENDER FOR WASTE METAL OPERATIONS:

Question

Further to a request from Picot and Rouillé Limited Scrapyard at the beginning of October 2011 which was circulated to all States Members, would the Minister provide Members with the following details –

- (a) where and when the advertisement to tender for the waste metal operations was placed and how many replies were received?

- (b) when the current operator was given notice that the contract would go out to tender, when the current contract expires, how long the current operator has been a tenant of the States and whether they have breached their tenancy agreement and, if so, how?
- (c) whether the business belongs to the States, as claimed in advert, and, if so, can members see the annual accounts?
- (d) within any tender process are the existing employees to be transferred to any new operator, and, if so, have discussions taken place with the current company and how many staff will be affected?
- (e) would the Minister explain the rationale behind the decision to tender off-Island for this work?
- (f) were the company books reviewed before the tender process began?
- (g) did the Minister consider reviewing the current arrangement with the existing tenants and if not, why not?

Answer

- (a) where and when the advertisement to tender for the waste metal operations was placed and how many replies were received?

The “expressions of interest” advertisement for the scrap metal contract was placed in: *Jersey Evening Post*, *Materials Recycling Week (UK/International)*, *British Metals Recycling Association*, *FEDEREC [Federation of Professional Recycling] (France)*, *Official Journal of the EU*. All the advertisements were released on the 16th September 2011, although some publications were a few days later.

22 expressions of interest have been received from the following jurisdictions: Jersey 7, Guernsey 2, France 2, England 10, Scotland 1.

- (b) when the current operator was given notice that the contract would go out to tender, when the current contract expires, how long the current operator has been a tenant of the States and whether they have breached their tenancy agreement and, if so, how.

Picot and Rouillé Ltd., were informed of the Department’s intention to re-tender the contract at a meeting on 4th November 2010. The meeting was between officers of the department, the Directors of the company and their advisor a Mr A. Crowe.

The current contract is formed in two parts; a property lease for the site, held with Jersey Property Holdings and a Service Level Agreement (SLA) with Transport and Technical Services. The lease expires December 24th 2012 and the SLA has been extended to match the duration of the lease.

The States of Jersey have had a long association with Picot & Rouillé Ltd., and in general the relationship has been a good one. As with most contracts of this nature there have been some issues particularly more recently on Health and Safety and environmental practices. TTS has not pursued any breach of agreement.

- (c) whether the business belongs to the States, as claimed in advert, and, if so, can members see the annual accounts?

Picot and Rouillé Ltd., are an independent trading company. The States of Jersey are not shareholders. Neither the States or Picot and Rouillé have any sole rights to the scrap metal business in Jersey and there are a number of other companies receiving and dealing in waste metals.

The operation in Bellozanne Valley is run by the company on a States owned site under a service level agreement. Part of the agreement is that the company accounts are reported to TTS but the Department is bound to respect the commercial sensitivity of this information particularly with the contract soon to be tendered.

- (d) within any tender process are the existing employees to be transferred to any new operator, and, if so, have discussions taken place with the current company and how many staff will be affected?

The tender process has only just received expressions of interest. It would be premature to engage in such discussions as it is not yet known how the new service will operate. Should the current operator be unsuccessful in bidding for the new contract, it may well be that the new operator takes advantage of the existing skills base but TTS does not intend to stipulate this contractually.

- (e) would the Minister explain the rationale behind the decision to tender off-Island for this work?

The waste metals market has changed over recent years, as have the environmental standards associated with the industry. The current financial climate and pressures on the public sector to become more businesslike and provide best value have led to a decision to widely test both the market and operational opportunities to update the way this service is provided for the Island. A wide net is intended to ensure the best outcome is achieved and it is pleasing that 7 local companies, including the current operator, have expressed an interest and are participating in the tender process

- (f) were the company books reviewed before the tender process began?

The quarterly and final yearly accounts are reviewed by the Department's finance team.

- (g) did the Minister consider reviewing the current arrangement with the existing tenants and if not, why not?

At the last point of contract renewal in 2007 the property lease and SLA were extended with the current company without open competition. For the reasons given above and taking into account the need to provide the States of Jersey with value for money it was deemed appropriate to seek ideas from the open market. This process does not exclude the existing tenants but should provide new ideas and improved opportunities in providing this service.

1.6 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING MANAGING A MAJOR INCIDENT:

Question

1. Would the Chief Minister advise whether local officers such as the Coxswain of the St Helier Life Boat, former lifeboat crew and also senior staff of C.I. Air Search, French Air and Sea

Rescue services were invited to be part of the Managing a Major incident training on 6th and 7th October 2011?

2. Was our sister Island of Guernsey invited to send representatives to attend, and, if not, why not?
3. Were casualties from the local shipping disaster the St Malo contacted to give a first hand account of their experiences?
4. How many of those people involved in the exercise stayed overnight at the Radisson Hotel and what was the total cost of their accommodation, for both the off-Island and on-Island participants?
5. If local representatives, Channel Island Air Search, Guernsey and French Rescue services were not invited, will the Chief Minister be arranging a similar exercise to involve them and, if not, why not?
6. Does the Minister accept that seeking advice from UK experts as opposed to a pan Channel Island/French approach is less valuable, given that the latter are more likely to be involved in any incident in Island Waters?

Answer

1. The officers to which the Deputy refers were not part of the incident training event held on 6th and 7th October. The event was specifically designed for Chief Officers of Services and Departments in Jersey who could be called upon to lead and co-ordinate a response to a major incident. Officers such as those the Deputy mentions would be expected to be on active involvement rather than management and co-ordination.

Although not a legal requirement under Jersey Law, such training of a Gold Command Group is required under UK Law, and the Emergency Planning Council view is that this training is not only best practice but absolutely essential.

2. Whilst Guernsey would need its own Gold Command structure and training, a representative from Guernsey was a delegate to the event.
3. No. This was a generic exercise, and although the scenario in this exercise could have been land based, a sea based event was chosen to reflect the higher risk of a sea based incident in Jersey, and to involve as many officers as possible. The purpose of the event was for senior officers to work and learn together for any major incident.
4. 30 people stayed overnight for the event, 9 from off Island and 21 from Jersey. The total cost of the exercise was £19,811 with accommodation and meals accounting for £5,558.25, of which £2,642.40 was for off-Island participants (which covers two nights accommodation) and £2,915.85 for on-Island participants.

Had the exercise taken place off-island at an accredited Training Centre, the cost would have been about £1,750 per delegate. A UK based course would also necessarily mean that 24 Chief and Senior Officers would be off Island for 2 to 3 days, which would not only add further to the cost but would leave the Island exposed to greater risk should any major or minor incident occur during that time. In contrast, the cost for the exercise in Jersey was approximately £825 per delegate.

5. Whilst those the Deputy mentioned do not form part of the Gold Command team, the overall training plan means that further exercises at a more operational level will be undertaken to include these important elements of any joint response.
6. Certainly not. The presenters and trainers in this exercise are internationally recognised as experts in this field and the Emergency Planning Council believe that the safety of Islanders and visitors to Jersey is paramount and is deserving of the best possible advice. At an operational level it might indeed be appropriate to have such parties in attendance.

1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE REMOVAL OF SUPPORT FOR HOLIDAY CLUBS:

Question

Will the Minister explain to members why he has removed support for holiday clubs and confirm that this facility will no longer be available to working parents?

Will he further state –

- (a) how much money has been saved by this measure?
- (b) how many staff are involved?
- (c) how he expects parents to be able to continue to work during the school holidays without this support?
- (d) how the removal of this service promotes any of the aims supported by this Assembly in the Strategic Plan 2009-2014?
- (e) what estimate he has for the cost per child of replacing this service for families who must continue to work through school holidays?

Does the Minister accept that the removal of this service to working families may tip the economic balance between work and non-work?

Answer

I can confirm that although Activity Clubs will no longer be run by my department, other options will be available for working parents. This was identified as a saving for 2012 and was agreed by this Assembly as part of the 2012 Business Plan. The ESC department will continue to run a wide range of increasingly popular holiday activities, for a large number of young people, either directly, or in partnership with clubs, associations and private providers.

The decision to cease the ESC activity clubs was arrived at as they were no longer cost-effective, and did not provide equal opportunities for all children. Furthermore, there are a range of providers who are able to meet the needs of this particular group of young people and parents.

The Education department used to be the sole provider of Activity Clubs formerly known as Education Play schemes, which were run in ESC facilities during the school holidays. This is no longer the case.

In future, Activity Clubs will be provided in partnership with existing childcare companies, charities and specialist voluntary organisations. The existing registered child care providers have confirmed that they are able to accommodate all children, and will work closely with the department to ensure that this provision will continue to be available to all working parents.

At present children attending ESC Activity Clubs are subsidised by the taxpayer as the service runs at a loss, whereas the children attending clubs run by private registered providers receive no subsidy and are expected to pay the full cost. ESC has been competing unfairly with these providers who do not have the same access to facilities and subsidy from the States. I am confident that the range of services available will meet the needs of all young people in the 4 to 12 age group.

The charge per hour for ESC activity clubs was £2.80. In order to cover the full cost of the service the charge to parents would have needed to increase significantly in line, if not above, other providers whose costs start at £3.10 per hour and go up to £4.50 per hour dependent on the activities on offer.

In addition the numbers attending the ESC clubs has reduced in recent years making them even less viable. This demonstrates that more parents are choosing to use one of the many alternatives available.

Parents who qualify for childcare under Income Support, or Childcare tax exemption, will, as now, continue to receive assistance when accessing alternative registered providers.

In answer to the specific questions;

- a) The overall saving will be £80,000 per year.
- b) There is one full time member of staff who has taken Voluntary Redundancy. There are 26 part time staff who work during the school holidays. Of the 11 weeks on offer most staff, who are mainly students, will work an average of 3 or 4 weeks. It is anticipated that students will still be required to assist in clubs operated by private providers.
- c) Parents will be able to continue to work during the school holidays, as there is sufficient capacity offered by other providers. If there is extra demand for facilities the Department is committed to work with them to provide access to suitable premises, if required.
- d) Changes to the service are consistent with the aims contained in the Strategic Plan 2009 – 2014, specifically priorities 3 and 4 which is to reform the public service to improve efficiency and also to ensure sustainable public finances.

- e) On average children attended the ESC activity clubs for two and half weeks per year. Dependant on the club selected by the parents and the range of activities offered, the increased cost to a parent will range between £26.25 and £159.92 per year.

I do not accept that this will tip the economic balance between work and non-work as parents will still be able to access a wide range of holiday clubs. Low income parents or children with special needs will continue to be supported as now. Following discussions with Autism Jersey they have agreed to take on the administration and funding of the service for this particular group and the specialist provision at Mont a L'Abbe will continue.

Ultimately, the changes proposed will allow the more experienced private sector providers to improve the overall quality of service and offer more choice and flexibility of activities and venues.

Extract from the Draft Annual Business Plan 2012 (P.123/2011): Thirteenth amendment (P.123/2011 Amd. (13)----Comments presented to the States on 9th September by the Minister of Education, Sport and Culture.

(5) Play schemes and Outdoor Education

The Deputy of St. Mary has requested the Department's budget shall be increased by £54,990 with respect to the "Play schemes and Outdoor education" line in the Department's service analysis in order to maintain the value of funding in this area.

ESC activity clubs were initially established as no other provider offered this service in Jersey. Now there are a number of providers delivering a similar service across the Island.

The Minister for Education, Sport and Culture aims to work closely with the private and voluntary sector organisations to ensure activity clubs remain affordable and available to parents who rely upon them.

Activity Clubs provide an important contribution to childcare services in Jersey. The Minister is keen that all children requiring a place receive one, and that the place is affordable and that quality in childcare services continue to increase. It is proven that working closely with the voluntary and private sector (e.g. with the Nursery Education Fund) has improved quality and delivered a more cohesive and flexible service for parents (e.g. increased choice of providers and locations).

Private sector providers are well placed to deliver childcare of high quality and flexibility and more choice of activities and venues for children.

Meetings have already taken place with parents to inform them of proposed changes, and discussions have been ongoing with existing providers over the use of Education, Sport and Culture facilities to expand their provision in appropriate locations.

Specialist activity clubs for children with special needs will not be affected. At this time, parents receiving the Childcare Component of Income Support to access activity clubs will continue to receive this support.

As part of the requirement placed on the Department to reduce expenditure, this proposal will make an ongoing saving of £80,000 from 2012.

1.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING BREAKDOWN OF BENEFITS IN THE ANNUAL REPORT:

Question

Will the Minister advise whether he will implement recommendation 7 of the Scrutiny Report SR.3/2011 into benefit levels (that a full breakdown in terms of individual components of the total paid through Income Support (IS) be made public in the Annual Report and Accounts) and, if not, why?

Does the Minister accept that the absence of any published analysis of £95 million of benefit expenditure is contrary to the Council of Minister's commitment to open and accountable government?

Will he agree to the publication of a breakdown of the sums that have been dispensed on individual components of IS and, if so, when will he do so?

Will he agree to bring to the Assembly a report containing an analysis of the proportions of IS households which support claimants who are working or unemployed, pensioners, have children and live in States rental or private rental accommodation and, if so, when?

Does the Minister have any figures which reveal changes in the sums delivered by component or types of household over the period that IS has been in place and, if not, what analysis will be undertaken to address priorities for social support systems for the future?

Answer

As I advised in my response to the Scrutiny Report S.R. 3/2011 -Review of Benefit Levels, this topic is covered by the Income Support departmental review and further detail will be provided when this review is complete. For ease of reference the relevant extract from the response to the report is reproduced below:

	Panel Finding / Recommendation	Response from Minister
F.9	Key Finding 9 (Page 71) There is clearly a need to make public a regular report schedule on Income Support, including the cost of each component.	This topic is covered by the departmental review and further detail will be provided when the departmental review is complete. Income Support claimants do not receive their benefits in the form of individual components. They receive a variable amount of money, calculated as a balance between the household income and their maximum Income Support entitlement. There are a number of different ways in which the "cost" of a specific component
R.7	Recommendation 7 (Page 71) The Minister for Social Security must publish the cost of each component of Income Support in his Department Annual Report and Accounts.	

F.12	<p>Key Finding 12 (Page 80)</p> <p>Accurate figures for the sums which are paid to the States Housing Department and to private landlords are essential for the development of future housing policy.</p>	<p>could be presented.</p>
R.10	<p>Recommendation 10 (Page 80)</p> <p>The Sub-Panel recommends that the Minister for Social Security makes public accurate figures of gross annual payments of the accommodation components of Income Support.</p>	<p>It may be more useful to publish information based on the type of household receiving the benefit, for example, the total value of Income Support paid to pensioners. This would be a far less ambiguous calculation, which could be compared from year to year.</p> <p>These options are being considered as part of the departmental review.</p>

The Income Support review is underway and I would expect the new Minister to liaise with the Scrutiny Panel to decide on the most appropriate way of providing this information.

1.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING IMPLEMENTATION OF RECOMMENDATIONS IN THE I.D.S. REVIEW:

Question

In the light of the refusal of both her department and the States Employment Board's to implement the recommendations of the Income Data Services review of recruitment and retention of nurses, will the Minister give members detailed information on the concrete proposals she has to address the issues raised?

Does the Minister accept the findings of the report which suggest that significant pay rises (of the order of 17%) are required if nursing vacancy rates are to be addressed in the long term?

Answer

The IDS report did find that Grade 5 nurses are 17% worse off than their UK counterparts once housing costs had been factored in. The report did not, however, recommend a 17% pay rise.

HSSD accepts that we are part of a global labour market and, if we are to recruit and retain high calibre nurses and midwives, we must be able to compete. Pay is obviously a critical factor in making Jersey attractive but there are many other important issues relating to broader terms and conditions of employment, the working environment, accommodation, access to training, career opportunities and overall quality of life. Managing our nurse vacancy rate in the long term is about more than salary increases, even if such increases could be afforded.

Since the publication of the IDS report discussions have taken place between:

- the States Employment Board

- HSSD Management
- employee representatives from the three unions that comprise the nurses and midwives pay group (Royal College of Nursing; Royal College of Midwives; the Jersey Nursing Association/Unite)

As a result, I confirm the following proposals have been agreed:

1. More flexibility will be applied to the current relocation arrangements. In future nurses and midwives recruited from outside Jersey will be able to immediately access £3,000 of the available £8,000 to assist with their relocation.
2. Additional nurses will be recruited in order to ease the operational pressures in elderly mental health services.
3. Amendments will be made to the current pay structure including:
 - changing the starting increment for newly qualified nurses and midwives, so that all registered nurses start on Grade 4, as opposed to some starting on Grade 3. Newly qualified staff will start at a lower increment on Grade 4 and experienced staff will start on a higher increment. This change will result in the Grade 3 band becoming available to support the development of new roles, for example the progression of healthcare assistants.
 - Revise the Grade 8 structure to allow the expansion of roles whilst retaining the nurses and midwives pay structure.

1.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE REVISION OF CSR TARGETS SET IN 2009:

Question

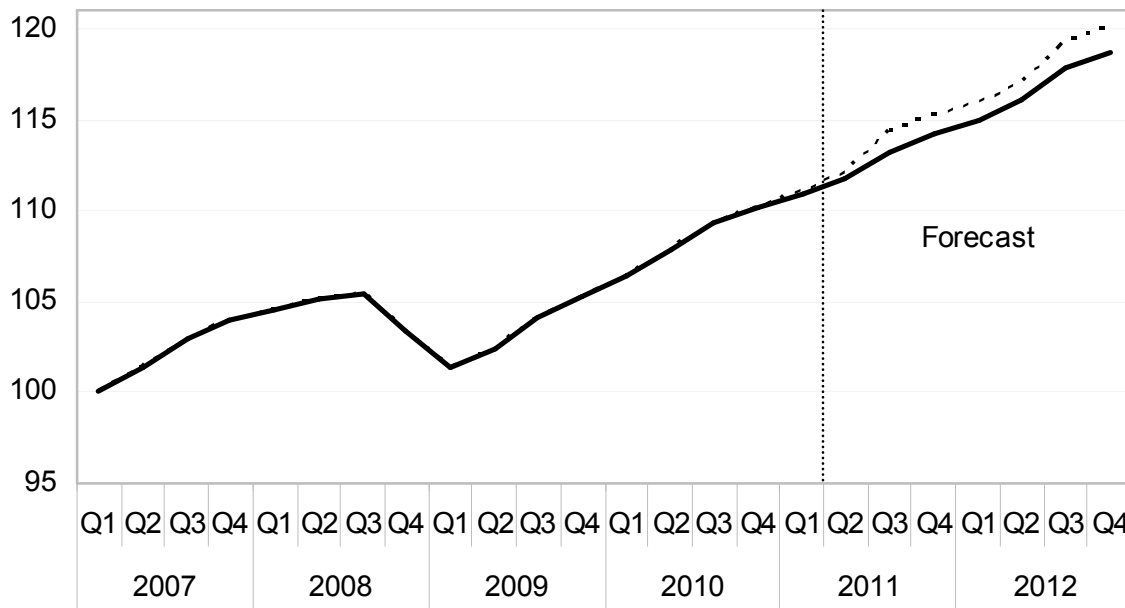
In the light of continuing record unemployment figures, worsening business prospects over the whole economy, continuing uncertainty over economic prospects in Europe and the increased risk of double-dip recession in the UK, would the Minister revise the CSR targets he set in 2009, in order to prevent further hardship amongst Jersey households and promote economic recovery?

Answer

The international outlook has deteriorated in many of the developed economies in recent months and this has impacted on global economic growth expectations. However, as the chart below shows, the expectation is still for growth, but at a lower level than before.

Chart 1: Index of World GDP (2007 Q1 = 100)

(black line: actual GDP and growth expectations in September 2011, dotted line: growth expectations in June 2011)



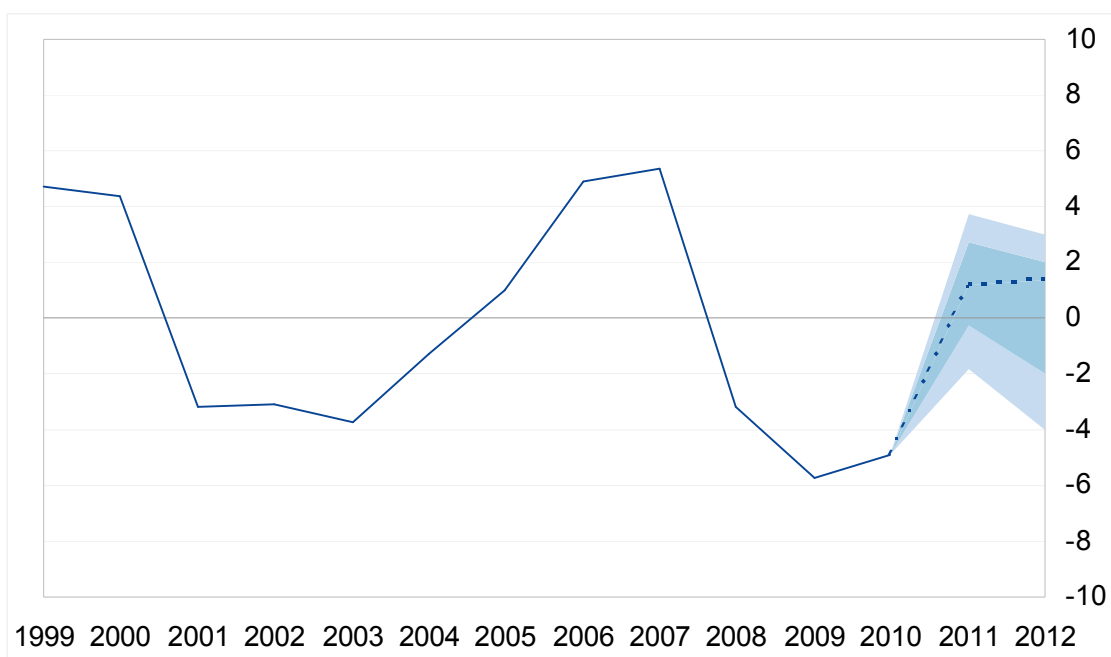
Source: IMF World Economic Outlook, June 2011 Update and September 2011

This slower level of expected growth will have an impact on our economic recovery. The Fiscal Policy Panel (FPP) has recently published an updated economic forecast for Jersey on the basis of the most recent local and international data and expectations (Chart 2). The FPP expect modest economic growth of 0% to 3% this year and slightly less growth in 2012 with a risk of a small decline (range -2% to +2%).

Chart 2: Economic forecast for Jersey

% change in GVA on year before

(dotted line and dark blue range represent central expectations, light blue range represent outlying expectations)



Source: Fiscal Policy Panel Annual Report October 2011 Update

The expected return to growth in 2011 and 2012 should help prevent any further hardship of Islanders in what will be a difficult period. Although unemployment is at its highest level, it should be noted that employment in the first half of 2011 also rose to its highest recorded level, showing that some businesses are starting to increase employment again. In addition, we are actively addressing the issue of unemployment through our “Advance to Work” and “Advance to Work Plus” schemes, both of which will continue next year.

Members will recall the following key recommendations made by the FPP:

- The implementation of the Fiscal Strategy and Comprehensive Spending Review measures in Budget 2011 and the Business Plan 2012 provide an absolute minimum.
- The Stabilisation Fund (or other money) should not be used for further discretionary stimulus at this stage.
- Should the economic situation deteriorate, the States should be ready to support economic activity without weakening States’ finances.

The CSR objective to ‘control States spending by setting tough but achievable savings targets’ (2012 Business Plan) is consistent with these recommendations. A requirement of a healthy economy is to have spending under tight control and the predicted structural deficit bridged. Revising CSR targets downwards would be detrimental to achieving this objective and the Minister is not prepared to do so.

The 2012 Budget proposals are intended to help many households whilst ensuring that we bring our finances back to balance by 2013. I have announced that there will be further initiatives to stimulate and support economic activity next year without weakening our financial position.

1.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING ESTIMATE OF COSTS OF INCOME SUPPORT:

Question

Will the Minister provide an estimate of the overall cost to taxpayers of the support given in Income Support and supplementation to the maintenance of low-paid jobs (at or around the minimum wage) in the economy, and if not why not?

Answer

There is little evidence currently available to identify the number of workers employed at or close to minimum wage. Attempts to measure the number have produced results that are difficult to analyse statistically, due to the low number of individuals identified. A question was asked in the Jersey Annual Social Survey 2008 and the recent Income Distribution Survey also examined wage rates.

The issue of income support being paid to workers on minimum wage was also considered by the Health, Social Security and Housing Scrutiny Panel during their 18 month review of benefit levels. Their published report did not provide any evidence of the number of IS claimants working at the minimum wage.

Feedback from sectors that are more likely to employ individuals at lower hourly rates suggest that the minimum wage is mainly used when employing entry-level, seasonal and youth workers and the majority of locally resident workers are paid above the minimum wage.

The Employment Forum has recently published its recommendations on the 2012 minimum wage. These include a proposal to undertake independent research to identify the extent of minimum wage jobs in Jersey. I have accepted this recommendation and this research will be undertaken next year.

Relevant extracts from reports mentioned above are included in the appendix to this question.

Both income support and supplementation are calculated on the basis of wages received, rather than the hourly rate paid. An individual working 40 hours at the current minimum wage (£6.32 ph) will earn £252.80 per week. The same wages would be received by an individual working 25 hours at £10.10 per hour, or 20 hours at £12.64 per hour. Data held within the Social Security Department records gross wages on a weekly or monthly basis. It does not differentiate between an individual working full time at the minimum wage as opposed to someone working part-time at a higher rate.

Supplementation is a mechanism to ensure that the majority of workers are able to claim a full pension in old age. As long as earnings in a month exceed a minimum threshold (currently set at £776), and contributions are paid by the employee and employer, then the contribution record for that employee is "supplemented" and is deemed to have been paid at the full rate. The cost of this supplementation has historically been borne by the States through an annual grant. Approximately 70% of all employees in Jersey receive some supplementation to their contribution record at any one time. An individual with a weekly wage of £252.80 would have supplementation of £62.77 added to their contribution record.

It should be noted that the States Grant in respect of supplementation has now been fixed for 2011, 2012 and 2013 following the adoption by the States Assembly of the Draft Social Security (Amendment of Law No. 1) (Jersey) Regulations 2011 in July this year.

Income support is only available to individuals with five years residence. Income support is based on household income and is only paid to households with total income below a given level. Income support is available to those with and without work but it provides a significant incentive for individuals to take up and remain in work. For example, the individual earning £252.80 per week and receiving income support, is £2,629 a year better off than a similar individual who is unemployed.

Given the limited data on the number of workers working at minimum wage, the wide variety of workers who receive supplementation, and the targeting of income support based on residency conditions and household circumstances, it is not possible to make any meaningful estimate of the cost of supplementation and income support to workers working close to the minimum wage.

Appendix

Extract from the Employment Forum Recommendation – Minimum wage rates for 1 April 2012¹; ‘Data on minimum wage earners’ section

“The Forum has been concerned for a number of years that this data is not available from current statistics and surveys. Discussions with the Statistics Unit indicate that it would not be possible to adapt an existing survey, or to initiate a new survey specifically for this purpose. One difficulty is that the equivalent surveys used to collect this information in the UK and Isle of Man are required to be completed by law, whereas there is no such requirement in Jersey. Returns are provided on a voluntary basis, which can become a burden for employers.

Another factor is the small numbers of employees involved; questions relating to the minimum wage were included in a Jersey Annual Social Survey (JASS). However, data representative of minimum wage earners was not available because the resulting sample of individuals earning the minimum wage was so small.

Data from the latest Income Distribution Survey (IDS) allows the number of minimum wage earners to be estimated at 400 +/- 200. However, there are limitations as the survey was not created for this purpose; there is unlikely to have been a representative sample of employees in the hospitality and agriculture industries, particularly seasonal workers. The Forum considers that perhaps this figure may be considered as representing the resident population of minimum wage earners, but is not confident in relying on this as a meaningful representation of the situation.

Those attending the public meeting expressed surprise at this low estimate of minimum wage earners. However, the minimum wage appears to be mainly paid in the agriculture and hospitality industries with a combined total of only 12 percent of the labour market - around 6,000 people - employed in those sectors in December 2010. Generally wages are banded and only a proportion of employees in a business will earn the minimum wage whilst other more experienced employees receive higher rates of pay.

In order to contemplate a higher minimum wage, or any other major changes to the system and method of calculation, the Forum must have data to fully consider the impact. The Forum particularly wants to receive information indicating the number of minimum wage employees in Jersey, the industries they work in, and the type of contracts, e.g. seasonal or permanent, part time

or full time. The Forum expects that expert independent research would have to be commissioned to achieve this aim.”

¹<http://gov.je/SiteCollectionDocuments/Working%20in%20Jersey/R%20Minimum%20Wage%20Recommendation%2020110927%20JJ.pdf>

Extract from JASS 2008²

Minimum wage

A small percentage (2%) of people reported that they earned less than £6 per hour gross wage (i.e. before deductions are made for tax, social security, accommodation and food provided by the employer, and also excluding overtime and bonuses). Of these people, the majority earned the minimum wage or above (the minimum wage was increased in April 2008 to £5.80 per hour). A very small number of people did report earning under the minimum wage. Whilst some of these reported being exempt from the minimum wage (for example because they are volunteers, or because the work is therapeutic) there was a very small number of people who self-reported that they are earning less than the minimum wage as their hourly rate

Extract from Response to Scrutiny report

Because only a very small proportion of workers receive the minimum wage, it is difficult to interpret survey data in this area, but it is known that the minimum wage is principally used in industries employing migrant labour. Seasonal workers are not eligible to receive Income Support. As accommodation is often included in the remuneration package, local residents often do not take up work in these sectors.

Although the Scrutiny Report created several theoretical examples using the minimum wage, it provided **no evidence** of Income Support claimants actually receiving the minimum wage, which bears out the limited information that is available.

The only evidence on earnings levels provided in the Scrutiny Report (page 98 section 18.6) is that average earnings for Income Support households in January 2010 were

- between £22,000 and £23,000 per year for couples with children; and
- above £15,000 for lone parents

This compares with the minimum wage at that time (£6.08 ph) giving annual earnings of £12,650 for a 40 hour week.

1.12 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE REGARDING ELECTION PROCEDURES:

Question

2

<http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20JASS2008%20200812%20SU.pdf>

Following the recent elections, will the Chairman undertake to ensure that all manifestos and other material published online by candidates on the vote.je website will be available for future reference?

Will the Chairman undertake to invite those who were elected unopposed to file a manifesto for the same purpose, to ensure accountability for them also?

If the answer to either or both of the above questions is no, would the Chairman explain why?

Will the Chairman undertake to highlight the following items for future consideration by the new Committee –

- (a) whether the candidates' manifesto booklet should be published and circulated before the opening of pre-poll and postal voting?
- (b) whether pre-poll voting should be situated at the bus station?
- (c) whether there should be a review of every aspect of media coverage and involvement in the period between nominations and election day?
- (d) whether the public and States Members should be openly invited to submit suggestions for improving the election process?
- (e) whether the notion of a rolling registration be revisited so that electors are not, by default, completing a registration form every year?

Answer

The vote.je website from the recent elections will be kept online and the candidates' manifestos will remain available. The only information that will be removed is practical information that is now outdated such as the dates of hustings meetings.

PPC does not consider it would be appropriate to ask those elected unopposed to prepare a 'manifesto' at this stage. A manifesto is prepared for the purposes of a contested election and a successful candidate's mandate comes in part from the fact that the electors have supported the policy proposals set out in the manifesto. A member can then be held to account in relation to the manner in which he or she has sought to implement the manifesto policies. PPC believes that there would be little value in asking candidates who were elected unopposed to prepare a 'manifesto' at this stage when that document could contain anything that the member wanted with no means of knowing whether or not the policies would have been supported by the electorate.

It is extremely likely that the new PPC will wish to review the lessons learnt from the recent single election day and the new Committee may wish to look at the issues raised by the questioner in parts (a) to (e) of this question. PPC's own views on the matters raised are as follows -

- (a) PPC agrees that candidates' manifestos should, if at all possible, be available as early as possible to electors and it was for this reason that they were uploaded to the vote.je website some 8 days after this year's nomination meetings. However there will always be an unavoidable delay in the production and distribution of the hard copy booklet to allow time for formatting, checking, printing and distribution (which can only be done by Jersey Post over the full course of a working week). It is likely that the opening of pre-poll voting (which occurred less than 2 weeks after the nomination meetings this year) would need to be delayed if it was necessary to await the distribution of the hard copy booklet. PPC would also point out that the

time available for pre-poll voting will be further restricted if the whole election period is shortened to 4 weeks as proposed by the questioner in his recent proposition P.174/2011.

- (b) Pre-poll voting arrangements are made by the Judicial Greffe and PPC would like to take this opportunity to thank the staff of the Judicial Greffe for the manner in which they handled pre-poll and postal voting arrangements this year. Although the location of pre-polling is a matter for the Judicial Greffe the Committee's own view is that pre-poll voting should be located in a convenient and accessible town centre location. It must also be borne in mind that the location needs to be secure for the storage of ballot papers, registers, etc. and although the bus station might be a convenient location for bus users it is unlikely to meet the necessary security requirements. In addition it is not as centrally located as other town centre premises.
- (c) The freedom of the press to report on elections is a fundamental aspect of any democratic society and PPC has not been made aware of any concerns that would merit a review.
- (d) It is almost inevitable that a further review of the election procedures will be undertaken by the new PPC and the present Committee is content to recommend that this review should include public consultation.
- (e) The introduction of a true rolling register in 2008 following amendments made to the Public Elections (Jersey) Law 2002 means that the parish electoral registers will no longer ever again be started afresh. An elector's name can only now be removed from the register if the parish becomes aware that an elector no longer resides in the parish or if the elector does not return the annual return for 3 consecutive years and attempts to contact the elector are unsuccessful. Despite the existence of a rolling register it is nevertheless important for steps to be taken to keep it as up to date as possible and the sending out of an annual return which shows the names of the electors on the register at the address in question is part of that updating process. It must nevertheless be stressed that any failure to return the annual return in any particular year does not lead to an elector being removed from the register and removal would only happen if this happened for 3 consecutive years.

1.13 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING CONSTRUCTIVE DISMISSAL:

Question

How many departing States employees have been compensated on the basis of 'constructive dismissal' in this year to date and in 2010? What sums were paid in each such case?

Answer

There have been no cases where States employees have left the service and claimed constructive dismissal or have been compensated on the basis of constructive dismissal for the period 1st January 2010 to 25th October 2011.

1.14 SENATOR F. du H. LE GRESLEY OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE PUBLICATION OF THE REPORT ON FARM SHOPS:

Question

Could the Minister explain why the report on farm shops, commissioned by his Department, was released to the media by the author when it is yet to be circulated to States Members?

Could the Minister advise when this report will be officially released?

Answer

The Farm Shop review was commissioned by the P&E Minister in February 2011. It followed concerns raised by the Planning Applications Panel in dealing with proposals from one farm shop in the east of the Island.

This work was commenced in June 2011 and involved the appointment of a non paid independent chairperson to oversee the work. The chairperson was also to conduct their own work in assessing the community benefit from such outlets.

A report from the chairperson was received in July 2011. Under the terms of the review, this report was a report to the Minister, and it was to be used to inform the work being undertaken by the Department.

It was unfortunate that the independent chair released this report to selected third parties. This was not done with the sanction of the Minister and was not an intended outcome.

The department is currently finishing off the review by assessing the planning permissions which apply. A final report will be produced by the end of the year which will be informed by the Independent Chairperson report and the more detailed professional planning assessments.

All States Members will be provided a copy prior to general release.

1.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DETERMINATION OF SENIOR CIVIL SERVANTS' PAY AND CONDITIONS:

Question

Would the Chief Minister advise members of the following –

- (a) who is responsible for determining senior civil servants (such as Chief Officers and Chief Accounting Officers) pay and conditions and list all the individuals and bodies involved and their roles and inter-relationships?
- (b) who is responsible for disciplining and dismissing senior civil servants guilty of misdemeanours or poor performance?
- (c) who is responsible for judging the efficiency/incompetence of senior civil servants?
- (d) what actions can be/are taken for dealing with incompetence or poor performing senior civil servants?
- (e) how many senior civil servants have been disciplined/dismissed for misdemeanours or incompetence in the last three years?
- (f) do contractual terms exist which require civil servants not to become politicised and to be truthful with Ministers and all States Members and, if not, what checks and balances are in

place to ensure that they give honest, truthful and non-evasive or misleading advice, information and answers to Ministers and States Members?

Answer

- (a) The States Employment Board.
- (b) A Chief Officer/Accounting Officer appointed before 1st January 2007 is subject to disciplinary action for minor breaches of conduct or capability by his or her Minister, and for repeated or more serious breaches of conduct or capability by a panel of three appointed by the States Employment Board.

A Chief Officer/Accounting Officer appointed on or after 1st January 2007 is subject to discipline/dismissal by the Chief Executive.

The Chief Executive is subject to disciplinary action for minor breaches of conduct or capability by the Chief Minister and for repeated or more serious breaches of conduct or capability by a panel of three members of the Council of Ministers nominated by the Chief Minister.

There are two Accounting Officers of small States Departments who are not Chief Officers. These employees are subject to discipline /dismissal by the standard Civil Service Disciplinary Procedure agreed by the States Employment Board. This procedure allows an appeal against dismissal to the Civil Service Forum consisting of Employer and Employee representatives.

- (c) The Chief Executive is responsible for judging the efficiency/competence of Chief Officers/Accounting Officers. The Chief Minister is responsible for judging the efficiency/competence of the Chief Executive.
- (d) Actions include performance monitoring, retraining/further development, redeployment, demotion, disciplinary warnings, and dismissal.
- (e) One Chief Officer/Accounting Officer has been disciplined for misdemeanours or incompetence in the last three years. There have been no dismissals for misdemeanours or incompetence over this period.
- (f) All Jersey Civil Servants at grade 12 and above are classified by contract of employment and Law to be politically ineligible in terms of taking a public part in political matters. The well established custom and practice and culture of the Jersey Civil Service is that it is politically neutral. Honesty and integrity in performing ones duties are implied contractual terms in all Civil Servants' employment and any employee who breaches this requirement is liable to disciplinary action.

1.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING DETAILS OF HOSPITALITY EXPENSES:

Question

Would the Chief Minister outline (date, nature and approximate value of) any hospitality given to himself, his Deputy Chief Minister or any of his Assistant Ministers and/or his senior officers by any firm, government or individual (including any person involved in any way with such a firm, government or individual) with whom they have contracted with, or dealt with, over the last three years, including in the case of his subordinates, whilst acting in their own right as a Minister or as his Assistant Minister during the present life of this States Assembly?

Answer

The Code of Conduct for Ministers and the Human Resources Code of Conduct provide guidance for Ministers and Civil Servants about receiving gifts and hospitality.

In order to reflect this guidance, the Department maintains a gifts and hospitality register in which entries are made of gifts and hospitality received by Ministers, Assistant Ministers and officers of the Chief Ministers Department. This register is available for inspection on request and I would be happy to arrange this for the Deputy.

I am confident these guidelines are followed correctly and that current arrangements are sufficiently robust.

1.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING HOSPITALITY EXPENSES:

Question

Would the Minister outline any hospitality given to himself, his Assistant Ministers and/or any of his senior officers by any firm (including any person involved in any way with such a firm) with whom the department has contracted with over the last three years or expects to contract with in the next two years?

Answer

The Code of Conduct for Ministers and the Human Resources Code of Conduct provide guidance for Ministers and Civil Servants about receiving gifts and hospitality.

In order to reflect this guidance the Department maintains a gifts and hospitality register in which entries are made of gifts and hospitality received by the Minister, his Assistant Ministers, or senior officers. This register is available for inspection on request by States Members and the Minister would be happy to arrange this for the Deputy.

In addition the Minister's calendar is open to access by senior officials and his diary commitments are discussed with those officers at weekly Ministerial meetings.

The Minister is confident these rules are followed correctly, that all hospitality was received in appropriate circumstances and that current arrangements are sufficiently robust.

1.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING HOSPITALITY EXPENSES:

Question

Would the Minister outline any hospitality given to himself, his Assistant Minister and/or any of his senior officers by any firm (including any person involved in any way with such a firm) with whom the department has contracted with over the last three years or expects to contract with in the next two years?

Answer

In accordance with Code of Conduct for Ministers and Financial Direction 2.4 the department ensures that no excessive hospitality is given or received from individuals or firms with whom the department contracts with. The department's hospitality register shows that no hospitality or gifts were received of a value in excess of £200 in the last three years. This position is not expected to change in the next two years.

1.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE AWARDING OF CONTRACTS:

Question

Would the Minister provide members with a table showing all contracts awarded in excess of £5,000 for work carried out for and on behalf of the department by private sector contractors showing the date, name of the contractor, nature of the work and value of the work or contract carried out over the last three years?

Answer

Preparing this response has been a time consuming exercise for my officers.

The Housing Department maintains strict standards regarding the issuing of contracts and complies with the States corporate procurement procedures in using the States e-tendering portal for the procurement of both capital and revenue contracts with a value of more than £20,000, other than where an existing fixed price or procurement framework agreement is already in place. This ensures complete transparency and provides regular opportunities for new contractors. Since the end of 2009 some 126 individual contracts have been procured in this manner.

During the course of 2009, 2010 and this current year the Housing Department has raised over 43,000 individual orders and contracts. The vast majority of these are related to the maintenance of the 4,500 homes under its administration. Of these orders and contracts only 548 have a value of £5,000 or more. A full summary of those orders is attached hereto. The Department would be happy to provide any further analysis required.

Contractor	Date	Value	Nature of Work
Jersey Gas Company Ltd	15/01/2009	10,297.20	Boiler Servicing
Alex Mcaulay Ltd	15/01/2009	6,715.00	External Decoration
A 1 Property Services	15/01/2009	6,792.31	Void Refurbishment
A H Turmel Builders Ltd	15/01/2009	7,682.66	Void Refurbishment
A H Turmel Builders Ltd	15/01/2009	5,627.86	Void Refurbishment
Charles Le Quesne (1956) Ltd	15/01/2009	10,506.95	Void Refurbishment

Charles Le Quesne (1956) Ltd	16/01/2009	6,990.23	Void Refurbishment
A 1 Property Services	20/01/2009	5,254.44	Void Refurbishment
Charles Le Quesne (1956) Ltd	21/01/2009	5,928.06	Void Refurbishment
Charles Le Quesne (1956) Ltd	22/01/2009	6,454.28	Void Refurbishment
A 1 Property Services	26/01/2009	6,325.35	Void Refurbishment
Dyno-Rod (Drain Services)	28/01/2009	25,382.32	Drainage Maintenance
A 1 Property Services	28/01/2009	5,011.90	Void Refurbishment
A H Turmel Builders Ltd	28/01/2009	6,754.03	Void Refurbishment
Charles Le Quesne (1956) Ltd	28/01/2009	5,086.86	Void Refurbishment
A 1 Property Services	04/02/2009	6,453.44	Void Refurbishment
Charles Le Quesne (1956) Ltd	04/02/2009	6,113.23	Void Refurbishment
A 1 Property Services	05/02/2009	5,173.62	Void Refurbishment
A 1 Landscape & Gardening Ltd	10/02/2009	9,485.64	Landscape Maintenance
A 1 Landscape & Gardening Ltd	10/02/2009	5,849.04	Landscape Maintenance
A 1 Landscape & Gardening Ltd	10/02/2009	5,407.56	Landscape Maintenance
A 1 Landscape & Gardening Ltd	10/02/2009	5,741.40	Landscape Maintenance
A 1 Landscape & Gardening Ltd	10/02/2009	5,415.84	Landscape Maintenance
Channel Insulation	12/02/2009	5,349.00	Insulation Improvements
R A Poree (Decorators) Ltd	12/02/2009	8,090.00	Internal Decoration
R A Poree (Decorators) Ltd	12/02/2009	7,656.00	Internal Decoration
A H Turmel Builders Ltd	12/02/2009	5,944.22	Void Refurbishment
Jersey Water	17/02/2009	10,785.00	Services Replacement
R A Poree (Decorators) Ltd	19/02/2009	10,928.00	Internal Decoration
A 1 Property Services	19/02/2009	5,087.59	Void Refurbishment
Charles Le Quesne (1956) Ltd	19/02/2009	6,197.92	Void Refurbishment
Houillebecq R S	20/02/2009	13,861.72	Fire and Flood Repairs
C A C Environmental Services Ltd	24/02/2009	5,485.00	Asbestos Work
Charles Le Quesne (1956) Ltd	24/02/2009	5,268.34	Void Refurbishment
D G R Slatter Decorators Ltd	25/02/2009	12,104.70	Internal Decoration
Moore E	26/02/2009	10,251.00	External Decoration

Channel Insulation	27/02/2009	5,542.14	Insulation Improvements
A 1 Property Services	02/03/2009	5,503.32	Void Refurbishment
Charles Le Quesne (1956) Ltd	03/03/2009	5,244.87	Void Refurbishment
Houillebecq R S	09/03/2009	9,568.00	External Decoration
A 1 Landscape & Gardening Ltd	09/03/2009	166,719.21	External Works
A 1 Landscape & Gardening Ltd	09/03/2009	49,056.49	Gutter Cleaning
Charles Le Quesne (1956) Ltd	09/03/2009	7,892.73	Void Refurbishment
A 1 Property Services	10/03/2009	5,035.63	Void Refurbishment
A H Turmel Builders Ltd	10/03/2009	5,099.96	Void Refurbishment
Charles Le Quesne (1956) Ltd	11/03/2009	8,518.83	Void Refurbishment
Alex Mcaulay Ltd	12/03/2009	7,420.00	External Decoration
Scott John	12/03/2009	6,610.00	External Decoration
Moore E	17/03/2009	7,369.00	External Decoration
Alex Mcaulay Ltd	18/03/2009	10,000.00	External Decoration
Alex Mcaulay Ltd	18/03/2009	14,576.00	External Decoration
Alex Mcaulay Ltd	18/03/2009	16,282.00	External Decoration
Alex Mcaulay Ltd	18/03/2009	5,501.00	External Decoration
Moore E	18/03/2009	5,865.00	External Decoration
Legg & Co	18/03/2009	7,850.00	Fire and Flood Repairs
R A Poree (Decorators) Ltd	18/03/2009	5,172.50	Internal Decoration
Scott John	18/03/2009	8,346.00	Internal Decoration
Jersey Gas Company Ltd	18/03/2009	8,460.00	Services Replacement
A H Turmel Builders Ltd	01/04/2009	5,456.91	Void Refurbishment
Charles Le Quesne (1956) Ltd	01/04/2009	5,426.22	Void Refurbishment
Cameron & Sons (Jersey) Ltd	07/04/2009	6,438.60	Playground Maintenance
Charles Le Quesne (1956) Ltd	16/04/2009	5,641.48	Void Refurbishment
Drainway Services Ltd	20/04/2009	5,610.00	Drainage Maintenance
Houillebecq R S	23/04/2009	8,837.40	Insulation Improvements
A H Turmel Builders Ltd	30/04/2009	7,710.54	Void Refurbishment
Charles Le Quesne (1956) Ltd	01/05/2009	6,179.80	Void Refurbishment

A H Turmel Builders Ltd	05/05/2009	5,294.86	Void Refurbishment
A H Turmel Builders Ltd	14/05/2009	9,644.12	Void Refurbishment
Charles Le Quesne (1956) Ltd	14/05/2009	5,445.26	Void Refurbishment
A 1 Property Services	15/05/2009	5,737.94	Void Refurbishment
A H Turmel Builders Ltd	15/05/2009	5,193.62	Void Refurbishment
D B Cummins (Jersey) Ltd	19/05/2009	373,740.00	Demolition
A H Turmel Builders Ltd	20/05/2009	6,087.54	Void Refurbishment
A C Mauger & Son (Sunwin) Ltd	21/05/2009	682,573.91	Major Refurbishment
Houillebecq R S	29/05/2009	12,157.90	Fire and Flood Repairs
A 1 Property Services	29/05/2009	5,182.43	Void Refurbishment
Charles Le Quesne (1956) Ltd	29/05/2009	5,432.75	Void Refurbishment
Alex Mcaulay Ltd	01/06/2009	29,654.00	External Decoration
Charles Le Quesne (1956) Ltd	09/06/2009	10,043.54	Void Refurbishment
Scott John	10/06/2009	16,221.00	External Decoration
T S Venton Ltd	10/06/2009	19,088.60	External Works
A H Turmel Builders Ltd	12/06/2009	6,550.51	Void Refurbishment
A C Mauger & Son (Sunwin) Ltd	15/06/2009	391,594.60	Major Refurbishment
A 1 Property Services	16/06/2009	6,672.59	Void Refurbishment
Charles Le Quesne (1956) Ltd	16/06/2009	6,467.97	Void Refurbishment
Otis Ltd	17/06/2009	5,324.00	Lift Maintenance
A H Turmel Builders Ltd	17/06/2009	6,630.69	Void Refurbishment
A C Mauger & Son (Sunwin) Ltd	17/06/2009	806,496.00	Major Refurbishment
A T C & Son (Electrical Contractors) Ltd	18/06/2009	129,614.47	Heating Upgrades
A 1 Property Services	25/06/2009	5,244.67	Void Refurbishment
A 1 Property Services	25/06/2009	5,063.87	Void Refurbishment
Charles Le Quesne (1956) Ltd	29/06/2009	10,976.31	Void Refurbishment
A H Turmel Builders Ltd	01/07/2009	9,890.83	Void Refurbishment
Alex Mcaulay Ltd	02/07/2009	31,445.00	External Decoration
Charles Le Quesne (1956) Ltd	03/07/2009	6,048.61	Void Refurbishment
D G R Slatter Decorators Ltd	10/07/2009	32,008.00	External Decoration

A 1 Property Services	10/07/2009	6,734.96	Void Refurbishment
Alex Mcaulay Ltd	23/07/2009	15,226.00	External Decoration
Alex Mcaulay Ltd	23/07/2009	15,405.00	External Decoration
Channel Insulation	23/07/2009	18,430.10	Insulation Improvements
A 1 Property Services	23/07/2009	7,588.87	Void Refurbishment
A H Turmel Builders Ltd	23/07/2009	5,075.14	Void Refurbishment
Charles Le Quesne (1956) Ltd	23/07/2009	6,796.52	Void Refurbishment
Charles Le Quesne (1956) Ltd	23/07/2009	8,486.24	Void Refurbishment
Coastline PVCU Products Ltd	24/07/2009	107,780.00	Window / Door Replacement
Geomarine Ltd	28/07/2009	19,968.77	External Works
Charles Le Quesne (1956) Ltd	28/07/2009	102,992.52	Major Refurbishment
Jersey Gas Company Ltd	31/07/2009	131,342.51	Boiler Servicing
Charles Le Quesne (1956) Ltd	06/08/2009	6,174.52	Void Refurbishment
A H Turmel Builders Ltd	07/08/2009	7,751.88	Void Refurbishment
Charles Le Quesne (1956) Ltd	17/08/2009	5,508.45	Void Refurbishment
Charles Le Quesne (1956) Ltd	18/08/2009	5,135.01	Void Refurbishment
Houillebecq R S	19/08/2009	5,500.31	Fire and Flood Repairs
Camerons Ltd	19/08/2009	5,875,958.00	New Build
A H Turmel Builders Ltd	26/08/2009	6,446.14	Void Refurbishment
A Le Sech (Asphalt Ltd) Ltd	01/09/2009	38,223.53	External Works
A H Turmel Builders Ltd	01/09/2009	6,908.97	Void Refurbishment
Charles Le Quesne (1956) Ltd	01/09/2009	5,118.16	Void Refurbishment
Jersey Telecom	02/09/2009	9,481.27	Services Replacement
A F M Jersey	10/09/2009	52,179.11	Insulation Improvements
Style Windows	10/09/2009	308,475.44	Window / Door Replacement
Channel Insulation	16/09/2009	6,719.32	Insulation Improvements
Channel Insulation	16/09/2009	7,170.00	Insulation Improvements
Dave Beck Roofing Contractors	16/09/2009	6,650.00	Roofing Replacement
A H Turmel Builders Ltd	17/09/2009	8,138.04	Void Refurbishment
A H Turmel Builders Ltd	17/09/2009	5,623.48	Void Refurbishment

A H Turmel Builders Ltd	17/09/2009	10,597.10	Void Refurbishment
A H Turmel Builders Ltd	18/09/2009	8,782.27	Void Refurbishment
Elite Garden & Property Services	21/09/2009	7,800.98	Landscape Maintenance
Elite Garden & Property Services	21/09/2009	14,599.70	Landscape Maintenance
A H Turmel Builders Ltd	21/09/2009	6,831.19	Void Refurbishment
D G R Slatter Decorators Ltd	23/09/2009	19,008.00	External Decoration
Jersey Electricity Plc	23/09/2009	61,200.00	Heating Upgrades
A 1 Property Services	25/09/2009	7,674.83	Void Refurbishment
Charles Le Quesne (1956) Ltd	25/09/2009	5,032.54	Void Refurbishment
A H Turmel Builders Ltd	29/09/2009	8,908.60	Void Refurbishment
Dyno-Rod (Drain Services)	30/09/2009	9,556.53	Drainage Maintenance
A H Turmel Builders Ltd	30/09/2009	7,081.92	Void Refurbishment
D G R Slatter Decorators Ltd	06/10/2009	11,828.00	External Decoration
Matrix	06/10/2009	115,835.00	External Works
A H Turmel Builders Ltd	06/10/2009	7,283.90	Void Refurbishment
Mcfarlane J	08/10/2009	131,340.00	Roofing Replacement
Scott John	13/10/2009	19,800.00	External Decoration
Geomarine Ltd	14/10/2009	37,740.00	Drainage Maintenance
A 1 Property Services	16/10/2009	6,616.77	Void Refurbishment
Jersey Gas Company Ltd	19/10/2009	229,013.53	Heating Upgrades
A H Turmel Builders Ltd	19/10/2009	5,823.95	Void Refurbishment
A 1 Landscape & Gardening Ltd	21/10/2009	7,439.41	Landscape Maintenance
Telefitters Ltd	22/10/2009	36,342.00	Digital TV Changeover
A H Turmel Builders Ltd	23/10/2009	5,898.57	Void Refurbishment
Dave Beck Roofing Contractors	30/10/2009	15,821.00	Roofing Replacement
A T C & Son (Electrical Contractors) Ltd	04/11/2009	6,083.00	Lighting Replacement
Beaumont Structural Consultancy	10/11/2009	6,439.42	External Works
A 1 Property Services	11/11/2009	8,087.63	Void Refurbishment
Charles Le Quesne (1956) Ltd	11/11/2009	15,973.29	Void Refurbishment
A T C & Son (Electrical Contractors) Ltd	12/11/2009	11,146.20	Lighting Replacement

Jersey Electricity Plc	16/11/2009	28,633.01	Electrical Mains Replacement
A Le Sech (Asphalt Ltd) Ltd	18/11/2009	29,388.73	External Works
A 1 Property Services	18/11/2009	37,481.93	Void Refurbishment
A H Turmel Builders Ltd	18/11/2009	5,871.18	Void Refurbishment
A 1 Property Services	19/11/2009	15,816.21	Playground Maintenance
A H Turmel Builders Ltd	20/11/2009	6,923.51	Void Refurbishment
A T C & Son (Electrical Contractors) Ltd	27/11/2009	6,000.00	Lighting Replacement
Charles Le Quesne (1956) Ltd	27/11/2009	7,336.77	Void Refurbishment
A 1 Landscape & Gardening Ltd	30/11/2009	8,826.10	Landscape Maintenance
A H Turmel Builders Ltd	30/11/2009	7,457.26	Void Refurbishment
Charles Le Quesne (1956) Ltd	30/11/2009	7,950.33	Void Refurbishment
Raffray Limited	16/12/2009	17,448.00	External Works
A H Turmel Builders Ltd	16/12/2009	5,624.10	Void Refurbishment
Raffray Limited	22/12/2009	5,530.00	External Works
Jersey Telecom	22/12/2009	5,162.00	Services Replacement
Jersey Gas Company Ltd	30/12/2009	10,229.00	Services Replacement
Raffray Limited	31/12/2009	14,430.75	External Works
Coastline PVCU Products Ltd	05/01/2010	5,725.00	Window / Door Replacement
Coastline PVCU Products Ltd	05/01/2010	71,712.85	Window / Door Replacement
A 1 Property Services	11/01/2010	6,941.14	Void Refurbishment
A 1 Property Services	11/01/2010	7,125.56	Void Refurbishment
A 1 Property Services	11/01/2010	9,786.56	Void Refurbishment
A H Turmel Builders Ltd	11/01/2010	5,886.46	Void Refurbishment
A H Turmel Builders Ltd	11/01/2010	9,218.80	Void Refurbishment
A H Turmel Builders Ltd	11/01/2010	9,149.75	Void Refurbishment
A C Mauger & Son (Sunwin) Ltd	13/01/2010	42,466.00	Window / Door Replacement
Otis Ltd	15/01/2010	110,965.08	Lift Maintenance
A H Turmel Builders Ltd	21/01/2010	6,225.15	Void Refurbishment
Jersey Gas Company Ltd	22/01/2010	186,120.42	Boiler Servicing
A 1 Landscape & Gardening Ltd	29/01/2010	19,985.82	Landscape Maintenance

Charles Le Quesne (1956) Ltd	02/02/2010	9,405.23	Void Refurbishment
A H Turmel Builders Ltd	08/02/2010	7,743.69	Void Refurbishment
A H Turmel Builders Ltd	08/02/2010	5,642.40	Void Refurbishment
A H Turmel Builders Ltd	08/02/2010	5,226.53	Void Refurbishment
A 1 Property Services	10/02/2010	5,432.40	Void Refurbishment
C A Frazier Group Ltd	12/02/2010	53,962.30	Landscape Maintenance
Charles Le Quesne (1956) Ltd	18/02/2010	10,620.56	Void Refurbishment
Dunbar & Boardman	22/02/2010	28,680.00	Lift Maintenance
Jersey Gas Company Ltd	25/02/2010	7,690.49	Boiler Servicing
Houillebecq R S	26/02/2010	6,844.10	Heating Upgrades
A H Turmel Builders Ltd	02/03/2010	10,274.14	Void Refurbishment
Style Windows	02/03/2010	116,567.64	Window / Door Replacement
Style Windows	03/03/2010	76,400.32	Window / Door Replacement
A 1 Property Services	09/03/2010	5,560.35	Void Refurbishment
Charles Le Quesne (1956) Ltd	09/03/2010	5,606.32	Void Refurbishment
TechniCare Service & Installations	15/03/2010	8,374.24	Lift Maintenance
Telefitters Ltd	24/03/2010	179,195.00	Digital TV Changeover
A H Turmel Builders Ltd	24/03/2010	8,595.70	Void Refurbishment
A T C & Son (Electrical Contractors) Ltd	26/03/2010	42,882.36	Heating Upgrades
Jersey Electricity Plc	26/03/2010	448,514.70	Heating Upgrades
A H Turmel Builders Ltd	01/04/2010	7,686.73	Void Refurbishment
Jersey Demolition Contractors Ltd	06/04/2010	23,850.00	Asbestos Work
Normandie Analytical Services	06/04/2010	6,750.00	Asbestos Work
Jersey Electricity Plc	06/04/2010	5,371.90	Heating Upgrades
Four Seasons Roofing Contractors	06/04/2010	36,882.93	Roofing Replacement
Jersey Electricity Plc	06/04/2010	16,047.00	Services Replacement
Jersey Water	06/04/2010	57,364.13	Services Replacement
C A Frazier Group Ltd	08/04/2010	14,684.00	Landscape Maintenance
A T C & Son (Electrical Contractors) Ltd	09/04/2010	176,043.26	Heating Upgrades
A 1 Property Services	09/04/2010	5,321.16	Void Refurbishment

A 1 Property Services	13/04/2010	5,163.25	Void Refurbishment
TechniCare Service & Installations	16/04/2010	6,492.00	Lift Maintenance
Jayen Ltd	17/04/2010	291,885.00	External Works
A 1 Landscape & Gardening Ltd	21/04/2010	14,311.30	Landscape Maintenance
A 1 Property Services	21/04/2010	5,468.24	Void Refurbishment
A H Turmel Builders Ltd	21/04/2010	7,969.76	Void Refurbishment
A H Turmel Builders Ltd	21/04/2010	8,747.40	Void Refurbishment
A H Turmel Builders Ltd	21/04/2010	5,599.63	Void Refurbishment
A H Turmel Builders Ltd	21/04/2010	8,247.73	Void Refurbishment
Charles Le Quesne (1956) Ltd	21/04/2010	5,650.60	Void Refurbishment
Charles Le Quesne (1956) Ltd	21/04/2010	6,513.25	Void Refurbishment
Charles Le Quesne (1956) Ltd	21/04/2010	7,618.29	Void Refurbishment
A 1 Property Services	22/04/2010	16,015.57	Insulation Improvements
Tony Pallot Health & Safety Training	22/04/2010	7,995.00	Statutory Safety Surveys
Charles Le Quesne (1956) Ltd	26/04/2010	6,954.26	Void Refurbishment
Amiante	29/04/2010	5,760.00	Asbestos Work
Canal Engineering Ltd	29/04/2010	27,350.00	External Works
A 1 Property Services	30/04/2010	18,276.73	Void Refurbishment
A 1 Property Services	30/04/2010	8,829.47	Void Refurbishment
A 1 Property Services	30/04/2010	6,576.00	Void Refurbishment
A 1 Property Services	30/04/2010	10,572.12	Void Refurbishment
Building Renovations Ltd	05/05/2010	19,945.99	Insulation Improvements
Four Seasons Roofing Contractors	05/05/2010	32,914.71	Insulation Improvements
Scott John	06/05/2010	10,400.20	External Decoration
Scott John	06/05/2010	10,834.25	External Decoration
Scott John	06/05/2010	39,515.42	External Decoration
Scott John	06/05/2010	5,885.26	External Decoration
Scott John	06/05/2010	10,596.25	External Decoration
Scott John	06/05/2010	10,332.80	External Decoration
Scott John	06/05/2010	74,098.68	External Decoration

Scott John	06/05/2010	22,911.25	External Decoration
D G R Slatter Decorators Ltd	12/05/2010	8,568.00	External Decoration
A H Turmel Builders Ltd	12/05/2010	5,769.15	Void Refurbishment
ACE Engineering	20/05/2010	12,166.12	External Works
Pro-Fit Services	20/05/2010	24,431.00	Window / Door Replacement
G4S Secure Solutions (Jersey) Limited	21/05/2010	10,997.12	Gutter Cleaning
Charles Le Quesne (1956) Ltd	24/05/2010	6,766.12	Void Refurbishment
Four Seasons Roofing Contractors	25/05/2010	122,435.47	Roofing Replacement
ACE Engineering	26/05/2010	15,960.00	External Works
A 1 Property Services	26/05/2010	54,320.33	Major Refurbishment
A 1 Property Services	26/05/2010	10,253.85	Void Refurbishment
Camerons Ltd	04/06/2010	20,489.75	External Decoration
Camerons Ltd	04/06/2010	5,726.08	External Decoration
A 1 Property Services	04/06/2010	6,560.70	Gutter Cleaning
Charles Le Quesne (1956) Ltd	07/06/2010	8,147.31	Void Refurbishment
A 1 Property Services	08/06/2010	5,216.41	Void Refurbishment
L N B Windows	08/06/2010	245,296.00	Window / Door Replacement
Scott John	09/06/2010	47,300.00	External Decoration
A H Turmel Builders Ltd	16/06/2010	5,581.72	Void Refurbishment
Alex Mcaulay Ltd	17/06/2010	41,847.49	External Decoration
Alex Mcaulay Ltd	17/06/2010	7,382.80	External Decoration
Alex Mcaulay Ltd	17/06/2010	6,599.95	External Decoration
Alex Mcaulay Ltd	17/06/2010	42,586.05	External Decoration
Coastline PVCU Products Ltd	17/06/2010	818,656.72	Roofing / Window Replacement
A 1 Property Services	21/06/2010	8,760.75	Void Refurbishment
Pro-Fit Services	21/06/2010	16,657.50	Window / Door Replacement
Four Seasons Roofing Contractors	22/06/2010	183,042.71	Roofing Replacement
Four Seasons Roofing Contractors	22/06/2010	165,565.52	Roofing Replacement
Four Seasons Roofing Contractors	22/06/2010	212,286.10	Roofing Replacement
Four Seasons Roofing Contractors	22/06/2010	5,094.07	Roofing Replacement

Raffray Limited	28/06/2010	9,167.00	External Works
A 1 Property Services	01/07/2010	5,516.29	Void Refurbishment
A 1 Property Services	02/07/2010	6,348.28	Void Refurbishment
Jersey Gas Company Ltd	06/07/2010	87,734.54	Services Replacement
M & H Painters and Decorators	07/07/2010	43,697.55	External Decoration
M & H Painters and Decorators	07/07/2010	8,563.05	External Decoration
Lane Construction Ltd	07/07/2010	11,124.00	Roofing Replacement
A H Turmel Builders Ltd	07/07/2010	6,548.00	Void Refurbishment
Charles Le Quesne (1956) Ltd	12/07/2010	6,050.00	Void Refurbishment
Jersey Electricity Plc	12/07/2010	101,239.00	Services Replacement
A C Mauger & Son (Sunwin) Ltd	13/07/2010	9,440,838.00	New Build
Tony Pallot Health & Safety Training	20/07/2010	7,650.00	Statutory Safety Surveys
Charles Le Quesne (1956) Ltd	26/07/2010	449,196.20	Major Refurbishment
Jersey Electricity Plc	28/07/2010	65,473.10	Heating Upgrades
Jersey Electricity Plc	28/07/2010	61,576.90	Heating Upgrades
G4S Secure Solutions (Jersey) Limited	28/07/2010	34,288.00	Lighting Replacement
ALcontrol On-Site Services	30/07/2010	7,605.00	Asbestos Work
Four Seasons Roofing Contractors	02/08/2010	129,072.50	Roofing Replacement
Four Seasons Roofing Contractors	02/08/2010	251,322.08	Roofing Replacement
Mcfarlane J	02/08/2010	80,233.55	Roofing Replacement
Mcfarlane J	02/08/2010	194,001.00	Roofing Replacement
A H Turmel Builders Ltd	02/08/2010	7,807.53	Void Refurbishment
Charles Le Quesne (1956) Ltd	02/08/2010	6,315.09	Void Refurbishment
Ace Locksmiths	03/08/2010	14,216.00	External Works
A H Turmel Builders Ltd	05/08/2010	5,706.84	Void Refurbishment
A 1 Property Services	10/08/2010	9,014.72	Void Refurbishment
Jersey Water	12/08/2010	194,407.46	Services Replacement
A 1 Property Services	16/08/2010	5,212.36	Kitchen Replacement
A T C & Son (Electrical Contractors) Ltd	17/08/2010	161,878.12	Heating Upgrades
Jersey Electricity Plc	17/08/2010	134,105.18	Heating Upgrades

Jersey Electricity Plc	17/08/2010	111,155.85	Heating Upgrades
Jersey Electricity Plc	17/08/2010	118,190.28	Heating Upgrades
Smail & Richards	17/08/2010	26,739.89	Heating Upgrades
Smail & Richards	17/08/2010	22,921.25	Heating Upgrades
Smail & Richards	17/08/2010	27,214.65	Heating Upgrades
Smail & Richards	17/08/2010	38,451.13	Heating Upgrades
Smail & Richards	20/08/2010	14,526.14	Heating Upgrades
Smail & Richards	20/08/2010	14,670.04	Heating Upgrades
Wholesale Supplies (CI) Ltd	20/08/2010	9,715.39	Heating Upgrades
Wholesale Supplies (CI) Ltd	20/08/2010	10,502.18	Heating Upgrades
A 1 Property Services	23/08/2010	8,247.32	Fire and Flood Repairs
Building Renovations Ltd	23/08/2010	40,703.35	Insulation Improvements
Otis Ltd	23/08/2010	5,080.00	Lift Maintenance
Charles Le Quesne (1956) Ltd	23/08/2010	6,147.51	Void Refurbishment
Charles Le Quesne (1956) Ltd	23/08/2010	6,673.66	Void Refurbishment
Wholesale Supplies (CI) Ltd	24/08/2010	10,640.00	Heating Upgrades
Wholesale Supplies (CI) Ltd	24/08/2010	9,644.93	Heating Upgrades
Wholesale Supplies (CI) Ltd	24/08/2010	17,822.89	Heating Upgrades
Wholesale Supplies (CI) Ltd	24/08/2010	21,723.21	Heating Upgrades
Charles Le Quesne (1956) Ltd	24/08/2010	6,024.01	Void Refurbishment
Schindler Ltd	25/08/2010	5,608.00	Lift Maintenance
A T C & Son (Electrical Contractors) Ltd	26/08/2010	93,089.02	Heating Upgrades
A T C & Son (Electrical Contractors) Ltd	26/08/2010	64,644.86	Heating Upgrades
A T C & Son (Electrical Contractors) Ltd	26/08/2010	110,774.62	Heating Upgrades
Jersey Electricity Plc	26/08/2010	111,925.55	Heating Upgrades
Jersey Electricity Plc	26/08/2010	28,453.31	Heating Upgrades
Smail & Richards	26/08/2010	26,888.82	Heating Upgrades
Smail & Richards	26/08/2010	30,447.84	Heating Upgrades
Smail & Richards	26/08/2010	18,065.57	Heating Upgrades
Smail & Richards	26/08/2010	25,765.93	Heating Upgrades

Wholesale Supplies (CI) Ltd	26/08/2010	16,823.36	Heating Upgrades
Wholesale Supplies (CI) Ltd	26/08/2010	8,913.68	Heating Upgrades
Wholesale Supplies (CI) Ltd	26/08/2010	11,290.79	Heating Upgrades
Wholesale Supplies (CI) Ltd	26/08/2010	12,918.29	Heating Upgrades
A 1 Property Services	26/08/2010	5,215.66	Void Refurbishment
Jersey Electricity Plc	02/09/2010	17,163.83	Electrical Mains Replacement
Jersey Electricity Plc	02/09/2010	28,268.58	Electrical Mains Replacement
Jersey Electricity Plc	02/09/2010	100,730.80	Electrical Mains Replacement
A 1 Landscape & Gardening Ltd	02/09/2010	6,125.53	Landscape Maintenance
A H Turmel Builders Ltd	08/09/2010	5,593.93	Heating Upgrades
Channel Insulation	09/09/2010	45,264.37	Insulation Improvements
A 1 Property Services	13/09/2010	5,397.50	Void Refurbishment
Scott John	16/09/2010	25,935.00	Internal Decoration
Scott John	16/09/2010	12,041.00	Internal Decoration
Scott John	16/09/2010	10,467.00	Internal Decoration
A H Turmel Builders Ltd	23/09/2010	9,896.45	Void Refurbishment
A H Turmel Builders Ltd	23/09/2010	10,273.22	Void Refurbishment
Otis Ltd	30/09/2010	68,225.00	Lift Maintenance
A 1 Landscape & Gardening Ltd	05/10/2010	8,900.00	Demolition
Charles Le Quesne (1956) Ltd	05/10/2010	5,493.65	Void Refurbishment
Wholesale Supplies (CI) Ltd	13/10/2010	6,456.80	Heating Upgrades
A H Turmel Builders Ltd	18/10/2010	6,268.67	Void Refurbishment
A 1 Property Services	19/10/2010	6,785.09	External Works
A 1 Property Services	19/10/2010	6,061.94	Void Refurbishment
Charles Le Quesne (1956) Ltd	20/10/2010	5,294.94	Heating Upgrades
Charles Le Quesne (1956) Ltd	20/10/2010	6,689.99	Void Refurbishment
A H Turmel Builders Ltd	21/10/2010	27,956.90	Void Refurbishment
A C Mauger & Son (Sunwin) Ltd	22/10/2010	148,824.54	Fire Safety Upgrades
A 1 Property Services	26/10/2010	15,262.23	External Works
Scott John	26/10/2010	6,840.00	Internal Decoration

Charles Le Quesne (1956) Ltd	27/10/2010	189,670.14	Major Refurbishment
A 1 Landscape & Gardening Ltd	02/11/2010	6,981.60	External Works
A H Turmel Builders Ltd	02/11/2010	5,785.62	Heating Upgrades
A H Turmel Builders Ltd	02/11/2010	10,643.29	Void Refurbishment
Wholesale Supplies (CI) Ltd	03/11/2010	5,004.85	Heating Upgrades
Amiante	05/11/2010	5,898.75	Asbestos Work
Silverdell (UK) Ltd	05/11/2010	26,859.32	Asbestos Work
Brenwal Ltd	11/11/2010	146,795.41	Drainage Maintenance
Arup Rothwell	15/11/2010	6,000.00	External Decoration
Jersey Electricity Plc	15/11/2010	9,699.88	Heating Upgrades
Ace Locksmiths	25/11/2010	5,818.00	Window / Door Replacement
Silverdell (UK) Ltd	29/11/2010	18,780.00	Asbestos Work
Forecourt Services	02/12/2010	17,887.00	Heating Upgrades
Cameron & Sons (Jersey) Ltd	06/12/2010	16,688.71	External Works
A 1 Property Services	09/12/2010	5,278.44	Void Refurbishment
A H Turmel Builders Ltd	09/12/2010	7,504.75	Void Refurbishment
Jersey Electricity Plc	15/12/2010	87,141.80	Electrical Mains Replacement
Jersey Electricity Plc	15/12/2010	67,860.00	Electrical Mains Replacement
Jersey Electricity Plc	15/12/2010	61,343.03	Electrical Mains Replacement
Jersey Electricity Plc	15/12/2010	55,937.77	Electrical Mains Replacement
Jersey Electricity Plc	15/12/2010	59,176.14	Electrical Mains Replacement
Jersey Electricity Plc	15/12/2010	70,222.27	Electrical Mains Replacement
Jersey Electricity Plc	15/12/2010	87,877.04	Electrical Mains Replacement
Jersey Electricity Plc	15/12/2010	62,721.36	Electrical Mains Replacement
Jersey Electricity Plc	15/12/2010	52,356.00	Electrical Mains Replacement
Jersey Electricity Plc	16/12/2010	60,585.53	Electrical Mains Replacement
Jersey Electricity Plc	21/12/2010	88,536.44	Electrical Mains Replacement
A T C & Son (Electrical Contractors) Ltd	04/01/2011	106,318.03	Heating Upgrades
A T C & Son (Electrical Contractors) Ltd	04/01/2011	49,200.94	Heating Upgrades
A T C & Son (Electrical Contractors) Ltd	04/01/2011	61,625.13	Heating Upgrades

Smail & Richards	04/01/2011	9,460.76	Heating Upgrades
Smail & Richards	04/01/2011	10,595.40	Heating Upgrades
Smail & Richards	04/01/2011	10,195.63	Heating Upgrades
Drain IT Ltd	11/01/2011	10,432.00	Drainage Maintenance
A H Turmel Builders Ltd	11/01/2011	5,598.32	Void Refurbishment
Jersey Gas Company Ltd	17/01/2011	110,154.85	Boiler Servicing
Wholesale Supplies (CI) Ltd	25/01/2011	7,154.91	Heating Upgrades
Cameron & Sons (Jersey) Ltd	02/02/2011	7,782.00	External Works
C A Frazier Group Ltd	08/02/2011	67,788.67	Landscape Maintenance
A H Turmel Builders Ltd	08/02/2011	9,498.06	Void Refurbishment
A 1 Landscape & Gardening Ltd	16/02/2011	21,997.09	Playground Maintenance
G4S Secure Solutions (Jersey) Limited	17/02/2011	6,932.24	Gutter Cleaning
Dunbar & Boardman	21/02/2011	31,070.00	Lift Maintenance
TechniCare Service & Installations	22/02/2011	7,582.59	Lift Maintenance
Cameron & Sons (Jersey) Ltd	22/02/2011	23,474.26	Playground Maintenance
A H Turmel Builders Ltd	23/02/2011	6,964.04	Void Refurbishment
Jersey Electricity Plc	25/02/2011	53,809.28	Electrical Mains Replacement
Jersey Electricity Plc	25/02/2011	78,113.43	Electrical Mains Replacement
Jersey Electricity Plc	25/02/2011	74,784.60	Electrical Mains Replacement
Jersey Electricity Plc	28/02/2011	15,961.14	Electrical Mains Replacement
Wholesale Supplies (CI) Ltd	28/02/2011	7,596.81	Heating Upgrades
Jersey Electricity Plc	07/03/2011	168,317.66	Heating Upgrades
Jersey Electricity Plc	07/03/2011	66,078.11	Heating Upgrades
Jersey Electricity Plc	07/03/2011	82,649.48	Heating Upgrades
Smail & Richards	07/03/2011	48,797.70	Heating Upgrades
Smail & Richards	07/03/2011	23,704.62	Heating Upgrades
Smail & Richards	07/03/2011	20,757.36	Heating Upgrades
Arup Rothwell	08/03/2011	32,000.00	External Works
Otis Ltd	11/03/2011	78,700.00	Lift Maintenance
Jersey Electricity Plc	14/03/2011	84,491.63	Heating Upgrades

Jersey Electricity Plc	14/03/2011	122,458.60	Heating Upgrades
Smail & Richards	14/03/2011	12,079.74	Heating Upgrades
A H Turmel Builders Ltd	15/03/2011	8,035.08	Void Refurbishment
A 1 Property Services	17/03/2011	5,648.30	Void Refurbishment
Charles Le Quesne (1956) Ltd	22/03/2011	5,071.00	Asbestos Work
Houillebecq R S	23/03/2011	5,191.16	External Works
A H Turmel Builders Ltd	29/03/2011	22,107.84	Void Refurbishment
A Le Sech (Asphalt Ltd) Ltd	30/03/2011	12,338.00	External Works
Jersey Electricity Plc	31/03/2011	31,695.18	Electrical Mains Replacement
Cameron & Sons (Jersey) Ltd	04/04/2011	16,424.87	Electrical Mains Replacement
Wholesale Supplies (CI) Ltd	21/04/2011	25,063.21	Heating Upgrades
Wholesale Supplies (CI) Ltd	27/04/2011	12,704.01	Heating Upgrades
Wholesale Supplies (CI) Ltd	27/04/2011	16,687.45	Heating Upgrades
A 1 Landscape & Gardening Ltd	27/04/2011	562,100.00	External Works
Dewar Partnership Limited	28/04/2011	6,788.00	Lift Maintenance
Jersey Electricity Plc	11/05/2011	14,630.69	Electrical Mains Replacement
Jersey Electricity Plc	11/05/2011	120,579.66	Electrical Mains Replacement
Smail & Richards	12/05/2011	36,802.07	Heating Upgrades
Smail & Richards	13/05/2011	17,770.48	Heating Upgrades
Smail & Richards	13/05/2011	23,878.26	Heating Upgrades
Smail & Richards	13/05/2011	25,299.83	Heating Upgrades
Smail & Richards	13/05/2011	44,289.95	Heating Upgrades
Dewar Partnership Limited	13/05/2011	7,500.00	Lift Maintenance
Jersey Electricity Plc	16/05/2011	8,658.25	Services Replacement
Four Seasons Roofing Contractors	17/05/2011	12,000.00	Insulation Improvements
A H Turmel Builders Ltd	17/05/2011	7,570.22	Void Refurbishment
A H Turmel Builders Ltd	17/05/2011	6,063.56	Void Refurbishment
A T C & Son (Electrical Contractors) Ltd	20/05/2011	81,622.58	Heating Upgrades
A T C & Son (Electrical Contractors) Ltd	20/05/2011	76,730.65	Heating Upgrades
A H Turmel Builders Ltd	23/05/2011	7,567.53	Void Refurbishment

Scott John	24/05/2011	7,448.00	External Decoration
Scott John	24/05/2011	9,661.50	External Decoration
Scott John	24/05/2011	16,435.00	External Decoration
Scott John	24/05/2011	13,433.00	External Decoration
Scott John	24/05/2011	7,125.00	External Decoration
Scott John	24/05/2011	48,070.00	External Decoration
Scott John	24/05/2011	51,870.00	External Decoration
Scott John	24/05/2011	27,607.00	External Decoration
Peter Green (Builders) Ltd	26/05/2011	90,691.21	Major Refurbishment
Channel Insulation	31/05/2011	6,165.00	Insulation Improvements
Charles Le Quesne (1956) Ltd	02/06/2011	3,935,843.29	Major Refurbishment
Charles Le Quesne (1956) Ltd	03/06/2011	5,166.39	Void Refurbishment
C A C Environmental Services Ltd	07/06/2011	19,470.00	Asbestos Work
Alex Mcaulay Ltd	07/06/2011	6,108.00	External Decoration
Wholesale Supplies (CI) Ltd	07/06/2011	6,093.65	Heating Upgrades
Wholesale Supplies (CI) Ltd	07/06/2011	15,747.87	Heating Upgrades
Houillebecq R S	08/06/2011	5,335.00	External Works
Dave Beck Roofing Contractors	09/06/2011	31,916.00	Roofing Replacement
Wholesale Supplies (CI) Ltd	10/06/2011	15,431.23	Heating Upgrades
G4S Secure Solutions (Jersey) Limited	15/06/2011	7,000.00	Gutter Cleaning
A 1 Property Services	16/06/2011	5,492.38	Kitchen Replacement
Kone Plc	16/06/2011	115,200.00	Lift Maintenance
Regal Construction (JSY) Ltd	17/06/2011	5,275.93	External Works
Elite Garden & Property Services	17/06/2011	14,882.00	Soft landscaping
Coastline PVCU Products Ltd	21/06/2011	7,818.00	Window / Door Replacement
Cameron & Sons (Jersey) Ltd	22/06/2011	6,891.15	External Works
A T C & Son (Electrical Contractors) Ltd	23/06/2011	89,932.09	Heating Upgrades
A T C & Son (Electrical Contractors) Ltd	23/06/2011	140,507.02	Heating Upgrades
A H Turmel Builders Ltd	23/06/2011	6,059.03	Void Refurbishment
Premier Contract.& Shopfitting (2005)Ltd	24/06/2011	52,141.38	Major Refurbishment

A H Turmel Builders Ltd	06/07/2011	5,790.23	Void Refurbishment
A H Turmel Builders Ltd	11/07/2011	5,512.03	Void Refurbishment
Charles Le Quesne (1956) Ltd	12/07/2011	5,399.93	Void Refurbishment
A 1 Property Services	13/07/2011	10,300.00	External Works
Ace Locksmiths	13/07/2011	13,135.00	External Works
Ace Locksmiths	13/07/2011	9,070.00	External Works
Kone Plc	13/07/2011	118,900.00	Lift Maintenance
Otis Ltd	13/07/2011	65,020.00	Lift Maintenance
Cameron & Sons (Jersey) Ltd	13/07/2011	6,863.00	Window / Door Replacement
Brenwal Ltd	14/07/2011	21,750.00	Electrical Mains Replacement
Wholesale Supplies (CI) Ltd	14/07/2011	12,781.58	Heating Upgrades
Wholesale Supplies (CI) Ltd	14/07/2011	14,502.52	Heating Upgrades
Wholesale Supplies (CI) Ltd	14/07/2011	10,473.94	Heating Upgrades
A H Turmel Builders Ltd	20/07/2011	5,426.56	Void Refurbishment
A 1 Property Services	21/07/2011	5,176.58	Void Refurbishment
A T C & Son (Electrical Contractors) Ltd	22/07/2011	5,326.96	Insulation Improvements
Amiante	25/07/2011	30,025.00	Asbestos Work
Otis Ltd	25/07/2011	18,360.00	Lift Maintenance
Charles Le Quesne (1956) Ltd	25/07/2011	5,908.21	Void Refurbishment
Coastline PVCU Products Ltd	02/08/2011	12,480.00	Window / Door Replacement
A 1 Property Services	03/08/2011	6,345.73	Void Refurbishment
A 1 Property Services	05/08/2011	33,079.20	Fire and Flood Repairs
A 1 Property Services	05/08/2011	6,052.96	Kitchen Replacement
D B Cummins (Jersey) Ltd	05/08/2011	62,660.00	Demolition
A H Turmel Builders Ltd	09/08/2011	8,909.00	Fire and Flood Repairs
PSP Asphalt Limited	15/08/2011	13,489.98	External Works
A 1 Property Services	16/08/2011	5,257.86	Kitchen Replacement
Camerons Ltd	22/08/2011	5,192,972.56	Major Refurbishment
A H Turmel Builders Ltd	25/08/2011	5,310.46	Void Refurbishment
Wholesale Supplies (CI) Ltd	26/08/2011	24,822.82	Heating Upgrades

Premier Contract.& Shopfitting (2005)Ltd	30/08/2011	6,030.00	External Works
Emec Limited	31/08/2011	40,798.50	Insulation Improvements
Deerglen Jersey Ltd	31/08/2011	68,036.50	Major Refurbishment
A 1 Landscape & Gardening Ltd	01/09/2011	5,818.00	External Works
Jersey Electricity Plc	02/09/2011	146,258.73	Heating Upgrades
Smail & Richards	02/09/2011	41,745.25	Heating Upgrades
A 1 Property Services	02/09/2011	6,389.10	Kitchen Replacement
Ace Locksmiths	05/09/2011	12,555.00	Window / Door Replacement
Alex Mcaulay Ltd	08/09/2011	9,927.00	External Decoration
Alex Mcaulay Ltd	08/09/2011	18,900.00	External Decoration
Building Renovations Ltd	08/09/2011	8,602.00	Insulation Improvements
Channel Insulation	08/09/2011	24,246.00	Insulation Improvements
Alex Mcaulay Ltd	08/09/2011	7,500.00	Internal Decoration
Scott John	08/09/2011	6,860.00	Internal Decoration
Scott John	08/09/2011	9,300.00	Internal Decoration
Scott John	08/09/2011	6,722.00	Internal Decoration
K D T Decorators Limited	09/09/2011	19,550.00	External Decoration
Otis Ltd	09/09/2011	6,545.18	Lift Maintenance
Cameron & Sons (Jersey) Ltd	15/09/2011	5,480.00	Insulation Improvements
Mcfarlane J	20/09/2011	143,426.00	Roofing Replacement
A H Turmel Builders Ltd	20/09/2011	5,595.88	Void Refurbishment
A 1 Property Services	22/09/2011	5,417.70	Kitchen Replacement
A 1 Property Services	22/09/2011	5,701.80	Kitchen Replacement
A H Turmel Builders Ltd	29/09/2011	5,346.80	Void Refurbishment
HW Gallichan & Sons Ltd	05/10/2011	119,710.78	Lighting Replacement
Efaflex UK Ltd	06/10/2011	6,138.07	External Works
Cameron & Sons (Jersey) Ltd	11/10/2011	23,993.00	Playground Maintenance
A H Turmel Builders Ltd	12/10/2011	8,434.16	Void Refurbishment
Jersey Gas Company Ltd	17/10/2011	21,742.81	Services Replacement
Regal Construction (JSY) Ltd	19/10/2011	8,272.00	External Works

Kone Plc	19/10/2011	387,943.16	Major Refurbishment
Amiante	20/10/2011	6,270.00	Asbestos Work

2. Oral Questions

2.1 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the scheduled delivery date of the £100 notes to commemorate the Jubilee:

What is the scheduled delivery date of the £100 notes to commemorate the Jubilee, given that celebration of the Jubilee is only for the 6 months to June 2012 so as not to clash with the Olympics?

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

The note is to be delivered to the Treasury by the end of April 2012 and the launch of the note with a 15 minute film entitled *Royal Island* will be part of the ongoing programme of events throughout the year to celebrate the Jubilee. I am very excited about this project. The note forms part of an extensive programme to celebrate the Jubilee, so I have shared an example of the note with you and Government House and I am pleased - while there are no cameras in this Assembly - to put 3 examples of the notes in the safekeeping room of the anteroom for Members to have a look at. I hope they agree it is wonderful.

2.1.1 Senator S.C. Ferguson:

Supplementary, sir? According to the business case, the timeframe from placing of the order to delivery is 10 months. Given that it is 6 months to the end of April, has the States entered into any contractual arrangements with the printers prior to the debate of the introduction of this note?

Senator P.F.C. Ozouf:

Yes. Had we commenced the note arrangements now, we would not have delivered it within the Jubilee. If the States do not pass the Regulations today, then unfortunately with the note having been designed, there was no other way of dealing with it and we would be facing aborted costs of £50,000.

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

Does the Minister not have considered it might have been advisable to seek an 'in principle' decision first before going ahead with these plans?

Senator P.F.C. Ozouf:

I agree we are in a position where we would not have got the note done. The reason why the note is being proposed is as Members will be aware of the decision to use "Equanimity" - the holographic image of Her Majesty for the National Portrait Exhibition - which we only were aware of in the spring of this year. So, we have moved as fast as possible in terms of putting a programme of events, but I do fully accept that if the States does not wish to proceed with it there are abortive costs. But had we not gone ahead we would not have a note and we would not have had all the other exciting ... there are some aspects of the use of the hologram, which have not been announced yet, we would not be able to celebrate the Jubilee in this way.

2.1.3 The Deputy of St. Martin:

Could I just follow up on that? Can the Minister give the House some idea of the cost and the time of civil servants, *et cetera*, of preparing all this work without getting approval from the States first?

Senator P.F.C. Ozouf:

The direct costs are £50,000. There has been some work by the Treasury Department, but what I am pleased to inform the Assembly is that there has been an honorary group that have designed the note. I have appointed an honorary group of individuals involving the local art world, who have gone and designed the note with people from De La Rue, which is the cost. The actual business case is that if we are successful in circulating 5,000 notes, we will more than cover the costs. In fact, we think that is a very conservative estimate. We think that the Currency Fund will benefit and there will be a profit in relation to the circulation of the notes.

2.1.4 Deputy M. Tadier of St. Brelade:

While this may not be a particularly important issue in the grand scheme of things, does the Minister for Treasury and Resources not accept that this sets a dangerous precedent where if he can set up things which have a cost implication before it has even been passed by this House, it has a very dangerous implication for democracy in Jersey?

Senator P.F.C. Ozouf:

I accept that decisions have been made and there is an abortive cost if the States does not approve it. I fully accept that. However, I would have thought that Members would be encouraging of events and symbols to celebrate the Diamond Jubilee. I hope that Members when they see the note, when they see just what a marvellous symbol of celebration of Jersey culture, of Jersey heritage and the Diamond Jubilee that they will warmly endorse the Regulations to allow us to issue a £100 note.

2.1.5 Deputy M. Tadier:

May I have a supplementary? Whether the House is supportive or not is not the issue here. Surely the issue is that we should not be having the first debate about whether or not to have this £100 note during a question time session. We should be having it during the debate on whether or not to have a £100 note. Does the Minister not agree with that?

Senator P.F.C. Ozouf:

We are going to have a debate on whether or not to have a £100 note. So, we will deal with that issue there. The fact is that we were not aware that the hologram was going to be part of the National Portrait Gallery until very late. We have moved very quickly with other events in order to celebrate the Diamond Jubilee. I am sorry that it has taken time in order to do the Regulations, but we are where we are. There will be abortive costs, which I will have to take responsibility for if the States do not approve it. But I did take soundings and I thought that this would be something that the States would warmly endorse.

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

I think we have invented a new type of Government; Government by soundings. The point is whether or not this House agrees to this particular move, the Minister has spent money, laid out money and put money at risk, before seeking the permission of this House to do so. This is no way to run a Government.

The Bailiff:

What is the question there, Deputy?

Senator P.F.C. Ozouf:

I hope that the Assembly in the majority will support the decision that I have taken and will support the risk that I have taken in moving ahead in order to have the celebration of the hologram. The hologram of Her Majesty is going to be one of the key images - one of the 2 key images - to celebrate the Diamond Jubilee. It seems to me that it fits perfectly on our currency and I would have thought it was not possible to do any other denomination, because of the issues that I will explain later on in the debate. I would have thought Members should be saying: "Thank you for

making a decision in order to celebrate something which is going to unify the Island and something people can be proud of.” But I realise that, as usual, one can get criticised for making decisions and I apologise for that.

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

Could I ask the Minister for Treasury and Resources whether this expenditure was approved by his Chief Accounting Officer? Also, whether, without States’ approval, it was a lawfully made decision?

Senator P.F.C. Ozouf:

The Treasurer approves of it, is enthusiastic about it, has cast her careful eye over the accounting arrangements for it and agrees with me that if we are successful in distributing this note then it is going to make a profit for the Currency Fund.

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

It is my understanding that Jersey currency in circulation makes money for the States of Jersey. Would the Treasurer just indicate whether or not that is the case for £100, as I am certain it is? Would he also not agree that when we are spending £850,000 on compost sites, there are better things for us to question than whether or not making £100 note for a Diamond Jubilee is the right thing to do? It is going to make money for Jersey, is it not?

Senator P.F.C. Ozouf:

It is going to make money, but that is only a by-product. We make money out of the circulation of our currency and I realise that I am going to be criticised, but this is a sensible business decision. It is also a symbol of celebration for the Diamond Jubilee and a symbol of national Jersey unity of the fact that our “Equanimity” is one of the central images of Her Majesty. I would have thought that the Members of this Assembly would be enthusiastically supportive of that, quite apart from the business case, which is clear, and it will be profitable.

The Bailiff:

Deputy Le Fondré and then final question for Senator Ferguson.

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

If I have understood it correctly, the cost to date is £50,000. So, splitting that into 2 parts, are there any other commitments that the States are contractually obliged to at the moment? I understand that the total cost is in the order of £250,000, which obviously is the balance that goes ahead. On that basis, what is the timeframe for this item to break-even?

Senator P.F.C. Ozouf:

I have provided extensive remarks to the Corporate Services Scrutiny Panel, which I understand Deputy Le Fondré is part of. He will see from the information already given that the total cost, if we go ahead, to produce 100,000 is £286,000. On the basis of the return to the Currency Fund, we will make a profit, or the Currency Fund will make a surplus, in excess of 5,000 notes, which is a very conservative estimate of the amounts of notes that we will circulate. There are no other costs associated with this apart from the fact that there has also been a film which has been commissioned, which is going to be used for both launching the note and also for other promotion of Jersey throughout 2012 associated with the Diamond Jubilee, but is not directly associated with this proposal.

2.1.10 Deputy J.A.N. Le Fondré:

Can I pull up to that? Firstly, the Minister did not answer the question in terms of the timeframe for payback. Secondly, he just indicated that the film makes reference to the £100 note and therefore there would be an additional abortive cost if this is not approved.

Senator P.F.C. Ozouf:

The film itself is celebrating the Diamond Jubilee and the links of Jersey to the Crown. That is a linked issue. The film is very carefully crafted. It is a 3-D film also celebrating the holographic image and it will have a bolt-on at the end which can be used for promotion of the Island for tourist aspects and others. Perhaps it will be used for the British Airways film that is shown to passengers on British Airways around the world, for example. It has a number of uses. In relation to the payback, I think the Deputy will well understand the way the Currency Fund works. Somebody taking or buying a £100 note is effectively giving the States of Jersey an interest free loan for the period of time that the note is in circulation. So, the estimates that we have used are very conservative in terms of the return. We are confident that we will issue, if the States approve, well in excess of 10,000 and therefore it will make a profit immediately on the basis of the return that we get on that interest free loan that is held by the States.

[10:00]

2.1.11 Senator S.C. Ferguson:

I would ask the Minister for Treasury and Resources, is this project really for collectors in order to make money for the States or is this for the public to celebrate the Jubilee, considering that most of the public would not be able to put £100 away as a collector's item.

Senator P.F.C. Ozouf:

This is a multi-faceted project. It is a collector's piece. It is to celebrate the Diamond Jubilee. But also part of an overall programme of events to celebrate the fact that Jersey's image equanimity is one of the central defining images for the Diamond Jubilee. I understand the issue of inclusiveness and that is the reason why, as the note, which is going to be circulated to Members shortly, is going to indicate that the symbol of the £100 note is going to be used, for example, for a series of mugs that are going to have the £100 note on. I was sent a Guernsey £1 note ...

The Bailiff:

A slightly more concise answer please, Minister.

Senator P.F.C. Ozouf:

Okay. Well, therefore, our £100 will be on tea towels, on mugs and I would suggest that that is [Laughter] going to be very inclusive in terms of the use of this wonderful resource for Jersey.

2.2 Deputy P.J. Rondel of St. John of the Minister for Economic Development regarding the qualifications held by the Ships Master at the time of the accident involving the States tug:

Further to his response on 12th September 2011, will the Minister detail all of the qualifications that the Ships Master held at the time of the accident involving the States tug and advise whether the Master holds local pilot qualifications for Jersey waters and whether he has (a) to (j) housing qualifications?

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

The Master holds a Republic of Panama certificate issued under the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for seafarers in the capacity of master with limitations listed as none. He also holds other Panamanian certificates, U.K. (United Kingdom) certificates in small ships, navigation and radar, personal safety and social responsibilities and ship security as well as an Irish medical certificate. However, he does not hold a cargo masters unlimited certificate, as I stated on 12th September. I included that qualification in my previous answer following written advice from Jersey Harbours. But the use of the word

“cargo” was a genuine mistake as in the Spanish language it means function or position and was wrongly thought to refer to the type of vessel. The Master does not hold a Jersey pilot’s licence, but nor does he need to under the Harbour Master directions issued under the Pilotage Law. He does not hold (a) to (j) housing qualifications. Thank you, Sir.

2.2.1 The Deputy of St. John:

Given that in the reply by the Minister at the last sitting in which he said he would forward the Deputy full details of the qualifications of the Master, can he explain to us why this did not happen? Also, if the Master does not hold local housing qualifications, where does he live on-Island or does he commute? If he commutes, what period of time does he spend on Island?

Senator A.J.H. Maclean:

I did say to the Deputy of St. John that I would forward details as to whether the Master had pilot qualifications. In fact I did circulate to the Deputy. He thanked me and he made comment to the fact my response was somewhat delayed. I circulated it to all Members at the time. As far as accommodation is concerned, the Master occupies a room that is negotiated at the Hotel de La Plage.

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

Given that Panama is quite a long way from St. Aubin’s Bay, would the Minister consider reviewing the process of employing Masters on these sort of duties, so that they do take on people that are rather more familiar with the local surroundings?

Senator A.J.H. Maclean:

The Connétable raises a very valid point. I would point out though that any Master coming to the Island, as part of an agency arrangement, is clearly not going to be familiar with local waters. As such, familiarisation is undertaken and that happened in this particular case. This particular Master is very experienced, as I pointed out before, all around the UK. He is an experienced Master.

2.2.3 The Deputy of St. John:

Given that we have an experienced Master at the helm of this vessel, will the Minister make sure that he has appropriate accommodation other than just a room, as he has described? Given he is living on Island full-time. I would expect a Master who is well-paid to have possible a (j) cat or something similar. At the same time, will he make sure that there are no local qualified people that could do the job?

Senator A.J.H. Maclean:

In reverse order, there are no local qualified individuals who can carry out this job, as far as I am told. However, I would point out that this arrangement in terms of using an agency to provide Masters for the tug has been undertaken as a temporary measure. It will occur for approximately a year. I would point out to Members that in fact it delivers a significant saving, £20,000 to £30,000 in the year over the previous arrangement of employing somebody directly. But I do emphasise it is a temporary measure while the Marine Section is being reviewed.

2.3 Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding the use by families of holiday clubs in 2010:

Will the Minister state how many families made use of holiday clubs in 2010 and how many are likely to be adversely affected by his decision to cut this service?

Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):

In 2009, 446 families made use of the activity clubs provided by my department. This number reduced to 380 in 2010 and this year the number was 260. I do not believe that families will be

adversely affected by the proposed changes, as even without the continuation of these activity clubs there are a wide range of clubs provided by private and charitable organisation at affordable prices. These are well placed to deliver high quality and flexible childcare, which I am sure will meet the needs of all parents. Thank you.

2.3.1 Deputy G.P. Southern:

Would the Minister inform Members how much notice he gave parents of this decision, what consultation took place with parents over this decision and what evidence he has that replacement for these missing places will be adequate?

The Deputy of St. Ouen:

As the Deputy would expect, the department undertook quite a wide and broad-ranging consultation with first of all the providers to ensure that there are sufficient places available with Jersey Childcare Trust, who support the delivery of childcare provision. More importantly discussions took place with the parents. In fact, early in July all parents were invited to attend a meeting. Unfortunately, only 15 did.

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

I nearly thought that the original questioner had asked my question, but the answer was a little bit thin. So, I want to go back to consultation. The Minister said that consultation had happened with the parents and that there was a meeting and 15 turned up. Could he, please, detail for us what that consultation consisted of?

The Deputy of St. Ouen:

First of all letters were sent to parents explaining the proposed changes and to assure them that they could still access and would be able to access childcare through other providers. Then a further letter was sent out to invite them to a meeting for any that had particular concerns. That meeting was held, as I say, and 15 families turned up. Following that, we have had, I believe, discussions with a relatively small number of parents who still had concerns, but I believe those have now been addressed. Thank you.

2.3.3 Deputy M. Tadier:

Just a point of clarification; the Minister said that this year there were only 260 who had used the clubs. Of course, we are only in the beginning of November now. Will the Minister explain whether the clubs just provide summer holiday cover or if it is the whole year? If so, will he explain what that figure would be *pro rata* for this year?

The Deputy of St. Ouen:

The clubs are basically provided at 2 particular times of the year; one during the Easter holidays and the other during the summer holidays. I am, therefore, relatively confident that the 260 figure is the actual figure of the families that would be affected by the proposed changes.

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

Would the Minister not agree that in fact since 2008 that the Department of Education has ... the numbers offered and the location offered to the parents have gone, that is why it has gone down. We are now down to 260 families who are the most in need, who will travel anywhere for the cheaper, good childcare that Education does offer. That is also a lot of children, I would suggest. It is families we are talking about. Even if they have one to 3 children, it is a lot of children affected.

The Deputy of St. Ouen:

We are mindful of the fact that it is important that the right provision is provided in the right place and discussions have taken place with the private providers and charitable organisations. In fact it would be working closely and continue to work closely with them and have even offered our

facilities to be used during the holiday period if that is deemed to support those parents who seek to access this type of club.

2.3.5 Deputy G.P. Southern:

Will the Minister agree to circulate, since he is so confident about his figures, the number of places available on what types of care or activity and the cost and placement of those centres, so that we can rest assured that there is in fact sufficient provision not to miss this particular facility?

The Deputy of St. Ouen:

Certainly, I am quite happy to sit down with the Deputy and look at this matter and provide the information where I can that he is seeking.

Deputy G.P. Southern:

If I may, Sir, and to circulate that information.

The Deputy of St. Ouen:

Following discussions with the Deputy, I will be fully aware of what information exactly he wishes me to circulate and then I will be able to do so.

2.3.6 Deputy P.V.F. Le Claire:

I would like to ask the Minister if the public are going to have any confidence in the current consultation that is out on education when the ‘Minister for Children’ is asking the Minister for Education, Sport and Culture about the impacts of this move. The Minister has answered this morning that he has been in dialogue with the private organisations and he has been in dialogue with the charities, but it is obvious that he has not been in dialogue with the ‘Minister for Children.’ How are the public meant to derive confidence from this type of consultation?

Deputy M. Tadier:

Sir, may I raise a point of order?

The Bailiff:

No, not at the moment.

Deputy M. Tadier:

It is a point of order, sir.

The Bailiff:

A point of order. Alright.

Deputy M. Tadier:

Thank you. Deputy Le Claire, I think, referred to the ‘Minister for Children.’ In my knowledge we do not have such a thing as a Minister for Children. So, could the Chair make a ruling or could the Deputy give an explanation of what he means?

Deputy P.V.F. Le Claire:

It is my understanding - I am surprised the Deputy has to ask for clarification - that Deputy Martin has been serving as the ‘Minister for Children’ since the corporate parent has decided to make somebody responsible for that section. As the Deputy Assistant Minister for Health, she has been leading the way for children’s issues for a number of years.

The Bailiff:

You were referring to Deputy Martin, as I understand it. The Deputy is right, there is no ‘Minister for Children’ as such, but there is an Assistant Minister who clearly has responsibility for areas which include that.

The Deputy of St. Ouen:

First of all, I would like to make States Members aware that this particular proposal is nothing new. This was brought forward with a range of proposals back in June and July. Discussions took place at the Council of Ministers with all Ministers regarding this proposal and many others. The Minister for Health and Social Services was fully aware that this matter was being dealt with. Equally, the department is tasked, and I am tasked as Minister for Education, Sport and Culture, with ensuring that the right provision is made for parents and children that I am tasked to oversee. I take that responsibility very seriously. It is unfortunate that the Assistant Minister has not chosen to discuss this matter or raise her concerns with me. But I can assure all States Members that this has been appropriately addressed, children of low income parents and those with special needs will continue to be supported as now and the right provision and the right quality of care will continue to be provided both now and in the future.

[10:15]

2.4 Deputy P.V.F. Le Claire of the Minister for Health and Social Services regarding the monitoring of the nuclear power station and reprocessing facilities at Cap de la Hague:

I did not thank the Minister for Education, Sport and Culture. I would like to do that first. I thank the Minister. I would like to ask the Minister for Health and Social Services this question, if I may; In the last 3 years has there been any monitoring at all of the nuclear power station and reprocessing facilities at Cap de la Hague through any device situated in the Bailiwick of Jersey and, if so, where were such devices located, what did they monitor, how were they operated, who manages the data and does any monitoring continue at present?

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

I thank the Deputy for his question, because he always has a keen interest in this area. The range of activity in the environment is monitored in a number of ways. A detection system which forms part of the R.I.M.N.E.T. (Radioactive Incident Monitoring Network) has been installed at Jersey Airport by the U.K. Environment Department. R.I.M.N.E.T. measures and analyses background radiation levels around the clock. It will provide a warning in the event that levels of radioactivity breach the norm. R.I.M.N.E.T. data is stored in the U.K. National Nuclear Database. In addition (as previously outlined in my answer to written question 6426), the Health and Social Services Department’s Public Health Team does routine regular monitoring for radioactivity with assistance from the Environment Department. This relates to the concentration of radionuclides in seafood, seaweed, mud, algae and foodstuffs, such as potatoes. The data collected is published annually in the report produced by C.E.F.A.S. (Centre for Environment, Fisheries and Agricultural Science) in the U.K. Jersey water is also regularly monitored for radioactivity by Jersey Water. This monitoring is regulated by the Environment Department. This monitoring is of radioactivity generally in the environment regardless of its potential source. It is not specific monitoring just related to La Hague.

Deputy P.V.F. Le Claire:

I would like to thank the Minister. Thank you, Sir.

2.4.1 The Deputy of St. John:

The C.E.F.A.S. reports that the Minister refers to, is it circulated to Members on Island, because I do not recall having received one ever?

The Deputy of Trinity:

It can be, but it is from the U.K. If you wish for a copy, I can perhaps provide the weblink.

2.4.2 Deputy P.V.F. Le Claire:

May I ask a supplementary? I just remembered, I did circulate a copy of a report to the Minister and all States Members in relation to some recent incidents outlined in a scientific paper provided for a French Ministry. I wondered if the Minister was able to let us know whether or not she has had sight of that report yet and what her thoughts about it are, because I have yet to receive a reply.

The Deputy of Trinity:

It is important to note that the 2001 report did raise concerns about accidents at La Hague. But the 2009 C.E.F.A.S. report, *Marine Radiology in the Channel Islands*, concluded that discharges from local resources continue to be of a negligible radiological significance. The local sources included La Hague. That said, I have forwarded the report to the Medical Officer of Health and requested that she should comment on it.

Deputy P.V.F. Le Claire:

I thank the Minister.

2.5 Deputy M.R. Higgins of the Minister for Economic Development regarding the number of people directly and indirectly employed in the fulfilment industry:

Will the Minister advise the Assembly of the number of people directly and indirectly employed in the fulfilment industry, and explain where he sees these people being employed in the economy in the short and near term if, as is widely believed, the UK Government abolishes overnight the low value consignment relief, upon which the industry is based.

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

The fulfilment industry directly employs approximately 1,000 rising to approximately 1,500 when including indirect labour in fulfilment related occupations. Any further significant changes to L.V.C.R. (low value consignment relief) could impact local jobs, but will not end the fulfilment industry in Jersey or the potential for growth in the wider e-commerce area. We are working closely with industry to develop a strategy to maintain our competitive position and to help create new opportunities for the sector. However, it is also prudent to prepare for the eventuality that businesses may be unable to maintain current employment levels in the short terms as a result of any changes to L.V.C.R. or, for that matter, any change in market conditions. That is why my department is working closely with Social Security to develop a package of measures to incentivise employers and thus help those seeking work. We are having meetings with representatives from a number of sectors where there are opportunities for those currently employed in fulfilment to redeploy. This includes retail, hospitality, agriculture and the construction sectors.

2.5.1 Deputy M.R. Higgins:

Will the Minister go on and advise the Assembly of discussions he has had with Her Majesty's Government on this issue stating when they took place and what further measures we can expect from the U.K. Chancellor of the Exchequer and when. The relief has gone from £18 to £15, what is next?

Senator A.J.H. Maclean:

As the Deputy would expect, and Members, there have been ongoing and detailed discussion, in fact, almost on a daily basis in recent weeks at both officer level and Ministerial level. Those discussions will continue until the matter is clarified. What I would say is there is absolutely no certainty at this stage that there is going to be any further change necessarily to L.V.C.R. Matters are still under discussion.

2.5.2 Deputy J.A. Martin:

On that last point, would the Minister agree then, himself and the Minister for Treasury and Resources, loose tongues? I mean, coming back from the U.K. and telling us fulfilment will be gone in December and frightening people half to death is not the way you run a Government and is not the way you pander to the U.K. Government. Secondly, it seems to me, sitting on this side of the bench, that there is a lot more that is known by the 2 Ministers - the Minister for Economic Development and the Minister for Treasury and Resources - who graced the Conservative Party Conference and probably heard this in the coffee room. I do not know how much you would put on that. But, will they not even acknowledge that U.K. alone cannot act unilaterally by themselves on this; they will have to get dispensation from the E.U. (European Union), they cannot abolish it overnight? Will the Minister take all this into consideration when the people on minimum wage are hearing that their jobs will not be there for Christmas? Thank you, Sir.

Senator A.J.H. Maclean:

There were a whole string of questions and comments made by the Deputy. I will cover briefly the points she has raised. First of all, I was not at the Conservative Party Conference. Secondly, I do not believe there were any loose tongues, certainly from my perspective. We have engaged, however, with the industry, as Members would expect. We have had confidential meetings. We hope they would remain confidential, because we believe it important that industry is kept updated with changes as they are occurring. As far as whether or not the U.K. can act unilaterally or not, the Deputy raises a very interesting point. This is a highly complex area. What I can say is that I have sought independent legal advice through the Law Officers. The Law Officers have done a fantastic job. In fact, they were working all over the weekend, I might add. We have had further independent legal advice and we are considering the legal position with regard to what the U.K. can and cannot do with regard to L.V.C.R.

2.5.3 Deputy G.P. Southern:

The Minister gave a figure of 1,000 rising to 1,500. Is he aware that the latest figure produced by the Statistics Department in June of this year is for 770 employed in the fulfilment industry? Will he also confirm that the majority of these workers are locally qualified and the majority of the workers in the fulfilment industry earn at or around the minimum wage?

Senator A.J.H. Maclean:

Yes, I can confirm that there are a high percentage of local jobs and a high percentage are low paid. As far as the figures are concerned, our estimates are, as I have stated approximately 1,000 directly employed and up to 1,500 considering other related industries.

2.5.4 The Deputy of St. Mary:

The Minister referred in one of his earlier replies to perhaps shifting some of the workforce into e-commerce or the potential for increasing the e-commerce sector. So, I have 2 questions on that really; double-barrelled. One is, would he like to comment on the fact that the same considerations might apply down the line to e-commerce as apply to L.V.C.R.? Namely the Governments across the E.U. might decide that using tax advantages in this way was not beneficial to their economies; and they are all under stress, enormous stress. Also, that there are the same risks with e-commerce as there are with L.V.C.R. Secondly, in the light of that, I am hearing nothing from the Minister about redeploying into the green 'new deal'-type industries, for instance, home insulation on a massive scale, which could possibly be an area for redeployment of somebody's labour?

Senator A.J.H. Maclean:

I think the Deputy misheard partly what I referred to. I was not necessarily suggesting that the low paid jobs could be redeployed into e-commerce. I did mention that we had been talking to other sectors, such as hospitality, such as construction, such as retail, where there is a possibility for

redeployment. I further mentioned that e-commerce, as a sector, has a lot more to it than just the fulfilment industry. There are opportunities to develop the e-commerce area. We are in the process of looking at establishing, for example, an e-commerce commission to help sell Jersey as a hub for e-commerce activity. I believe there is significant opportunity there. We will continue to consider that. But I think as far as re-skilling is concerned, we are going to have to also do some work with the employees currently in this industry to re-skill and redeploy into a variety of different areas.

2.5.5 Deputy A.T. Dupré of St. Clement:

I just feel the U.K. are calling all the shots here. I think we need to put our foot down, with a firm hand. The other problem is that we are paying V.A.T. (Value Added Tax) on so many of our things. Can we try and get something sorted out with these mainland companies, who are charging us V.A.T which we should not be paying?

The Bailiff:

I am not entirely sure that arises out of the question, Minister.

Senator A.J.H. Maclean:

That is a long running comment about the feeling that Islanders have of their paying effectively V.A.T. in Jersey. They are not, of course. What is happening is local businesses feel they can charge higher prices, which may well equate to a U.K. equivalent price. But, nevertheless, it is quite simply that local businesses feel when they are selling their products they feel that locally they can achieve a higher price. It is up to consumers and consumer groups, like the Jersey Consumer Council - the wonderful work that Senator Breckon's organisation does - to raise awareness about price and value and so on.

2.5.6 Deputy M. Tadier:

Following on from an earlier question about the amount of people employed in the industry; will the Minister finally give me the figures I have been asking for as a breakdown per the company in the fulfilment industry as to how many qualified and unqualified workers work in those individual firms, but anonymise it so that it does not convene any data protection criteria?

Senator A.J.H. Maclean:

We have been having a long-running debate with the Deputy on this particular point. I have supplied to him details on the qualified and non-qualified in the sector. If we break it down to individual companies, it is very easy then to break individual commercial confidentiality and I am afraid I am not prepared to do that.

2.5.7 Deputy M. Tadier:

Does the Minister accept that there is a valid political reason for wanting these figures? For example, one of those reasons is that a company which maybe employs 500 individuals, let us say over half of which are non-qualified and the rest of which are on a zero-hour contract, which would be offered no redundancy pay and have a much larger impact for our society and for social security than those employed, let us say, at Jersey Post with much more generous terms of conditions, who will not necessarily be relying on our system in order to claim the benefits after - hopefully not - they are made unemployed.

Senator A.J.H. Maclean:

Yes, of course I understand the consequences. That is why my department works very closely with Social Security to consider issues such as that. What I would say is that if the Deputy feels strongly about this matter then perhaps he should push it towards the Economic Affairs Scrutiny Panel. We can certainly share a lot more detail with them under a confidential basis. That may be a route for the Deputy to consider, to encourage the Scrutiny Panel to look at that matter.

The Bailiff:

Deputy Higgins, do you wish for a final question?

2.5.8 Deputy M.R. Higgins:

Could the Minister confirm that he expects further moves by Her Majesty's Government at the time of the next U.K. budget?

Senator A.J.H. Maclean:

At the very latest. I would imagine that the position with regard to L.V.C.R. would be clarified in the very short term. As I have said, discussions are ongoing as we speak. They will continue to be undertaken in order to ensure that we can protect local jobs and local businesses. We will do all that is reasonable and possible to protect local jobs and local businesses in this area.

[10:30]

2.6 Senator F. du H. Le Gresley of the Chief Minister regarding delays in settling the claims against the States of Jersey for compensation by some of the former residents of children's homes who suffered abuse whilst in care:

Would the Chief Minister explain the reasons for the delay in settling the claims against the States of Jersey for the compensation of some of the former residents of children homes who suffered abuse while in care and advise whether he is satisfied with the performance of the lawyers handling these claims on behalf of the States?"

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

This question might imply that every claim made for compensation will and should be settled, and that is not necessarily the case. It may well be that it would be appropriate to settle certain claims where actual abuse has been established during the course of a criminal trial or where otherwise it can be established that a claim is well-founded. But there may well be other claims where a settlement would not be appropriate because it cannot be established that they are well-founded. Accordingly, it is important to put in place a robust system in which all claims can be given appropriate consideration and compensation paid where justified. That process is taking place and there has been some delay in finalising that system and this is regrettable, but certain matters needed to be determined before the system was put in place and that was unfortunately outside the control of the States of Jersey. However, I am able to inform the Assembly that the barriers that were causing the delay have now been removed and that a framework for settling these claims has been devised. During the delay the States lawyers met with the claimants' representatives and assured them that as soon as the claims could be progressed the States lawyers would be in contact. Our lawyers are now able to meet again with the claimants' representatives to explain the agreed framework and the assessment of claims may now begin. Despite this delay, I am fully content with the performance of the advice and the advice given by the lawyers acting on behalf of the States. None of the delay, as far as I am aware, was caused by our lawyers.

2.6.1 Senator F. du H. Le Gresley:

Supplementary, if I may? Given that proceedings have commenced in the High Court in London against the States of Jersey, is the Chief Minister concerned that the reported comments of the lawyer representing 38 claimants that the States of Jersey are all talk and no action?

Senator T.A. Le Sueur:

I am concerned to the extent that I believe that that lawyer may be misrepresenting the position. Certainly we are not all talk and no action, we are talk and action and the talk had to precede the action, as I said in my answer. As I also pointed out last week, any suggestion that a claim would be heard in the High Court is, in my view, extremely unlikely.

2.7 The Deputy of St. Martin of the Minister for Treasury and Resources regarding .the long-term consequences for business ownership and locally generated personal income tax returns:

Given that 1(1)(k)s can, outside property rental, trade in Jersey at 1 per cent personal income tax rate once they have exceeded a predetermined yearly income of 20 per cent tax rate, what effect will that have on locally-owned businesses that will have to generate an additional 19 per cent profit to maintain parity in competitive businesses and what are the long term consequences for business ownership and locally granted personal income tax returns?

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

Experience has suggested that generally 1(1)(k)s tend to not invest in businesses which compete with existing locally-owned businesses. If they are involved in businesses, it has tended to be property-based which, as the Deputy quite rightly points out, will still be taxed at 20 per cent or they bring over new business which is very different to any existing business so therefore would not compete. If it becomes apparent that this is an issue, there are tools that could be deployed including the use of the Regulation of Undertakings and Development Law to minimise the risk. On balance, the benefits of the new 1(1)(k) regime to the economy outweigh the theoretical risk, but we will keep this issue under review.

2.7.1 The Deputy of St. Martin:

Yes, I almost anticipated the answer from the Treasury that this is a little small fry, that either local businessmen can take it on the chin because we need to keep his 1(1)(k)s sweet and happy. Surely, this anomaly was raised during my door-knocking by a businessman, who was very upset by the current arrangement, and he is asking us, you do need consultation during the run up to the ... I think it was, P.114, the proposition about the arrangement for 1(1)(k)s; did the anomaly come to light and if so what steps did the Minister for Treasury and Resources make to make it clear to all States Members that this anomaly existed, because I certainly was not made aware of it during the course of the debate.

Senator P.F.C. Ozouf:

The Deputy would seem to suggest that we do not care about local trading businesses and local residents. Quite apart from profoundly disagreeing with that personally, I would just explain to the Deputy the arrangements that exist to support local business through economic development, *et cetera*. All Governments have arrangements - or a lot of Governments around the world have arrangements - to boost their economy by attracting high net worth individuals to the jurisdictions. We had a full debate on this issue in the Assembly. I consulted Members on the issue and we debated it. As I say, if it does become an issue then there are tools that we can deploy in order to protect local businesses and I would not hesitate to do it and I will keep the matter under review. But, on balance, this is beneficial to Jersey.

The Deputy of St. Martin:

I did ask about why was the anomaly not brought to States Members attention during the course of debate?

Senator P.F.C. Ozouf:

I gave a substantial report on this issue, I published a report in relation to the lead-up to proposing the legal changes and we had a full debate in the States. I am surprised the Deputy was not aware of this issue when it was debated. For my part, I did my best to ensure that Members had a full understanding of it.

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

The Deputy of St. Martin is too polite, I think. I took part in that very full debate. The Minister said to me in that debate there were absolutely no negative knock-on effects from the 1(1)(k) regime. Would he now like to apologise to the States because I think the Deputy of St. Martin has proven him to be completely wrong.

Senator P.F.C. Ozouf:

The net benefit to the Island... Deputy Pitman has strong views on this subject and I do not think anything I will say will convince him. The fact is that we want to put in place a regime which not only benefits the Island but ensures that 1(1)(k)s bring their business to Jersey. We were dealing with this issue that 1(1)(k)s ran their financial affairs with their substantial trusts and other administrations in Guernsey when we thought the local economy can benefit from the undertaking of that work and that was the change that was envisaged and that is why in this place we had a full debate on it and Members in the majority approved it.

Deputy T.M. Pitman:

Supplementary. Does the Minister not ever answer the question?

Senator P.F.C. Ozouf:

I did answer the question and I state again that the overall benefits deal with the issue and I cannot be clearer. I have made my position clear on this.

2.7.3 The Deputy of St. Mary:

The previous questioner asked the Minister whether he could stick with his statement and others made that statement too that there were no negative effects. Here is a possible negative effect and the Minister has even pledged to keep it under review, so again, will he not go down the line of net benefit? We are not concerned with net benefit, we are concerned with the statement that was made in that debate that there can be no negative effects from 1(1)(k)s and will he agree and state now that that was not true? And the point about other jurisdictions having similar arrangements for attracting wealthy individuals, does the Minister not ...

The Bailiff:

I am sorry, Deputy, you asked one question, I think you had better stick to that.

Senator P.F.C. Ozouf:

The Deputy has made some extraordinary remarks in the media and in relation to another proposition about Ministers not effectively saying the truth, and I think that he is insinuating that I did not. I have been absolutely clear with Members about the 1(1)(k) regime but we debated it, there was a full report on the issue and I object to be the insinuation that somehow Members are not presented with full information. They were and this issue of attracting 1(1)(k)s will benefit the Island and I am confident in it and I would bring it again now, but I will keep under review the possible theoretical risks that the Deputy raises, which have been alert from the start of this process which I do not believe are going to be an issue.

2.7.4 The Deputy of St. Mary:

May I ask a supplementary? Does the Minister not agree that Jersey, being a very small jurisdiction in comparison to say the U.K., trying to attract wealthy immigrants, makes the risks much, much higher of what the Deputy in his original question was suggesting, that there will be or might be impact on local businesses if the 1(1)(k)s decide to compete with them? We are a small jurisdiction, surely that makes a difference.

Senator P.F.C. Ozouf:

I do not think it does particularly make a difference when there is a vibrant competitive market in what is effectively a small domestic market and I would again repeat that the main investments

which 1(1)(k)s have historically made in the Island are property, and they are taxed at 20 per cent in the manner which I have explained in the original answer to the Deputy of St. Martin.

2.7.5 Deputy M. Tadier:

I think it is all too easy to be negative when we are looking at this. The Minister should be congratulated because at least the 1(1)(k)s are paying 1 per cent more than the zero-rated companies with which other local trading companies have to compete already. Now, the Minister in his furious comment that 1(1)(k)s only compete in areas that local traders do not, such as space travel and wind farms on the north coast. Even if that were true, does the Minister not agree that they are competing in general terms with the businesses that are fixed? There is a limited amount of money, certainly in terms of a recession in the Island and therefore they have a distinct advantage having to pay 19 per cent less tax than their locally trading counterparts. Will the Minister perhaps answer that direct question and say whether that is fair and does that have a negative impact on local traders?

Senator P.F.C. Ozouf:

I say again, that in theory, that is a possible outcome of the new regimes for the new 1(1)(k)s that would be attracted to the Island and would seek residence. But there are measures that we have, including the Regulation of Undertakings and Development Law and others which I will keep under review - or my successor, whoever that may be, will keep under review - in dealing with this issue and I repeat again that the overall net benefit of the Island of attracting 1(1)(k)s and their business, boosting financial services and, to the extent that they invest in property and pay in 20 per cent, is overall good for Jersey and good for the economy, creating jobs in what is a very difficult economic climate at the moment.

2.7.6 Deputy M. Tadier:

A supplementary, if I may? The Minister said that there are tools which he could use if it proves to be the case that this is prejudicial to local traders; what are those tools and will the Minister bring those tools forward in what is supposed to be a free market economy?

Senator P.F.C. Ozouf:

I have no evidence that this is an issue. It is a theoretical issue which was rehearsed in the previous answers to the Deputy of St. Martin. I know the Deputy and most of the questioners in relation to this issue do not agree with the 1(1)(k) regime. I understand that point of view and nothing that I think that I can say will assuage them from their concerns.

The Bailiff:

I think the question was what are the tools available?

Senator P.F.C. Ozouf:

I repeat again, the Regulation of Undertakings and Development Law, which I will continue to keep under review.

Deputy M. Tadier:

Can I just say on a point of order, the Minister has absolutely no place in saying what the views are of other Members which he does not know. But the other point is he has not mentioned at all that is what I asked for and I am not asking for an answer now because the Minister has chosen not to answer but he could easily have given me materially what the tools are that they would use in the case to resolve these issues were they to be found to be true.

The Bailiff:

Well, I think in relation to tools, I did ask, Deputy, and the Minister said it was the Regulation of Undertakings and Development, that is what he said.

Deputy M.R. Higgins:

Could he explain? I thought it had been withdrawn.

The Bailiff:

Deputy, one moment, you are not next in the list of questions, it is Deputy Southern next.

2.7.7 Deputy G.P. Southern:

I have got my question here. Does the Minister not accept that the removal of a level playing field, this particular area of business taxation and the introduction of a further 1 per cent rate, tax rate for some but not all, puts the Island at risk of breaching the E.U. regulations on good practice for business taxation?

Senator P.F.C. Ozouf:

These are personal tax issues, they are not part of the E.U. code of conduct on business taxation. I do not see that there is an issue whatsoever in relation to that matter.

Deputy G.P. Southern:

A 1 per cent rate on businesses run by 1(1)(k)s in the Island is a business tax.

Senator P.F.C. Ozouf:

At the risk of offering the Deputy some information on the 1(1)(k) regime, Zero/Ten and all the rest of it, he needs to understand very clearly the difference between personal tax and business tax, which he clearly does not understand.

The Bailiff:

Deputy Higgins, do you wish to ask a question?

2.7.8 Deputy M.R. Higgins:

My apologies for jumping in first. Yes, my belief is the Regulation of Undertakings and Development Law is to be repealed because of part of the changes for the Migration Law, so what measures will the Minister for Treasury and Resources be bringing in to control this?

Senator P.F.C. Ozouf:

I do not know where the Deputy has been, but we have had a debate in this Assembly about a new composite law which replaces the Regulation of Undertakings and Development Law brought skilfully through the Assembly by Senator Routier which merges the Housing and Regulation of Undertakings and Development Law of which those tools were there. Again, the Deputy is gesticulating. Again, I do not think anything I will say will convince the Deputy that a 1(1)(k) regime is beneficial to the Jersey and beneficial for jobs.

[10:45]

2.7.9 Senator J.L. Perchard:

Would the Minister for Treasury and Resources please confirm for some Members who do not seem to be aware that utility companies in Jersey pay 20 per cent income tax, financial services companies registered with the Financial Services Commission pay 10 per cent income tax and all other companies, all other companies in Jersey pay 0 per cent income tax.

Senator P.F.C. Ozouf:

That is correct.

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

Could the Minister advise whether any work has been undertaken to determine the risks for both competition and tax for businesses as of 2011 and therefore the ultimate underlying consequences of the consumer's pocket?

Senator P.F.C. Ozouf:

Again, I would refer the Deputy to the answer that I gave a few moments ago that the main investment by 1(1)(k)s is in property and not into domestic businesses in the Island. So we had looked at that. It is an anticipated potential development with it that we thought about but we do not think that, on balance, it is an issue, but we will keep the matter under review. We are not aware of any 1(1)(k) businesses or 1(1)(k) individuals that have invested in a way that is prejudicial to competition in the manner which the Deputy is trying to get me to confirm, which I do not accept. But we will keep it under review; if there is an issue I will bring forward proposals to deal with it.

The Deputy of Wimberley:

So, the answer was no?

2.7.11 The Deputy of St. Martin:

I am disappointed that the Minister should cast aspersions on me because I am asking questions about the 1(1)(k)s. Can I remind him that I did support the proposition and this question has come to me, it has come this morning as a result of consultation with my constituent in St. Martin so please I would ask that he withdraw any comments he has made about casting aspersions on me. But I am glad that he accepts that there is an unfair situation and can I have an assurance then from the Minister that he will follow this particular question up and there will be maybe a statement made in the House, maybe in 6 months, as a result of the consultation and any inquiries that may well have come from other business people who feel they are trading on an unfair basis or playing on an unlevel playing field.

Senator P.F.C. Ozouf:

I thank the Deputy for his support and certainly I was reminded of his support for the 1(1)(k) regime, which I am pleased that he has stated. This is an issue of a theoretical risk, I thank the Deputy for bringing it to the Assembly in terms of ventilating the arguments because we are now further aware and Members may be more informed about the theoretical risk and certainly it is something that will keep under review, but I maintain the point that I do not think that there is an issue here. But we will review it should and if an issue be raised.

2.8 The Deputy of St. Mary of the Minister for Transport and Technical Services regarding the processing of items collected for recycling:

In view of the persistent rumours which circulate from time to time that items being separated for recycling are in fact sometimes going to the new incinerator to be burnt, can the Minister give the Assembly an absolute assurance that this is not going on, whether systematically or from time to time; and if it is, give a full explanation?

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

Well, first of all, I am not sure if the rumour can be as persistent as it only circulates from time to time, but having said that I can categorically reassure Members that these rumours are untrue. All waste material collected through my department's recycling schemes are either processed on-Island for local re-use and recycling or are exported to the U.K. or French re-processors to the same end. The only very minor exception to this will be where during the handling of these materials some items are identified as being too contaminated to recycle and are thus removed. These materials would end up in residual waste for incineration but represent a very tiny proportion of what is

collected overall. My department has worked hard since the implementation of the solid waste strategies published in 2005 to expand recycling and has achieved the key targets set of 32 per cent recycling and composting. The strategy is currently being reviewed and is part of that work on an analysis of black bag waste arriving at the E.f.W. (Energy from Waste) has been carried out. This showed that many of the key target materials such as glass, green waste and paper and card are being successfully diverted but there is still work to do on raising community awareness and improving collection schemes to further increase recycling levels.

2.8.1 The Deputy of St. Mary:

I thank the Minister for that reply. That is reassuring. Could he, in view of his comments on the waste composition survey, and he highlighted glass and paper and card and the fact that they were being largely separated now, could he comment, in particular, on whether that survey has shown problem areas, for instance, batteries that are ending up in black bin bags rather than being separated out? Are there any specific areas that are of concern? And also, how is it that these rumours - it bothers me that the rumours are persistent and they are intermittent, they can be both - and why is it that they come? I mean, it is a puzzle for me, I can accept his assurance ...

The Bailiff:

I do not think the Minister is in a position or has responsibility for rumours.

The Connétable of St. Brelade:

I can work on that one. In practice, in terms of the analysis of waste coming through, that work is presently being undertaken and as Members will realise it is not a terribly savoury task, but I can assure Members that there have been several consignments from St. Brelade I am aware of that have been dumped on the floor and analysed by officers. That work is ongoing and I hope that results will enable the department to target their strategy and improve the recycling percentages. In terms of working with the community, it is an uphill struggle. I brought a proposition to the Parish of St. Brelade - to a Parish Assembly - to undertake a recycling collection in the Parish. It was only narrowly won and I hope that my successor will progress that as time goes on. There is a lot of work to be done in terms of perception and my department, I think, are competently doing that at the moment. There are areas, particularly with glass, where the public perceive it all to be thrown in to the waste and I can say that in certain Parishes glass is collected on the normal round and the vehicles have different compartments in the back and it does look as though it is all being flung into the same thing, but in fact, in practice there are 2 different compartments. So all I can assure the Deputy is that we continue to work in the same direction, I think we have got the same philosophy on this and I hope that, as I say, my successor in Transport and Technical Services will continue the fight.

2.8.2 Deputy M. Tadier:

Specifically in relation to glass, I have been told by a reliable source that certainly a big percentage of glass, if not all of it, while it does get separated and the separation is primarily done by the homeowner, it is put in landfill. Is that true?

The Connétable of St. Brelade:

Yes, it is crushed and used in engineering applications at La Collette. There are 2 areas particularly, one is performing new road bases and if any Members have been down to La Collette and driven towards the reclamation pits they would be driving on glass, dare I say it, albeit made up with the appropriate mixtures. In addition, it is used as an outer wall lining for the walls around the La Collette reclamation area thereby displacing the stone aggregate which would have been used otherwise.

2.8.3 Deputy M. Tadier:

That is really quite informative but the point I am making is the Minister seemed to start by saying: “Yes, it is put in landfill” and then has mentioned that it is used for building aggregates but it would be helpful to know is the vast majority just thrown into landfill and not used for recycling or construction purposes and does he have any rough figures as to what proportion that would represent?

The Connétable of St. Brelade:

Well, it is not used in landfill in that sense, it is used to back up the sea walls and so I suppose it can be suggested that it is used for targeted landfill. I have not got the figures in terms of differences, but where it can be used for aggregate for road use obviously it will be, and where it is needed for backfill for the exterior sea walls it will be used for that.

2.8.4 The Deputy of St. John:

Given that card and paper, *et cetera* are shipped off the Island, most of the time, would the Minister agree or otherwise that given that our new energy from waste plant produces electricity is there any merit, Minister, in using the card and paper, or some of it, instead of having to subsidise it, in producing electricity by burning it?

The Connétable of St. Brelade:

The Deputy raises a good point. In practice, while the residual price for newspaper, high-grade paper and card is good, is worth exporting, I would suggest that if that price were to reduce to the lower level where it would be more beneficial to burn it and recoup the value through electricity generated it would be worth considering. But I made the point earlier in response to the Deputy of St. Mary, if we were to do that we need to be absolutely upfront about it. It would be absolutely, I think, wrong for the department to be collecting any materials, saying they will be collecting for recycling and they will not. So that is an exercise which will have to be done in the future depending on the economies of the day.

2.8.5 Deputy S. Pitman of St. Helier:

Could the Minister inform Members what percentage of our waste we are now recycling since the operation of the new incinerator?

The Connétable of St. Brelade:

I mentioned 32 per cent before, that sort of figure.

2.8.6 Deputy S. Pitman:

Supplementary? Would the Minister tell Members where his department are with the idea of Guernsey giving their waste to Jersey?

The Connétable of St. Brelade:

The department is always open to negotiations with Guernsey regarding the waste disposal and use of our E.f.W. plant as we are with Alderney. Negotiations really depend on the policies in Guernsey and it will also depend on the views of the Members of this House because any policy change with regard to that would have to be approved by this House before being undertaken.

2.8.7 The Deputy of St. Mary:

Firstly, a big thank you to the Minister for the reassurances he has given and in particular that if there was to be any change in the future that the department would be upfront about it. I think that is very important indeed and I am glad he shares that view. The final question really is about this matter of card and paper going off the Island and being recycled as opposed to being burnt and he says that if the price changed then the department might have to look at that again. Will the department, and can he give an assurance or hopefully an assurance for his successor now, that the department's considerations would include the CO₂ implications because there is a saving in

recycling versus burning for electricity and that is an important matter, and the Island should not be seen to be on the wrong side of the fence on that. So, could he give some kind of assurance that that would be included in the considerations?

The Connétable of St. Brelade:

I agree there is far more to it than just money and I think all the CO₂ implications and negative implications of burning do need to be taken into account, and also the onward disposal of ash waste in the pits of La Collette of course do form part of the consideration.

2.9 Deputy M. Tadier of the Minister for Treasury and Resources regarding the proposed Lesquende development in St. Brelade:

Will the Minister give an update of when the proposed Lesquende development in St. Brelade is likely to be started and explain why this has not been progressed more quickly?

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

Can I ask the Constable of St. Peter, the Assistant Minister, to be rapporteur for this question?

Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):

I am pleased to inform Members that the proposals for the development of 35x2-bed apartments and 20x2-bedroom houses on the Lesquende site will be resubmitted to Planning for approval by the end of this week, 4th November. On the basis that planning approval can be achieved in the department's target determination time of 13 weeks, detailed design work can commence in early 2012 in expectation of the site being worked later on in the year. Due to the promise of the site, Planning and Property Holdings have been engaged in a lengthy dialogue in order to ensure the proposed designs are appropriate to the location. I am, however, delighted that the joint efforts of both departments will produce a scheme that will provide much needed housing and workflow into the construction industry at a difficult time and at the same time significantly enhance the built environment in St. Brelade. The Housing Department was asked to identify schemes which could be brought forward. This was one of the top projects which they identified.

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

If I could just ask a question on that? In relation to these houses, could the Assistant Minister advise whether these are all going to be over-55s or whether there is consideration for young families to be able to purchase the 2-bedroomed houses?

The Connétable of St. Peter:

Sorry, this is part of the contribution to the delay; there have been a number of changes from when this was first brought forward, whether it was to be a mix of social housing, first-home buyer and more latterly an element of over-55s and that was brought forward for planning approval in June 2010, the over-55 element of that. It is my understanding that it will be a mixed scheme that is being brought forward for Lesquende.

[11:00]

2.9.2 The Connétable of St. Brelade:

Would the Connétable please reassure Members that consultation on the latest designs will be undertaken with the Parish because the Parish are only aware of initial ones and have not been brought up to speed with the latest changes.

The Connétable of St. Peter:

I am quite happy to make that commitment to negotiate, to inform the Parish about exactly what is going on.

2.9.3 Deputy M. Tadier:

First of all, I am glad that this is finally being brought forward. I hope it does - if the plans are correct, we have yet to see them, I think, as Parish representatives - they will be passed quickly because the housing is long overdue. Nonetheless, I would reiterate the Constable's points that the Deputies and the Constable and perhaps any other Senators in the Parish would like to be kept abreast of the development because we are quite keen that it represents the right mix and it would be good if it was something that we feel we could all support when it comes to Planning rather than raising any objections to which would be counterproductive.

The Connétable of St. Peter:

In agreeing to further the proposals with the Parish representatives I must just remind Parish representative Members here today that a lot of the contribution to the delay of the process has been because of changes brought forward on each consultation; and while if there is a definite reason why it needs to change again the Parish representative must understand that will increase the delay even further. But, nevertheless, we will do our best to work with them.

2.10 Deputy M.R. Higgins of The Minister for Treasury and Resources regarding the impact of the recession on the Island:

Does the Minister believe that Jersey has come out of the recession? If his answer is yes, on what basis is his belief based; and if no, when does he think the Island is likely to do so; bearing in mind the current performance of the financial services industry and the state of its world markets?

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

There are signs that our economy is no longer in recession and has returned to modest growth this year. The Business Tendency Survey results showed an increase in the balance of financial services companies, reporting an increase in profits for the first half of this year and employment in June was 750 higher than a year ago, taking it to the highest June level recorded. Retail sales volumes have also continued to grow, up 4 per cent on last year. However, as the Deputy points out, the world markets have been affected by the unprecedented troubles in the euro area and the U.S. (United States) in recent months. This and the prevailing uncertainties will affect the speed of our recovery into 2012 and possibly beyond. The Fiscal Policy Panel has incorporated these risks into their economic forecast and has judged that economic growth may continue in 2012 but the risks are weighted to the downside. They have, therefore, revised their range of the central expectation for 2012 to minus 2 per cent to plus 2 per cent compared to a forecast of between 0 per cent and 3 per cent for 2011. The important thing is that we act in a positive way to ensure that the economy is in the best possible position to sustain a recovery. The budget next week will include further announcements on what we propose to do to stimulate growth by ensuring previously allocated capital funding is spent during 2012, bringing forward capital schemes particularly housing at Lesquende; investing in the Island's technology and infrastructure and progressing the Minister for Economic Development's economic growth strategy.

2.10.1 Deputy M.R. Higgins:

Since the F.P.P. (Fiscal Policy Panel) has been produced there has been further downgrading of growth forecasts for Europe from the O.E.C.D. (Organisation for Economic Co-operation and Development), and the Bank of England has also forecast much lower growth in the U.K.; so does he still expect the range of figures the F.P.P. have come out with? Secondly, does he also feel that there may be a need for additional new money coming in, in the form of injection into the economy

or a scaling-back of the proposed public expenditure cuts to get us through this particular phase of the economy?

Senator P.F.C. Ozouf:

I think that the F.P.P. and our Economics Unit have an extremely good track record in forecasting economic growth; certainly their advice has been pretty well accurate in terms of the overall recession over the last 2 or 3 years and so I have confidence in taking their advice. I have given careful consideration to the argument of whether or not we should be setting aside the F.P.P.'s advice of not putting any new money in from the Stabilisation Fund or the Strategic Reserve. They have advised that there are measures that we can do, like bringing forward capital expenditure, perhaps loosening some of our borrowing issue requirements on housing that can inject money into the economy. So I am confident with these measures that we will negate the issue of having to put new money; and, no, I do not think that there is a case to be withdrawing from the necessary adjustment in terms of C.S.R. (Comprehensive Spending Review) and I would just remind the Deputy that overall we will be spending more money in the economy as the States of Jersey than we did last year, notwithstanding the C.S.R.

2.10.2 The Deputy of St. John:

Is the Minister saying within in his reply that we can expect to hear from the Minister that our fulfilment business is on its way out; and given the comments he is making, with the recent details being given that he is going to pump-prime another £40 million in the stimulus - if I read it correctly - will a big chunk of this be going to Jersey Telecom?

Senator P.F.C. Ozouf:

Certainly both the Minister for Economic Development, the Chief Minister and the Minister for Social Security and I have been doing everything we can in order to protect the fulfilment industry and the Minister responded before in previous questions on that. In relation to new money; we are going to ensure that the money that is already allocated: the £37 million in capital; other unspent balances - for example the police station - is spent. That is going to be the fiscal stimulus that is going to be important next year and also bringing forward the Minister for Housing's pipeline of work where we will consider perhaps some borrowing for schemes that produce a return such as Lesquende. In relation to Jersey Telecom, the Deputy - shortly to be Constable - is going to be invited to a presentation by Jersey Telecom; it is not £40 million, I cannot control the media reports in relation to these issues. There is a proposal to invest in fibre optic technology in Jersey and that will be explained to Members next Monday and I will be referring it in the budget speech a week today.

2.10.3 Deputy G.P. Southern:

In referring to optimism survey in his opening remarks, why did the Minister for Treasury and Resources only point to the single positive factor whereas all the rest of the factors in the projections were negative; and why did he point to that figure when in fact it was lower than any time in the last 3 quarters?

Senator P.F.C. Ozouf:

I pointed to that because it is the important financial services aspect of that - as the Deputy will I am sure agree - as being the engine of the economy; if financial services is performing well then the rest of the economy will follow. I would just remind the Deputy that I think that we have been - as this Assembly in this term of office - successful in helping the domestic economy that would have seen a greater downfall in jobs and a greater contraction in areas such as construction had it not been for the fiscal stimulus that we have carried out. I saw last night the Opera House scheme, the last of the big fiscal stimulus projects, these have made a difference in keeping Jersey working in an otherwise very difficult situation and I hope that the Assembly will continue to support bringing

forward capital expenditure but not blowing the rules on our fiscal prudence, which is why the Island is in such a strong position today.

2.10.4 Deputy G.P. Southern:

In light of that answer and his reference to fiscal stimulus, will he not now consider reviving fiscal stimulus into the future because obviously the situation is getting worse? The projection has gone from between 2 per cent this year, growth 4 per cent next year, to 1.5 per cent mean figure and 0 per cent the year after. If things are getting substantially worse is it not time to re-engineer some fiscal stimulus to make sure the economy starts to recover?

Senator P.F.C. Ozouf:

I think the Deputy makes a good point about what we can do to support the economy. Where he and I perhaps depart is the fact that I do not think that we have got to the stage where we should be considering injecting, for example, money from the Strategic Reserve; and we are going to have a debate about that in the budget next week. There are other things we can do; we can ensure that the money that has been allocated to capital projects in previous years gets spent, we can bring forward capital projects for housing which have a return. These make a difference and we can certainly support perhaps the investment of fibre optic in the Island. There are things that we can do which do not blow apart our fiscal prudence, which is also the F.P.P. advice, and I certainly take great comfort from the F.P.P. aligning with my own position.

2.10.5 The Deputy of St. Mary:

The Minister has just said he agrees with the F.P.P. A moment ago he said: "I have confidence in accepting their advice". Part of their advice I see in the update on page 4 is the States should avoid making decisions in budget 2012 that permanently reduce revenue or increase expenditure. Would the Minister comment on his measures to reduce revenue in the budget that we are going to be debating next week in the light of that comment by the F.P.P.; in fact, in the light of that recommendation by the F.P.P.?

Senator P.F.C. Ozouf:

I think the F.P.P. were remarking on potentially further measures over and above those that I have presented. I think the F.P.P. warmly endorsed the budget proposals and indeed the handling of the economy, which of course they had advised on, in terms of the last couple of years. The F.P.P. are concerned about this Assembly making decisions - as has happened in the past - which are not in accordance with their advice. I do not think there are any proposals apart from those of Deputy Southern's, which would be against their advice. I have got nothing further to add.

2.10.6 The Deputy of St. Mary:

With respect, the F.P.P. do not say: "The draft budget was okay but we do not want any additional measures"; they say that we should avoid making decisions in budget 2012 that permanently reduce revenue and my understanding is that is what the budget will do. I do not say whether I agree or not with F.P.P., I am just asking the Minister whether he agreed or not with the F.P.P.?

Senator P.F.C. Ozouf:

I absolutely agree with the F.P.P., and the permanent reductions in revenue are carefully judged ones. I am sure that this Assembly would welcome the childcare additional support for working families and also the extension of the exemption limits for people on middle-earners. Those are the permanent reductions. On the other side there are budget proposals to increase revenue in terms of duties, in terms of some of the corporate fees, *et cetera*. There are measures that more than pay for the measures that reduce revenue and that is why I think the F.P.P. are agreeing with the budget.

2.10.7 Deputy A.E. Jeune:

The Minister in his answers has been referring to the F.P.P. recommendations and I would ask, would the Minister not agree that the presentations from the F.P.P. are of great assistance to Members and are very informative and it is regrettable that more Members do not attend these presentations?

Senator P.F.C. Ozouf:

I am very proud of the F.P.P. and I have said before that in fact the U.K. followed us in setting up the Office of Budget Responsibility. They are independent, they cast their slide rule over the Treasury projections, they look at the budgets and they are not afraid of scolding when they think prudence is not being kept. We are strong, we do not have any debt, we have dealt with our deficit; we can be looking forward with confidence in a world that otherwise is in turmoil because we have independent advice and this Assembly has a track history of listening to that advice. Yes, I do hope more Members could attend but I understand Members' pressures.

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

While not wanting to downplay the difficulties that are facing Jersey's economy, would the Minister not agree with me that we have a remarkably resilient economy, we have a much higher rate of occupancy of the High Street than comparable centres in the U.K. and that there is around half a billion pounds of private sector investment ready to go in projects in the Island?

Senator P.F.C. Ozouf:

I agree with the Constable. The economy of Jersey has been incredibly resistant, that is its underlying strength; it is the prudence of the decisions we have made, the work of Economic Development; but the entrepreneurial spirit of the Jersey man and that has been at play throughout this recession and we are in strong position to recover. I am aware that there are a number of schemes which could yield further private investment in the economy and that is within the Planning domain, but I am sure the Minister for Planning and Environment understands the importance of that.

2.10.9 Deputy M.R. Higgins:

While I accept that infrastructure investment can be very good, how can the Minister ensure that this money will continue to circulate in the Island and will not leak out of the economy through overseas firms and, therefore, defeat the objective of the policy; and how can he ensure that this money is further spent in the economy in shops and other retail establishments and, therefore, help maintain employment?

Senator P.F.C. Ozouf:

I would refer the Deputy to the retail sales figures that I referred to in my earlier answer and to the strength of retail sales that has been throughout the period of this recession compared with other places. He is right to be focused on the importance of keeping that money circulating; the fiscal stimulus programmes, the hospice development, the Durrell, the Opera House and all of the other construction projects that have happened including Le Squez, have all had very tight controls in terms of the local employment. That is one of the reasons why I think that we still see - while understanding unemployment is high - employment has been a record high. I do not think that has happened by accident, but we must continue to be vigilant and we will be vigilant in the £37 million to new capital, and that other capital that needs to get spent in the economy. The Treasury has done a very good job, I think, of overseeing this work and has yielded the employment results that we have seen. I cannot, however, force people to spend money.

[11:15]

2.10.10 Deputy M.R. Higgins:

Could I just ask the Minister to clarify; what data do you have in terms of multipliers that you can justify that statement?

Senator P.F.C. Ozouf:

This has been rehearsed in the question times previously; there has been Corporate Services that have carried a review of fiscal stimulus and the Economic Adviser has kept a close eye on the whole issue of fiscal stimulus and it has been a success; and I thank Members for their support in adopting fiscal stimulus over 18 months ago. It has made a difference.

2.11 The Deputy of St. Mary of the Minister for Planning and Environment regarding who made the decision to grant permission for the redevelopment of the former Portelet Holiday Village site:

Can the Minister advise who is the chairman of the former Environment and Public Services Committee when the decision to grant permission for the former Portelet Holiday Village site was taken in 2004, which politicians were present when that decision was taken, whether the meeting was being chaired by the vice-chairman of the committee and, if so, why, and under what legal and policy framework this delegation was taking place.

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

An application for the redevelopment of the former Portelet Holiday Village was submitted by Bridgemere Developments Limited on 7th May 2004 (reference P.2004/0973). The decision to grant permission was taken by the Planning Sub-Committee of the former Environment and Public Services Committee on 10th August 2005. The Minister at the meeting recalls that the Members present were Deputy J.L. Dorey, Acting Chairman, Deputy J.J. Huet and Deputy M.A. Taylor. At the time of the decision, Deputy Dorey was the vice-president of the Environment and Public Services Committee and the acting chairman of the Planning Sub-Committee in the absence of the Constable of St. John, Richard Dupré. The Planning Sub-Committee, in approving the application, was acting under powers delegated to it by the full committee. These are scheduled within the Delegation Code of Practice dated 1st October 2004 which states: "The Planning Sub-Committee has the delegated authority of the Committee to make decisions under Island Planning Law Articles 6, 8, 10, 19 and 20" and so on.

2.11.1 Deputy P.V.F. Le Claire:

In answer to written question 4 this morning, the Minister said that I was asking questions about the Jersey equivalent of the U.K. Planning Guidance under section 106 (1990) which I outlined derived, and still derives, U.K. Councils with 10 per cent of the value of flats that are built set aside for social housing. It is put down there in answers that under Senator Cohen's shift Portelet Holiday Village was approved, 46 flats and 7 houses. Even at the most minimal amount of money, we are looking £20 million worth of development so that would have been in the U.K. from 1990. We are talking about something that was passed in 2005, £2 million available for the States to build social housing and we have got a £600,000 bus shelter. Is this adequate?

Deputy R.C. Duhamel:

If there is no bus service to that area, it probably was adequate but whether or not it was sufficient is something else.

Deputy P.V.F. Le Claire:

Did they derive how many people are going to be living in these flats that are using the bus shelter, I wonder?

Deputy R.C. Duhamel:

I do not have that information.

2.11.2 Senator A. Breckon:

Could I ask the Minister to clarify in his original answer, did he say delegated powers were granted in October 2004 and when did the sub-committee make a decision?

Deputy R.C. Duhamel:

I said that the Planning Sub-Committee, in approving the application, was acting under powers delegated to it by the full Committee and these were scheduled under the Delegation Code of Practice dated 1st October 2004. The application was in 2004 but it was not decided upon until 2005.

2.11.3 Deputy M. Tadier:

Would the Minister advise whether the bus shelter represented its contribution to transport needs for the Island or whether there was a contribution to affordable housing?

Deputy R.C. Duhamel:

I am not sure how that supplementary arises out of the original question and I will answer the Deputy at a later stage.

The Bailiff:

Deputy of St. Mary, do you wish a final question?

2.11.4 The Deputy of St. Mary:

Yes, I do, now that I have absorbed the original answer. First of all, the answer did not answer the first part of my question: who was the chairman of the former Environment and Public Services Committee, the main Committee at the time, and I can add now at the time of the original application and at the time of the decision. The other thing that is difficult is these delegated powers which this Planning Sub-Committee operates under. Do those powers state that they take all the decisions on planning applications or was the full Planning Committee still the ultimate authority and still took major decisions and if they were the ultimate authority, why did they not take this decision?

Deputy R.C. Duhamel:

I think the question from the Deputy of St. Mary was somewhat ambiguous. I thought he was wanting to know who was the chair of the decision-making body.

The Deputy of St. Mary:

Not at all ambiguous, if I may say so.

Deputy R.C. Duhamel:

Well, I am taking it as ambiguous but I will answer it nonetheless. Senator Philip Ozouf was President of the Environment and Public Services Committee and also an elected member of the Planning Sub-Committee. However, he was not present on either of the 2 occasions upon which this particular application was discussed. The process under which planning decisions are made are threefold and I think the same system pertained then as it does now. There are officer delegated decisions; there are Planning Applications Panel delegated decisions and this was one of them and then there are Ministerial decisions. The bulk of the applications are taken by officers. The next major contributor to the decision-making process is by the Planning Applications Panel and a minor role is played by the Minister for Planning and Environment. The decision as to which particular category of decision-making body takes the decisions is governed by the rules and regulations as taken, I think, by the Committee and by the Minister and, indeed, by the Head of the Planning Service.

2.11.5 The Deputy of St. Mary:

Was that appropriate that a site as big as Portelet was decided to be in the second category of decisions?

Deputy R.C. Duhamel:

I was not there at the time so I do not know, but all I can do is to hazard a guess to say that if indeed the Committee and those who were charged in determining which particular one of planning decision-making bodies was to undertake this particular decision, I am sure that they took it in good faith and in line with the rules and regulations for taking those decisions. Otherwise, they would not have been in office.

2.12 The Deputy of St. Martin of the Chief Minister regarding a review of the U.K. Human Rights Act 1998:

Given that the U.K. Government has established the Commission on the Bill of Rights to review and report on reform of the U.K. Human Rights Act of 1998, and that the Island has adopted legislation almost identical to the U.K. Act, will Jersey be participating in the review and, if so, would consideration be given to amending the Jersey law should the U.K. decide to amend its Act?

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

Yes, the U.K. established the Commission on the Bill of Human Rights on 18th March this year. The Commission will investigate the creation of a U.K. Bill of Rights that incorporates and builds on all of the U.K.'s obligations under the European Convention on Human Rights and ensure that these rights continue to be enshrined in U.K. law. The Commission will also examine the operation and implementation of those obligations and provide advice to the U.K. Government on any proposed reform. This has nothing to do with the position in Jersey because Jersey has had the European Convention on Human Rights extended to it and it is embodied in our domestic legislation in the Human Rights (Jersey) Law 2000. Any changes made by the U.K. will not of themselves apply in Jersey and it is our domestic legislation that will continue to apply. Naturally, it would be sensible for Jersey to look carefully at any alterations that may be made in the U.K. in order to consider whether or not it would be desirable to make similar alterations in Jersey. A new U.K. Bill of Rights would have no direct effect in Jersey. However, if a proposed U.K. Bill affords additional rights or changes the operation or implementation or obligations in the U.K., consideration might be given by Jersey at that time as to whether the Island would wish to make similar provisions and, if so, what mechanism might be appropriate.

2.12.1 The Deputy of St. Martin:

Yes, I thank the Minister and maybe he might have acknowledged the fact that I did ask these questions by 18th September and 4th October via email but did not get the answers, hence the question being asked today. Will the Chief Minister agree though that some judgments delivered by some judges are bringing the Human Rights Law into disrepute? If he does agree, would he not agree that it would be helpful maybe if the Chief Minister or his successor made a statement reaffirming its support for the Jersey Human Rights Law and it has no truck with some of the decisions that are made by some judges in some courts?

Senator T.A. Le Sueur:

While it is quite possible that judges, not only in human rights law but in any aspect of law, may make decisions which appear unusual or perhaps bizarre, the judges are generally in a better position to judge the facts of a particular case than a third party, such as ourselves reading what we see in our newspapers. Nonetheless, to the extent that there may well be questions raised by certain judgments in certain cases, that will no doubt be taken into account by the Commission at that time.

2.13 Senator F. du H. Le Gresley of the Minister for Planning and Environment regarding an update on the review of the draft supplementary planning guidance for Island Plan Policy H3 (Affordable Housing):

Could the Minister provide Members with an update on the review of the draft supplementary planning guidance for Island Plan Policy H3 - Affordable Housing?

Deputy R.C. Duhamel (The Minister for Planning and Environment):

Members will recall that the former Minister for Planning and Environment gave an undertaking during the Island Plan debate that the new affordable housing policy set out in the new Island Plan at Policy H3 would not come into effect until a new supplementary planning guidance to inform its operation had been adopted. This undertaking was formally expressed and approved by the States Assembly as set out in proposal 21 of the 2011 Island Plan. Now, work to progress the new supplementary planning guidance is ongoing. My department has engaged expert advice with experience and knowledge of the operation of similar affordable housing policies in the United Kingdom to advise on the refinement of the draft supplementary planning guidance and to assist with preliminary consultation on its content with the development industry. This work is scheduled to be undertaken during November with a view to the commencement of the public consultation on a draft form of the guidance in January 2012 before the matter is presented to the States early in the New Year. It is envisaged that the guidance could therefore be in place during the first quarter of 2012, which would enable the use of the new Policy H3. It is relevant to note that the original proposal for Policy H3 supported by independent planning inspectors was that it did not become operational until 2012 in order to allow time for the development industry to prepare for its introduction.

2.13.1 Senator F. du H. Le Gresley:

Is the Minister aware of the concerns of members of the Jersey Construction Council that because of existing use values, Policy H3 is not viable for brownfield sites and if rigorously applied, could, in fact, result in fewer affordable houses being built?

Deputy R.C. Duhamel:

I am, but equally I am informed by the statement that was made by the Jersey Construction Council on 22nd June 2011 around the time of the discussions on the Island Plan that that Council particularly encouraged that the specific workings of the policy and the supplementary planning guidance had to be consulted upon before they were adopted as part of the Island Plan, and it also strongly believed that the proposed policy must be tried and tested by the industry before the States vote to adopt a way forward. Indeed, all of these points are due to be raised at the pre-consultation meetings with the industry and they will be acted upon.

2.14 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the cost to the taxpayer of support (through supplementation and Income Support payments) of minimum wage jobs:

Would the Minister confirm that for every £1 in revenue in income tax and social security contributions produced by jobs at or around the minimum wage, the cost to the taxpayer of support through supplementation and income support payments for these jobs is £3 or more?

[11:30]

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

The Deputy recently lodged a proposition, P.177, regarding the manner in which all questions are answered. With this in mind, the simplest and most direct answer to his question is no. But to

provide a little more detail, it is impossible to confirm the statement put forward by the Deputy as each of the areas concerned will vary according to the circumstances of the wage earner. The Deputy has posed a related written question to the Minister for Social Security and I would urge Members to read that answer carefully. The factors that affect the combination of income tax social security contributions supplementation and income support include marital status, number of adults in the household, number of adults in the household in employment, number and age of children, number of years' residence, tenure of accommodation, type of accommodation, number of hours worked, pattern of work, total household income and household assets and childcare arrangements among many others so I am afraid it is not possible to simply come to a conclusion as the Deputy has sought to make, both in this circulated comment and in his media comments.

2.14.1 Deputy G.P. Southern:

Will the Minister assure Members that he will read in detail the 4 pages of background that I have circulated today which go to show that, at the very least, the figure is £3 of support, not any less, for every £1 million that comes in and that I have, in fact, taken absolute minimum figures to produce that data. Will he study it?

Senator P.F.C. Ozouf:

I have studied it and I have discussed it with officials and I have also discussed it with Social Security and we do not agree with the conclusions that he has reached. Quite apart from that, the Deputy's hypothesis seems to be based upon the fact that if one was to raise the minimum wage, then these jobs would continue in Jersey and, of course, that is probably not the case. So the Deputy is seeking to raise - that is certainly the media comments that he has made - the minimum wage to counteract his £3. The difficulty is that the industries that do employ people at minimum wage would probably no longer in some measure continue in the Island and therefore create an additional financial burden which would have to be dealt with. So there is another side to the Deputy's point which I hope that he would accept in his questioning on this issue.

2.14.2 Deputy M. Tadier:

I am sure that this is something which should be discussed more fully in the debate but the Minister, in his last comment, seems to be implying therefore that we have the absolute optimum minimum wage value at the moment because surely if, in fact, we could lose business to the Island and therefore revenue by increasing the minimum wage, we could potentially also get more business by dropping the minimum wage. So would the Minister advise what evidence he has to suggest and to be confident that we have the optimum minimum wage currently in our economic conditions for the market and for our Islanders?

Senator P.F.C. Ozouf:

I am happy to give my own views in relation to minimum wage but, of course, I am not responsible for that. That is a matter for Minister for Social Security who is bringing forward proposals. They are made by regulations and he himself is advised by the independent panel that advises him in relation to these matters. I look at this from an interested bystander's point of view and I have to say that I think the judgments that the advisers to the Minister for Social Security make are sound. They are a careful judgment. There are, of course, trade-offs. As the Deputy indicates, a higher minimum wage will be an issue of affecting jobs; a lower minimum wage could be a countervailing issue of creating more jobs. These are sensitive issues which must be judged in the round and made having regard to the economic situation, businesses, *et cetera*, and, of course, this Assembly makes these decisions in terms of the regulations ultimately.

2.14.3 Deputy M. Tadier:

Would the Minister agree that perhaps he is underplaying his role when he considers himself an interested bystander because the Social Security Department's problem is also one which affects the Treasury because if the Minister, as Deputy Southern is suggesting, is paying far too much out,

then it is providing a false economy. It does affect not simply the Minister for Treasury and Resources' budget but the whole of our Government and the way it works.

Senator P.F.C. Ozouf:

I am an interested bystander in the process of determining a minimum wage. I do not think that that should be an issue of political intervention by the Treasury. We enjoy excellent relations with Social Security and I have enjoyed excellent relations with the Minister for Social Security in relation to the overall cost and he and I have worked together on F.S.R. (Fundamental Spending Review) and other difficult issues. So we very much understand the consequences and my position is that we take the advice from the independent advisers and we deal with this. There is an issue of supplementation and the costs. There is a greater understanding of what supplementation is perhaps than there was previously and this is obviously something that is going to need to be addressed by this Assembly in future years.

2.14.4 The Deputy of St. Mary:

It is interesting that we might get to this in future years. The Minister has asserted that there would be effectively a job drain if the minimum wage was to rise substantially. I think I heard him say that. Can he say if he has any evidence that in London when the living wage was introduced whether London became less vibrant or lost population or jobs disappeared?

Senator P.F.C. Ozouf:

Again, this is well outside of my remit. I am not the person that deals with the minimum wage setting. I am interested in the whole academic subjects about minimum wage. I restate the issue that our minimum wage is slightly above that of the U.K. as I understand it and these are judged indeed for the circumstances of Jersey and I think the advisers to the Minister for Social Security for making such well-judged recommendations to this Assembly.

The Bailiff:

Do you have a final question, then, Deputy Southern?

2.14.5 Deputy G.P. Southern:

Yes, Sir, although there are several. Since the Minister stated that he does not accept my figures, I presume that he will be coming forward with a paper of his own to say where I have gone wrong and I would seek that assurance from him. But would he not accept that, far from being an innocent bystander, he is responsible for the fact that £65 million each and every year, and it is rising, goes out of tax coffers to pay for supplementation? Does he not accept that within the minimum wage set as it is, this requires substantial support from the taxpayer, not from the employer, substantial support from the taxpayer to creating and maintaining these low wage jobs?

Senator P.F.C. Ozouf:

Everybody that earns less than £43,000 receives supplementation in order to ensure that their benefits are maintained in subsequent years and the Deputy will recall the Treasury's involvement in the F.S.R. where we sought to reduce supplementation burden to taxpayers by 2 per cent above that and I am sure the Deputy would agree with that, and that is a subject of ongoing discussion with the Minister for Social Security and I. The Deputy, I think, will understand that this is not a binary issue, that there is an offsetting consequence of raising a minimum wage for people potentially becoming out of work and therefore becoming a greater burden in terms of income support. These things need to be taken in the round. There is an issue and a debate about supplementation which is going to be an important responsibility of whoever, it may be me, in terms of Treasury and Resources and Social Security within the next 3 years.

2.14.6 Deputy G.P. Southern:

Will the Minister produce a paper refuting my figures because he implied that they were not accurate and were subject to all sorts of variation, most of which put the bill to the taxpayer up not down?

Senator P.F.C. Ozouf:

Frankly, I am in office in this position until 17th/18th November. I have the budget to do next week and I cannot promise that I will give the necessary time and energy to compiling a report on this issue which, in any event, should be a joint statement from the Minister for Social Security and I. Maybe we will still be in the same position in the next Assembly in relation to our responsibilities. If we are, I am sure we will be working quite closely together.

3. Questions to Ministers without notice - The Minister for Home Affairs

The Bailiff:

Very well. That completes oral questions on notice so now we come to questions without notice and the first period is to the Minister for Home Affairs.

3.1 Deputy T.M. Pitman:

The Minister will recall, I hope, an investigation begun by the South Yorkshire Police into allegations relating to a senior police officer and an alleged abuse within the Sea Cadets. This was, I recall, referred to by the former Acting Police Chief as potentially career-changing. Can the Minister advise as to whether those investigations and a stand alone report were ever completed, what was the outcome, and whether that report, if it exists, is available to Members?

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

I do not have any details in relation to this matter and the Deputy has not given me enough details to understand what he is talking about.

3.1.1 Deputy T.M. Pitman:

Perhaps the Minister should familiarise himself with the 62,000 word-statement of the former Police Chief which he had claimed he had read, so how he can not know what I am talking about I do not know, but could the Minister look into it and get back to me, please?

Senator B.I. Le Marquand:

No.

Deputy T.M. Pitman:

It is a genuine question. This was brought up at a scrutiny hearing and if we are going to get this ridiculous, I must say, answer from a Minister, is there any point to this Chamber? Can you not ask the Minister will he not adopt a more sensible grown-up approach?

Senator B.I. Le Marquand:

The matter was looked into in the past and I have no intention whatsoever of reopening it.

3.2 The Deputy of St. Mary:

Maybe I shall have some more luck. I have been reading a lot about this whole area because of the scrutiny review into the BdO Alto Report and one of the things that has struck me is the issue of bullying and I read a paper, I forget by who, which shows quite clearly that example after example after example of bullying was tackled within the States of Jersey Police. My question for the Minister is when he said very publicly that bullying was an issue quite recently in the States of Jersey Police I want him to tell the Members how he came to this conclusion and why he made it so public and can he confirm that he now no longer holds this view?

Senator B.I. Le Marquand:

The answer depends upon what period of time the Deputy of St. Mary is referring to. I am quite clear in my own mind that there were issues of bullying within the police force at times in the past. Indeed, the question of the Deputy itself rather reinforces that view.

3.2.1 The Deputy of St. Mary:

Can I have a supplementary, Sir? The question was how he came to the conclusion that bullying was still an issue and that somehow the Chief of Police who has now departed was somehow responsible for that, why he published it in the way he did and whether he can confirm that he no longer holds that view?

Senator B.I. Le Marquand:

The difficulty with the question is I am not sure which period of time that the Deputy is referring to. I wonder if he could clarify that.

The Deputy of St. Mary:

Indeed, the comments that the Minister made about bullying in the police and the failure of the former Chief of Police to deal with it I took - and I think the majority of the public took - to be in recent times and the evidence that I have seen suggests that bullying was tackled very firmly by the team of the S.I.O. and the Deputy Chief Officer and the Chief Officer in the time just before. So the point is that the Minister seemed to be giving a view that was contrary to what was going on and I wonder whether he has now settled on the fact that he has withdrawn that view. I am not sure whether he has withdrawn that view or not.

Senator B.I. Le Marquand:

I am still of the opinion that there was a culture of bullying within the police force at the relevant time. I am not thereby saying that that was the fault of the Chief Officer of the day but the fact is such a culture, in my view, did exist. I base that upon a number of issues, including complaints that were made against officers, some of which would have led to disciplinary hearings if they had not left the force.

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

I would be grateful if the Minister would congratulate the States of Jersey Police and other officers for the reintroduction of police motorcycles. **[Laughter]** **[Approbation]** They are a marvellous deterrent for road safety and for crime and for the detection of crime. But I would also like him to convey my special thanks, being a retired specialist officer in the field, for the current officers for the design against crime that has been incorporated in a new St. Helier Town Park which I recommend that he visits with his Chief Officers and others so that he clearly sees that we have done things properly at the initial stages for the benefit of the community for the future. Can he please do the same for the new Police Headquarters?

Senator B.I. Le Marquand:

I will most certainly do that. I am very grateful for the opportunity to say some really nice things about the States of Jersey Police Force. We have an excellent police force, which is excellently led, and I am very pleased to be able to say really positive things.

[11:45]

So often I have to respond to criticisms of the police force but on this occasion, I have with me, in fact, a photograph of the bikes with 2 officers which, with the permission of the Chair, I will pass around for those Members who wish to see them. I am delighted that we have been able to purchase 4 such cycles. They are 650cc and they will provide much greater flexibility and they are

a terrific asset. I also want to agree with the questioner in commending the work of the Crime Prevention Officer, excellent work, in a design of the new Town Park.

3.4 Senator F. du H. Le Gresley:

Is the Minister supportive of the possible relocation of the Police Headquarters to the open section of Green Street car park or does he still consider that Lime Grove House was a better option?

Senator B.I. Le Marquand:

I am supportive of the current plans in relation to the open area of the Green Street car park. This will provide a combined police station and headquarters on one site. On the other hand, of course, the provision will take longer to produce. There are various figures in relation to relative costs of the 2 schemes and I do not propose to comment on them today but I am wholly supportive of the proposals.

3.5 The Connétable of St. Helier:

Deputy Fox has partly stolen my thunder or should I say my exhaust but I wanted to ask the Minister whether he would convey my thanks and the approbation of the House for not only the reintroduction of police motorcycles but the fact that we now have police officers on bicycles and perhaps most significantly, we have a very high visible police presence in the town [**Approbation**] and that is, of course, led by the Chief Officer of the States of Jersey Police himself and is indeed appreciated by town residents and town traders.

Senator B.I. Le Marquand:

Thank you very much to the Connétable for that. Yes, things have definitely been moving forward in the right and positive direction in recent months. I am particularly excited by the fact that officers are out and about in town far more, not just because the public want that but also I believe that the fact that they are now talking to the public and dealing with the public on the streets in this way in a friendly atmosphere has changed their own perception of themselves in a very positive way. I really welcome that.

3.6 Senator T.J. Le Main:

Recently the Minister was quoted in the *J.E.P. (Jersey Evening Post)* or in the media that there was an £8 million loss with the Lime Grove House saga. Can the Minister, in fact, inform the Assembly the where and how of this £8 million loss? If not, if the figures are wrong, will he be offering an apology to the Minister for Treasury and Resources?

Senator B.I. Le Marquand:

The position is that as is fairly normal in public life, what I have said to the scrutiny sub-committee was misreported. The position was that at the time when I wrote certain emails that the information which I had was that the differential of cost between the proposal and the best other option at that time was £8 million and I was concerned about that but that figure subsequently came down to a lower figure and, indeed, now that we have done calculations and alternatives, it has come down to an even lower figure. But the difficulty is that once one is misreported in this way, once the media seize upon a particular thing, it is virtually impossible to correct it. I am grateful to the questioner for the opportunity to correct it.

3.6.1 Senator T.J. Le Main:

Could I just ask whether the Minister could quote what is the lower figure loss, please?

Senator B.I. Le Marquand:

Well, I looked at some figures yesterday and it is a much lower figure. It depends precisely upon the issue as to how you value the various sites but it is a much lower figure. No doubt, that figure will become public.

Senator T.J. Le Main:

Is that figure available, just the lower figure?

Senator B.I. Le Marquand:

Yes.

Senator T.J. Le Main:

£7 million?

Senator B.I. Le Marquand:

No, no, it is less. On the figures I saw yesterday, it is less than £2 million but the precise figures ...

Senator T.J. Le Main:

Less than £2 million?

Senator B.I. Le Marquand:

Yes, that is what I said. The difficulty is that it depends upon how you value various different sites which have become available and so on but no doubt it will be the subject of more detailed scrutiny later. My evidence is quite clear. It is not my fault that evidence was misquoted.

3.7 The Deputy of St. Martin:

I think the Minister should go on *Strictly Come Dancing*, is it, because his side-stepping is expert this morning. Can I ask the Minister about the Police Authority? Could the Minister give an update as to where we are with the law, how soon is it likely to be lodged and, if successful, how soon will the Police Authority be up and running?

Senator B.I. Le Marquand:

I have been working very hard on this in the last 3 weeks and, indeed, had a meeting with the committee, their Connétables and the Comité des Chefs de Police last night. I am also in close consultation through my officers with the Police Association. It is my intention if I can to lodge the law prior to the end of my current term and we are very close to being able to do that but there are technical issues which have been raised even at a late stage which may not make that possible but certainly that still remains my intention if I can achieve it in the next fortnight. In relation to timing, of course, it would have to come up for debate. There is another law which has to come up for debate with it to remove the policing powers of the Connétable. That law will also need to be completed and lodged. There are certain technical issues which have arisen with that. That is within the province of the Comité des Connétables. Now, the position is that the 2 laws will have to be taken to the States virtually together and I anticipate that that might be able to occur by February in which case, with the current delays, the law should come back for registration by the Royal Court towards the end of next year and I would hope that it would be by Easter of the year after, 2013, that the Police Authority could be in position.

3.8 Deputy M.R. Higgins:

Could the Minister tell the Assembly where he has got to on the Discrimination Law and whether there is going to be anything done before he finishes his term of office as Minister for Home Affairs?

Senator B.I. Le Marquand:

Well, I would remind the Deputy that in fact it was agreed at a recent debate that the responsibility for that law should pass from the Minister for Home Affairs to the Minister for Social Security. My staff have convened a meeting of interested parties with a view to a handover and I now pass it over to that Minister but that was, in fact, agreed, I believe, as part of the Business Plan debate in September.

3.9 Senator T.J. Le Main:

As the Lime Grove House proposal meant that Home Affairs and the police would be operating from 2 or 3 different locations, what is now the anticipated value of the operational savings by having a single site as being proposed by the Minister for Treasury and Resources?

Senator B.I. Le Marquand:

I do not think that these are viewed as being significant savings. If one has a single site, there will obviously be some advantages but that has never been put to me as a significant issue in terms of savings. There are 2 separate functions essentially. There is the Police Headquarters function on the one hand and there is what the present Chief calls the “cop shop” on the other hand, which is the cells and so on so I have no figures for that.

4. Questions to Ministers without notice - The Chief Minister

4.1 The Deputy of St. Martin:

It is almost, I think, some 8 months now since the States agreed to look into the issue of the abuse inquiry. Is the Chief Minister able to give an update as to when this inquiry will be undertaken and what sort of steps will be taken to appoint people to sit on that inquiry?

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

Yes, the Deputy will be aware that I met him along with other Deputies who were interested and who had brought propositions earlier in the year and, as a result of that meeting, we commissioned a piece of work on the terms of reference. That work is now complete and it will be presented to the Council of Ministers next week for them to implement and go ahead. The next step will then be to put forward proposals for a chairman and for that committee to commence work. So the next stage, as I say, will be a meeting with the Council of Ministers followed in due course by a proposition to this Assembly.

4.1.1 The Deputy of St. Martin:

Could I have a supplementary because I think there is an omission here? I believe it was agreed that Senator Le Gresley, Deputy Tadier and myself would have sight of what was being proposed at the time before it went to the Council of Ministers. Could I remind the Chief Minister of that and will he agree and, if so, can he explain as to why I have not seen any report at all that would have come up from Verita?

Senator T.A. Le Sueur:

The report is still in its draft stages. It will not be finalised until towards the end of this week but after that, I will certainly honour any obligations given to Senator Le Gresley, Deputy Tadier and the Deputy of St. Martin.

4.1.2 The Deputy of St. Martin:

Could I just press the matter? Some of us will not be in the House after next week. Is it possible for us to have sight of this before we leave this Chamber?

Senator T.A. Le Sueur:

Yes, as I said, it will be completed by the end of this week.

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

What achievement does the Senator consider to be his legacy as Chief Minister?

Senator T.A. Le Sueur:

I think a Chief Minister is merely one of 10 Ministers and it is the Council of Ministers to whom any credit is directed for successes in the last 3 years and those successes are significant and have been presented in a report, R.128, which I lodged with the States last week where the Constable will see some of those many things. It would be invidious perhaps of me to single out the best one but I am satisfied that through the economic downturn of the past 2 or 3 years, this Island has ridden that storm better than virtually any other jurisdiction and that has been due to good planning and co-ordinated policies by the Council of Ministers and myself.

4.3 Senator F. du H. Le Gresley:

Does the Chief Minister think that the role of Assistant Minister for International Affairs should be upgraded to a full Ministry in the next Assembly?

Senator T.A. Le Sueur:

There is a limit to the number of Ministers one can reasonably expect to appoint. There have been suggestions for a Minister for International Affairs, just as there have been suggestions for a Minister for Children. On the other hand, there have been suggestions to reduce the number of Ministries. One cannot please all the people all the time. What I can agree with the Senator is that it is important that international affairs receives a higher priority than it has done up until the recent past. I can very much affirm the good work that has been by the present Assistant Minister during his brief term of office in that post.

4.4 The Deputy of St. John:

I note in my written question to the Minister, yet another poor response by the Minister in relation to the emergency exercise that was held some weeks ago. I put it to the Minister in the written question of who from France, the other Channel Islands, *et cetera*, were present to represent those areas within the exercise and the response, apart from Guernsey, is zero. Given that the Channel Isles fall within the French rescue zone, as there is a dividing line down the mid English Channel where France is responsible for emergencies at sea, can the Minister please explain why all the invitees were from the United Kingdom and elsewhere but none whatsoever from the Executive Directors of Channel Islands Air Search, the Lifeboat, I presume St. John Ambulance in Guernsey, and obviously our French cousins who would be working on any major disaster within the sea routes on this side of the Channel? Can you please explain why no one of the executive of any of those safety organisations was part of this particular exercise?

[12:00]

Senator T.A. Le Sueur:

Yes, because the Deputy has misunderstood the purpose of this particular training exercise which was to be carried out at a strategic level and was not in respect of any particular incidents, either at sea or land, but of a generic nature. A sea disaster was taken as an example because that was something which is very appropriate for a Jersey situation but it was much more a generic, high level managerial exercise, not an operational one. As I said in my answer, any consultation at an operational level would indeed involve people on the ground, people with the hands-on activities, but this was a different nature and the exercise needed to be seen as such.

4.4.1 The Deputy of St. John:

Supplementary, please. Given this was at a strategic level, the officers within, whether it is the R.N.L.I. (Royal National Lifeboat Institution), Air Search and the French rescue services also have officers within the strategic level and they should, in my view, have been part and parcel of this exercise given that the French are responsible for sea rescue on this side of the pond. Will the Minister not agree?

Senator T.A. Le Sueur:

I tried to make it clear to the Deputy that this was more than simply a matter relating to a particular type of disaster at sea. This was a general exercise for any disaster and it may well be that for many of those sorts of situations, skills other than those possessed by R.N.L.I. or the French authorities or anybody else would also be appropriate. The Deputy seems to misunderstand the purpose of this particular training exercise.

The Deputy of St. John:

Supplementary, given we are being misled, Sir.

The Bailiff:

You have had your 2 questions, I am sorry, Deputy.

The Deputy of St. John:

In the statement by the Minister ...

The Bailiff:

Well, Deputy, please. You have had 2 questions and they were quite long ones so we must give other Members a chance. Deputy Southern?

4.5 Deputy G.P. Southern:

Does the Chief Minister regret not following through on his promise of inclusive government and does he have any advice for his successor on this topic?

Senator T.A. Le Sueur:

One has to interpret these words in the right way. I hope that this Assembly is and will continue to be inclusive and that we should all work together for the good of the people of the Island. In choosing a Council of Ministers, I point out firstly that this is a decision made by Members as a whole and not just by the Chief Minister but, in any event, because the arrangements of the States of Jersey Law are such that any Minister is a corporation sole and has significant responsibilities of their own, it is important that every Minister is one of the highest particular quality in that regard and I believe that the States Members who appointed the Council of Ministers also believe that the people who were selected were selected with that in mind.

4.5.1 Deputy G.P. Southern:

Supplementary, if I may. Does the Chief Minister believe that talent should outweigh loyalty in the selection of Ministers?

Senator T.A. Le Sueur:

The selection of Ministers requires people with a variety of expertise, including loyalty and talents and certainly I believe that I have had a Council of Ministers with an assortment of talents brought together to ensure that what is delivered is in the best interests of the Island. I repeat to the Deputy, the choice of Ministers is one made by the States Assembly.

4.6 Connétable D.J. Murphy of Grouville:

Could the Chief Minister please inform the House what has happened to the mallard statue otherwise known as *des collage* and whether it will, in fact, be returned to the airport at some stage?

Senator T.A. Le Sueur:

I am hopeful that as we speak, the mallards are being unwrapped from their place of secure keeping and should be erected in a more prominent position within the next 7 to 10 days. [Approbation]

4.7 Deputy M.R. Higgins:

I would like to draw the Chief Minister and Members' attention to the written question I addressed to the Minister for Transport and Technical Services on any hospitality given to himself, his Assistant Minister and/or of any of his senior officers by any firm with whom the department has contracted over the last 3 years or expects to contract with over the next 2 years. Now, does the Chief Minister think that the answer is appropriate or adequate considering (a) the question does not refer to excessive hospitality or (b) to a particular value and (c) the Minister telephoned me before answering the question and advised me that he had accepted a day's hospitality on a racing yacht located at Cancale owned by the owners of Connex who, as Members know, are tendering for the new bus contract in 2012. Does he think that answer is appropriate to the States?

Senator T.A. Le Sueur:

I believe that Ministers answer any question put to them in written or oral form to the best of their ability and with the objective of truthfulness in mind. I believe that the Minister for Transport and Technical Services is no different position from anybody else.

4.8 Deputy M.R. Higgins:

A supplementary, please. Does he think it is appropriate that the Minister is to be having hospitality from people who are going to be tendering for contracts within the year of this States Assembly?

Senator T.A. Le Sueur:

At the moment, I know so few facts about this apart from what the Deputy has suggested in the last 30 seconds that I am in no position to comment.

4.9 The Deputy of St. John:

If I can come back to the training exercise I was referring to earlier. In the Minister's own press release, it says the high level training exercise held in St. Helier yesterday and today - Thursday, 6th October - presented the delegates with a large-scale incident involving a fictional roll-on and roll-off ferry with a large number of casualties.

The Bailiff:

Deputy, I am so sorry to interrupt you again but we have apparently just gone inquorate so could you summon Members back. Very well, I think we are now quorate. Yes, Deputy?

The Deputy of St. John:

Also within that question, I noted that there were 21 local people who stayed the night at Radisson at a total cost of £19,800. Were the whole 21 necessary? I can understand a percentage being necessary, given it was a 20-hour scenario.

The Bailiff:

A concise question if you would, Deputy.

The Deputy of St. John:

Yes, Sir, but firstly has the Minister misled the House in what he has already told us, given his own press release says it was a roll-on roll-off incident?

Senator T.A. Le Sueur:

No, I have not. I have said that this was a strategic exercise of which a fictional roll-on roll-off incident was taken as one example in order to give some sort of sense of shape to a strategic discussion. I think it would be more helpful if the Deputy, rather than keep continually carping about the details about emergency planning activities, to applaud, as I do, the tremendous strides that have been made in the last 3 years in a proper emergency planning procedure which we now have in place as opposed to the very much *ad hoc* arrangements which were in place when I first

took over. So if there is one activity which I am proud of, it is the development of emergency services over the past 3 years.

4.10 Senator J.L. Perchard:

This is, as Members know, the Chief Minister's very, very last question time. Will he accept my thanks and I am sure many Members' thanks and gratitude for his openness and honesty and decency shown to this House during his term of office when answering questions from Members?

[Approbation]

Senator T.A. Le Sueur:

I am grateful for the question, Senator, if it was a question. **[Laughter]** I will accept it in the modest way I normally do.

The Bailiff:

Are there any other questions of the Chief Minister?

4.11 The Deputy of St. John:

Yes, I can think of one, Sir. **[Laughter]** Given the Minister's most recent reply to my last questions, of the 21 persons who stayed overnight in the hotel, could he please explain was it necessary for all 21 to be there, given the Island is only 9 by 5 and anybody could have got to within the centre at night within 10 minutes?

Senator T.A. Le Sueur:

One of the important parts of any emergency exercise is to work together as a team and it is important that all members of the team are there throughout the whole exercise activities otherwise you do not get the best benefit out of such proposals. These training exercises take place quite rarely but when they do, it is important that we do have full participation for the whole period of that exercise and I stand by all that those officers did over a very long period of time in order to make sure that if an emergency does occur in the Island, we are better protected than we otherwise might be.

4.11.1 The Deputy of St. John:

A supplementary. Will the Minister make sure before he leaves office in 14 days' time that an exercise is put in place for the rescue services this side of the Channel so it is pan-Channel Islands/French exercise because they are the people that we will be calling on when the time comes if push comes to shove?

Senator T.A. Le Sueur:

I will certainly take that up but I will point out to the Deputy and to Members that there is a full timetable of emergency planning exercises already mapped out for the whole of next year and a variety of activities of which marine incidents are just one of many.

The Bailiff:

Does any other Member wish to ask any questions? Very well. That will bring question time to the Chief Minister to an end. **[Approbation]** Now, there are no matters under J and before we come to K, Statements on a Matter of Official Responsibility, can I just inform Members of 2 matters which have been lodged: the Draft Budget 2012 (P.159/2011): fourth amendment lodged by the Minister for Treasury and Resources and Medium Term Financial Plan: minimum lodging period (P.10), an amendment lodged also by the Minister for Treasury and Resources.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

So then we come to Statements on a Matter of Official Responsibility and the Minister for Treasury and Resources will make a statement regarding the relocation of the States of Jersey Police Headquarters.

5. Statement by the Minister for Treasury and Resources regarding relocation of the States of Jersey Police Headquarters

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

I wish to make Members aware of the progress that has been made to relocate the States of Jersey Police to a suitable new headquarters. The political steering group set up to oversee the delivery of a new police headquarters chaired by my Assistant Minister, the Constable of St. Peter, has now met 3 times. After considering a number of possible sites, the group has identified what it believes is the most suitable States-owned site at the open section of Green Street car park on Route de Fort. Substantial preliminary design work has identified that this site can accommodate all the police requirements into a single purpose-built building constructed to modern standards. This is a better practical solution than Lime Grove House which would have meant locating police across 2 sites and refurbishing the existing Rouge Bouillon Police Station. I can advise that this is now the preferred option and the project will move to detailed feasibility and commence the planning process. The police are actively working with the project design team and the Chief Officer and his staff are looking forward with optimism to the conclusion of this project. As Members would expect, there will be full consultation with those people who are likely to be affected by the proposed development and the steering group fully intends to work closely with local Deputies and the Connétable of St. Helier. A first meeting with Deputies took place last week. The police will undertake full consultation with those people who will be affected and the Chief Officer of the States of Jersey Police has personally committed to meet with neighbours as part of the process. I anticipate we will be in a position to begin a consultation process with local residents in the early part of next year. The La Route du Fort project will not only meet the current allocated budget, it will free-up the whole of the Summerland site and part of Rouge Bouillon site for housing. From a financial perspective, this solution is superior to the Lime Grove House option, as it releases more land which reduces the net cost. In addition, the building work required is expected to provide a valuable stimulus for the construction industry during what continues to be difficult times. This stimulus would not have been provided by buying Lime Grove House. With this in mind, we have instructed the project design team to do all it can to ensure that any construction work can begin as soon as possible. The political steering group will meet in early December to review the findings of the feasibility study. It is anticipated that a planning application will be submitted by the end of February 2012 with construction starting later in the year and the project completed by the end of 2014. After many years of living in inadequate and inappropriate accommodation, I am confident that the States of Jersey Police will be relocated to purpose-built new headquarters. Yesterday, the Chief of Police told me he was delighted that the solution appears to have been found for the States of Jersey Police. He was particularly pleased for his staff, as the development will provide the kind of working environment they deserve to deliver modern policing in Jersey. Overall, while this has been a difficult issue to resolve, I have no doubt that this single site will prove a better solution for the service, deliver better value for money for the States of Jersey, release more land for housing and provide a purpose-built environmentally efficient headquarters for the police.

5.1.1 Senator T.J. Le Main:

Does the Minister feel that he has been publicly and unfairly treated over the Lime Grove House issue and will he consider changing his mind on standing for Chief Minister? **[Laughter]**
[Members: Oh!]

Senator P.F.C. Ozouf:

I am not going to make any comment in relation to that. I will be making a statement in relation to that matter within the next couple of days. I do feel that this Lime Grove House issue has been difficult and has certainly been one of the most difficult issues I have had to deal with.

[12:15]

I hope the statement today allays the fears that many Members of this Assembly and perhaps the public had in relation to the Lime Grove House saga. I maintain the view that a single site for the police is best and it is also best for releasing housing land for the Minister for Housing.

5.1.2 Deputy J.A. Martin:

Does this statement get the Minister for Treasury and Resources off the hook or does it do what it says because I was one of the Deputies who was called in last week and I said: "Before you do this, and it is already out in the press today, would you do proper consultation?" This is a done deal. This is not and the residents round there ... Health have not been consulted. We have got a high density nursing home across the road and this is not what I was promised at the meeting last week. I said: "Write to all the people, consult properly, do not end up with a statement that today the police are very happy that they are going to have a new police station there in 4 year's time. This is not how we do things." Will the Minister please agree? Forget the rest of Lime Grove House, they run around like headless chickens finding a quick place to make the Minister for Treasury and Resources look better and it just happens to be next to the other place they wanted except it ... and the last question, there is a question here is when we move the Town Park Gas Place to, and I was told by the Transport and Technical Service we will deal with that movement when we redevelop Green Street car park and we add another 300 spaces. This will not happen and we will have in No. 1 District again a car park 50 yards from the Town Park and we will have it for the next 20 years if this goes ahead.

Senator P.F.C. Ozouf:

For years I was told that there was no alternative site for the police. I found that difficult to accept and then I was put in the position of having to be supportive of Lime Grove House and all the issues that the Assembly is well aware of. The Deputy is right to say that this is not a *fait accompli*. This is the preferred site from the steering group which has been meeting in order to find a solution for the police. It is the preferred site. There is a great deal of work to be done on that and there is a great deal of consultation with residents. Residents were going to have some part of the police located at Lime Grove House. The proposal is to put the single site on Route de Fort and the steering group chaired ably by the Constable of St. Peter has spent time discussing the implications of that, sirens, *et cetera*, and has judged that this is the best location for the police and residents will be consulted. They will have undertakings by the Chief of Police about noise. In fact, it is not noise from the police in the area of Rouge Bouillon, it is the fire station and the ambulance that are the main emitters of noise and there will be full consultation and a full planning process. In relation to Green Street car park, that is a car park that does not currently fill. This will mean a reduction of 85 spaces for the police but the Deputy is quite right to state the importance of dealing with car parking and finding alternative car parking spaces, whether that be Ann Court, whether that be underground, the gasometer or elsewhere. Parking is an important related issue and will be part of the overall process of finding a solution.

5.1.3 Senator S.C. Ferguson:

Why is this site better than Summerland, which was the original Plan B, particularly when the concept of using Green Street as an ambulance station was rejected by the Ambulance Service some years ago?

Senator P.F.C. Ozouf:

There is a two-phase process in resolving Rouge Bouillon, in my view: firstly, relocating the police and secondly, as a second phase of the project, I believe that we should be moving to relocate the

Ambulance and the Fire Service to a non-residential site perhaps around the Harbour area and commercial areas where residents would not be disturbed in a way that the police does not do. The original Lime Grove House development released Summerland so that is a common site that would have been released for housing. The current proposal - the preferred site that is the subject of this statement - releases additionally Rouge Bouillon and I just take minor issue with the statement of the Minister for Home Affairs earlier about a later delivery. The Lime Grove House solution would have had police on 2 sites and there was not sufficient budget in order to deal with the refurbishment of the police station in the original plan and that would have been delivered much later on. While the administration is later, this gives the police the complete solution earlier on a single site and I think delivers a more efficient and more environmental solution. It is vastly superior in terms of land released for housing which I would have thought would be welcomed by the Senator.

Senator S.C. Ferguson:

Supplementary, Sir?

The Bailiff:

Excuse me, Senator, I am sorry, I have got a lot of Members wanting to ask questions and there is only 10 minutes so ...

Senator S.C. Ferguson:

Well, are you going to tell the Minister to just abbreviate his answers a bit, Sir?

The Bailiff:

Well, that would be a good idea.

5.1.4 Senator P.F. Routier:

This statement sounds like good news for the police and the public who interact with the police service but I really want to pick up on the point about car parking. Currently the car park is well used, although the Senator did mention it does have spaces occasionally, but it is well used and the east and the north of St. Helier is suffering at the present time with a lack of parking as found out at the opening of the Town Park the other day. I would ask the Senator if he can give any assurances to the public who are looking for parking around the east and north of town that parking will be available to them in the future.

Senator P.F.C. Ozouf:

Absolutely, we need to increase car parking capabilities. I think we have made the wrong decision in doing away with all the car parking and not dealing with the unintended consequences, even though the Town Park is marvellous. We do need to find additional space. Ann Court, the existing potentially expansion site of the Town Park, Snow Hill and the Waterfront and Pier Road is a car park that is not well used. Differential pricing: the new sites should all be part of this overall package.

5.1.5 Senator F. du H. Le Gresley:

My original question was also on car parking but I have changed it to another question. Could the Minister give an assurance to Members that the whole of the Summerland site and part of the Rouge Bouillon site will be used for Category A housing, not Category B housing?

Senator P.F.C. Ozouf:

My view is that they are excellent sites for affordable homes, both in terms of shared equity, social rented and other forms of first-time buyer accommodation but that will obviously come at a cost. We will deliver the site within the £22 million. We will get a net benefit if we get a return from that land. Those are matters for the subsequent Assembly to deal with.

5.1.6 Deputy T.M. Pitman:

Could the Minister tell us does he really believe that having a new police station so close to a major very busy roundabout is the best way forward? Has that really been fully considered because to me it does not seem to make a lot of logic?

Senator P.F.C. Ozouf:

I would point out that Lime Grove House was also directly on the roundabout even though the egress was under the adjacent office building. This is superior. The ingress and egress from this site will be from La Route du Fort not on the roundabout and I would encourage the Deputy, as I have done, to walk around there and see how it will work practically. I have seen designs. I am satisfied with the advice from Transport and Technical Services but there is more work to be done. I think this site is going to work and the police are happy with it.

5.1.7 The Deputy of St. John:

Will the Minister bring this to the House for debate because I have some real concerns that if a serious accident occurs within the tunnel, or somebody wishes to delay the police from getting to the rest of the Island, then they would block the tunnel and I have real concerns that if you want to mess up the policing of this Island from the centre/west of the Island by putting it on the east side of the tunnel is a real concern. Has this been taken into account, Minister?

Senator P.F.C. Ozouf:

Yes, and of course the other corresponding issue is the police have to come from the other side of the tunnel so there are populations of Jersey. It is the most densely populated area of Jersey on the southern side so those are the issues and, of course, the tunnel is not the only way through. I have been concerned about those issues but I am satisfied and the police are satisfied which should assuage the concerns of the Deputy.

The Deputy of St. John:

Are we going to have a debate, Sir, please?

Senator P.F.C. Ozouf:

In relation to a debate, that is going to be a subsequent matter for this Assembly. The necessary permissions are for planning. That is not subject to States approval but obviously a Member could bring it forward for a debate in this Assembly but I am confident that this is a good solution economically and efficiently.

PUBLIC BUSINESS

The Bailiff:

Very well. That brings to an end questions to the Minister. So we now come to Public Business.

Senator P.F.C. Ozouf:

Sir, sorry to be on my feet again. I circulated an email to Members asking them very politely if they would mind taking P.131 at the top of the Public Business list as I have a charity event which I am attending later on today and would not be in the Assembly. I apologise for that but as this has been controversial and the Deputy of St. Martin has kindly indicated that he would agree that it could go first.

The Deputy of St. Martin:

Yes, I am quite happy. In fact, it would make sense because I am quite happy to start after lunch.

6. Draft Currency Notes (Variation of Maximum Denomination No. 2) (Jersey) Regulations 201- (P.131/2011)

The Bailiff:

Very well. Does the Assembly agree, then, to take that matter next? Thank you very much, in which case the matter now to come before the Assembly is the Draft Currency Notes (Variation of Maximum Denomination No. 2) (Jersey) Regulations 201-, Projet 131, lodged by the Minister for Treasury and Resources and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Currency Notes (Variation of Maximum Denomination No. 2) (Jersey) Regulations. The States, in pursuance of Article 1(2) of the Currency Notes (Jersey) Law 1959, have made the following Regulations.

The Bailiff:

Yes, then, Minister, do you propose the Regulations?

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

2012 will mark Her Majesty the Queen's Diamond Jubilee which is a historic moment in the history of our Island. Jersey has a strong and long-held loyalty to the Crown and 2012 will mark our opportunity to honour that relationship. Today I am asking Members to approve a change in regulations, which will allow us to issue a £100 commemorative note to celebrate this occasion. I believe that it is an appropriate way for us to mark allegiance to Her Majesty the Queen on her Diamond Jubilee year. This is a commemorative note: a celebration of our Queen and our Island. It will be available for circulation but its primary purpose is to mark this moment in our history. I have put 3 notes which are not published yet. This is a non-cameraed Assembly and I am not able to circulate them or give media copies but Members will have seen the note in the coffee room and I have displayed one on the board in the back, and I know that some Members have looked at it and felt and thought that it was appropriate. This is a unique opportunity to raise Jersey's profile on the world stage and to celebrate all that is good about our Island. It is planned that the main image of the note will be "Equanimity", the holographic portrait of Her Majesty by artist Chris Levine that was commissioned by Jersey Heritage and whose lead individual was Senator Cohen in a previous life. This image is one of the lead images in a national touring exhibition which will celebrate the Jubilee from Edinburgh to Belfast to Cardiff and then to London. Questions have been asked about the decision to issue a £100 note as opposed to smaller other denominations. I can say that no other jurisdiction is, as far as we are aware, planning to commemorate the Jubilee with a £100 note. Indeed, the Bank of England does not even issue a £100 note at all. It is only Scottish issuing authorities that issue a £100 note and that is one of the collector's aspects that is important in our decision. There will be other commemorative currency issued I can advise Members. Jubilee coins in £2, £5, £10, £25 and other denominations will be available for those that perhaps could not buy a £100 note but I will be proposing with the Treasury that the image of the £100 note is celebrated on a range of merchandise including mugs, tea towels and cushions and I hope that the symbol of the note with the Bailiff's mace on the rear will be a defining image for us to celebrate the Diamond Jubilee, and there is also one other holographic use of the image which we have not released which is not directly a Treasury issue. I am convinced that this note will be highly collectible and unique and is thus extremely fitting for the celebration of Her Majesty's magnificent reign. The interest in terms of collective notes is difficult to judge but we have looked at the collectability of the D series of notes, which I was responsible for early on in my term, and that has given me confidence that the Jersey notes, and particularly the £100 Jersey note, will be extremely well received by collectors. Issues of cost and the likely return have been asked of me by the Corporate Affairs Scrutiny Panel and I have done my best to answer all of their questions in a timely way. The investment in the production of the note will be financed by the Currency Fund as is the case with all the issuing of

notes and will be £256,000. It is not £286,000 as I mentioned earlier. Only a small number of notes will need to be taken by collectors, approximately 4,750 in order to ensure that the project breaks-even. I think that this is a wonderful opportunity for us to recognise not only the celebration of the Diamond Jubilee but the link of “Equanimity” to the Island and it is going to be a note which will be eagerly collected, not only by local residents but people around the world.

[12:30]

I hope Members are going to be enthusiastically supportive of this. This is just one part of our Diamond Jubilee celebrations and I ask Members’ support for the preamble.

The Bailiff:

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

6.1.1 Senator S.C. Ferguson:

Members will have read the comments by my panel. Frankly, there is a large question regarding the principle of printing large denomination notes. The use of ATMs and credit cards means there is less necessity to carry large amounts of cash and in addition, the most used denomination of notes in general use appears to be a maximum of £20. £50 notes exist but these do not appear to be as common in daily use. The major currencies, the U.S. dollar and the euro, are reducing the emphasis on issuing high value notes partly because of the use of ATMs and plastic and also because of the fact that the biggest market for large denomination notes is for money laundering and criminal activities. As a result, it seems that the U.S. no longer issues a 1,000 dollar bill, for example, and the same strictures are true of the 500 euro note. Apparently I understand most of the 500 euro notes have ended up in Southern Spain. If it is to be a collector’s item, we would advise that the issue should be a total of 60,000 at the maximum because if it is not a limited edition, collectors will not be interested. However, such a high denomination is out of the reach of the ordinary collector or the public. There are not too many people in this current economic climate who can afford to put £100 away in a non-income producing asset. In the current economic climate, it is unlikely there will be a large market for some such notes as is noted by the Treasury who have estimated sales of some 4,500 notes for collectors and some 2,500 ordered by the banks which means we shall have some 93,000 left in stock at a book cost of £2.56 a note or £238,000 because the minimum order is 100,000 and these are on the basis of the figures which the Treasury have kindly given us. Doing some calculations on that, using the Treasury figures, the time to break-even on the notes on the current estimates of market is over 37 years. I have also conducted a straw poll among the retail industry. They do not see many high value notes. They do say that there is more cash in circulation as a means of budgeting but this comes from cash machines. Cash machines offer £20 and £10 notes and there is absolutely no indication according to the Treasury that the banks are going to change this. If the public are to be included, then surely a more generally circulated currency note no higher than £20 would be more inclusive. As I have said, £100 is out of the reach of most locals, tourists or collectors. From a marketing point of view, will people buy these notes after the Jubilee finishes? If they are in ordinary circulation, I think they will but the Jubilee is going to finish in June so as not to conflict with the Olympics and our delivery is in April. Frankly, I would rather change the denomination to £20 and make this accessible to everyone. I think there are some lessons to be learned here. This should have been brought to the States first. I note that this is the third occasion when the Minister has ignored this Assembly in the last year. I think the other lesson is that Governments are not good in their management or selection or commercial enterprises. We should have learned that by now. This should have been an inclusive issue like the Liberation and the 800-year anniversary notes. Now, like a handful of people here, yes, I remember the Coronation. We had a holiday from school, it was fabulous and I am greatly in favour of celebrating the Diamond Jubilee because I think the Queen has done a fantastic job. On occasions, it must have felt like coping with a situation being caged with a load of feral cats but she has done a super job and I think she is fantastic. But we get

back to the point. Are we doing this just for collectors or are we doing it for the public? Are we trying to make money or is this a public celebration? I think it should be a public celebration to include all the public and I would ask the Minister, it may cost slightly more but we will issue more, I think it should be changed to £20.

Deputy M. Tadier:

May I ask for some clarification from the previous speaker? When she made an analogy about feral cats, who was she referring to in that analogy because it could be construed as being offensive.

The Bailiff:

I do not think that is a genuine point of clarification.

6.1.2 The Deputy of St. John:

I think the Minister is thinking forward given all the problems in the currency around the world. We hear this morning with Greece not willing to play ball with Europe by the sound of things. We read reports that we have got 5.4 per cent inflation at the moment. Well, I only have to go back to the 1970s when I was in business and I recall in 1972 a tradesman earned £12 a week. That is not so long ago. We had hyperinflation. By 1977, I was borrowing money at 19 per cent and it went up to 27 per cent and I think what comes out of over the next year or 2, the next 5 years, we are going to see hyperinflation. That is the only way we are going to get out of this particular problem that we have got and the figure that we are printing today and we are talking about of a £100 note we will probably be talking in years to come, unless we devalue, a £1,000 note and I hope that does not happen. I hope I am setting the wrong thoughts in motion but I think the Minister is quite right to be looking at a £100 note, not only for the Jubilee because I think a £20 note now as I walk out into a public house and buy a round of drinks, I do not get any change on £20 **[Aside]** ... because I am a generous person, of course. **[Laughter]** But, no, generally, you do not get much for £20. You ask an elderly person on a pension how far their pension goes and it does not go very far at all. So I think on this occasion, the Minister is thinking forward and I agree with him.

6.1.3 The Connétable of St. Peter:

I am standing really to express my concern at the chairman of the Corporate Services Scrutiny Panel on her observations regarding the note. I do not know if she recalls, I have got one here. I would pass it around the Assembly - it is a £20 note - I am not so sure I would get it back, **[Laughter]** but this was only produced 2 years ago. Is she really recommending that we scrap this and replace it with another new note just 2 years on? I am afraid she put forward a lot of good arguments for doing nothing and I am not so sure that Corporate Services in their sub-panel report has focused on the intent of the £100 note. The whole rationale behind it is the “Equanimity” portrait of the Queen to celebrate her Diamond Jubilee. That is what it is about and the £100 note, in my view, is the right vehicle to do that in the right hands. It will go to collectors. It will be had by ordinary people. I will buy them for my grandchildren. They will not be worth much when they get around to spending it but they will probably hold it as a memory of what it is but, certainly in my view, this is a very good way forward and I am very frustrated at the comments of the chairman of the Corporate Services Scrutiny Panel in making ... it sounded more like: “Let us give Senator Ozouf a kicking because he did not ask us for permission before he did this.”

6.1.4 Deputy J.B. Fox:

Yes, I will vote for this for one simple reason that I have collected for my grandchildren in the past the various coins and what not and I also collected a note at the time of the 800th anniversary and I think it is nice that Jersey has an opportunity to puts its message out to a wider audience than we normally have, and this is one occasion where we are able to do it. Yes, it will be self-financing; yes, it could take a while longer to recoup the money but at least the message will be out there that we are alive, we are well and the hologram came from Jersey and let us continue it.

Deputy M. Tadier:

Can I propose the adjournment, Sir, because there are 3 people wishing to speak?

The Bailiff:

Well, if somebody would indicate they want to speak, then I could call them but nobody is indicating at the moment and if nobody indicates, I shall call on the proposer to reply. Does anyone wish to speak?

6.1.5 The Deputy of St. Mary:

Briefly. Just a few things. Firstly, I would like to propose that the Minister clarify the issue of coin versus note, which seems to be raised in a couple of the bits of paper that have been given to us at the last minute so I would just like that clarified. Yes, as Deputy Fox said, it is nice to do this and on balance, I think I probably agree with him, but the issue that is really bothering people, if anything is bothering about this whole thing, is this issue of when we are discussing this, of being jumped into approving something. It may be right, it may not be right, the actual thing we are being jumped into approving, but we are being jumped into approving it and that is an issue in itself and it just needs to be said quite firmly that it is not the right process. Finally, I think there is a point about the message that is sent out by little Jersey issuing a £100 note in a time when people are struggling right the way across the U.K. and we hear these tales of gloom from Greece and so on. I am not sure that message is unmitigatedly good. I think there might be an ambiguity in that message that possibly we should think about but, on balance, he is probably right but it has been done in the wrong way.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Does any other Member wish to speak? Very well, it is now 12.45 p.m. The adjournment is proposed. If Members agree, then we will adjourn and reconvene at 2.15 p.m.

[12:45]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

Before we reconvene, can I notify Members of a document Land Transactions under Standing Order 168(3): Howard Davis Farm and Hue Street, presented by the Minister for Treasury and Resources, R.131. So now we return to the debate on the principles of Projet 131. Does any other Member wish to speak?

6.1.6 Senator P.F. Routier:

I am in an optimistic mood this afternoon. I would like to congratulate people on what they have done to help us with this debate. I would like to thank the Scrutiny Panel for giving us more information about what is behind this proposition. When I first read the initial proposition, it brought out lots and lots of questions in my mind about why we are doing this and what is the detail behind it all and I have to say I was a little bit concerned about it. As I say, I am grateful to the Scrutiny Panel for having given us this information. Having read that information and the Minister for Treasury and Resources' response and the debate we have had so far today, I believe that supporting this proposition is the right thing to do because I think that it is an opportunity for us to show our presence in the world and to celebrate the occasion of next year which is vitally important. So having considered everything, I think it is the right thing to do. I congratulate the Scrutiny Panel and I also congratulate the Minister for Treasury and Resources and his team for bringing this forward.

6.1.7 Deputy J.A.N. Le Fondré:

I am glad to follow the comments of the previous speaker because I think on the face of it - and let us all look at the notes - they are fabulous things and I have got pretty well no doubt that it is very likely the Assembly will approve this today and I think, at the very least, it has been useful to bring out some of the issues behind some of the numbers. On the face of it, it is a very straightforward proposition. The Minister for Treasury and Resources is asking for our authority to go away and issue a new denomination of bank note, namely one for £100. I would love to be as optimistic as the previous speaker. I think the one real problem I have with this is the Minister is coming to us asking for our authority to issue a £100 note having just spent £50,000 on it and it is interesting as well, the comment has been made that this was something that has only come through in I think it was spring of this year, but it first came to Treasury in 2010 in February/March time and at that time the comments from the currency section of Treasury were very, very ambivalent and, to be honest, if you spoke to them quietly, they were not great fans of it at all. At that point, there was no mention of the Jubilee and at that time it was predicted it would make a loss on the then current rates of interest. So if you then scroll forward 15 months or so, suddenly this has come back and now suddenly it has got the Queen's Jubilee attached to it so if it was meant to be about the Jubilee, it has been booked for a rather long time. Why would this not have been brought forward in 2010 rather than November 2011 with the Jubilee year being 2 months away and with the Olympics smack in the middle of it. Equally, the Minister I think said it came to his attention in spring. Again, we are in November. Why not bring it to the Assembly for approval then? That to me is probably one of the greatest problems I have got with this is it seems to be forming a pattern of recent times, i.e., that this Assembly is almost becoming an artefact at times and that is the concern I have got. It should have come to us a lot earlier. So we have asked some questions in Scrutiny but we have not done a huge major investigation. We have tried to get whatever information we could get from Treasury and bring things together so obviously the responses and the numbers we put together are based on the original information that came out from Treasury. In essence, the Minister does want to order 100,000 notes and that would have a face value of £10 million. The value is obviously pretty irrelevant because it is about pieces of paper at the moment and, yes, it is an interest-free loan and so we get the money in, we invest the money and that generates a return and that is how you determine how long this project is going to take to repay itself. What you have also got to take into account is the fact that that £250,000 would also be earning a return in itself already, and the Treasury figures that we have had do not seem to take account of those figures, and that is called, I think it is interest on stockholding charge and, as far as I can see in the figures we have been given, that is not in there and that has a fairly major impact on the results. But take all that aside, at the end of the day, we were originally told we hope this is going to be an integral part of the money in circulation. Now it transpires that it is very likely we are dependent on collectors to make it break even and we were told that this is going to pay for itself. You can ignore everything I have just said, but using Treasury's own numbers, this is going to take a long time to repay depending on what assumptions you are applying. So in practical terms, and I can count probably on the fingers of one hand the number of times I have had £50 notes in my possession, so in terms of the attractiveness to the public, you are not going to see people suddenly going out and regularly using £100 notes and hanging on to them in the same way as we use £20 notes basically at the moment. What you then get into the issue is that people who presently use £50 notes, if they are going to move to £100 notes, they are probably going to just stop using quite so many £50 notes. So you might have had 2 £50 notes. Now they are going to use £100 and that is called displacement. My understanding from when I spoke to Treasury quite some time ago on this matter, that the advice that came from Scotland through the Clydesdale Bank on displacement figures is when you start getting up to about 10,000 notes or something, you are looking at about a 90 per cent displacement value and the significance of that is that you are not generating new return. You are replacing one source of income with a different source of income and that has a huge impact on your figures as well. So as I said, it then falls down to collectors and it is likely

there will be a limited demand and may well be of 5,000 notes from collectors were all right. So that is true and it will generate a new return on that basis. That is fine but when you then dig a little bit further and we have been informed that this is going to break even as it is not going to cost us money, and we find out that the calculation is based on what is called a perpetuity and that is that the note will be broadly neutral and that has been calculated over the lifetime of the fund which is potentially forever, so in using Treasury's own assumptions, it would take 30 years to repay itself. Now, to me, that does not quite sound like an investment. Now, for example, today, the Minister today stated that if 10,000 notes were issued, they would make a profit immediately. That was one of his responses in questions but if you turn to Treasury's own comments and it is not in the magnitude of things a great thing, they say: "If the number of notes issued to collectors fall, the basic comes down to 10,000 notes, this would reduce the payback period further to 8 years." That is not immediate, it is just how things have been presented that makes me somewhat uneasy here. Now, we can play with the assumptions and the numbers until the cows come home - even the cows on the watermark - but there have been assumptions left out in some of these calculations to justify how this is going to break even. For example, to give one example, the underlying rate of inflation has been assumed at 2.5 per cent going forward. Well, if you speak to the Statistics Department, the underlying rate of inflation for the last 10 years average is 3.5 per cent. That has a huge impact on the outcome of the figures and the payback time. So in summary, I am trying to avoid the numbers now, when I am told that the proposition would broadly pay for itself, I would assume along, I hope, with most Members that this would happen before I either get to retirement which seems maybe the best case scenario or perhaps while I am still in this plane of existence. Some of the iterations from the Treasury figures do not achieve payback until 60 years from now or even further. So as I said, I think in reality the Assembly is going to happily go along and is going to vote for these because they are a very nice pretty note. So you have got to be very clear as to what we are going for and does it matter and I am glad at the very least we have raised the issue which is part of the function of Scrutiny and corporate should be focusing on money which is what this is a bit about. I am afraid to say I think in a way this could be described as a little bit of a vanity project on the basis that the population is not going to be using a £100 note in their day to day stuff. They will use credit card or a debit card or whatever. It is going to be held out as promoting the Island during the Jubilee year which is brilliant, okay, absolutely no question, but it is 2 to 3 months if the note is going to come out in April, which is 2 to 3 months before the celebrations finish. Now, rightly, we are saying Jersey has already achieved some success with the holographic image from Gorey Castle of Her Majesty which will be the lead image in the National Gallery's Jubilee Exhibition. The question then is purely financial. There are all sorts of other non-financial issues in here. The question is if you want to spend £250,000 to achieve additional promotion for the Island, are there or are there not better ways of doing this? For the sake of argument and our hotel is finding it increasingly difficult to get people in in the winter months, should one be doing something there instead? That is a matter for Members. I do note in the comments, for example, there is an expectation that the life span of the stock of the 100,000 notes will be between 2 and 6 years so 100,000 notes, 2 years and that means I think we are using 50,000 notes if I have got that right each year and we are actually only talking about maybe 10,000, maybe 5,000. These notes are going to be around for quite a long time and the analogy I will use, and funnily enough I only became aware of it relatively recently. In about 1997, somebody thought it was a great idea to go and buy £2 coins. That was going to be the thing to do and at the time apparently consideration had been given to order 700,000 coins and they were persuaded fortunately to go for 400,000 instead. Now we hold 350,000 in stock. It has taken years to reduce the pile by 25 per cent. They are going to be there for a long time. So again as has been said, 100,000 notes, it will take a while to shift them and the question is, is 100,000 of a limited edition sufficient for collectors to be significantly interested in it? There will be an interest and using those numbers, they will pay for themselves eventually but eventually can be quite a long time down the road.

[14:30]

So if we go back to does it matter? It is only £250,000. Let us go back to the Business Plan when I think they had a debate over saving £35,000 by getting rid of the post of the Military Liaison Officer and getting someone else to do it. So in that context, £250,000 is quite a sizeable sum of money. Again, does it really matter and are Members really going to tell me that in the times of economic uncertainty when unemployment in Jersey is also at its highest for a number of years, when we are facing huge financial challenges, have put G.S.T. (Goods and Services Tax) up by two-thirds, are looking at terms and conditions for States employees at the risk of a pay freeze that this does not matter? In my view, I think it does. However, I go back to the point, to me what is most important is that this did not come to the Assembly in advance and that the Minister has happily gone off and just done this first and incurred the £50,000 or whatever it is up front and to me if we are serious about saving money, and I think we will have very challenging times ahead, then to me we should not be supporting this on the basis of information that we have coming out today. As I said, do not get me wrong and this is the difficulty, the soul of an accountant here. The design of the note is lovely. It is the combination for me that this has been left way too late. I think the original financial manpower comments in the report were not as tight as perhaps they could have been but this should have come here earlier. The Minister has stated that I think it is England does not have, for example, a £100 note. There are very few jurisdictions that have them and Scotland is one of them. There are very good reasons for that and, again, it is about demand and about the demand of the population and the use. I think in the Treasury's comments somewhere I have seen that £100 notes in all of Scotland represent only about 1 per cent of circulation. So it comes back to what is the message we are sending. What sort of message will this send out to people who have had pay freezes or pay cuts as to the seriousness with which we take our responsibilities, particularly when this comes from the Treasurer? Can we afford £250,000 on what is a nice to have scheme? The holographic image will be promoting Jersey anyway. It is do you want to spend another £250,000 over and above that? There will be a film already. Do we want to add a further expenditure on top of that? So can we afford to pay £250,000 out on a scheme which is a nice to have ultimately that will possibly break even 20, 30, 60 years from now at a time when we have just cut school milk? As I said, in my view, and I fully accept I am likely to be in the minority, to me it is a vanity project. As a principle, it sends out the wrong message at a time of economic problems and I am afraid I will not be supporting it regretfully because I love the idea but I am afraid I am looking at money at the moment.

6.1.8 The Connétable of St. Ouen:

While I quite understand the criticism of some Members about the fact that this has come to the States late, it just clearly demonstrates that the system, the process of the States, is not designed for picking up a quick opportunity. If this matter had come to the States in 2010, as Deputy Le Fondré has just mentioned, we would not be in a position of maybe being the only jurisdiction to have this on the market at that one time. It may well be that many others would have picked up on that and we would then be in a fairly open market with far less chance of succeeding than I think this has. I have just walked through St. Helier at lunchtime and 3 people that I have met and spoken to have asked me what we were debating and I have told them the possibility of a £100 note and they have all said: "Oh, we will go and buy one of those as an investment, as something to give to our children and grandchildren." I think that this is where the critics of this proposition are missing the point. I think that because it has come late, we will be in a position to have a unique product.

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

I just want to pick up on message that my fellow Deputy of St. Lawrence mentioned. The principal reason for the timing of this is that we did not know until fairly recently that the hologram was going to be used as a lead portrait of Her Majesty. The fact that we will be going to the market with this product does not stop the pre-sales between now and April when we propose it to various entities around the world. This product, we are not expecting it to be available in May, they get it all effectively around the world. What I want to point out to everyone that my fellow Deputy

picked up on is that this £256,000 that we spend on other promotional activities have a similar impact in boosting our economy. That is very true, but what it does not do is that we get the £256,000 back. It is a marketing opportunity that is not going to cost us anything. This is a nice to have, it is a really nice to have, and it is not going to cost us anything.

6.1.10 The Connétable of Grouville:

I have just looked through the paperwork on this and I cannot see anywhere where we have a cost involved for replacement of these notes. It is well known that the life of a £1 or a £5 note is extremely short and I just wonder how long they expect these notes to be used before they have to be replaced.

Deputy M. Tadier:

Deputy Martin was before me, Sir, so I am happy to give way to her.

The Bailiff:

Well, it is a matter for Members. Deputy Martin?

6.1.11 Deputy J.A. Martin:

Thank you, young man. **[Laughter]** Do we not all live in a different world? There is the Constable of St. Ouen been walking around lunchtime. Pity he did not bring 3 cheques back for £100 each and then we could all say that these will sell very nicely, thank you very much because the people I have been meeting on the doorsteps are not worried about whether they can buy their £100 note. They are more interested in getting their ... there will be a very kind gentleman giving them £100 just to let them get through the winter. Different world, as I say, on a small island like this. I have some practical questions. In the comments, this is where we are and I do ... if I have to believe the Deputy of St. Lawrence, Deputy Le Fondré or the Minister for Treasury and Resources, well, I do believe it was happening in 2010. Maybe it was around that same month that the Minister for Treasury and Resources had a blank on Lime Grove House. Could be possibly that. We do not know what happened there but he had a very funny few months. His memory failed him and it never came to the States. But what we do have here is it is expected on page 3 of their notes fourth bullet point that the occasion of the Jubilee and the fact that the £100 note is expected to be only a commemorative note, of its kind issued in sterling will further increase the commemorative note. Well, as far as I can remember, when I have ever forgotten to change my Jersey money before I get to England, I cannot spend it. Scottish money I can and Scottish money I can spend here but sterling I think is stretching the word, and also the comparison of 1.5 per cent against the Scottish £100 note. Again, funny comparison when a Scottish £100 note can be spent anywhere here or in the U.K. The Deputy of St. Lawrence I find is always too polite. It is not a matter of we are an afterthought. They had plenty of time to bring this here and it was not done. We spoke this morning about let us softly-softly approach with the filming industry because you have got some businessmen in the U.K. whose noses are well put out of joint because they think that our businesses are doing so well. So what do we do? Let us be the only people to print a £100 note. Let us do it. Let us rub it in, you know, rich Jersey, do not go from there. But of course it is being sold because it has got the Queen on it. Well, I love the Queen, no problem, and even her bunch of feral cats that she goes around with. I think she means they are probably somehow related but we can pick our friends as they say but we cannot all pick our family. Anyway, I do have one other practical question. We see in comments bandied about that they will only be printing 100,000 but in the regulation we are changing one sentence and we are just changing in P.131 Article 1 of 1: "The Currency Note (Jersey) Law 1959 for the amount of £50 there shall be substituted the amount of £100." There is nothing in here to tell me this might stop it, it might not stop. So that is another thing that you know be careful what we give permission to when we do not know where it will go. I just think it is something out there and I totally agree with the former Assistant Minister for Treasury. This has all been done wrong. If you did have that amount of money, and these are big

ifs, you know, are you going to go and spend £100 on a £100 note just because you can take a Jersey tea towel home to your family and say this is what you have got for it. I am sure tourism would like a little bit more effort put into the things. It is all sort of afterthoughts and the Queen, you know, who can resist the Queen? God love her, Sir.

6.1.12 Deputy M. Tadier:

It is perhaps ironic that many of us here today have been spending the last few weeks and months fighting an election essentially trying to convince the public that we are in touch with them, that we know what the daily struggles of life are, that the States of Jersey is not simply a rich boys and girls club and yet the first thing that we debate on the first day back after the elections is whether or not we should have a £100 note to go round in circulation in Jersey. That is perhaps slightly ironic. It would be slightly more poetic, I think, if the States had decided to have a 99 pence note to circulate so it would have absolutely no trouble getting rid of that and that would be flying out the door because, unlike what the Deputy of St. John said saying £20 does not get you far now, that can get you pretty far in the 99 p store where with £1 you can get 20 loaves of bread for £20 and it is also strange because, of course, having £100 is not going to make anybody richer, £100 note or £20 notes because 5 lots of £20 notes equal £100 anyway so there have been some strange arguments being circulated around. Generally speaking, and I do know some banknote collectors and coin collectors who call themselves numismatists which sounds slightly magical but that is the name for them and they are generally pleased, I think. I have taken a bit of time to canvas their views and they are supportive of new notes being issued but, of course, they would be. That is entirely to be expected. It has been interesting also to listen to the comments of Deputy Le Fondré and the comments of the Scrutiny Panel. What seems to be coming out is that even though they are supportive of the underlying reason for issuing this note - that is to celebrate the Jubilee, and there is a general consensus I think in the Assembly that it is the correct thing to do - they seem to be also saying that the economic argument is being tailored to the reason for introducing the note. That is to say perhaps if the note were being issued to commemorate the visit of Mark St. Angels to Jersey then presumably the economic argument would not be valid and we would find that these notes were going to lose us money or not make their money back in the long run. So we have to question why, whether we are fitting the economic argument to fit the idealistic argument for issuing these notes in the first place. That is not to comment at all. I am fully supportive if the States want to issue this note for the reason to mark the Jubilee. That is, of course, fine. We have had another interesting argument from the Constable of St. Ouen saying that it is a good thing that the States has been given very little time to debate this proposition because it means that other countries could have been aware sooner. If we had told them a year ago we are going to issue some Jersey banknotes, the £100, they might have also done the same. But as far as I know, we are the only jurisdiction in the world that issues Jersey banknotes. I do not think that any other country in the world would say: "Let us also issue £100 of Jersey money and we can compete with Jersey." I know that I am being slightly facetious there but the bottom point remains that it does not matter at which point in time we would have decided to issue these banknotes. We would have still been the only ones in the Island and the point is it is the individuality and collectability of these notes which will make them a collector's item and nothing else. But I think the fundamental problem I have with this proposition - and it has been underplayed by the Minister for Treasury and Resources and some of the supporters of this proposition - is that process does not matter. We are essentially being told that the end justifies the means. We are being told that. It does not matter the fact that we have already paid for a fifth of the overall costs of issuing these banknotes. It may be slightly less than a fifth. We do not know if there are other costs we have not been told about like the film. Has that last bolt-on section of the film already been made? Have the people who have been brought on to make that film, have they already been paid a deposit and will there be costs if we do not do that?

[14:45]

It sets a very dangerous precedent, one which has been already experienced in other ways and its importance should not be underestimated. Can we imagine a scenario where perhaps the Minister for Transport and Technical Services in the past might have come to us and said: "By the way, we need a new incinerator. It has got to go through the Assembly. It is going to cost £100 million and we have to decide on whether or not to make it the case" and say: "Oh, by the way, I have already paid £20million for it, not that that should influence you any more" so we have to question is it acceptable that we as elected States Members some of us are being held with a gun to our heads saying if we do not do this, then unfortunately we are going to lose that money. That is completely unacceptable and if there were ever a reason to vote against a proposition, irrespective of whether you agree with it fundamentally or not or certainly to abstain, then this is the absolute time to do it because we must stop this rot which is creeping into the States of taking away sovereignty from States Members and the States Assembly and it is being trampled underfoot by Ministers who think they can go off, make decisions on the back and say it does not matter because the States will just rubberstamp this decision. It has to be stopped now and the way to send a message to all the Ministers - the Minister for Treasury and Resources and the future Ministers - is to say we are not happy with this. We will vote against it by a sufficient margin to remind you that in future these kinds of decisions must come to the States first.

6.1.13 Deputy G.P. Southern:

I think I have heard it all now but no doubt there will be some more surprises coming in the next 3 years. I referred this morning to Government by soundings. Well, now we have got Government by hindsight: "By the way, we have already spent this money and we are coming to you to authorise it." This is no way to run anything, let alone a serious Government. Having just spent several months criticising the Minister for Health and Social Services for not bringing to the States scoped propositions in time for the Annual Business Plan, resulting in the fact that they got voted through because nobody is going to derail the Annual Business Plan. It all got voted through when we do not know how they are going to be delivered, what the cost benefit is or what risk assessment has been given to them. The start of an uneasy slope in which Ministers seem to be more and more assuming that they do not have to talk to us until it is too late. They make decisions and they come to us to ratify them. This is fundamentally wrong. On this occasion the Minister for Treasury and Resources has quite simply outreached himself. It is ridiculous that he should be coming to us at this stage saying: "I want your permission to do this, and by the way, I have already started the process; it is already half done." Then I hear from Deputy Le Fondré who is rarely found in my company in a minority or otherwise - but it sounds like the minority is becoming more and more numerous by the minute. He says: "Well, when you look at the comments we are talking about 30 years' payback, or even longer." When I heard this morning, I am sure I heard words to the effect from the Minister for Treasury and Resources that this was going to be instantly paid back and the measures already in place would get payback straight away. He is quite right to say that what we have got here is very, very confusing. Are we going to get 30 years' payback, if we get it at all? Or is it instant? Who am I to believe; the Deputy to my rear or the Minister in front of me? I believed him this morning. I thought it was a good point well made. Instant payback. Mm, I nodded. I was nodding for once. Lo and behold, it turns out simply not quite to be true. It depends how you look at the figures. Oh, does not everything? So that is the second reason. (a) What information have we got? Can we safely vote for this? And (b) are we prepared to set a precedent by voting for this? When it comes to this House with hindsight, it is a rubberstamp; it is an insult to this House that it should be here now and has not come previously. The excuse that everybody else in the world would want to catch on and in it, give their 100 whatever - 100 lira, 100 euro notes - in order to cash in on the particular jubilee is, quite frankly, a piece of nonsense. For once I shall be joining Deputy Le Fondré in his minority lifeboat as I vote against this proposition.

6.1.14 Senator T.A. Le Sueur:

I think I should begin by maybe correcting this apprehension in some Members' minds because this is not a proposition to authorise increased spending. This is simply a proposition to authorise the issuing at some stage, now or in the future, of a currency note to the maximum value of £100. There may be financial implications further on down the line, but the proposition itself is a very narrow one authorising the creation of an additional note. I say that by way of preamble, to go on then to answer a question from Deputy Le Fondré saying: "What is the message that we are putting out?" The message that I would hope that we should put out is one of celebration, as Senator Routier said. Celebration firstly for the fact that next year is the Queen's Diamond Jubilee and that Jersey maybe above all recognises, appreciates and values its links with the royal family and wants to do something tangible to demonstrate that. This is a very real tangible and, to my way, effective way of doing it. Furthermore, in terms of celebration, the second reason to celebrate is really an answer to another of Deputy Le Fondré's questions: "What has changed since 2010?" What has changed since 2010 is that we now have the Island's hologram picture of Her Majesty used around Great Britain as a leading marketing image for the Diamond Jubilee, for the National Regional Portrait Galleries and for the Jubilee. So that is something that we as an Island should be celebrating: our hologram is being used nationally for that specific purpose. By combining the 2, by having a £100 note and having a hologram as an integral part of that note, changes the balance from being perhaps commercially unsuccessful to be commercially very successful. Because it is not just a note for an open market. For an open market I accept that there are uncertainties and it may not be configured. But if one looks at it in the wider context of the international collectors' market and at the message it gives about the Island generally in terms of free promotion for the Island in so many ways, it is also a way of marketing the Island. So the second reason to celebrate is that we have a hologram recognised by collectors in the U.K. and ultimately around the world, and that is what will, I think, enhance the success of this note. Whether the payback period is 2 years or 20 years is almost immaterial in that context, because it is the message that we are getting across, the good news, the celebration, the feel-good that we ought to be engendering in the whole Island that we can do something positive and definite to mark the Diamond Jubilee and this is an excellent way of doing it. This law, these regulations, simply enable that to happen and I urge their support.

6.1.15 Deputy T.M. Pitman:

I do not want to say very much. I think Deputy Tadier said most of what I want to say. The Chief Minister says: "What message is this going to put out to people?" I think it puts out a message that this Assembly lives on some different planet, quite frankly, with everything that is going on and people struggling and we are discussing this for a couple of hours; I think it is beyond belief. I wonder how well this has been thought out and I could honestly see the Minister for Treasury and Resources on Dragons' Den trying to sell this: "Pay £100 for a £100 note and get a free tea towel." I do not think he is going to make an absolute fortune on it. What I do think is that we really should get on, vote whichever way people think is appropriate and move on to something more important. I suppose on the plus side this could, if it goes ahead, prove to be very, very collectable because I think we have to be quite honest here when we talk about celebrations. If the favourite for the Chief Minister's role gets the job, our links with the Crown will be ended within 3 years. So this could be very, very valuable. Maybe that is something to bear in mind. I think I am going to vote against, but honestly, do not think it is a big issue. We have got loads to get through; let us vote and get on with it.

6.1.16 Senator J.L. Perchard:

I just wonder if the Minister for Treasury and Resources when he is summing up could confirm a couple of points. One is how much has been spent on this project to date? If it were abandoned, what would be the cost of that abandonment? Secondly, can he give me any other reasons - we have had a few reasons - as to why he wishes to proceed and his colleagues wish to proceed? The Chief Minister there quite rightly reminded us what a wonderful way to celebrate the Diamond

Jubilee of Her Majesty. He mentioned that it is a good way of promoting Jersey and it is a very collectable item and that as such it will widen Jersey's attractiveness outside the Island. The Constable of St. Peter told us that his grandchildren would like one each. The Deputy of St. Ouen informed us that inflation would become so rampant we will need one to buy a pint of milk and that his investments are becoming so worthless that perhaps he will need less space under his bed for the notes he is going to stash. Unfortunately we are where we are. It is an inappropriate, vanity project. It should never ever have taken flight, but I think we are committed. I want the Minister for Treasury and Resources to confirm as to how much we have spent to date and if the figure is as I suspect it is, I will have little choice but to support him.

6.1.17 The Deputy of St. Martin:

Just to follow a little bit on where Senator Perchard is going, because I really feel is what we have here really is Back-Bencher's proposition and if any Back-Bencher brought this proposition it would be laughed out of court. What? You spend £50,000 without asking us, and then you want us to bail us out? It was not that long ago the Deputy of St. John, who is not here, but we were asked if we could bail out someone who had spent a few thousand pounds buying some fireworks in good faith, and then it turns out it was not in good faith at the end because he was left lying around with a lot of bills and expenses. Again, we have the double standards here. As someone who has over the years brought any number of propositions and carry out all my research in a proper way, I do not think I would have ever got away with something like this. But here we have a proposition brought forward in the name of a Minister for Treasury and Resources who really is acting in a Back-Bench capacity. There are no comments whatsoever from the Council of Ministers; again, why not? We do get a Corporate Services Scrutiny Panel which produces at the last minute. At the same time I am appreciative of them because they are helpful, but they do not tell us a lot. We hear about the ends justifying the means. I remember that; something to do with the Police Chief, I think. At the end of the day it did not matter what you do, even if it is wrong, if the ends justify the means, that is okay. Unless you look at the business case, because the difficulty we have... and again I am like Senator Perchard, we have got ourselves in a mess; how are we going to get ourselves out of it? He is squeezing his nose; he is quite right. We wanted to look at the business case because one of the things that I know, having brought propositions to the House and I am going to be discussing my own very soon, and I have put about no manpower implications, and lo and behold there are no manpower implications here. But I put mine in my proposition, which we will be debating next, and they are saying there are none; and yet we have the Minister for Treasury and Resources saying: "Oh, no, Deputy Hill or Deputy of St. Martin, you are wrong. There is at least £500,000 possibility if your proposition is supported" and yet there is no evidence. Yet when we look at the manpower implications here, which are on page 2 of the Minister for Treasury and Resources' proposition, it says there is no direct financial manpower implication, *et cetera*. It finishes really: "It is estimated issuing £100 commemorative note would be broadly neutral; i.e., break-even in terms of Currency Fund income and expenditure account." Well, I am quite happy. That is not of course to think I am quite happy to go along with the proposition.

[15:00]

But what I would like to know - and I think a number of us would like to know here - is how long is it going to cost us? Because I think at the end of the day, are we really just bailing out the Minister for Treasury and Resources because he spent £50,000? Are we throwing good money after bad? Again, if the Minister can convince me that this really is a justifiable expense and we are going to get our money back and we are going to get it back sooner than later, then I am minded to support it. But otherwise I just feel it is a very, very poor proposition.

6.1.18 Deputy M.R. Higgins:

Just very briefly. I have always considered myself to be a loyal subject of the Crown, and while I would normally be supportive of commemorating the Diamond Jubilee, I cannot in all conscience

support this measure because I believe the Minister has shown again contempt for this House through the way he has gone about things and therefore anything that undermines the ability of this Assembly to do its job and Ministers to exceed their powers I will not support.

The Bailiff:

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

6.1.19 Senator P.F.C. Ozouf:

I am going to take just a few minutes to explain the background of some of this because I want Members to be making their decision with full information and there are a number of remarks that give me the indication that Members have not got the full implications. So, on the timings, we learnt of the hologram being used for the Diamond Jubilee; it was I think in late May. We worked on options, which I will go and explain, and we lodged the proposition on 2nd August. I hoped that this was going to be taken in September, but because of the extended sittings of the Assembly that was not possible, and therefore we are dealing with it in November. In the intervening period we had to make a decision in terms of signing a contract. So I am sorry to say but it is because of the extended sittings of the States that it is late and I apologise for that. Maybe I should have been more forceful in terms of getting it, but there was no reasonable opportunity of getting it debated. Before the summer break there was not enough time, and it certainly could not have been done in September. Senator Ferguson spoke for fraud. She mentioned the euro and the dollar and high denomination notes, and she is right. There is concern internationally about high denomination notes used for money laundering, *et cetera*. While I am very proud of Jersey and I am sure that she is too, our currency is not like the United States dollar; it is not in wide circulation and it is not like the euro. It has a very limited circulation. Frankly, if somebody did turn up in a U.K. bank which of course you can exchange notes with 10,000 £100 notes, frankly I think questions would be asked in terms of money laundering, *et cetera*. Such is the small nature of the Jersey community that in reality I do not think that we are worried about money laundering going on in relation to high value notes. That is one of the reasons why we can issue a high value note without the concerns of money laundering. It is a commemorative note. Commemorative notes do need to be authorised for circulation; otherwise they cannot be proper commemorative notes. Members have asked the issue of whether or not we should have done a £20 note. One Member spoke of the fact that our £20 note has this Assembly in its image on the note. We considered whether or not we should redesign one of the D-series notes that were issued 2 years ago. It is not possible to have 2 completely separate designs of a note in circulation. We would have had to abandon the stocks of £10 and £20 and it also would have meant if we had used the holographic image on the front of the note, the series of notes would have not been in keeping with what we have done. I think our new notes are fantastic. The fact that they have got French, they have got Jersey French, they have got lovely images, they have been well received. I did not think it was a strong enough argument to replace one of those notes that have been in circulation and we have got notes in stock for. The only realistic option therefore was to consider an alternative denomination note and the decision was made for the £100 note. It is fair to say that we could and we still can put a Diamond Jubilee image on one of the other notes; perhaps the £1 note. But what we will not have is we will not have the image of the holographic image. You can only have one image of the Queen on a note and that is why we would completely redesign the £100 note. So it is not like the Liberation Day or the Liberation Note that was issued or the 1204-2004 note; it was just simply a small £1 note change that was made. This is completely different; and it is part of an overall package of measures which are being designed in order to celebrate the Diamond Jubilee. There is, as we have mentioned, a film being produced, a 15-minute film. There are coins and I will look again at the issue of whether or not we can have an extra £1 note with just simply the Diamond Jubilee, but I do not think that is going to make financial sense. It is effectively part of a package, and I hope a package of measures that will be celebrated by our local community. I would like to see, for example, Victoria Avenue with those lamp standards with that picture of the hologram right through the Diamond Jubilee

celebrations. We have changed those lamp posts. Let us celebrate that holographic image and the Diamond Jubilee so that we welcome all people in Jersey. There is a whole series of things that we can do, and you, Sir, are chairing a group which co-ordinates this. This is part of that. The issue of the return on investment has been discussed. I am going to try and do a really simple explanation for Members just to prove that this is a good investment of the Currency Fund. We are going to spend, if States Members approve and there are abortive costs of £50,000 which we would have to pay for - be absolutely clear on that - we will invest £258,000 in these notes. If we are successful in issuing 5,000 of them, that will produce a return of £17,500 on the long-term 3.5 per cent that we get on the Currency Fund money. That is a return of 6.7 per cent on the investment. If we issue 10,000 notes the investment return is 13.5 per cent. If we issue 15,000 notes that is a return of 20 per cent. It is an investment. I would have said that that is a good return on investment. I know that Members have been asking about the payback, but I do not know many investments that you get paid back in one year. I would have thought that a return even at 6.7 on our most pessimistic calculations would be a good investment for the Currency Fund to make. Let us not get confused about what I have said, and I stand by in terms that this is a jolly good investment for the Currency Fund versus the issue of payback. I am not sure if the former Assistant Minister can tell me of an investment that is guaranteed to get a payback in a year; then perhaps I need better investment advice; but I do not think I need this. It is a good investment and it is a sound investment and it is a celebration issue. Deputy Le Fondré also got his bucket of cold water out on the other matters of the image. He is wrong. The image was discussed as far as the D-series of notes was concerned. It was when I first of all became Minister for Treasury and Resources; there was a set of notes that were designed. It is an open secret that when I saw those designs I did not think that a man on a surfboard and somebody running along a beach or somebody on a bike was very good in terms of our currency, so they were redesigned. We did consider whether or not the holographic image could have been used but at that time it did not make sense. It does make sense now, we think. We can issue lots of notes because we are celebrating the Diamond Jubilee. We can remind people of the wonderful image of Her Majesty in terms of this note in a way that we would not have done before. I do not think the Island capitalised really on this fantastic image of Her Majesty in the way that we did. The fact that it has been chosen as one of the 2 lead images is something that we can celebrate, and we are going to celebrate it by a note, by a coin, by something that I cannot speak about because there is some other aspect which is going to be issued in relation to the Diamond Jubilee and which has got to do with the Treasury, and we can have overall a whole series of events. I am confident about the investment advice that I get. I am confident about the Treasury calculations and I stand by the remarks that I have made about that this is a good investment. The Deputy of St. Mary spoke about the report. I certainly thank Scrutiny for their work. We have worked quickly. I had a report from Scrutiny and I have issued my own comments on that report today, which I hope has helped Members in terms of their understanding of this overall issue. I would say that we have responded very quickly to Scrutiny's concerns on this issue and Members are better informed as a result of our joint endeavours. I am thankful for the Constable of St. Ouen and he reminded us about the timing. I was in a difficult position; I accept that. It is not only my responsibility that the States has not been able to take its business. We certainly lodged in time. To the Constable of Grouville, we will have 100,000 notes. I am afraid that the production of the note is but a blink in the De La Rue factory. I understand that they press the button and they press it again very quickly in order to get our 100,000 notes. A normal currency issue is 28 million notes which, of course, they print around the world. We are tiny and 100,000 is the very fewest they do. We could get in theory fewer notes but the unit cost would be much higher. So it is the overall investment really of £258,000. If people are going to use these notes in circulation, if they are going to rub in people's wallets, if they are going to run out, we will certainly have a stock in order to be able to replace them, and I hope that answers the Constable of Grouville's question. To Senator Perchard, it is £50,000 and I fully accept a decision has been made to spend £50,000 in order to make this project happen. I had to make that decision because I was not able to hear the debate earlier. I am sorry about that; I apologise to Members. It is no slight of this Assembly that we do this. But we have

tried genuinely to do something which can be celebrating the Island. I am looking forward to the Diamond Jubilee. I am looking forward to the new holographic image that will be created for the Diamond Jubilee. There is a possibility of having a new hologram gifted to the National Portrait Gallery. We can do an event in London. We can, I hope, start the whole concept of a Jersey Day. There is a whole series of things that we can do to celebrate the Diamond Jubilee as well as celebrate our Island and celebrate affection and our allegiance to the Crown. This is one part of it, and I hope Members will support the decision to allow us to issue a £100 note in the certain knowledge that it is also a sound investment, but also something that should bring pride to Jersey, and I hope those people who will either collect the note or collect the image of the note will enjoy it. I ask for the appel.

The Bailiff:

The appel is called for then in relation to the principles of the regulations. I invite Members to return to their seats and the Greffier will now open the voting.

POUR: 34	CONTRE: 8	ABSTAIN: 0
Senator T.A. Le Sueur	Senator S.C. Ferguson	
Senator P.F. Routier	Connétable of Grouville	
Senator P.F.C. Ozouf	Deputy J.A. Martin (H)	
Senator J.L. Perchard	Deputy G.P. Southern (H)	
Senator A. Breckon	Deputy J.A.N. Le Fondré (L)	
Senator A.J.H. Maclean	Deputy M. Tadier (B)	
Senator B.I. Le Marquand	Deputy T.M. Pitman (H)	
Senator F. du H. Le Gresley	Deputy M.R. Higgins (H)	
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy J.B. Fox (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
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 A.T. Dupré (C)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy A.K.F. Green (H)		
Deputy D.J. De Sousa (H)		
Deputy J.M. Maçon (S)		

The Bailiff:

Very well. Senator Ferguson, do you wish this matter to be referred to your Scrutiny Panel?

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

I think we have had enough fun with it already.

The Bailiff:

Very well. Then, Minister, do you propose the 2 regulations together?

6.2 Senator P.F.C. Ozouf:

I propose the regulations which are self-explanatory.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on either of the regulations? All those in favour of adopting Regulations 1 and 2 kindly show; those against. The regulations are adopted. Do you propose the regulations for Third Reading? Seconded? **[Seconded]** Does any Member wish to speak in Third Reading?

6.2.1 The Deputy of St. John:

I might as well say some little thing because I am pleased it has gone through. But maybe the Minister might be able to tell us, have we debated in this House whether or not we are going to have celebrations for the Jubilee?

The Bailiff:

Very well. Does any other Member wish to speak? Do you wish to reply, Minister?

6.2.2 Senator P.F.C. Ozouf:

Those are matters for the Chair's panel in relation to dealing with those issues and no doubt any expenditure which is going to be incurred in relation to that will be brought to the Assembly as appropriate if it is not already in budgets on in under spends, *et cetera*. But I hope the Deputy would agree with me that we should be planning for a good celebration of the Diamond Jubilee in all sorts of ways, this being part of it. **[Approbation]**

The Bailiff:

Very well. All those in favour of adopting the regulation in Third Reading kindly show; those against. The Regulations are adopted in Third Reading.

7. Disciplinary and grievance hearings: right to a friend (P.112/2011)

The Bailiff:

We then return to the Order Paper as originally listed and we move to Projet 112 - Disciplinary and Grievance Hearings: right to a friend - lodged by the Deputy of St. Martin and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to request the Minister for Social Security to bring forward for approval by the States appropriate amendments to Article 78A of the Employment (Jersey) Law 2003 to provide that, when an employer requires or requests an employee to attend a disciplinary or grievance hearing, and the employee wishes to be represented at the hearing, the employee shall have the right to be represented by any person who the employee wishes and not only by a trade union representative or another employee of the employer as at present; (b) to request the States Employment Board to amend the terms and conditions relating to the employment of all public employees to provide that in any disciplinary or grievance hearing relating to a public employee's employment, the employee will have the right to be represented at the hearing by any person who the employee wishes to represent them.

[15:15]

7.1 The Deputy of St. Martin:

Members will be aware that I devote a considerable amount of time to the issue of suspensions of States employees. In 2009 I lodged a proposition P.46/2009 which sought Members' support for a number of proposals I put forward to ensure a fairer and more accountable procedure to be adopted at the original suspension stage. I also asked for support to establish a panel which would review suspensions which ran for longer than 28 days. Those proposals were adopted. A third, but very important proposal was to allow a suspended employee the right to be accompanied by a friend of their choice when being suspended or when appearing before the Suspension Review Panel. The Chief Minister who was also chairman of States Employment Board lodged an amendment seeking to delete the right to a friend to accompany the States' employee. The Chief Minister's concern was that by permitting a friend, the employee would ensure that the friend was a lawyer. A very lively debate followed in which it was argued that very few employees would engage a lawyer, and even if they did, what did the employees have to fear if they were doing their job properly. It soon became apparent that the Chief Minister was going to lose his amendment and rather than waste even more of Members' time, he wisely withdrew his amendment. Since then the new procedure has been established and a number of suspensions have greatly reduced, and suspensions are for a far shorter period. Members can look up R.41 issued in April this year which will obviously concur with what I am saying. Also, and of particular relevance to my proposition, is that there have been no reports or concerns about friends accompanying employees. To the best of my knowledge no employee has been accompanied by a lawyer. Because of the publicity generated from my involvement with the suspensions I have had a large number of employees seeking my advice and assistance. It has, however, become quite apparent that an uneven playing field still exists when employees attend discipline or appeal hearings. At present Article 78A of the Employment Law only permits a workplace colleague or a union representative to represent employees at discipline and appeal hearings. This is causing concern because not all employees belong to unions and neither do they have workplace colleagues or even if they do they may not be suitable to accompany at hearings. It is evident that even though the Employment Law provides for workplace colleagues or union reps to accompany, some employers have a code of practice, terms of employment or contractual arrangements which allows them to be accompanied by a friend. These employees include police officers, teachers, lecturers, doctors and dentists. Unfortunately, this arrangement does not cover civil servants, manual workers or employees who are harassed, albeit at work, or are whistleblowers. Therefore, if you are a doctor you can have a friend but if you are a civil servant you cannot. If you teach music you can have a friend but if you teach swimming you cannot. If you are a police officer you can have a friend but if you are a manual worker you cannot. These are just examples of anomalies that exist and, in my view, are grossly unfair to some employers or that some employers have the right to a friend yet others are denied. I ask why this inconsistency is still there. That is what my proposition seeks to achieve. I wish to rectify the problem. In my report which accompanies my proposition I make reference to the human rights judgment in the U.K., following a hearing by a teacher who had been denied the right of a lawyer. The board of judges ruled that the denial was a violation of Article 6 of the Human Rights Law relating to a fair hearing. Members will, however, have received the States Employment Board's comments that the decision was overturned at the end of June, following an appeal to a different board of judges who were of the view that the type of meeting that the teacher was involved in was not a violation. However, they did record it would have been a denial of his human rights if the meeting had been one in which the teacher's livelihood would have been at stake. While the human rights judgment has a slight relevance to my proposition it is not significant because my proposition does not seek the right for an employee to be accompanied by or represented by a lawyer; it seeks to have a friend to accompany them. That friend of course could be a lawyer, I do not dispute that, however, in the first instance we are asking for a friend to be able to accompany. Unfortunately that is the argument which is being advanced by the States Employment Board, the

Minister for Social Security and a small group of lawyers representing the employers' interests. They seem to be of the view that if Members support my proposition lawyers will be engaged at the outset of every employment dispute. Such a claim is preposterous and unfounded. It should be recalled that a right to a friend has not caused problems in relation to police officers, teachers, lecturers, doctors or dentists, nor the employees who have been involved in suspensions for the review suspension panels. What is very, very important is that the present arrangement has not required the States to provide additional training to H.R. (Human Resources) staff or the employment of external legal advisers at the cost of £500,000 which the Minister for Treasury and Resources has mentioned in his comments again. Where is the evidence? This figure obviously plucked out of the air. Of particular importance is that because of the new suspension policy, which I previously mentioned, far fewer employees are being suspended; that is a fact. Therefore, there should be no additional cost or manpower implications, simply because fewer people are being suspended. My proposition should have been debated in July but organising representatives on the employers' side circulated emails to Members, calling for my proposition to be rejected and in a further attempt to oppose it they also called for a deferment to allow for consultation. I could not really see any purpose for consultation because the matter is quite clear. Either Members agree to allow employees to have a friend, particularly if they do not belong to a union or have a workplace colleague, or Members reject my proposition because they do not believe in fair representation. I reluctantly agreed to the Minister for Social Security's request to defer, to allow for consultation. However, I had intimated that I was hoping for my proposition to be debated in September. However, because of the length of the September agenda and the elections I again agreed to defer my proposition. In fact this sitting is my last opportunity to debate this particular proposition. In July I attended a meeting arranged by the S.E.B. (States Employment Board) which was also attended by members of the outside groups representing private employers who were indeed calling for consultation. Consultation was agreed and along with a timescale which has not been kept. Since the July meeting I have not received any feedback or the outcome of that consultation. Members may well have seen it in their pigeonhole today; there is a document circulated to all Members about this particular proposition and it says: "This item was discussed for the first time on the 25th October agenda." So, again, I think we have been more than generous to allow time for consultation. My proposition is simple and straightforward and in summary, the 2003 Employment Law permits employees to be represented at disciplinary and grievance hearings and they can be represented by a union rep or workplace colleague but the law makes no provision for employees who do not have workplace colleagues nor belong to a union. The law makes no provision for employees who might have workplace colleagues or belong to a union but their competence to assist is unsatisfactory. Some employees belong to staff associations which have codes of practice, which allows them the right to a friend; these again I include police officers, teachers, lecturers, doctors and dentists. However, employees who are civil servants or manual workers are denied the right of a friend. It is for Members to decide whether they still wish to deny the freedom of choice to employees who find themselves appearing before a disciplinary body. Members might like to put themselves into such a situation and ask themselves, if they had the opportunity of having the best person to represent them or would they like someone imposed upon themselves? My proposition is straightforward and I make the proposition and ask that is seconded.

The Bailiff:

Is the proposition seconded? [**Seconded**] Yes, Senator Le Sueur.

7.1.1 Senator T.A. Le Sueur:

I am happy to speak first on this proposition because like the Deputy of St. Martin I will not be here in the next session to talk on employment matters, a subject for which both of us have had an ongoing long interest. My interests go back to the days when I was the president of Employment and Social Security some 12 years ago when we brought forward a review of employment law,

known as *Fair Play in the Workforce* and the consultation which surrounded that document. That was quite a landmark in the history of employment relations in the Island and I am very pleased to have been part of that. As chairman of the States Employment Board I have endeavoured to put into practice the principles of good employment practice and I believe that over the past few years standards, both in respect of employers and employees, have increased considerably. But one of the first outcomes of that consultation exercise was the setting up of an independent employment forum and in the intervening period that forum has strived to maintain its independence and to remain in touch with the workforce and modern employment practice. Just to remind Members the employment forum comprises representatives of employees, employers and in middle ground and is a balanced composition. At the time the States agreed, quite rightly, that the review of the Employment Law and the activities of the forum should be prioritised but that as far as possible the States should not try to second-guess the work of the employment forum. That I give by way of background to this proposition because it does relate to employment matters, both in the public and the private sector. The Deputy of St. Martin is quite correct that we did have discussions this summer with Employment Law professionals, as well as the Minister and officers of Social Security. But I would point out that those Employment Law professionals are indeed professionals. They will act for employers, they will act for employees, they will act in accordance with good employment law and good employment practice. Their views - which is an example that is set out in appendix 3 of the States Employment Board's comments to this proposition - are quite clear. But I acknowledge that there is room for more than one point of view and I hope the Deputy of St. Martin also acknowledges that there is room for more than one point of view. In order to enable that wider discussion to happen we agreed at that meeting, at which the Deputy of St. Martin was present, that the employment forum would take this up as an immediate issue and that, of itself, is a significant move because the employment forum work schedule had already been planned and prioritised.

[15:30]

But we said to the Minister for Social Security: "Please, could you insist to the forum that this needed a higher priority?" It was also agreed at that meeting that rather than amend the Employment Law we should consider the option of clarifying the existing code of conduct on disciplinary and grievance procedures. These are not suspension issues, these are disciplinary and grievance procedures and that consultation paper, as the comments today show, is being worked up by the employment forum. I will leave the Minister for Social Security in due course to speak as much as he wishes on the employment forum aspects and I will now focus simply on the aspects as they are related to States employees because, as I have said, the States Employment Board is always anxious to demonstrate it is a good employer and follows good employment practice. Speaking for myself, and I am sure members of the States Employment Board, we await the outcome of the employment forum consultation and if the employment forum members feel that a change in the law is necessary then we shall support the Minister for Social Security in delivering that. But officers of the States Human Resources Department, in practice, already follow much of the objectives sought by the Deputy of St. Martin, insofar as they may relate to employers with particular problems, maybe having language difficulties or needing moral support and therefore I see no reason to act prematurely in advance of the outcome of the forum's consultation process. Indeed, for this House to do so would, in my view, be unrealistic. I appreciate that the Deputy of St. Martin would like to have a decision before he leaves the States but I suggest to him that he has now aired the situation quite clearly. Members are in no doubt about the sincerity of his views and the importance of the subject matter. At least I, as president of the States Employment Board, also appreciate the importance of the subject matter and I am sure that the Minister for Social Security does likewise and I am sure that the next Minister for Social Security, whoever he may be, will also do that and welcome and implement the recommendations of the employment forum. But I do suggest that now is not the time to decide this in advance of the employment forum. Indeed, it would be almost, if it is not unparliamentary, be a smack in the face to the members of the

employment forum who will be asked to do something when we have already made a decision for them. I think if I issue a consultation document and I said that whatever the consultation I am going ahead with Plan B anyway, Members will say that is not real consultation. If we are going to have proper meaningful consultation it has to be allowed to go through to the end. For that reason I can only suggest that Members oppose this proposition, although I think it would be wiser if, having now made those comments, the Deputy of St. Martin withdrew it and let the forum carry on and do their own work. But I cannot support the proposition because to do so would be to undermine the work of the employment forum.

7.1.2 Senator A. Breckon:

Just a couple of points. I just heard the Chief Minister talk about consultation. The Minister for Education, Sport and Culture was stumbling a bit this morning when he was trying to explain the consultation on the disappearances of the childcare services and the Minister for Treasury and Resources was not able to explain any consultation - it was all about the £100 note. I think there is a degree of hypocrisy there. Consultation for a Back-Bencher is not the easiest thing and this is a fairly simple subject. Sometimes people in employment circumstances might feel distressed and upset by a particular set of circumstances; what I am saying is that I may come with somebody I know or somebody I trust and really that is what this is about and I think I am really dismayed. I have been involved with industrial relations for about 40 years and I have never seen anything like the load of tripe - if that is the right word - that has been generated to oppose this. It is absolutely ridiculous. What we are talking about is somebody who may be stressed with an employment situation and so been accompanied by somebody they feel friendly with. It need not be a lawyer, it could be a lawyer, it could be their sister, it could be their brother, it could be their auntie, it could be their mate at work; that is what we are talking about. What a fuss. I cannot understand this at all for the life of me of why this resistance is being put up. I think this is Ministerial dogma to the *n*th degree. This is really upsetting. We have got a Back-Bencher with, I think, a genuine case and I hope Members will view this as it stands and not listen to all this hot air that has been generated, which for me is superfluous.

7.1.3 The Deputy of St. Mary:

Yes, I had a good look at the documents, particularly the latest one produced by the Chief Minister, I think, today headed States Employment Board. I have some questions and comments really for both the proposer and general remarks. Nobody has picked it up but in the proposition the Deputy of St. Martin told us about "represented" and I am sure he means "accompanied" really because the legal extracts, quoted at the back of the States Employment Board document that was circulated today, make quite clear what a company means and how it is limited in the law and so on. It is not a matter of representation. It is not a matter of someone going there and being the spokesperson for the person who is undergoing the hearing. It is a more equal relationship and it is stated in the law, but I think representation might not be the right word. I see that the Deputy is shaking his head so he can maybe clarify that in his summing up. The second thing is, and it is just to restate it really just so we do not lose sight of it; the principle of this has been accepted, in essence, by the States with respect to suspension proceedings, that people faced with suspension can have a friend. What the Deputy of St. Martin is seeking to do is to make that a general principle within States employment practice. I really cannot see how there can be an objection to that, if it is true that this principle already applies within suspension proceedings and these have been a huge success; the amount of suspensions and the length of suspensions and so on has declined radically since the Deputy of St. Martin paid close attention to it and made us all pay close attention to it. That is a success story and why can we not make that a general principle? The third point that needs to be made is this business of consultation. The delay was apparently in order to achieve some consultation and apparently there has not been very much. The Chief Minister did not really address that, he did not say that there had been consultation with stakeholders to look at this, so what good has the delay served? I just want to make some specific comments on the States

Employment Board document that was circulated today because this is the most recent statement by the Chief Minister about the way he feels about this proposition. The arguments against accepting the proposition are threadbare. They are absolutely extraordinary. On the second page of this thing that was circulated, the top of the second page, the first bullet: "Allowing a friend opens the door to family members and this would introduce an unnecessary emotional and subjective element." So, do family members not appear in court? Do they not give evidence? It is very odd and if you see the second bullet, which follows that first bullet, it gets even more extraordinary: "Other friends, who are neither a trades union rep nor workplace colleague, may be unfamiliar with States of Jersey procedures and again would bring a more subjective dimension to disciplinary and grievance hearings causing unnecessary delays." I find this unbelievable and I would draw Members' attention to the underlying thinking behind a sentence like that. It almost suggests that Scrutiny hearings should not hear ordinary people because they might be frightened by the thing that we read out to them at the beginning, that they must not say anything incriminating unless it is true and so on. Facing the Government in all its procedures and complications and rigmaroles and the things we have to go through to be fair and scrupulous and transparent and so on, that is the point. People will learn from that experience and what we face in Jersey is a gap between the Government and the man and woman in the street and this sentence says: "They cannot understand, ah, it is your bedtime now". I am sorry, it is not acceptable in the 21st century. The fact is that procedures might be unfamiliar, they can be explained and with that comes familiarity with how a government works. It really is an extraordinary notion that people who are not trade union reps or workplace colleagues are somehow unfit to accompany an employee. The fourth bullet on that page about States Members: "The possibility that this opens up of a States Member a company a States employee" and I do agree that that is an issue because of the relationship between a States Member and States employees and there are difficulties around that. I would just like to put into the pot a suggestion made in a Scrutiny hearing I attended recently which I thought had merit and maybe should be looked at in some future forum, which was that in a small Island like Jersey human resources are very difficult because everyone knows everyone or everyone knows somebody's cousin and so on. In many cases it is very difficult to avoid either confliction or the appearance of being conflicted. His suggestion was that we set up a panel for perhaps more important disciplinary cases that comes from outside to avoid this issue. We do the same in Economic Affairs. We have advisers from outside because we feel that that is important enough, it is worth paying them, we get independent advice from people with a proven track record and a professional reputation to protect and we could perhaps solve some of our confliction problems in that way. But I was just pointing out the weakness of some of these comments by the S.E.B.; they are quite bizarre and you wonder what they are really trying to say. There is one other extraordinary argument on page 6 about individuals having access to information that might be confidential. Well, if the employee already has the right to bring a workplace colleague then the information might leak through that channel or it might leak through the family member or the other supporter. The same problem arises about confidentiality; it does not change because the Deputy of St. Martin has changed the number of different kinds of people who can be present in those meetings. Now the issue of lawyers; this is a problem, this is a problem and the Deputy, I hope, will comment on this in his summing up. I suppose the headline is, why is there no amendment from the S.E.B. or the Chief Minister's Department, or wherever it might come from, to put restrictions on the possibility of involving a lawyer? I notice in one of the documents there is reference to lawyers but not acting as lawyers; lawyers acting as friends. Now, I do not know if lawyers can wear 2 hats like that but the Attorney General manages it pretty well most of the time, so I think it is possible but there are other ways around it. There could have been restrictions put or that issue could have been addressed; what do we do about the issue of lawyers? I think the letter from the Employment Lawyers Association is quite sound on that. They point out that the U.K. legislation does not allow for lawyers, nor does the Jersey legislation.

[15:45]

They quote a case; they quote the words of Lord Hope and I think there is merit in these words: “The Parliament’s wish to avoid this, that the employee has a right to be accompanied by an official of a trade union, not by a lawyer. To require the person to be provided with legal representation would go against the intention, it would have been the wrong remedy.” All the dangers of turning a disciplinary hearing within a business or within the States into a case for litigation, that is very much a top end, end-of-the-line process but nowhere near the beginning. That should and could have been addressed but it has not been. We are not faced with an amendment. We have not got any qualification to this proposition and that is a great pity. I hope someone from the S.E.B. will comment on that and also perhaps the proposer when he sums up. Finally, the fact that this proposition, as it stands, applies to all employers and I was really, I think, dismayed by that. I had somehow assumed, because of the context and the mentions of suspension proceedings and so on, that this was a States matter, that it was about the States and about our employees and the correct proceedings and so on and the difficulties with States Members representing States employees and so on. Yet, in fact, as is pointed out in one of the other documents, this applies to all employers; small, large, my former cycle-hire business, whatever, however big, however small. That does bother me and it bothers me when it said that there has not been really any consultation with employers large and small and that is a real difficulty for me and it puts me in a difficulty with which way to vote about this and I would just wish the proposition had been limited to States issues and again, maybe the proposer would comment on that in his summing up. Thank you.

7.1.4 Deputy J.A. Martin:

I will be brief. I think the Deputy of St. Mary has covered a lot of what I wanted to ask. I think the point was made when the Deputy of St. Mary is even confused about what the Deputy of St. Martin is asking because in his report he talks about “friend” and like Senator Breckon I really do not have a problem with friend. The Deputy of St. Mary also asked why the Minister for Social Security or the States Employment Board have not amended the Deputy of St. Martin’s proposition. Personally I do not think it needs an amendment because all it is asking at the moment is to request Social Security to bring forward something and to request the Employment Board to amend the terms and conditions, which, in that request, I would certainly hope that they would follow the U.K. and there would be restrictions on them necessarily. They could be a lawyer; I do not have a problem with them being a lawyer but they would not be there as the lawyer, they would be there as a friend and they may have expert knowledge. Then we seem to go on to say ... the Deputy of St. Martin’s opening remarks said that very many professions, who are States-employed at the moment, are allowed a friend. Does this cost the States £500,000 a year? The answer is no but if it goes down to manual workers it will because many of them have got friends who are lawyers who are going to charge £500,000 a year, I do not think so but I do think we are making heavy weather of this. In the principle I think the Deputy of St. Martin probably has confused it. I mean to me if I want a representative there, did I want a representative at the count it did not have to be me? I could have sent someone else along. This is not clear. This “accompanied by a friend” is I hope what the Deputy of St. Martin means but I would give full support. As I say, it just requests the Minister for Social Security. I do think they doth protest too much; let us not give the ordinary worker any rights. Who would you prefer when you are facing a grievance? You may not get on with your work colleagues; it may be a limited pool. It may be a grievance possibly against work colleagues. So, you need an independent friend, you need somebody with you. You do not, as the Minister for Social Security is rumbling, need a lawyer, not in the first instance. Yes, you may need a union rep but it may be a grievance against the union rep. It may be something that has happened; there are all different grievances. As he is still the Minister for Social Security and he is going to speak, it is not beyond his powers or the next Minister for Social Security to make this friend as we all mean friend and it will not cost a fortune. I will wait to hear the Minister for Social Security speak and I will wait until the Deputy of St. Martin sums up because either he has worded this very badly or it is not the simple intention of what I think “accompanied by a friend” to grievance and disciplinary matters mean. Thank you.

7.1.5 The Connétable of St. Brelade:

The key risk, in my view, as has occurred in the U.K., is that by opening the door to a friend, staff bringing a lawyer to the hearing - and we are talking about internal hearings here - the employer is then obliged to gain legal representation too. This of course can result in the employer ending up with financial outlay for legal representation, as we know, to attend internal disciplinary, grievance and attendance hearings, which is totally out of proportion. There will of course be a prohibitive cost in terms of time and money to this. In respect of the human rights points, several individuals in the U.K. have used U.K. human rights legislation to legally challenge the current law and the A.C.A.S. guide and demanded the right for a lawyer to be involved in internal casework. The cases went through the British courts through 2010 and 2011, culminating in a very recent Supreme Court ruling that there was no right to be represented by a lawyer in an internal hearing and this was not a break of human rights legislation. I am respectful of the Deputy's moves in bringing this proposition but the U.K. Employment Law and A.C.A.S. system, which is mirrored by the States of Jersey regulations and J.A.C.S. (Jersey Advisory and Conciliatory Service), allows for employees to be represented by their trade union and accompanied by a colleague, as has been mentioned before. Surely we need to keep the whole matter in proportion. I really suggest to Members that they reject this proposition and listen to industry professionals who do know what they are talking about and have given advice that this acceptance of this proposition is entirely inappropriate. Thank you.

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

Yes, I think Members have certainly grasped that this is not quite as straightforward as it might first appear. We obviously have the Deputy of St. Martin's proposition and his report which makes one position. We subsequently have had letters from lawyers and employment experts and they have made a contrary position and it is for us, as an Assembly, perhaps to consider the mechanisms that we have available to us to understand the direction that we should take on this particular issue. The first thing I want to say is perhaps to offer congratulations to the Deputy of St. Martin because I think we all in this Assembly are aware of the good work that he has undertaken and the way that the suspension issue within the States has been improved immeasurably since he has brought those issues to this Assembly [**Approbation**] for approval and he has got the States to agree and put in place processes which have improved that. I suppose the corollary to that is that I fear that perhaps now he is going to propose something which might undo - and I say "might" reservedly - some of that good work which is now taking place within the States and the way that they employ and deal with disciplinary and grievance hearings. Let us not forget as well that it is not simply about suspensions that the Deputy of St. Martin is referring in this proposition. It is about all disciplinary and grievance hearings and we must remember that that can be at a relatively low level but it can also be right up to gross misconduct and therefore suspension or even dismissal. It is the full gamut that he is asking us to consider when we ask ourselves whether this is appropriate or not. Another issue I just wanted to knock on the head, as it were, if I may use that phrase; right at the start is that within the Deputy's report he talks about or casts doubt because of a case that was before the U.K. with regard to the human rights compliance of our own Employment Law in Jersey. I think, although he perhaps did not do it as fully as I might have wished, he did, in his opening remarks, say that that case has now been overturned in the United Kingdom and therefore we could not have any read-across to say that the Jersey Employment Law was non-human rights compliant. I just wish to make that clear because he did go on to talk about situations where if the individual were to lose their livelihood as a result of a disciplinary process then that should be treated differently and it is my understanding that currently our Employment Law allows for that. The Deputy says no, but of course the instances I believe whether that would apply are for States employees, for example, teachers and therefore they would be able to avail themselves of the States procedures. We might also want to look at G.P.s (general practitioners) but of course they are self-employed individuals or partners of the firm, so that would be different again. If I can go on then and talk about where I am specifically with regard to this proposition and others, the Deputy, myself and the Chief Minister,

has talked about a meeting that we held in July of this year to discuss this proposition. It was attended by the Deputy of St. Martin, by members of the States Employment Board and by a number of interested parties, including representatives from J.A.C.S. and the Employment Lawyers Association. I, of course, attended as well with officer support. That meeting resulted in agreement that (1) a more acceptable solution than amending the Employment Law might be to amend the code of practice on disciplinary and grievance procedures so that it outlines circumstances in which an employer should consider permitting different types of representatives; and (2) the employment forum should be directed to consult on such an amendment. I should, at this point, of course say that the employment forum is independent. It is made up of employee, employer and other members and is independent of this Assembly. It is the body we have put in place to consult upon any changes or amendments to the Employment Law and therefore when we have got a consultative body in place it is appropriate that we use them to consult because it takes us away from this perhaps loggerheaded position that we find ourselves in today and it allows them to look at this in an independent fashion. I have formally directed the forum to consult, as agreed, and the forum is preparing that consultation paper and it will be released shortly. I would suggest, perhaps like the Chief Minister, that it might have been more appropriate therefore for the Deputy to have withdrawn his proposition at this time to allow Members to understand the difficulties, what appear to be perhaps entrenched positions on both sides, and find a way forward. I understand why the Deputy feels he has not been able to because in a way this is his last opportunity to ask Members to agree and therefore it gives me no pleasure to ask Members to await the results of the employment forum. I appreciate that the consultation has not been undertaken as quickly as the Deputy would have liked but it was and will be within the timescale that was mentioned at our meeting.

[16:00]

The employment forum has a statutory duty to make recommendations on minimum wage and that had, no matter what else I might have wished them to do, to take priority during August and September and indeed it has. Their priority now is to undertake this consultation. I must, if I am going to be honest with the Assembly, believe that their priority should have been to restart consultation on family-friendly employment law but I have had to take on board the wishes of the Deputy of St. Martin and I have asked them to prioritise this piece of consultation. They are not able to do everything; everything has to come in its order and therefore I have directed them to do that. It is, I do not believe, appropriate for either the Deputy or this Assembly to believe that they should or could have worked any quicker than they already have because of the statutory obligations that they were under. They are getting to this piece of work just as quickly as they possibly could, outside of those statutory obligations. Perhaps if I could just pick up one or 2 points that other speakers have made. In answer to the Deputy of St. Mary, yes, indeed, this would apply to all employees and all employers, there is no differential within the request here to amend employment law. The other question that he raised, and again it is a pertinent and legitimate question, and that is why was this proposition not amended? Quite simply because when we had our meeting back in July I left that meeting under the impression that we were going to allow the employment forum to go away and do their work and therefore it would not have been appropriate for me to second guess what solutions, what compromises that the forum would then recommend. I believe that if I had done that I would have been circumventing the independent process in place. Suffice to say the Deputy will know, from reading the other documents provided, that it is not simply about the problem of having a lawyer present but there are also issues around having a close family member who might be emotionally involved in a way, which would not lead to a helpful and speedy solution. Why is that? I know the Deputy feels that that is a thin argument. I do not believe that it is because what we are trying to do is put in place processes, particularly around employment law, and challenges to it and processes around discipline and grievance problems, which come to an acceptable solution for both sides so that both sides can move forward and can be a party to a productive future and to good employment practice. Perhaps here I will touch on and

say something that Members do not expect. I believe that the next Minister for Social Security, be that who it may - he or she - should undertake a review of the way that the Employment Law is operating. Why do I say that? While we see the Employment Tribunal making decisions around 50/50 employer/employee, perhaps we would have expected that differential to have changed as employers understood what were their obligations under the law but we have not necessarily done that. Perhaps there is anecdotal evidence to say that employers are instructing lawyers to deal with issues that come before or are presented to the forum but they are aware of the large costs involved and perhaps they are settling outside of the Tribunal. As the person responsible for bringing employment law to this Assembly I do not believe that is appropriate. I believe that some of that balance probably needs to be readdressed because both sides to a dispute or to an issue should feel that they can come before the Tribunal in a non-confrontational manner and have their issues heard without the need for lawyers, without the need for all this expert advice which raises costs, which perhaps puts the onus or the balance in the wrong direction. Therefore I would be very loathe to make decisions which drills that sort of process down, right into the body of employment law where we are having people involved in these processes that do not always necessarily have the best interest of either the individual or the employer in finding an amicable resolution, which is what we are trying to do and what we are trying to instil into employment issues. In directing the forum to consult on this matter I suggested a number of circumstances in which employers might permit employees to be represented in formal disciplinary and grievance hearings by other types of representatives. I should say that already they can be represented by workplace colleagues and union representatives and perhaps here I will say something else which Members do not expect; I believe that that is absolutely appropriate. I have stood in this Assembly before when we were seeing businesses go insolvent and recommending that employees join unions. I believe that that is a good thing and that joining a union brings forward benefits and benefits in these particular instances because they are slightly removed, they want to see a way forward, they want to see an amicable solution, they have available to them professional advice, they understand employment law in the jurisdiction that they are and, I overwhelmingly believe, they are the most appropriate person to help and represent individuals in these particular cases. I know that the Deputy feels that there are instances where individuals might not have access to a union and that may be the case. Of course the law does not say that they have to be a member of the union, they could approach any union to represent them, whatever their workplace. I think Members are ready for me to sit down. Finally, I understand that the forum will achieve a quick turnaround time in this matter and that they expect to have their recommendation by March of next year. While I know that it is difficult I really do urge Members to await the outcome of that independent consultation so that we can find an appropriate way forward so that we are not left dangling between one of 2 options which I think, on balance, Members do not find either option particularly suitable at this point in time. Thank you.

7.1.7 Deputy G.P. Southern:

I am glad to be able to speak after the Minister for Social Security because he had some wise words to say. The best representative you can get in a disciplinary hearing or otherwise is a union rep and please join the union. I am glad to hear him say it because he is right. But as I have been listening to this debate unwind - and it does feel like it is unwinding - I was sitting with my Constable, the Constable of St. Helier, and I said to him with a groan: "Does it feel as if you have never been away?" He, with a resigned sigh, said: "Ah, indeed, it is the same old, same old, is it not?" What I was brought to think about was, I am sure, that in some way in the appointment of Ministers' process there is some sort of a little 20-minute test that potential candidates for Ministry take and question 3 on this test says: "A Back-Bencher brings a perfectly reasonable proposition on social legislation which will cost nothing to the States. You have 5 minutes in which to find 20 reasons not to follow it through, not to support it. P.S. credit will be given for imagination, creativity and sheer spuriousness. Whatever the proposition says attack it for not saying something else. Whatever the proposition says, invent cases which make it look ridiculous." So, somebody in a

disciplinary hearing, grievance procedure is going to invite his hysteric granny in to support him to witness what is going on, is he? I do not think so. As Deputy Martin said earlier and all these manual workers are also on friendly, understanding terms with their neighbours' lawyers, so they are going to bring a pile of lawyers in, so it cannot be a lawyer and it cannot be a hysterical granny. That is the case on which, very inventively, to pass question 3. Yes, I could probably invent the other 17 reasons why we should not be supporting this. Come on, this is very straightforward and not costly and will help a situation, will improve employment rights and employment rights in Jersey are still way behind the times. We are getting nowhere near the standards reached in our competitors and our near neighbours, nowhere near. This is a little improvement which will cost nothing but it is brought by a Back-Bencher. What we have got is a whole pile of spurious reasons why we should not support it and a request for a delay. We have a system that is supposed to take charge of this and so please do not vote for this now because it might give them a major steer as to they might refine it properly if we give it to them. But anyway we will not see this until March and it will be a consultation and *et cetera, et cetera, et cetera* - consult, consult, consult. But we all know what consultation means; consultation means listen to what you have got to say and go away and do what I thought in the first place. We have not heard much of the argument but this will greatly - **[Interruption]** ... I am almost finished - inconvenience every employer on the Island; no, it will not. It will help streamline these sorts of processes and make sure they are more readily resolved. The Minister for Social Security started talking about the figures on Tribunal judgments and he said that apparently more and more employers are bringing in lawyers on their side over these issues. If they are they are being remarkably unsuccessful because the figures revealed in the 2010/2011 Annual Report suggest they had found in favour of the applicants, i.e. the employee, were up to twice the rate of those found in favour of the respondent, i.e. the employer. So, lawyers are not helping at all and on that I similarly agree with him but to suggest that employees are going to start bringing lawyers in is absolutely absurd, irrelevant and spurious. Members can safely support this very, very gentle, very mild improvement on our employment laws and ought to.

Deputy I.J. Gorst:

Sir, I wonder if I could ask the Member who has just spoken perhaps to withdraw his comments that he pointed at the independent employment forum. There is no way that such an independent body would consult upon something and then come back with the idea they first thought of because they are directed either by the Minister or this Assembly to consult on an issue. They then come forward with their recommendation after independent consultation. Thank you.

Deputy G.P. Southern:

I am happy to withdraw that potential slur on their reputation. It is only Ministers who consult that way.

7.1.8 Senator P.F. Routier:

When this employment law was being developed I was involved in that and the work that was carried out by the community generally was tremendous. The Employment Law came from the grass roots; it came from the community. The employment forum came from that legislation, it put them in place and gave them the ability to consult on any topic ...

[16:15]

The Bailiff:

I am sorry, Senator. I have been advised we are inquorate. Usher, will you please summon back Members. Very well, we are now just quorate. Please continue, Senator.

Senator P.F. Routier:

I know it is a very dry subject, employment law, but it is very important and we have to make sure that we get it right. The way we do get it right is by making sure that we do understand the needs

of the employees and the needs of the employers and to make sure we have the right balance of any legislation that we have. The way we have achieved that over the years is to use the employment forum. I have to take issue with not only what Deputy Southern said - he has retracted it now - but also Senator Breckon; he did make some comments about the value of consultation and the way that it is reacted to. I have to say that the way that the employment forum carry out their consultation process is first class, it is second to none. What every consultation process should aim to achieve is the way that they carry out their consultation because they are made up of, as we know, 3 employees, 3 employers and 3 independent people and they come to their judgments, I believe, in a responsible way. Senator Breckon, I think it may have been a slip of the tongue, but he did say that a mate from work could not attend but the legislation currently does allow for a mate from work to attend. He went through a long list of people who could not attend but he included a mate at work; that is not the case. They are not excluded from being present in a hearing, so I just wanted to put that right. I think the Deputy of St. Mary is right ... I am not sure we are going to go inqurate again, are we? Sorry. The Deputy of St. Mary is right to be concerned because as it stands with what has been proposed here lawyers and politicians are people that could be asked to come in to support and, is it highlighted, it is not really appropriate for that to happen. The Deputy of St. Martin has brought forward an issue to be looked at and, as we know, the Minister has asked the employment forum to consult on this. It is only right that we do allow them to carry out their consultation. I think Deputy Southern himself knows the benefit of the employment forum because there has been a number of times over the years whereby he has wanted to achieve something with perhaps minimum wage and he has brought a proposition. In the early days he used to bring propositions to this House to try and affect the minimum wage and the House did not support that. They recognised the value of the employment forum. So he did what I hope the Deputy of St. Martin will do, will make a representation to the employment forum when they carry out their consultation. Deputy Southern was very successful in doing what he wanted to do with the minimum wage, he managed to get them to increase the percentage up and so they took note of that. I would recommend, as I say, the Deputy of St. Martin to carry out that process and approach them to make sure that his views are heard when they do carry out their consultation. I have little else to say other than to say that the employment forum should be trusted to come forward with a good recommendation which we can take forward in the legislation that they suggest may be changed.

7.1.9 Deputy M. Tadier:

First of all I have to say that reading through this proposition the first thing I was struck with was, of course, why are we not doing this already, we live in the 21st century and it seems that the current existing formula is completely draconian and outdated. That is because it is. That is why I thought that. Now, it seems to me that this is perfectly sensible, first of all because no one knows until they are put in that situation exactly how people react, people are all different and simply to say that you can have a trade union representative or you can have an employee of your work and that is your lot so you should be happy with that is completely insufficient. I think the arguments have been made but let us reiterate that. For example, you may not be a member of the trade union, you should be, and I reiterate that to anybody who is employed and is available to join a trade union should do for exactly this reason and many other reasons. There is power in numbers. But also people are not always members of trade unions, they may not want to be, they may not trust them. Likewise they may say: "I do not trust that person to represent me, I do not know that person, more to the point" and people may not feel comfortable going in there on their own. I think this is more so about being accompanied rather than being represented. That is perhaps the wrong word to use but I think legally speaking as to what we are talking about is having someone who can be there for you if you get nervous in those kinds of situations. You may have already been through a particular trauma, you may have been through an unfair dismissal, you may have been through a bully situation at work where you do not trust most of your colleagues because you feel that there is a culture of bullying and so it would not even be on your radar to ask one of your colleagues to come

with you to represent you, to accompany you. As I have said, lots of people would not necessarily, for whatever reason, be comfortable or be in a position to go with the trade union representative. So what I think is being asked here is simply that it be extended. I think many of the arguments which are being brought forward are well rehearsed; they were rejected last time a similar proposition was discussed and quite rightly. Now, if we look at the comments that were issued by the Minister for Treasury and Resources, it is all very could be, it is already may possibly could and we are being told that there are potential costs arising to the States that these costs could amount to at least £500,000 per annum. It is a very short paragraph: "The Minister feels that it is only right that States Members are aware of this position." Again, it seems like just desperate tactics to try and scupper what is essentially a Back-Bench proposition but a proposition which is sound and sensible nonetheless. I think we are being scared into this and it suggests that basically everybody who comes to an employment tribunal for whatever reason is going to bring along a lawyer with them, which first of all is complete nonsense. We have not seen any evidence of that so far. Also they are saying that because of this we would have to provide extra training for all of our H.R. staff and get external legal advice for all these lawyers that are going to come in anyway so these comments are completely flawed. The extra £500,000 per annum again is completely shroud-waving, if that is the right word, in my opinion. The truth of it is what we could be saying is that what is the problem that if in that eventuality lawyers did start representing the people? What we are saying is that they are more versed in law than we are so they would be able to find out more quickly whether we have something which was wrong and they would be able to find it out. So if we do need to train our staff better on the States Employment Board then that should be done irrespective of whether we are engaging lawyers or not. I do not think the 2 issues should be brought together. You could also argue, for example: "You cannot have somebody who is has an I.Q. (intelligence quotient) of over 130 to join you and represent you. You cannot allow a member of Mensa to come and join and represent you or a company because they might be slightly more intelligent than our S.E.B. representative and the H.R. staff and they might baffle them and we might have to train them a bit more. You certainly cannot have Stephen Fry, if he ever existed in Jersey, coming to represent you as a friend to accompany you because that would just embarrass the States Employment Board." These arguments are completely spurious and they could be thrown out immediately. Also what happens if one of your colleagues is a lawyer, what if you have an in-house lawyer in your department, and you say: "I think I would like to get John to come in with me because he is a trained a lawyer, he has done law at university or is practising as a lawyer in our department." Would John be able to come in and accompany you as a work colleague? Yes, I think he would. However, if you have a friend who is a lawyer, in fact if you have a friend who is not a lawyer but is more articulate than you and is going to give you a bit of support, you cannot have that person to come in and sit beside you and fit your corner if needed or to speak up for you because you cannot cope very well in those situations. The whole argument is a complete nonsense; we need to go down this road. Again, what if trade unions wanted to use an in-house lawyer? What if they got somebody who is a trade union representative with legal expertise? Are we going to say that that person cannot come in? No, absolutely not. That may not happen at the moment but the possibilities already exist. I think we are looking for reasons not to support this proposition. Again, that is not the right thing to do, I think we need to give this a go and the arguments that have been put forward, certainly the cost arguments, are scaremongering and they should be thrown out.

7.1.10 Deputy M.R. Higgins:

Just an observation. We have been given a document today with headline: "States Employment Board" setting out the objections to the proposition. I would just like to point out in Appendix 3 there is an email from the Managing Director, Law at Work Channel Islands Limited, criticising the proposition. We have no idea who this person is. There is not even a signature on it or anything else. As far as I am concerned, something like that is worthless unless the person is prepared to identify themselves and their views.

The Bailiff:

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

7.1.11 The Deputy of St. Martin:

I thank all those who have spoken. It might be useful just to remind Members that when we debated this matter, or a similar matter in April of 2009 regarding whether one should support the principle of the suspension proposal I was bringing forward - including the bring a friend, the right to a friend - it went 29 pour and 19 contre. Again, some of those arguments which we have heard today were indeed heard in April 2009. If I could begin with the Chief Minister. The Chief Minister was present at that July meeting and it is interesting how you can be sitting at a meeting and somehow or another everyone has a different account of what really went on. But I am fairly certain I know what went on there because I was directly involved and I know certainly that there were timescales. People knew full well ... of course, in July I had still not made up my mind whether I was going to stand or whether I was going to retire and I said whatever happens we have got to get this sorted out, at least by the September meeting because there may not be one after that, who knows. So there was a timescale and everyone knew full well that the consultation had to get away pretty quickly. I know that what was said was we were heading in July/August time and there will be people on holiday. I said: "Well, okay but there is still sufficient time" and there was no intimation then that there would not be sufficient time. In fact I had purposely delayed my debate to allow for this consultation and I knew really, and it has been proved, all it was was a reason to delay and, again, we have now got it 3 months on and nothing has happened. So I played my part, why have the others not played their part? So the Chief Minister's argument that it will be a slap in the face for the employment forum, well I am sorry, it is a slap in the face for the Deputy of St. Martin and the rest of us here because there has been ample time to consult and it has not happened. I am grateful to Senator Breckon. He was right, it is Ministerial dogma. It is a hypocrisy that here we have all sorts of reasons being thrown out again to deny someone the right to fair representation. The Deputy of St. Mary as always - and I think he will be missed - had analytical concerns. I think it would be helpful if I do make it clear because Deputy Judy Martin also raised the issue about the issue of accompanying and represent, and those Members who have a copy of the circular that was sent in their pigeon holes might like to look at page 8, which is appendix 2, and really what it does it sets out which is Part 7A or paragraph 78A of the Employment Law (Jersey) 2003. It says: "The employer must permit the employee to be represented at the hearing by one representative chosen by the employee who was an employee or an official of the trade union, or an employee of the employer."

[16:30]

The word is "represent" so therefore - I think it was Deputy Tadier that quite rightly mentioned - it did not matter whether you represent or accompany someone, you are there as a friend and you are representing them. All I am doing is keeping in line with the actual law. So I hope that will satisfy not only the Deputy of St. Mary and Deputy Martin but other Members as well. It is quite in order for someone to represent an employee in a tribunal if they are a trade union lawyer or their work place colleague is a lawyer to represent. So I do not see any difference whatsoever. The word is "represent", I am keeping in line with the law and what is the existing practice now. At the moment a doctor or dentist or police officer can have a lawyer to assist them, and again there has been no additional expense put up or required by human resources departments. Of course I think it is very important to look at ... one of the arguments, of course, which is in paragraph 6 of the S.E.B.'s comments, the test is much lower ... when it comes to go to an employment tribunal the test is only the balance of probabilities, whereas it is normally beyond reasonable doubt. So everything there is pretty well stacked in the employer's side already. So, you know, you can understand why they would not want a lawyer going along with an employee. That is, of course if the employee wished to bring a lawyer with them as their friend. I think I have covered Deputy Martin's point, I think she is quite right, I thought we were making heavy weather of this particular

debate. The Constable of St. Brelade thinks that if indeed the States agree today, everyone will be obliged to have a lawyer. Practice has shown that since the States have approved the proposition I brought forward in 2009, no lawyer has been involved in attending any suspension hearing, and indeed there does not appear to be any problems with the issue when a doctor is allowed a lawyer if they wish and a police officer if they wish, a dentist if they wish. So, really, again I think we are looking at red herrings. Again, there is a misunderstanding about the human rights' issue. I made it quite clear that the finding initially was that the teacher in particular in the U.K. argued that he was entitled to a lawyer at his hearing and the human rights' body found in his favour. However, on appeal it turned out that they overturned that original decision because at that particular stage the meeting was about whether that person, having been found guilty of the charge of which he was alleged to have committed then had to consider whether he should have been put on a barring list, and he argued he was entitled to a lawyer for that, and the finding was that he was not. So I make it quite clear, although one could argue that if they are likely to lose their job, they are entitled to a lawyer, because it could be a violation of the human rights, however not at every meeting. I want to make that clear because I am not arguing this on the human rights' issue. Deputy Gorst; I was rather disappointed in Deputy Gorst because normally Deputy Gorst is quite straightforward but I found he was not very good today in trying to gild the lily. Normally he is very straightforward but really he was on thin ice and I really felt he made really heavy weather of it and a number of times he almost fell in. I am trying to be kind. Again, he has a different interpretation about that meeting in July, really it was never going off to the employment forum. This consultation was supposed to be undertaken by an officer, I will not mention her name here. She was going to do the consultation, in fact I got the first email within a week of what she was doing and since then I have never heard anymore. So to say that the employment forum were to report back and yet just by chance we find out the first time the forum had been told was 25th October, last week. The Minister may shake his head but if wants to look at the evidence it is on the piece of paper circulated today. So, again, he says: "Let us delay and that is the best way forward." Delay really means he does not want to approve it or support it, however I would remind him that he did support the proposition in April 2009. We have the promise, of course, that when he is gone and I am gone someone may well review the Employment Law. Well, no one really took up the issue of employment and suspension until I took upon. We have moved on and I am grateful for him saying how well I have done with the suspension policy, in fact how well the States have done because the States are the ones who supported my proposition. So if we had listened to the 19 of those who opposed and no doubt will be opposing it today, we would not have had that. We would have still had the same number or probably twice as many people suspended for long lengthy suspensions. However, he says I might be undermining my good work. Sorry, I think what I am doing is I am building on the good work. It is now proved that there is no fear to having a friend because lawyers have not been the first port of call so, again I do not think there is a problem there. Deputy Southern mentioned about consultation and he again reminded everyone employees as a rule do not engage lawyers, simply because they cannot afford it. Again, evidence has shown that we have not had it. Senator Routier, as expected, he voted against it last time so is going to speak against it this time, his party line. He said that it is very important under the needs of employees and employers. Well, I bet if he asked every employee if they would like to have a friend they would say: "Yes." If you asked every employer they would probably say: "No" but again the balance is there, it should be the right of the employee to have fair representation. Again, I am grateful to Deputy Tadier, he quite rightly said this is outdated legislation. In fact quite interestingly it was only since 2003 this piece of legislation. It just goes to show how fast legislation is moving forward and in 2003 I was in the House, maybe I should have picked it up but I did not because I thought possibly having a work place colleague or a union rep would have been sufficient, but experience has shown we have moved on and the union reps ... I have had recently a case where the union would not represent a particular employee simply because that employee was one her own and the others there were 6, and they felt it would embarrass to the union if they were seen to be supporting one against the 6, and they did not assist that particular employee and the employee then had to forgo her appeal. So

I think Deputy Tadier talks about a culture of fear among some employees and there is that. I am probably as experienced as any other Member in the House at dealing with people who have found themselves in unfortunate positions of having to attend tribunals and there is a feeling of fear and they want help, and they come here today through me asking Members to give them their help. Give them the right to a friend. If that friend happens to be a lawyer, so be it. But can I tell you again, from experience lawyers have not been used at any suspension hearing certainly since 2009 and the other experiences again have not come to fruition, those where doctors and police officers are, *et cetera*. So really again I see no reason at all why Members cannot support my proposition. It was supported quite heavily only 2 years ago, the principle of the right to a friend. So, again, I think I have covered all the points that were asked for and I would ask Members to think again that they are here to be even-handed, to look at the interest in fairness of both the employer and employee, certainly give that employee the right to have a friend of their choice. I maintain the proposition and ask for the appel.

Senator T.A. Le Sueur:

I did not interrupt the Deputy while he was speaking but I do believe that he may be inadvertently misleading the House in terms of the meeting we held in my office in July insofar as the timescale for the employment forum was made quite clear at that meeting that it was going to be a longer process than the Deputy would have liked.

The Deputy of St. Martin:

I am quite clear that there was no way that I would agree to any consultation if I knew it was going to run beyond the date of the life of this House, and I understood that we would have had something back in September and now to find out that we have moved the goal posts is certainly news to me. But as far as I am concerned the information should have come back to this House for the September debate.

The Deputy of St. Mary:

Could I ask the proposer if he is willing to take them in 2 halves, I think that might help him.

The Bailiff:

Deputy, do you wish to take the 2 sub-paragraphs separately or together?

The Deputy of St. Martin:

I would have thought, Sir, that they go together and I will ask that they go together, either it all succeeds or it fails. I cannot see one half going without the other.

The Bailiff:

Very well, so the appel is called for then in relation to the proposition of the Deputy of St. Martin. I invite Member to return to their seats and the Greffier will open the voting.

POUR: 17		CONTRE: 22		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of St. Helier		Senator P.F. Routier		
Connétable of St. Martin		Senator S.C. Ferguson		
Connétable of St. Saviour		Senator A.J.H. Maclean		
Deputy R.C. Duhamel (S)		Senator B.I. Le Marquand		
Deputy of St. Martin		Senator F.du H. Le Gresley		
Deputy J.A. Martin (H)		Connétable of St. Ouen		
Deputy G.P. Southern (H)		Connétable of Trinity		
Deputy J.A. Hilton (H)		Connétable of Grouville		
Deputy S. Pitman (H)		Connétable of St. Brelade		
Deputy M. Tadier (B)		Connétable of St. Peter		
Deputy of St. Mary		Connétable of St. Lawrence		

Deputy T.M. Pitman (H)		Connétable of St. Mary		
Deputy T.A. Vallois (S)		Deputy J.B. Fox (H)		
Deputy M.R. Higgins (H)		Deputy of St. Ouen		
Deputy D.J. De Sousa (H)		Deputy of Trinity		
Deputy J.M. Maçon (S)		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		

8. Clos des Sables: further development – petition (P.121/2011)

Deputy M. Tadier:

I just wanted to ask if I could seek the leave of the House to defer this proposition. It would free-up time on the agenda and I also need to take some more soundings on the actual proposition itself from St. Brelade representatives.

The Bailiff:

Very well, so you wish to defer debate away from this meeting altogether?

Deputy M. Tadier:

That is correct.

9. Draft Policing of Parks (Amendment No. 3) (Jersey) Regulations 201- (P125/2011)

The Bailiff:

Thank you very much. That is deferred. We come next to the Draft Policing of Parks (Amendment No. 3) (Jersey) Regulations - Projet 125 - lodged by the Minister for Transport and Technical Services. Before that is announced can I draw to Members' attention that they have just been circulated with an amendment which has been lodged by the Minister to do with the commencement date. It will be necessary for Members to consider whether they are willing to take that amendment on short notice and, Minister, perhaps you can explain matters but I would have thought that Members ought to decide that before you in fact decide whether to move the regulations as a whole.

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

I apologise to Members for this late proposed amendment and I beg their indulgence. The reason is that proposition was lodged on 26th July and a date of 15th October was put. Clearly that has past and the park was opened on 29th October. It would seem inappropriate to ask Members to agree that in retrospect. So I would ask under Standing Orders 26(8) that the States may consider reducing the minimum lodging period in the case of this proposition as clearly there is no significant change apart from the date. So I put it to Members.

The Bailiff:

Is that proposition seconded? [**Seconded**] Just to clarify for Members, as the Minister has said, originally these regulations were stated to come into force on 15th October, of course as a result of the deferral that has past, there is now this amendment and under Standing Order 26(8) the States may reduce a minimum lodging period in the case of the minimum if they are of the opinion that if adopted the amendment would make any significant change. I had to consider whether it is open to Members to conclude that. In my opinion it is on the basis that it was always intended these regulations would come into force when the park was open or when the regulations were passed,

whichever was the later and the amendment will maintain that position. So it is certainly, in my opinion, open to Members to agree to the request if they so wish. Does any Member wish to say anything on the Minister's request? All those in favour of it, kindly show? Those against? It is agreed. Very well, Greffier would you read the citation of the regulations, please.

The Greffier of the States:

Draft Policing of Parks (Amendment No. 3) (Jersey) Regulations. The States, in pursuance of the Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956, have made the following Regulations.

[16:45]

The Bailiff:

Minister, do you wish to propose the principles?

The Connétable of St. Brelade:

Members will be aware that the park was opened on Saturday, very successfully, I believe, and the reason for this proposition is that the Millennium Town Park can be brought into the schedule of parks and can be thus policed in the usual manner. I am happy to answer any Members' comments.

The Bailiff:

Is the principle seconded? **[Seconded]** Does any Member wish to speak on the principles? Deputy Southern.

9.1.1 Deputy G.P. Southern:

A group of us at the weekend took the opportunity after we had finished a celebratory meal celebrating the opening of the park to take a walk at night-time in the park and I, for one, was certainly impressed by the manner in which the park appears at night, clear vision lines all over the place, there is no place to hide, well lit, there is no place to hide. It is not a place where I expect there will be lots of machinations, people doing horrible things behind the hedges, *et cetera*, it has clear vision lines. It is an easy park to police. So I do not think it will be a great demand on the policing for this particular park because, quite frankly, it looks like it polices itself. There will be people walking through there almost continuously, that is the way home, they will take that in preference to other routes home, there should be people around at all times. It will be an easy place, I believe, to police.

The Bailiff:

Does any other Member wish to speak? The Deputy of St. Mary.

9.1.2 The Deputy of St. Mary:

I just want to ask the Minister, and I have passed a note to the Solicitor General in case it ends up there, about the Oxford Road going across the middle of the park or what was Oxford Road and is now a paved area with a timeline embedded in the paving. Just what is the jurisdiction because the policing of parks might say one thing and Oxford Road ... the jurisdiction over Oxford Road is not clear to me. I just wonder whether he can clarify exactly what the situation is before we approve this.

The Bailiff:

Minister, do you want to respond to that or would you like the Solicitor General to do so? Will you be in a position to deal with it in reply?

The Connétable of St. Brelade:

I understand that I will be, Sir.

The Bailiff:

In that case, we will leave it until then and if you need help from the Solicitor General we will ask him at that stage. Does any other Member wish to speak at this stage? Deputy Fox.

9.1.3 Deputy J.B. Fox:

Well, I am pleased that Deputy Southern enjoyed his walk in the park. Can you congratulate all the officers and the crime prevention officers that have made what Deputy Southern has just described as a fine example of ‘secure by design’ for the future of the residents and the people that use the park? It has got other things that are safeguarding the public but it is essential that there are these regulations to enable the police and any other enforcing authority to be able to have the necessary powers as and when they might be needed. But you are right, it is going to be one of the most pleasant and safest areas in St. Helier and it is a tribute that we made a new area that conforms to the latest standards and will do for many years to come. If we get another Conservative Minister that comes over that wants to invite the Prime Minister to come to Jersey for the all the good assets, please take them to this park and let him see that we have done something that is the forefront of designing out crime to the benefit of the community.

The Bailiff:

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

9.1.4 The Connétable of St. Brelade:

I thank Deputy Southern for his comments and clearly he has been very instrumental in achieving the park and I am sure those members of the public who are getting pleasure from it will appreciate the fact that we brought the proposition some time ago. With regard to the Deputy of St. Mary’s comment, my understanding is that the Oxford Road, which is a Parish of St. Helier road, presently runs through the middle of the park and until such time as it is extinguished and it may well be subject to the Connétable of St. Helier and his Roads Committee, it will be policed under the Highways (Jersey) Law 1956. Just a comment on Deputy Fox’s remark, I certainly appreciate the input from the Crime Prevention Unit at the police. It is inevitable that one has to design-in anti-crime facilities these days or it is a shame, in fact, that one does have to pander to vandals but, of course, a lot has been learnt in park design over the years and the designers of the park have tried to avoid situations that have been alluded to where this is encouraged and I hope that the public will not be affected by any inappropriate behaviour but this amendment will of course enable it to be policed in the proper way. Thank you. I propose the proposition in the Second Reading.

The Bailiff:

The principles, yes. Very well, all those in favour of adopting the principles, kindly show? Those against? The principles are adopted. In the absence of the chairman, Deputy of St. Mary, do you wish, as vice-chairman of the Environment Scrutiny Panel, these regulations to be referred to your panel.

The Deputy of St. Mary (Vice-chairman, Environment Scrutiny Panel):

I do not think so at this moment, Sir.

The Bailiff:

Well, it is now or never. Very well, then we come to the regulations. Do you propose Regulation 1, Minister?

9.2 The Connétable of St. Brelade:

I propose regulation 1 which effectively brings the park into the schedule of the Policing of Parks (Jersey) Regulation 2005 and the plan indicating that is shown in the rear of the proposition.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on Regulation 1? All those in favour of adopting Regulation 1, kindly show? Those against? Regulation 1 is adopted.

9.3 Draft Policing of Parks (Amendment No. 3) (Jersey) Regulations 201- (P.125/2011): amendment (P125/2011 Amd.)

The Bailiff:

In relation to Regulation 2 there is an amendment, probably most convenient to read the amendment now and then for you to propose it as amended, Minister. So I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 5, Article 2, for Article 2 substitute the following article: (2) Citation, these regulations may be cited as the Policing of Parks (Amendment No. 3) (Jersey) Regulations 201-.

The Bailiff:

Very well, then do you propose Regulation 2 in its amended form, Minister?

9.3.1 The Connétable of St. Brelade:

Yes, I make the proposal in that there is no reason why it could not be dated from tomorrow's date should the need arise.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on Regulation 2? All those in favour of adopting Regulation 2, kindly show? Those against? Regulation 2 is adopted. Do you propose the regulation in Third Reading?

9.4 The Connétable of St. Brelade:

Yes, I propose the regulations in Third Reading.

The Bailiff:

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

9.4.1 The Connétable of St. Helier:

I just wanted to really place on record the gratitude of the community of St. Helier in particular and of the Island as whole to the Minister for Transport and Technical Service and his team for the Millennium Town Park. There are clearly a few teething problems and the matter will be a work-under-development over the decades but it is clearly a great asset to St. Helier and to the Island of Jersey and I am grateful to him and his team for their work on the project. **[Approbation]**

8.4.2 The Connétable of St. Brelade:

I thank the Connétable of St. Helier and certainly it has been quite a focused project. Members will know it has only started really probably in May of this year and so there has been rapid progress down that area to the north of town. My hopes are that this will provide a stimulus for further works in the area, notably the Odeon Cinema development, hopefully the Le Seilleur Building and maybe the gas company works to the north of the site. If this can be regarded as that stimulant I think we will have been successful. Initial indications are the public are happy with it. I look forward to the remaining water feature coming on-line and I am sure that Members who have not visited the park yet will be pleased by the experience of so doing. So I propose the regulations.

The Bailiff:

The appel is called for then in relation to the third reading. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 35		CONTRE: 0		ABSTAIN: 0
Senator T.A. Le Sueur				
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy 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)				

10. Draft Money Laundering and Weapons Development (Directions) (Jersey) Law 201-(P128/2011)

The Bailiff:

We come next to the Draft Money Laundering and Weapons Development (Directions) (Jersey) Law - Projet 128 - lodged by the Chief Minister. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Money Laundering and Weapons Development (Directions) (Jersey) Law. A law to allow for directions to be made in response to threats from abroad to the interests of Jersey relating to money laundering, terrorist financing or weapons development and for related and incidental purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

The Island is very proud, and rightly so, of the higher standards of financial regulation that we adopt and that those higher standards are being clearly identified by bodies such as the I.M.F.

(International Monetary Fund) and the Financial Action Task Force. One of the comments of the Financial Action Taskforce was that our anti-terrorism legislation could be strengthened in the areas of money laundering. In particular it was to ensure that Jersey could not be used in any way as a backdoor route for money laundering of funds in connection with terrorist activities. Clearly that is something that we were more than willing to comply with and this law reflects the measures needed to strengthen our regulations. The title of the law contains in brackets the words “Directions” and the essence of this law is to enable the Chief Minister to give directions where appropriate and subject to certain conditions. This would enable us not only to be fully compliant and on a par with the U.K. but would ensure that our high reputation for financial standards can be maintained. The basis of the law therefore is very simple but very necessary and coming as it does some 10 years after the events of 9/11 is something which perhaps we should reflect and say how important it is to have such a law in place. I propose the principles of the law.

The Bailiff:

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

9.1.1 Deputy T.A. Vallois:

I would just like to ask the Chief Minister, will this legislation be as per the amended Schedule 7 to the Counter-Terrorism Act 2008 which incorporates the Terrorist Asset Freezing Act 2010 which therefore strengthens and clarifies the powers and came into force on 17th December 2010 and also will guidance notes be issued in respect to this legislation? With regards to the U.K. Treasury under the Terrorism and the Counter-Terrorism and the Terrorist Asset Freezing Act, they produce an annual report to establish publicly whether directions have been given in any one year. Will the Chief Minister be doing this also or alternatively providing a Ministerial Decision when directions are made? Or even make available a link to Her Majesty’s Treasury in order for easy access for Jersey residents if directions were only given in part to U.K. Treasury under schedule 7 and we are complying with them.

9.1.2 The Deputy of St. Mary:

In the same sort of vein I have a question for the Chief Minister as a result of his very brief introduction. This is about giving a power to the Chief Minister I think to give directions in certain cases, in certain circumstances, and one of them is that there is a risk of money laundering or terrorist financing in a country or territory identified the F.A.T.F. (Financial Action Task Force). The second is that if there is a risk of money laundering or terrorist financing in a country or territory by the Government of that place or by persons resident or incorporated in a country or territory that poses a significant risk to Jersey. Then the alarm bells went in my mind because when you talk about persons resident or incorporated, that is not just individuals who are people, as flesh and blood, but persons can mean anything, any entity concerned in finance.

[17:00]

How do you know who or what is where? Where does the chain end and how can the Chief Minister know that his directions to persons or classes of individuals in the Jersey finance industry can find out what he is asking them to find out. I think it is a general question rather than one that should be dealt with in the Articles. But I would refer to the Chief Minister to Article 2 where it talks about the meaning of beneficial ownership and control, and there you start on this chain of going back to the ultimate beneficial owner of that other person. The chain can be a long one. I have looked at certain things in the course of search and we all know that the chain can be hoppity, hoppity, hop from one jurisdiction to another and I just wonder how when the F.A.T.F. says to us: “Such-and-such a territory is now on the list and you have to find out or tell your people in the finance industry to find out whether you have customers who have connections with that territory”, how they can know, given the complexity of current arrangements. I would direct the Chief Minister to Article 3, subsection 3(b), paragraph (iii) where it defines third parties and then jumps

to section 8 to define the persons, and it just gets really, really complicated. So I would like the Chief Minister to go into those complications a little bit and tell us how this works and whether it can work and whether he is confident that persons, relevant persons in our finance industry, can do what he is asking them to do, or directing them to do.

The Bailiff:

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

10.1.3 Senator T.A. Le Sueur:

We seem to have drifted into the Articles as well slightly, but maybe that is just as well. As far as Deputy Vallois is concerned, this is in fact a totally separate stand alone piece of legislation but has clear links with other legislation in counter-terrorism and anti-money-laundering. The idea is it will simply work together to complete the picture and to ensure that there are no escape routes or no possibilities of not covering any eventuality. Guidance notes may well be issued but those guidance notes will probably be of a more generic nature relating both to this law and any other anti-money-laundering legislation. Deputy Wimberley raises a very valid point about the extent to which any Chief Minister can have knowledge of particular cases and particular individuals or corporations and how that is to be done. I think I can best explain this by giving examples of many of the Orders that I have made over the past 12 months, but particularly in the last 6 months, in relation to sanction Orders relating to various Middle Eastern countries which Members will see on a regular basis being presented to the House for information. That is based on generic advice received from the U.K. Treasury and shared also with the financial institutions, mainly through their offices in London. So there is a clear network and linkages before any such Order can be made. I would envisage that any directions made by the Chief Minister would follow the same sort of principles. Clearly if a person feels that they have been aggrieved or unfairly treated by this legislation then they can appeal against that direction to the Royal Court as set out in Article 10(1): “Any person aggrieved by a decision of the Minister under this law may apply to the court in accordance with this Article to set aside the Minister’s decision.” So a Minister would make the decision on the basis of clear advice from the Treasury, from the F.A.T.F. representatives, but there is an appeal to a higher court should that be required so that the powers of the Minister are severely limited in that respect not to make frivolous, meaningless or unsupported decisions. I hope that that explains the situation to the Deputy and reassures him of the basis on which this law has been drafted. I maintain the principles.

The Deputy of St. Mary:

Can I ask a point of clarification? The Minister just has not explained... he said that he himself cannot have knowledge, of course he cannot, but I am asking how when he makes a direction under this to either person or a class of relevant persons, he can know that they can carry out the direction and find out about a relevant territory that is being blacklisted, if you like, by the F.A.T.F., how they can know that their customers, which of their customers might be connected via any number of jumps, any number of persons, i.e. corporations, entities, trusts, whatever, to that territory that has been blacklisted. How can he be satisfied that within the finance industry people can do that?

Senator T.A. Le Sueur:

I think 2 reasons. Firstly because all the financial institutions have rigorous ‘know your customer’ rules of various complexities and part of the arrangements of these directions is that if needs be the Minister can give a direction to have even higher standards of client knowledge and awareness. The second is contained in Article 5(5) which shows, for the purposes of paragraphs 3 and 4: “A direction given by the Treasury under paragraph 1, 3 or 4 of schedule 7 to the Counter Terrorism Act 2008 shall be sufficient for the Minister to form a reasonable belief that there is a significant risk to the interests of Jersey. That, coupled with the customer knowledge of the institutions and

their clients gives as much as one can reasonably expect to do to ensure that there is full coverage. As I say, if the Deputy looks at the list of people for whom sanction Orders have been applied in the past, you can see that there is a huge network of information available both locally and more generally, nationally.

The Bailiff:

Very well, all those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Senator Ferguson, do you wish this matter to be referred to your Scrutiny Panel? Very well, then we turn to debate on the Articles. Chief Minister, how do you wish to proceed?

Senator T.A. Le Sueur:

There is an amendment to Article 13(b).

The Bailiff:

Why do you not propose Articles 1 to 12 then?

9.2 Senator T.A. Le Sueur:

If I can propose Articles 1 to 12, to which I have already alluded to some extent, they are primarily concerned with empowering the Chief Minister to make directions under certain circumstances and subject to certain conditions. Article 1 is just an interpretation clause. Article 2 does deal with beneficial ownership of the control; 3 talks about due diligence and past customer due diligence and I mentioned that in my response to the Deputy of St. Mary a few moments ago. Due diligence measures are well understood by institutions and although they have some discretion in what they regard as due diligence, there are generally accepted standards of that which are applied fairly uniformly. Article 4 is simply a minor drafting Article, but we get to the meat of the law really in Articles 5 and 6 in terms of what constitutes conditions for giving a direction, what sort of form those directions might take, the procedure to be adopted if it is decided to make those directions and the limit of the directions and the various applications generally, including as I say in Article 10 the very necessary right of appeal. Article 11 gives some limitation to that appeal where the Minister is relying on a direction from the U.K. Treasury because clearly it is important that the Island is consistent with the U.K. in adopting at least the same level of standards or higher than they do. Article 12 is just to deal with the rules of court and the schedule attached to that. So I propose Articles 1 to 12 and the schedule.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on any of Articles 1 to 12 or the schedule? Very well, all those in favour of adopting Articles 1 to 12 and the schedule kindly show? Those against? They are adopted.

10.3 Draft Money Laundering and Weapons Development (Directions) (Jersey) Law 201-(P.128/2011): amendment (P.128/2011 Amd.)

The Bailiff:

In relation to Article 13 there is an amendment, I will ask the Greffier to read the amendment.

The Greffier of the States:

Page 23, Article 13(b), for the words “Article 6(9)” substitute the words “Article 6(10)”.

The Bailiff:

So you can propose the Article as amended.

10.3.1 Senator T.A. Le Sueur:

In its amended form, yes, and this is really just a glitch as a result of this probably being a 17th draft of the law which had an extra paragraph and it was not updated. But Article 13 merely is stating the basis on which disclosure can be made and the limitations to which that can apply. I cannot really add very much to that article, it is short and fairly self-evident. I propose Article 13.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on Article 13? All those in favour of adopting Article 13, kindly show? Those against? Article 13 is adopted. Then I suggest you propose Articles 14 to 19.

10.4 Senator T.A. Le Sueur:

Article 14 specifies various offences which can be interpreted from this. Article 15 sets out the requirement for service of notices. Article 16 relates to orders and regulations that can be made under the law. Article 17 deals with amendments to the Proceeds of Crime Supervisory Bodies Law consequential upon the introduction of this law and Article 18 is just a citation provision. I propose Articles 14 to 18.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak on those Articles? Senator Le Gresley.

10.4.1 Senator F. du H. Le Gresley:

I would be grateful if the Chief Minister could clarify the definition of a person under 14(1) under Offences. Is the definition the same as a relevant person as described in Article 2 because a relevant person can be a body incorporated in Jersey or a limited liability partnership. I would therefore question whether such an organisation could suffer the penalty of serving a sentence of imprisonment for a term of 2 years and to a fine. It does not say or a fine so I am puzzled as to whether I am confused or whether the Article is confused.

10.4.2 Deputy M. Tadier:

Could we perhaps ask the Solicitor General for advice on that? It seems like more of a legal response is needed than perhaps one from the Chief Minister.

The Bailiff:

Are you happy for the Solicitor General to answer that, Chief Minister?

Senator T.A. Le Sueur:

Yes, Sir, I think it is a matter of interpretation of provisions which he is more able to guide than I am.

Mr. H. Sharp, H.M. Solicitor General:

The definition of person for the purposes of Article 14 certainly include both an individual and a company, for example.

The Bailiff:

I think the question then was how that relates to the penalty of imprisonment.

The Solicitor General:

I think one has to read that with a bit of common sense and plainly the company is not going to spend 2 years in prison but might be fined.

10.4.3 The Deputy of St. Mary:

If I may say so, the problem here is that the whole law depends on very careful distinctions between person, individual, customer and all these things are defined carefully, and here we have a bit of drafting which you are saying: “Let us make it up as we go along.” We will interpret it to make it make sense.

The Solicitor General:

I think it is quite common practice in court to construe legislation with a bit of common sense and to give it a purposive approach.

The Bailiff:

Does any other Member wish to speak? Do you wish to reply on Articles 14 to 18, Chief Minister?

[17:15]

10.4.4 Senator T.A. Le Sueur:

Just to reiterate that Article 14(1) really just makes the important point that a person who came through the company and fails to comply with the requirements should be guilty of an offence. So that is clearly ... that is able to apply to a company. The company can be guilty of an offence. The sanctions to be imposed on that company will be a matter for the court to use its common sense as to whether indeed it might extend the liability to directors of that company. That is a matter for the court to decide at the time.

The Bailiff:

Very well, all those in favour of adopting Articles 14 to 18, kindly show?

Deputy M. Tadier:

Could I ask for 14 to be taken separately, please?

The Bailiff:

So we will vote on Article 14 first of all. All those in favour of adopting Article 14, kindly show?

Deputy M. Tadier:

Could I ask for the vote, sorry?

The Bailiff:

The appel is asked for then in relation to Article 14. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 29		CONTRE: 0		ABSTAIN: 1
Deputy R.G. Le Hérisssier (S)				Deputy M. Tadier (B)
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator B.E. Shenton				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F.du H. Le Gresley				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				

Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy J.A. Martin (H)				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
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 A.K.F. Green (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Then Articles 15 to 18, all those in favour kindly show? Those against? Articles 15 to 18 are adopted. Do you propose the Bill in Third Reading, Chief Minister?

Senator T.A. Le Sueur:

I do, Sir.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Bill in Third Reading, kindly show? Those against? The Bill is adopted in Third Reading.

11. Jersey Financial Services Commission: extension of Commissioners' appointments (P.129/2011)

The Bailiff:

We come next to the Jersey Financial Services Commission: extension of Commissioners' appointments - Projet 129 - lodged by the Minister for Economic Development. Under the law this has to be held in camera, therefore I would ask the Greffier to read the proposition and then the Assembly will move into camera.

The Greffier of the States:

The States are asked to decide whether they are of opinion - to agree that the term of office of the following Commissioners of the Jersey Financial Services Commission should be extended from the current 3-year term to a term of 5 years: Advocate Deborah Jane Lang, née Nance; Mr. John Frederick Mills, C.B.E.; Mr. Louis Philip Chetwynd Taylor; Lord Eatwell of Stratton St. Margaret; Advocate Cyril Edward Whelan; Mr. Markus Hardy Ruetimann.

Senator B.E. Shenton:

Can I declare an interest and withdraw? It is simply that I run a firm that is regulated by the J.F.S.C. (Jersey Financial Services Commission).

The Bailiff:

Very well. Thank you. Can we move into camera?

[Debate proceeded in camera]

The Bailiff:

Very well. So the matter now before the Assembly is the proposition of the Minister for Economic Development- Projet 129 - on the Jersey Financial Services Commission. All those in favour of adopting the proposition kindly show; those against. The proposition is adopted.

ARRANGEMENT OF PUBLIC BUSINESS

12. Connétable J. Gallichan of St. Mary:

I just wonder if I could make a brief observation on the order of business and the amount of business. We have made really quite a small inroad on a long Order Paper of the business that must be concluded by this Friday. I just wonder if Members would like to give thought to the example set by Deputy Tadier earlier of Members, particularly those who will be in the Assembly after the new Assembly takes shape, and Ministers who obviously will continue through Ministerial office. If there is anything else that they feel they could usefully put off for a future agenda I think perhaps it would be good of you to give consideration to that now, because I very much doubt on the current speed that we will achieve completion of all the business that we currently have on the Order Paper.

Deputy J.A. Martin:

I did it accidentally but when being asked maybe the Comité des Connétables could pull the driving licence one because I would like to amend it.

The Bailiff:

Very well. No doubt Members will give consideration to what the Chairman of P.P.C. (Privileges and Procedures Committee) has said. Just before we adjourn then, one matter has been presented, the States Investment Strategies - R.132 - presented by the Minister for Treasury and Resources.

Deputy M.R. Higgins:

Could I just interrupt for a moment? I was trying to get to the microphone. I am also willing to delay the proposition, I think it is P.166, the *ex gratia* payment. Put the business back.

The Bailiff:

Very well, Deputy, thank you. So you are prepared to put that one off.

Deputy M.R. Higgins:

Sorry. Yes, I am prepared to put it off, certainly to 2 more sittings anyway.

The Bailiff:

You will bring it back to the Greffier in due course.

Deputy M.R. Higgins:

As a new proposition? Oh, I see, to the ...

The Bailiff:

You will put it on the Order Paper for a future occasion. Yes.

Deputy I.J. Gorst:

I was going to perhaps try and do one better and wondered if the States would mind taking P.135 now, although I notice that my watch is slightly less favourable on the time than the clock up there.

The Bailiff:

Does the Assembly want to take Projet 135 now? Very well. You assure the Assembly it is very short do you, Minister?

Deputy I.J. Gorst:

I would never presume to make such an assurance.

13. Draft Employment Tribunal (Amendment No. 2) (Jersey) Regulations 201- (P.135/2011

The Bailiff:

Very well. Then we will take project 135 if the Assembly agrees. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft Employment Tribunal (Amendment No. 2) (Jersey) Regulations. The States, in pursuance of Articles 82 and 104 of the Employment (Jersey) Law 2003, have made the following regulations.

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

I considered the current Tribunal Regulations in conjunction with the chairman of the Jersey Appointments Commission. Changes are necessary to allow reappointments to be made in accordance with the Jersey Appointments Commission Code of Practice for Appointments Autonomous and Quasi-Autonomous Public Bodies and Tribunals, and there are 3 small amendments.

[17:30]

The first is to provide that members are explicitly appointed and reappointed in accordance with the Jersey Appointments Commission Guidelines. Second is to introduce additional grounds on which a member vacates office; and third to enable an acting chairman to be appointed in circumstances where the chairman and deputy are unable to perform Tribunal functions.

The Bailiff:

Is the principle seconded? **{Seconded}** Does any Member wish to speak on the principles? All those in favour of adopting the principles kindly show; those against. The principles are adopted. Deputy Southern is Chairman of the Health, Social Security and Housing Scrutiny Panel and I am informed there is no Vice-Chairman at the moment. Is there any member of that ...

The Connétable of St. Lawrence:

Excuse me; I am the Vice-Chairman.

The Bailiff:

I do apologise.

The Connétable of St. Lawrence (Vice-Chairman, Health, Social Security and Housing Scrutiny Panel):

I can confirm that we do not want to review the legislation.

The Bailiff:

Thank you very much. Very well. Do you propose the regulations *en bloc*, Minister?

Deputy I.J. Gorst:

Yes, indeed; and they deal in the manner as I have just described.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on any of the individual regulations? Very well. All those in favour of adopting Regulations 1 to 6 kindly show; those against. They are adopted. Do you propose the regulations in Third Reading?

Deputy I.J. Gorst:

Yes, thank you.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the regulations in Third Reading kindly show; those against. They are adopted in Third Reading. Yes, the adjournment is then proposed. So the Assembly will reconvene at 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:31]