

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 10th OCTOBER 2012

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[9:30]

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

PUBLIC BUSINESS

1. Historic Abuse Redress Scheme: approval by the States Assembly (P.80/2012)

The Bailiff:

Very well, then we return to the debate on P.80, Historic Abuse Redress Scheme: approval by the States Assembly. The proposition of that beginning, and I have seen the Chief Minister.

1.1 Senator I.J. Gorst:

This scheme was launched by the Council of Ministers after extensive consultation and advice from Mourant Ozannes and following the receipt of specialist legal advice from leading U.K. (United Kingdom) barristers of Crown Office chambers in London. Throughout the process Mourant Ozannes met and liaised extensively with the 3 firms of non-Jersey lawyers acting for numerous claimants. These lawyers were all specialists in dealing with historic abuse claims, and also had the benefit of advice from leading and junior counsel specialists in the field. When the scheme was launched, the claimants' lawyers' firms gave it their immediate public support. Perhaps I should have started by saying I intend during the course of my comments to try and address the concerns of the Deputy. So it might appear slightly disjointed, but I am purposefully trying to address those concerns, and I hope that Members will bear with me having now just addressed one of them. If I move on, various schemes were considered and the experiences carefully reviewed in relation to dealing with historic abuse claims in places such as Australia, Ireland and various cases in the United Kingdom. The focus throughout was on a fair and efficient procedure to deliver financial compensation as soon as possible to victims. We must be quite clear - and I know that Members are - the scheme is separate from any Committee of Inquiry. The Council of Ministers consciously launched the scheme ahead of any Committee of Inquiry in order not to delay significantly the payment of compensation. It was also deliberately styled so that Jersey and non-Jersey law firms may represent the claimants. Early on it was confirmed that legal aid would be made available within the Island to those satisfying the legal aid guidance criteria. However, in the event the vast majority of the 128 claimants are represented by lawyers outside of the Island; 3 Jersey law firms, however, are acting also on behalf of claimants. To be admitted into the scheme a very low threshold test is applied by the scheme lawyers to ensure that the scheme is only open to all genuine claimants, which is what the Council of Ministers believes everyone would wish to ensure. This is far lower than the balance of probability test that would be applied to the claims in a civil court proceeding. If a claim is rejected from the scheme - and I should remind Members that no claim has so far been - the claimant is of course free to seek to pursue a remedy through the courts. A claimant with reasonable prospects of success should be awarded legal aid in Jersey to pursue their case further. As I have said, the scheme is designed to deliver fair compensation to the victims by reference to the range of awards. That awards reference point is those typically made by the English courts in such cases. The problem of course, as you will be aware, is that in England almost all such cases are impossible to bring as they are time barred. The cut-off date, another area of concern the Deputy raised, of 31st December 1994 for the scheme was chosen after detailed analysis of the legal and factual position. The Council of Ministers took note of the fact that at that point there were no intended claims after that date. The end date was decided upon as a claimant in respect of abuse before that date is almost certainly prohibited from bringing legal proceedings. The scheme is not intended to address more recent or current claims where court proceedings are available. They would not, in our opinion, be historical. The Council of Ministers and the scheme's lawyers are not aware of any complainant that a claim that should be brought under the scheme is barred because of this cut-off end date. The Deputy, however, indicated I think in his

opening comments that he was aware of such a case, which is why I quite clearly asked him to meet with me so that we could consider that on a case by case basis, as I indicated in answers in this place, a fortnight ago. In the vast majority of the 128 claims received the victims have given statements previously to the States of Jersey Police. Those statements are helpful in enabling various claims to be admitted into the scheme. Where a statement has not been made previously to the police, those claims are still being admitted into the scheme. In all cases, of course, the scheme lawyers are required to ensure the claim is genuine before it is admitted into the scheme. I believe that this is perhaps one aspect that may be troubling Deputy Higgins, as the lawyers for certain claimants have objected to certain of his claims not being automatically accepted and paid out under the scheme. The Council of Ministers has designed the scheme to ensure compensation goes to those entitled to it, not to those who decide to put in a claim. That is an important point. The scheme includes an independent appeals process whereby an assessment of damages may be referred, at the request of an applicant, to one of 2 top U.K. Q.C.s (Queen's Counsel) specialising in this area of law. The cost of an appeal is not expected to exceed £1,000. The cost of the appeal will be met by the States of Jersey unless the claimant's award is not increased by more than 20 per cent of the award assessed by the scheme lawyers or if the award is reduced. 10 per cent of the claims received have either been settled already or are in the process of being settled. All others are at varying stages of review and assessment. On the day that the scheme was launched there was a detailed presentation as to the background of the scheme and its mechanics, to which all States Members were invited. The Jersey Care Leavers' Association was also fully briefed just before States Members. Those Members who attended asked questions, but at that point did not express dissatisfaction with the scheme. I should also say, at that point the scheme was the subject of much media interest and publicity around the world and certainly around the United Kingdom. Another such detailed briefing was given on Monday of this week, to which all Members were invited, and an update was provided by the scheme's lawyers. It has, and I have repeated in this place, been explained that claims received after the scheme closes to new claims on 30th September, or after the scheme has closed, will be considered for admission into the scheme on a case by case basis, depending on the claimant's special circumstances. I believe that that is a right and fair process to adopt.

[9:45]

Perhaps if I move on now to another area. When the scheme was launched the Council of Ministers was not aware of any intended claims based on abuse suffered in foster care. In addition, the Council was advised that totally different legal tests and duties - and that is important - applied in relation to the provision of foster care. As was explained to Members on Monday, that situation has now slightly changed and Ministers will, in due course, with appropriate advice, consider whether a separate scheme or payments should be made to those in foster care. But it is, at this point, a little too early to be able to say, of course, which way the Council will decide. But we will continue to use the guiding principles of fairness and a scheme which is easy to access and administer. With regard to documents, the Deputy spoke some little while on that, given the historic nature of claims and the transfer of functions from the Education Department to the Health and Social Services Department, some records are no longer available. Before records are delivered to a claimant his adviser or data relating to third parties, including family members... Sorry, what I am trying to say is that data which the claimant might be entitled to see might also have information regarding third parties or family members, which needs to be appropriately removed under law. This, as you will expect, is an extremely time consuming process. I should also record that Health and Social Services are providing one to one counselling and support when individuals receive copies of their records. The department are taking great care to ensure copies of all available records are supplied as quickly as possible to claimants, but because of those 2 processes I hope you will appreciate that in some cases it is a lengthy process. I spoke briefly about

the financial bands, but perhaps I could say the financial bands for compensation and future care costs have been introduced on expert advice in order that the scheme is fully transparent as well as flexible, in terms of responding to the many unique claims for compensation that have been received. It is considered important that the levels of compensation are understood thoroughly by all concerned. The description and the financial amount for each band was discussed extensively with the claimant's legal advisers and agreed by them prior to the Council of Ministers coming forward with this scheme. The claims are now being processed and payments are being issued. As I said earlier, to date no claims have been rejected and no awards have been appealed. I believe that removing the cut-off date or reopening the entire scheme will simply create uncertainty and it will cause significant delay for many claimants wishing to have their claims finally resolved and paid out. I know that this is a very difficult area for Members and it is very difficult in this particular forum to deal with individual concerns but I do hope that Members who attended the briefing on Monday heard some of the challenges facing the team in administering the scheme appropriately. There are many harrowing cases of abuse and I believe that they need to be dealt with sensitively and on a case by case basis. The Council of Ministers supports that view and is doing just that on the advice of the scheme's lawyers. I would suggest that any Member who feels that they are representing individuals who might feel that their case is not being dealt with appropriately - however I have no evidence to believe that any case is not being dealt with appropriately, I believe they all are - or have concerns about individual cases, then they can either approach the scheme's lawyers, their contact details have been made widely available, or they can formally approach the Council of Ministers who will take advice upon those cases. I think that I will finish my comments there. Simply to reiterate that the very basis of the scheme and the focus throughout the scheme, which continues now, was on a fair and efficient procedure to deliver financial compensation as soon as possible to the victims. I hope that every Member supports that underlying focus and that which is the very basis for the scheme, which is now paying out compensation to claimants. Thank you.

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

It will not be any surprise that I am going to have to disagree with my good colleague, the Chief Minister. I only want to speak for 5 to 10 minutes, so I hope I will not get into trouble with some Members for making too long a speech, because I am only going to say what I feel I need to say. I do believe that the events of yesterday sum up for me, and for so many people who I talk to, why we need to support Deputy Higgins' proposition and eventually the related matter of adopting the full terms of reference of Verita. To this regard I would say to Members that one of the positives of having a large constituent case load is that you get to listen to, or quite often be told what people you represent think and want. To this regard I have got to thank a lady, Patricia, I hope she will not mind me saying she is an older lady; I am getting that way myself, though perhaps not the lady bit. She spoke to me last night after I had to go and deliver some papers. What she said to me was that I get into trouble quite a lot, not because I am a naughty boy but because I tell people uncomfortable truths. I think that is true. I do not apologise for that. So trying to stay in the guidelines, perhaps here I go again, because this is a very, very serious, perhaps even the most grim and serious issue that this Island is going to face probably this century. Now the first thing I have to say is that Deputy Higgins needs to be congratulated for bringing this proposition. He is right to do it and he is right to make Government consider the people behind the cold figures or the black and white text on a page. Sadly I have to say to the Deputy, he probably knows this anyway, I believe he is going to lose this proposition. I think that yesterday's events, when I got into trouble, probably sum up the reasons why he is going to lose this. What are those reasons? Well, because we saw in response to evidence issues that I brought up about horrible abuse that many people in here do not want to listen to that because it is uncomfortable. They would rather move on and pretend it was not there. Well, there have been people trying to move on for 40, 50, 60 years. So I

am going to put those people first, frankly I do not really care if a few Members are uncomfortable, because I am uncomfortable doing this too. Now Deputy Higgins got criticised for making a long speech on, let us be honest, a very difficult subject. Now I could not go to the meeting the other day, but I did go to the first one. My only excuse, I have an elderly mum, like many people here probably, who had to go to a hospital appointment. But what I can say to the Deputy who criticised Deputy Higgins is that the Deputy, like myself, has spoken to many, many victims. Many victims. He has also, I know because I have been there on occasions, spoken to lawyers. So I would ask the Deputy and any others who are going to criticise, how many victims they have spoken to? How many lawyers have they spoken to? Deputy Higgins, possibly like myself, we cannot perhaps sum up the nuances of the angle that the lawyers are putting on it from the Council of Ministers, but I think we can know the damage that this has all done to people. I would say that the truth, because they are the ones who have suffered, and they have suffered at the hands of former Governments who did not do their jobs. So I think Deputy Higgins should be allowed to talk as long as he likes, and I hope he sums up every little area and facet that he thinks he needs to touch on. The victims of abuse really do seem to come second to concerns of Jersey's image. I have to say that just because it was the sort of *bête noire* figure of ex-Senator Syvret who said this several years ago, that is no reason to hurry along and not think this through now; no reason at all. People need to face up to this matter and tackle the matter, because the damage to Jersey's image comes when we do not do that, and we keep arguing about it, and people keep wanting to water things down. We do not get a full and completely encompassing approach. That is where I differ with the Chief Minister, because I do not think this does. Upset people, maybe, but the rule of law in Jersey in certain areas has broken down, many people think it, I have now concluded that myself. Yesterday demonstrated that to me yet again. It brings me to this strange date of 1994. I have heard what the Chief Minister has said. What does that date say to us? What is the real reason for it? We heard today excuses about why foster care has not been taken into consideration, and I think that is the Deputy's very right to have raised that issue. But what about abuse that still took place in care, but not within a care home? What about what I raised yesterday in schools? As a Minister, who I will not name, said to me recently: "What about the Victoria College, that happened after 1994" or some of it. Did they ever get any compensation? We do not like talking about that, do we? Well I am happy to talk about it and I am happy to be slated and criticised by people who I make uncomfortable. That should be included too. It is absolutely appalling when you hear that the Chief Minister has not even read such a crucial report, as I referred to, which informs a culture that underlies the need to tackle this. We hear people, totally inappropriate people, do not worry I am not going to name the person, put forward for roles they are totally inappropriate for. Then you find out that they were put forward by a former President of Education. Horrifying, absolutely horrifying. If the Chief Minister and anyone else wonders why there is so much concern with the public that we do not want to have this thorough investigation then I think Members should consider that fact. Why do we not want to talk about stuff like that? But in this case, why do we just want to focus on the care homes and not those wider issues? Why are the Council of Ministers so twitchy, in my view and in many people's view? Are there some other skeletons twitching in the cupboards?

[10:00]

Deputy Higgins' proposition, if accepted, would potentially delay matters, because I am not convinced that there will be any significant delay, it would be just 90 days. Ninety days set against the appalling abuse that we know goes back decades, certainly to the end of the Second World War. Just remember that we do not like M.P.s (Members of Parliament) from England getting involved. Well, this certain M.P. - I think it was Mr. Hemming - in the not too distant past asked the British Government to look into all the young people they had sent to this Island from other care homes. There is certainly one who they could not track down. Should that just be forgotten about now? It

is a long time ago. Where have we heard that kind of attitude before? "It is all a long time ago, let it ride." Sorry, there are some things that I do not want to add to which I think I can agree with the Chief Minister on. I would have to suggest that all of those who will vote against Deputy Higgins' proposition, or will speak against it, will be probably those who are afraid to face up to this issue. Just like people in the last Assemblies. I am only into the second Assembly I have worked in and I have seen it again and again. I have followed politics for a very long time for all that I am, and I have seen that again and again and again. It seems that for many States Members - and sorry again if anyone is uncomfortable - once we get elected our courage gets left outside the door. Well, not me. Not me. I am happy to be slated by anyone within the establishment or their attendant media. You know sometimes it takes a woman to really put a finger on things. I suppose one of the advantages, perhaps it is the only one, being married to a politician, you go home sometimes and you talk about issues. My wife, Deputy Shona Pitman, touched on something last night, enlarged upon it, which Deputy Higgins had discussed in his speech and his concerns about what he described as the mechanistic treatment, the almost scratching the surface type way this is looked at in this proposal from the Council of Ministers. Let us sum up an example. Let us look at the nice cold words: "Rape and/or prolonged assault, physical and/or sexual abuse: standard bracket." "Standard bracket". 15,000 to 35,000. Well before Members vote against Deputy Higgins' proposal I would ask them to consider the reality of what underlies such terse, black and white, totally inadequate descriptions. Standard bracket for rape. I have talked to a lot of victims, a few lawyers, as I have said, so when you are looking at that standard bracket that some people are going to be dismissed on or not, or that is going to be given to them and hopefully they scurry off to try and make the best that they can out of their lives. Thinking about the reality that I have seen, well, I have not seen it, but I have read transcripts, I have spoken to people whose stories have not changed for years. Think about being pinned down on a bed in a home by people who are meant to look after you. Think about - and I am sorry if this is an un-parliamentary word - having an adult thrust their penis up your anus. Think about that as a child. Think about that and the blood trickling down your legs afterwards, being left to cry in bed. "Standard bracket", what an insult this is to people, the real people: the victims. "Sweep it under the carpet and move on. Give them a few quid, we do not want to be taken to court, do we?" Well, I have read those and they made me feel sick. Now I have worked with that person and I have seen the effect it has had on him. He is a good and decent man. I see the impact it has had on his family. Do you know what makes it worse? He went to the police when he was younger, as we hear: "Go to the police" we are going to hear the Council of Ministers say. Well this gentleman went to the police. Imagine plucking up the courage when you are younger to go to the police and talk about such issues. Then what happens years later, you find there is no record of your complaint. It has been lost. He will probably get nothing now. He cannot prove it. Is that not how the perpetrators of these crimes thrive? Think about those images before you vote against what Deputy Higgins is asking, because those are the realities, they are not nice images, and if anyone is listening on the radio and I have upset them, then I apologise for that. But just try and remember what some of these people have been through year after year having to see us fight it out in a Government. "Jibes" I think the word the Chief Minister used in reference to me yesterday. They have to listen to this going back and forward, back and forward. What if we had done what was agreed by the former Chief Minister back in 2008? We would not be here now. But no, there are some people who are very twitchy here, and you have to wonder why. I will be voting for Deputy Higgins. I could talk about a lot of other issues, but I think the fact, and again I think my wife bringing home the reality of the people who we are talking about here. If we have to delay things a little longer, then we should do it because, quite frankly, it is irrelevant. Ninety days. I hope Deputy Higgins hammers this home when he sums up. I just say to Members finally, if you can even get anywhere near to imagining some of the things I have talked about - and I have tried to imagine it and it has given me nightmares, and I

cannot imagine it fully, but just trying is enough - then you have got to vote for this. If you do not, frankly, in my opinion, then you should not be a politician, none of us should. Thank you.

Senator L.J. Farnham:

May I raise the défaut on Senators Ferguson and Maclean, please?

The Bailiff:

Does the Assembly agree to raise the défaut on Senators Ferguson and Maclean? The défaut is raised.

1.1.2 Connétable M.P.S. Le Troquer of St. Martin:

I think there is little I can say that has not been ably covered by the Chief Minister. I am surprised that this matter has initiated a debate, despite the emotional speech from Deputy Pitman. I have to say I became very concerned yesterday afternoon sitting at the Assembly as Deputy Higgins brought forward this proposition. I have learned many things during the past 12 months, and it is probably the steepest learning curve in my life. One of the things I have learned, regarding this Assembly question time and proposition debate time, is to speak to people first. Make phone calls to people beforehand. Visit, speak and listen. Most Members are able to stand up and speak from the heart without preparation; we have heard that this morning. I watch Members around me writing out bullet points during the debate and then stand up and deliver excellent speeches minutes later. I am unable to do that yet. So it means working at night and during the weekends, reading propositions and comments, researching and putting something together or deciding how I intend to vote on an issue. I have been caught out a couple of times having spent many hours reading and making notes, putting together a speech with my views only to find out at the last minute that the Council of Ministers or a particular Minister has submitted a very late comments paper explaining everything. Or the Minister or Ministers have even agreed themselves with a proposition and the matter has been withdrawn on the day of the debate and the speeches and debating are not necessary. Unfortunately I feel the same could have been said of Deputy Higgins' proposition. I think the Deputy could have been caught out on this occasion. There is no argument that he has not put much effort into this proposition, as I know he always does. But what has the Deputy achieved this time? As Deputy Pinel told the Assembly late yesterday afternoon, many, if not all of the queries and questions raised by Deputy Higgins were raised and covered during the presentation to States Members on Monday. Deputy Higgins was unavailable to attend that presentation. We all know that we have busy schedules and full timetables. However, the information that was given to States Members at the lunchtime presentation on Monday was not new and would have been available to Deputy Higgins last week, last month, last March. There was nothing made up in that presentation, no last minute changes by the Council of Ministers. No last minute changes by the law firm acting on behalf of the Island. None in the Historic Abuse Redress Scheme document under which the scheme has been operating. To make matters worse this projet was lodged 4 weeks before the end of the scheme and it is being now debated after the scheme time has closed. The scheme document has been available all that time. I am not sure if the Deputy has sought to meet the scheme representatives, the administrators or the Chief Minister to discuss questions privately, or whether he has just approached individuals that they think may deserve more from the scheme. Unfortunately this projet now appears to want to change the goalpost after the game, maybe because someone somewhere does not like how their result turned out or may turn out. Please, I am not trying to say that claiming for hurt and trauma and everything that people have suffered is a game. Far from it. Even the Deputy himself used the word "goalposts" in his proposition. As a retired police officer who has dealt with trauma and tragedy over very many years I know only too well the dreadful experiences people have to endure for one reason or another, be they matters that would be covered by this scheme or other tragic matters. However, I

am really at a loss to understand how we can now change the conditions of the scheme after it has closed. I cannot recall the exact words, but we heard the Deputy say that lawyers, I think it was “objected” or “disagreed” with the way it was operating. This is not the information that we received on Monday. Lawyers are learned people, people who understand exactly the likely outcomes of civil proceedings. Not every victim will be pleased. Many will want an even higher compensation figure. Well, I also think that making claims now for matters that occurred 30 or 40 years ago or more, many of which cannot be proved or disproved, with an understanding team of scheme lawyers applying a low threshold test and a team who are prepared to go back to individuals or lawyers acting on their behalf to try and seek additional supporting evidence in order to secure their compensation on their behalf, on behalf of their client, is all that can be asked. We heard on Monday that victims are unlikely to succeed where their claims dating back to the 1950s, 1960s, 1970s and 1980s. The lawyers acting for their clients know that. We as the States of Jersey could have dug our heels in and said: “No compensation. Take us to civil court and try.” No, we accepted that we would pay, even though the likelihood their claims would be dismissed by those civil courts because of that time delay. Not only that, the States recognised the strain victims would have to endure testing their individual cases through the courts. They examined and consulted with other similar schemes around the world, from the most expert advice available to them for applying to an abuse redress scheme. There has to be some form of review of each case. Surely every Member in this Assembly agrees with that. We cannot accept every application without review because there are likely to be some claims that are untrue or grossly exaggerated. That, I am afraid, is a fact of life. The older Members of this Assembly will know that physical abuse, not sexual abuse, took place in schools and homes around this Island. I have seen it, I have had it. Even victims in this address scheme will be compensated for just physical abuse. That is accepted, that is part of it. If the proposition was to succeed then I fear we are opening a bottomless money box that is starting to look rather empty already, to endless open ended claims. It is unfortunate that this proposition now casts doubts in the minds of some of the people that this Government is trying to hide something, do something underhand. That is not the case. The proposition relates to compensation only. We all accept the seriousness of what happened, this just merely relates, and the proposition should relate just to compensation payments. So I am afraid I cannot agree with Deputy Pitman. I am not afraid to face up to anything. I will obviously not be supporting the proposition, and I remind the Deputy and other Members and to the public that anyone who is not prepared to take up the option of the Historic Abuse Redress Scheme may indeed engage their own lawyers and proceed with civil action undertaken privately against the States of Jersey.

[10:15]

I am afraid that the Deputy may have brought up the public’s perception of more mistrust of this Government and more mistrust of States Members themselves, and this I cannot agree with. Thank you. **[Approbation]**

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

I will start with the words of Deputy Pitman and to support them. It will and is a difficult thing to assess the degree of harm or impairment that someone has suffered as a result of abuse. I think of that when I think of the difficulties the Social Security Department officers have in assessing degrees of impairment. Where I have seen evidence of how impaired somebody’s life is based on a trawl through the internet, I have seen the list of drugs: “If you are on these painkillers, you can only get this degree of impairment. If you are on these heavier opiates, then perhaps we might award you a bigger award.” That is a relatively simple, straightforward physical illness and the disability, the impairment that results from it. It is a very difficult thing to do. I think Deputy Pitman was right when he said: “Beware this assessment, this categorisation, this mechanistic approach where somebody has to assess how much you have been harmed and what your lifetime

impairment is as a result of this going on.” I am drawn to the words of the Constable of St. Martin when he talked about being surprised, being caught out sometimes, having done his preparation, and Ministers withdraw at the last minute, or Members withdraw a particular document. He seemed to be suggesting that we should not be debating this and that Deputy Higgins perhaps should have withdrawn his proposition. I draw the opposite conclusion. When Deputy Higgins had finished his presentation yesterday, I too, like many in this room, thought: “Most of these things have been dealt with” but it was most of these things, many of these issues have been dealt with. So I listened very carefully to the Chief Minister’s speech, looking for the absolute rock-solid cast-iron problem that there was which meant that this, Deputy Higgins’ proposition, must be rejected. I listened very carefully for the rock-solid objection; I could not find it. I found some differences of opinion. I found some areas where we might have amended our scheme where the argument is still out. I did not find anything concrete to say: “And this is the reason why the Council of Ministers, why the Chief Minister, is rejecting this proposition.” It just was not there. This happens time and time again in this House, we get a debate and people think: “Why are we having this debate?” not because it is doomed or it is never going to win, but because the Ministers have sat there and said: “I am not having it.” The reasoning is not quite there. It could have been amended. It could in parts have been accepted. There is much in Deputy Higgins’ proposition that is valid but this is not the way this Assembly tends to work. It is outright objection or outright acceptance. Ministers time and time again say: “Our way, my way or no way”; that is the reality. Rather than expecting Deputy Higgins to withdraw, my thinking was saying: “And why is there this strong objection from the Chief Minister to some of the suggestions in this proposition?” Because some of them are, indeed, valid. Where was the compromise? Where was the - I cannot think of another word - accommodation to these 2 different propositions? It is non-existent because this Chief Minister has set his mind against accepting any of these suggestions, and that is the reality. So I will be voting for Deputy Higgins’ proposition, because I think it does contain some valid ideas and suggestions which are appropriate to adopt. It does not have to be perfect and it does not have to be every bit of this proposition that is valid; if parts of it are valid, and I believe they are, then that is the reason to accept. Finally, with my understanding of income support, I am aware that many of the victims of abuse have had their lives severely damaged and many are reliant on income support to get through this life. I would seek assurance from the Minister for Social Security, from the Assistant Minister, from somewhere, that any compensation awards are completely disregarded for the purpose of income support assessments. There is nothing worse we can do than to give people, whatever, £10,000, and then have that regarded for income support purposes, which means that you lose your income support and, lo and behold, 18 months down the line, you have spent your £10,000 just to survive. Because that is the reality of what sometimes happens with any form of income coming into the household as far as income support is concerned. So, whatever we do, we must make sure that these awards are exempt from that sort of measure in income support and other benefit systems. So I would seek that reassurance from somebody on the Council of Ministers’ bench.

1.1.4 Deputy S. Power of St. Brelade:

I will be very brief. When we engage in a debate such as this on a proposition such as this, we have to be, in my opinion, incredibly sensitive about how we do it because we are dealing with a process that will deal with the damage that has been done, the abuse that has been carried out, in a manner that we think is the appropriate way to deal with that, and that has to include the compensation and the compensatory amounts. I think we have got to do it in a manner that reflects the mistakes that have been made and compensates, and factors in the mistakes that have been made in other jurisdictions as there is a long track record of abuse in other jurisdictions that was not handled properly. I do believe that the process that has been engaged by this jurisdiction, by this Council of Ministers, is important work, very important work, very sensitive work, and I do expect it to be

carried out properly. I sent Members a clip some weeks ago of a man in Ireland who had been the subject of child abuse. He went on to become a married man and a politician in Ireland and for a many number of years in his own life he was part of the governing party of the Irish Republic. He made a number of points in that clip and the first thing he said was that, as an abuse survivor, he wanted an apology. That was the first thing he said. Our previous Chief Minister went to some lengths to do that. The second thing he said was it was not necessarily always about the money or the compensatory amount, it was about the process, it was about transparency and it was about clarity of purpose. The third, the next point he made was that politicians, irrespective of the political views they have, should never ever use the correcting process and the compensatory process as a method of political point-scoring. The final point he made was you must never raise expectations in this process as to what people maybe expected as a result of the process. I think for me he was an abuse survivor, he talked about his abuse but he talked more importantly about the process that was not carried out properly and he talked about how disappointed he was with the process that was carried out in Ireland. It is now being corrected, albeit very much late in the day. I want to say to Members this morning that I will not be supporting Deputy Higgins. I trust the Chief Minister, I trust the approach about this. But what persuaded me more than anything else before this report and proposition was lodged, I had a discussion with our Attorney General about child abuse, and I learned from our Attorney General that he has been to a number of other jurisdictions, including Ireland, and he has learned from the mistakes that were made over there. I feel that that is such an important point, that this kind of hidden work has been done that Members may not be aware of. So I said I would be brief, I have made the points I want to make. I ask Members after today's debate that they look at that clip again and listen to what that man said.

1.1.5 Senator F. du H. Le Gresley:

I have to say that I have a lot of sympathy with where Deputy Higgins started out from and I do not criticise him in any way for querying the redress scheme, however, I have, like other Members, some concern that he did not make contact with the Chief Minister or the lawyers acting for the States of Jersey. However, putting that aside. When I joined the Council of Ministers, I learned that there was a redress scheme being planned and in the same way as I think Deputy Higgins would have done, and other Members of this Assembly, I asked a lot of questions because I wanted to be sure that what we were doing was fair and reasonable for the victims of abuse. I obtained quite easily, without any hesitation, copies of the advice and recommendations that had been made to the previous Council of Ministers before I joined it, and also the minutes of meetings where the redress scheme was discussed. I asked further questions and I came to the conclusion that what we were doing here was ahead of any other jurisdiction that was dealing with compensation for victims of child abuse. I say that because I was made aware of the scheme of Manchester City Council where they have had 2 group claims and they have made great attempts, certainly with the second claim, to make sure that the scheme is fit for purpose. I was told, and I am satisfied from the investigations I have made, that our scheme is better than the Manchester City Council scheme. So I think, on this occasion, although Deputy Pitman has told us that if we do not vote for this we should not be a politician, well, I am sorry, but I feel I should be a politician because I am on the Council of Ministers; I have looked into this scheme, I am satisfied that the redress scheme that we have in place is fit-for-purpose.

[10:30]

I think that is exactly the question that we are being asked today by Deputy Higgins: "Is it fit for purpose?" I am satisfied - and I have asked Members to take my word on this - that this scheme is fit for purpose. I have to say, of course, that this scheme only relates to claims in respect of physical or sexual abuse that occurred in full-time residential care. The Chief Minister quite correctly has pointed out that during the process of receiving claims we have been made aware of

potential claims that fall outside of that specific wording. We have always said to the lawyers acting for us that any claim should not be rejected but come back to the Council of Ministers for further consideration. I am concerned, and I have expressed this concern right from the outset, that this scheme does not cover the provision of any compensation for somebody who was in foster care. We are, as a Council of Ministers, going to reconsider - and the Chief Minister has told you this today - whether that is something that we maybe should launch as a separate scheme. I will not tire in my efforts to make sure that if that is appropriate, that is what will happen. But we have to accept that Operation Rectangle, which investigated claims of abuse which brought successful prosecutions, only dealt with abuse that occurred in homes run by the States of Jersey. That is what this scheme of redress was set up to deal with by way of compensation. I also just want to point out that I think there was an unfortunate reference in Deputy Higgins' speech as to the role of the Minister for Health and Social Services, which I think was unwarranted. The Minister for Health and Social Services is not personally involved in considering the applications for compensation. What happens is, basically, key decisions in relation to the method of handling any civil claims falls within the authority of individual Ministers and, with appropriate guidance from legal advisers, they then make decisions as to how to deal with civil claims. But they are not, and no Minister would be, involved in the day-to-day review of any claims that fall under this redress scheme. So I would perhaps point out that the statement about the Minister for Health and Social Services is unfortunate. We are at a stage where the Committee of Inquiry is perhaps influencing some of the comments that are coming from States Members and, as most Members know, having been the person who brought that proposition, I am tirelessly seeking that we do bring forward robust terms of reference for a Committee of Inquiry. The Chief Minister yesterday said to us that he would be doing that within 2 weeks. I hope you can keep to that timetable but, whatever happens, I sincerely hope - and I hope I will not have to stand up and say this to Members of this Assembly - we must, absolutely must, have a Committee of Inquiry which has robust terms of reference. To do otherwise and not commit to that... and I talk in terms of commitment; I do not mean by a small majority, I mean the whole of this Assembly has to put aside all the views that we might have about: "This is all in the past, we must move on"; we have to do the right thing. I hope, sincerely, when we come to debate terms of reference, that we will all get behind the Chief Minister and make sure we have a robust inquiry. But as far as the redress scheme, I am personally satisfied that the current scheme, which closed on 30th September, was fit for purpose.

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

I have to say I am still somewhat undecided about this issue. There was much made by Deputy Pitman, and there was an inference that if you do not support this you are against it. I do not agree with that, I have to say. I do not think I have to say for Deputy Higgins that it was his finest oratorical hour. I think, because he was not briefed on the finer details of the proposal, either because he could not attend the meetings or did not seek that information, he ended up spraying a machine gun all over the place ranging from masses of detailed questions, to which he did not provide the answers, to the real issues of substance and principle. It is easy to argue, and some people do, that if you argue on a range of details, you weaken somebody's case; not because you have attacked the heart of a case but because you have made it sound so poorly put together. I do not think it works. I think he sprayed all over the place and he also retold comments that he had heard that lawyers - and this is the important kind of comment that needed elaboration - involved with the scheme had told him that the goalposts were being moved. We need to know, in fairly precise details, how they are being moved. We really need to know is it an issue of maladministration? In other words, is it being poorly administered, or are there issues where the administrative issues have not been clearly thought out, or is it an issue where the fundamental principles of the scheme are at fault? Quite frankly, because of this machine-gun approach of spraying everybody with everything that the Deputy adopted, that was not clear. On the side of the

Deputy, one thing that has occurred - and, ironically, it came up yesterday with all this farrago around the bus issue - is carrying Back-Benchers with major issues of policy. There is no doubt that Back-Benchers are more marginalised in this system; they do not get involved and a lot of the meetings, which are very sincerely held, are not meetings to hear new ideas and to respond to new ideas, they are essentially selling meetings. So people do not really get off their chests what they really feel or that the kind of policy debate that needs to take place has taken place. It is interesting to note that I alluded to the bus contract; one of the issues was it was essentially a highly defective contract from the beginning, quite frankly, because of the history that surrounded it but, rather like this week, we were rather rushed into it because emotions started getting out of control. It quickly escalated into a personal conflict, unfortunately, and into lots of unnecessary interference. But the sad thing was, which was not alluded to, at the 5-year point, that contract was due for renewal and on a ministerial signature it was continued with no proper analysis of what went right or wrong. The point I am making is there are too many things happening like that where there is sincerity in telling Members about proposals, but there is not really serious engagement. Insofar as I can determine what Deputy Higgins was up to, I think that was the point he was trying to make, if I may be arrogant enough to put words into his mouth. To that extent, I do sympathise with him. I do not think 3 months is a big deal. I think the Deputy has real problems in the way he put his argument across; I think it confused rather than clarified matters, but I think this is, as Deputy Power said, an immensely sensitive matter. The history of how governments, of how the Catholic Church, how bodies like that have dealt with it is not an illustrious history, it is, quite frankly, appalling. It has been one of resistance, and you are seeing it now with the Jimmy Saville case in the way the BBC institutionally did not deal with it as opposed to deal with it, and that is always at the back of my mind: that institutions are remarkably reluctant to face up to these things and there is remarkable resistance. I am hopeful with the new Chief Minister that we are turning a corner; whether we have successfully turned it completely is another matter.

1.1.7 Deputy A.E. Pryke of Trinity:

As Minister for Health and Social Services, I have been charged with the administration of the scheme on behalf of the Council of Ministers. I wish to focus on these adults who were abused as children in the care of the States. I cannot begin to imagine what those children went through many years ago; nothing can make up for what those children suffered then and, in some cases, still suffer today. Financial compensation is only one way to recognise what these individuals did suffer and should not have suffered. Indeed, the Deputy mentions in the first part of his report that it is imperative that these victims of abuse are properly treated, looked after and compensated. I could not disagree with that statement at all, and that is exactly why the Council of Ministers has approved this scheme. Importantly, the emphasis is on offering a compassionate, private and confidential solution for all victims. The scheme has no requirement for successful criminal prosecution; indeed, the bar has been set at a much lower level. As you have heard, to date 128 victims have applied to the scheme. For some, I am sure, that has taken great courage and strength to tell their story and relieve their pain. Some claims have already been settled. No award has been rejected and no award has needed, so far, to go to an independent review to achieve that settlement. The scheme is working well to date. The aim is to provide the claimants with financial compensation as quickly as possible and with the least stress as possible. No application has been refused. The scheme has not changed from the date of publication. The goalposts have not changed. Some claims do not quite fit into that scheme. That is what you would expect, as each claim is an individual traumatic event that happened in their young lives, very personal to them and should never have happened. That is why this scheme needs to remain with the Council of Ministers: to allow the scheme to be as flexible as possible and to be able to reach as quick a decision as possible to do justice to all the claimants. We are dealing with very delicate and sensitive issues and confidentiality is important to all the victims concerned. Many claimants wish

closure of this part as quickly as possible, so I urge States Members please to consider the victims and not support this proposition.

1.1.8 Senator B.I. Le Marquand:

Members may be grateful to hear that I have tried to considerably reduce the length of my speech. Firstly, it needs to be said right from the outset that it is the nature of damages compensation in such cases that it will always be inadequate, but here we are dealing with a financial compensation scheme. How do you compensate a person for life-long brain damage or loss of a leg or, as Deputy Trevor Pitman said, rape? How do you compensate with money for those things? In one sense, any compensation with a money scheme is, of necessity, inadequate. But that is all that we have to offer in terms of compensation in this situation, although there is also provision being made, of course, in the scheme for provision of money for counselling for individuals. So although a system which provides parameters or sums of money for different types of things may appear to be hard-hearted that is, in fact, the normal way in which lawyers deal with such matters. There are in textbooks tables of amounts for loss of an arm, loss of an eye or whatever. Secondly, I have to object very strongly to the approach which Deputy Higgins took in his presentation, not to his bringing the proposition, but his presentation inasmuch as there was a clear implication in what he was saying that this Council of Ministers could not be trusted. I do not accept that in any shape or form.

[10:45]

We have at this time a broad Council of Ministers with a number of strong personalities of very high integrity indeed and I very strongly reject any implication that we cannot be trusted. We are trying to do what is right and fair in this situation. **[Approbation]** It is regrettable that sometimes debates of this nature end up in rancour of different types; frankly, we ought to be able to honestly disagree in this place without such rancour. I turn to the positives of the scheme, and the Council of Ministers does need to be given credit for a whole number of positives in relation to this, firstly, the decision to waive the issue of prescription. In Jersey law, actions in tort for civil wrongs normally must be brought within 3 years. Time does not start until somebody reaches the age of majority, which was 20 at the relevant time for these cases, and now it is 18, but in reality there are very few cases in which a person will succeed in court after that time. So waiving prescription is a major plus. Secondly, enabling people to bring their claims with anonymity. This system allows that to happen otherwise, if people have to sue in court, the details of their claim or the personal abuse to them would be splashed all over the newspaper. That is a very important issue. But, associated with that also is the fact the scheme takes out for claimants the risks of adverse legal costs against them because they lost the action or because they did not accept the amount offered when they should have accepted it. Their own lawyers' costs will be paid out of the scheme so that they will retain the whole amount of the damages. Thirdly, a simple assessment system for damages. The issue of special damages is a relevant issue which was raised by Deputy Higgins. We looked at other schemes which had got, frankly, into an awful muddle in relation to this. They ended up in arguments as to whether the loss of earning capacity of an individual was caused by the abuse or by the miserable upbringing that they had had before or after the abuse. We really did not want to go into that kind of situation and so, instead of getting involved in those sorts of arguments, we decided to go for a scheme which gave a higher amount than would have happened otherwise in a scheme which would have separately assessed special damages. Fourthly, a lower evidential test for admission to the scheme. The test for admission to the scheme is lower than a normal test for civil cases; it is not a balance of probabilities test, it is lower than that. There has got to be reasonable evidence to warrant a claim but, nevertheless, not the normal test. Finally, at the request of lawyers for claimants, an internal appeals process, which the Chief Minister outlined. These are major pluses in such a scheme. But there is also the issue of what is the scheme for? It has not

been set up as a New Zealand-style no-fault scheme; there must be circumstances in which there was fault on the part of the States administration in some way. It was set up in response to the revelations of the Historical Abuse Inquiry, and that is one of the reasons why we ended up with a date of 1994, because that was relevant to that, and those were the matters that they knew about through the police and through other sources. Such schemes normally have a cut-off point in terms of the date for claiming, they are not kept open for ever. That is necessary practically because the system cannot be kept in place indefinitely. Lawyers have to be engaged, a system has to be put in place - and lawyers are not cheap - and keeping it open indefinitely is not a practical approach. We have tried to depoliticise the claim process, as the Deputy of Trinity explained just before, by using lawyers locally plus an appeal process. Now, it is very unlikely, incredibly unlikely that the outcome of that process would not be followed and honoured. The fundamental question which this Assembly must decide today is as to whether the detailed parameters of the scheme should continue to be set by the Council of Ministers or whether the detailed parameters of the scheme should be set by this Assembly. The Council of Ministers' view is that a fair degree of flexibility is required in order to be able to make individual decisions in difficult individual cases. Those who attended the presentation for the lawyers on Monday of this week will be aware of a number of issues which have already been raised by claims or potential claims, including whether the scheme should be extended to those who were in foster care; the point was raised very properly by Senator Le Gresley. But also, alongside that, was the difficult issue of cases in which people spent some time in foster care and some time in children's homes, and there is a mixture. What about cases when an individual in care was mistreated on a home visit or while in town with other people from the home, or when taken out by a third party? What about someone who was in care but committed a criminal act and injured themselves during the course of it? These are all cases that were mentioned during the presentation on Monday. What about a child in care who was mistreated in a different institution run by the States? What is the right way forward here? Can the States be asked to set such detailed provisions as to deal with all these scenarios? I very much doubt it. It is much better, in my view, that this be left to the 10 people of the Council of Ministers to try to deal with the sort of difficult individual decisions which will come up in terms of what should be in principle and what should be out in principle. So to sum up, although there are certain issues which the Council of Ministers needs to review, namely foster care, the issue of slightly late claims, the issue of claims after 1994 and the sort of difficult issues I have referred to in relation to detailed cases, I believe that these are issues which are best left to the Council of Ministers; 10 people elected by this Assembly to lead the Government of Jersey, people of integrity, and not an appropriate issue to be dealt with in detail by the 51 Members in this Assembly, which is simply not practical.

1.1.9 Deputy S. Pinel of St. Clement:

I would just like to address Deputy Southern's concerns about the redress scheme. I would like to advise that for income support purposes Social Security will disregard any compensation from the date of receipt for 12 months, such being treated as capital allowance in the current regard.

1.1.10 Deputy M. Tadier of St. Brelade:

I do not think that this is about do we trust the Council of Ministers or not, if it were, there are lots of reasons not to trust the Council of Ministers when it comes to the administration and process to this date with regard to the setting up on a Committee of Inquiry. That is a debate, perhaps, for another time, but I think it is quite clear that we are not where we are with that. I also note that if we had followed the timetable, the Committee of Inquiry would be running concurrently, or at least overlapping with this redress scheme because the Committee of Inquiry should have already been set up earlier this year and would be being carried out at the moment. I think that is the way, in an ideal world, it should have happened because my concern is, for the victims in particular, that there

are going to be 2 lots of pain, I think. They are going through a scheme at the moment which, okay, it is not the same as a Committee of Inquiry, and there is a level of testing applied to compensation which will require the recounting of experiences only, perhaps, again next year for people to have to come before a Committee of Inquiry - we do not know in what format - to give evidence again. I think that is unfortunate; it may deter some of those individuals who have perhaps received some redress for thinking: "I want to put this all behind me now. I am not going to be giving evidence to a Committee of Inquiry." For me, and I think for society in general, the Committee of Inquiry will be the big debate which we are going to be having, hopefully in the next couple of months, perhaps with amendments and perhaps, hopefully, with some conversations in the background to try and keep all the stakeholders and all interested parties happy. Let us hope that can be done smoothly and I think, in one sense, today's debate has been an interesting precursor and will have raised many of those issues that will be coming out. I think we all appreciate that this kind of redress scheme, when it is to do with compensation - and it has been said before - it is never going to compensate for what happened, it is never going to bring closure. But what it does is simply what it says on the label: what it tries to do is bring some element of redress and acknowledgment of what happened. I remember at the initial presentation, I think it must have been back before March at the Town Hall, having a couple of questions in my mind, and that one of them, which I did ask, was to do with foster caring, and I think Deputy Higgins has been quite right to raise that. I could not understand why those who had been put into foster care, presumably by the state because there was not sufficient space or other circumstances, so they were essentially in the care of the state, and then foster parents, presumably - and I would hope the majority of whom did a very good job, not all of them did - there is still a duty of care on behalf of the state there. I think it is very bizarre, to say the least, and very painful for those who were subject to abuse in foster homes, that they should be discounted from this scheme. So I would hope that, if not under this scheme, the Chief Minister should give very serious... well, he should not give serious consideration; he should create a scheme whereby foster children who were in foster care at the time, should be able to receive the same levels of compensation as those who were in direct States care. I was slightly worried by the lack of certainty in his promises which involved we should maybe look into foster care or we are looking into foster care but it is not certain that the Council of Ministers would be doing this. I would have hoped that before this debate, the Council of Ministers, led by the Chief Minister, should have got together and said: "Well, we cannot accept Deputy Higgins' proposition in full, we think it should remain with the Council of Ministers, but these are the concessions that we are willing to do, we will set up the scheme which will take care of those in foster care, which will be flexible, and it will be flexible in these ways." I think if that had been done, we would not necessarily have to be debating this today, or we could debate it but we could have those reassurances that I think many of us would like, even those who have perhaps decided to reject this proposition in its current format. I am also concerned that there have been, perhaps, a minority of comments which seek to discredit Deputy Higgins. We hear comments like: "Oh, Deputy Higgins was not here at Monday's presentation" at a presentation which occurred only a day before the sitting and the debate. I was not there either and I sent an email to the Chief Minister because I had a funeral to attend. I hope that is a sufficient and reasonable excuse not to attend a presentation. But the underlying message that is being suggested is that because Deputy Higgins did not turn up to a meeting, because he perhaps has not contacted the Council of Ministers before, he is not interested in this subject, he is not well-briefed. But my question would be that who has Deputy Higgins, perhaps Deputy Pitman, been talking to? They have presumably not done this for their own health, they have not done this for fun. They have lodged a proposition because they think there is an issue and there are issues that need to be addressed and it is presumably because they have been in contact with claimants, with abuse survivors, with lawyers, and they are trying to represent certain aspects which need to be addressed. I would hope that whether this gets passed today or not, the Chief Minister will listen to what those concerns are and act on the fact that

we have been promised some flexibility and some good faith in this scheme. I will finish on this point, because I do not think the rest is going to be relevant. I have a big issue with being time-barred, and I think the important thing for us to remember is why it is difficult to prove these things in court, why it is preferable, and I completely agree, to have this scheme whereby a sum of money is given over without the pain and the expense of litigation, because we know that after such a long period of time these things are difficult to prove, not because there is a statute of limitation but because there is also this thing called time-barring. What I remember from the presentation is that we were told it is expected that an abuse survivor should make a complaint if they were in care; I think it is within 2 years of their 18th birthday. I am sure the Attorney General, if he is here later, will be able to correct me, but it is something like that. That is the situation in the U.K. and certainly I think it is interpreted similarly in Jersey. Now, there is a big problem with that because many of the abuse survivors, and I have spoken to a constituent in St. Brelade who said: "Well, at the time, we did try and tell the authorities" and this is a theme that we see repeatedly in Jersey, but not only in Jersey.

[11:00]

Anyone who took the time to watch the Jimmy Saville documentary, which was very interesting, and it shows the generic nature of abuse wherever it happens, is that, of course, the victims are pre-selected and they are very scared because there has been a betrayal of trust, not simply one of abuse. It is very difficult for them to tell adults and, when they did tell adults at the time, they often were not believed. This particular constituent said: "I went to the police and I was sent back home in the Black Maria with my friend and we were told that we were bad children" no doubt, only to be beaten when they got back to the home. What kind of message does that send to somebody? When they turn 18, when they leave care, the first thing on their mind is not going to be: "Oh, I had better go and make a complaint to the police now" because nobody has believed them, they simply want to get on with the rest of their lives. To say, perhaps... I am sure this is not how it came over, but: "Are we not so good, because we have saved victims from going to court? We could have dug our heels in." Well, of course, but that would have been completely despicable behaviour. I think the States has acknowledged the fact that abuse did happen in its care. We need to find out why that happened so that in the future it cannot happen again. That will add an element of redress again. But simply to say that: "Well, are we not so good because they could have been going through much more of an ordeal?" I think is not the right way to look at it. I will support this proposition because I believe there is much that is good in it and I believe it can be done in such a way to extend it, without having to create doubt for those who are already making flames. I do not accept the argument that it will create uncertainty; I think that it would simply open up the scheme. But I think if that can be achieved in another way by the Chief Minister, then I would like to see that happen as well.

1.1.11 Deputy S. Pitman of St. Helier:

Unfortunately, I think it was right for Deputy Pitman to get back to the basics earlier this morning on this matter. This Assembly has been far too embroiled in the past about who and what, politicians have raised these uncomfortable issues and brought them to the public forum, and have brought this Island into disrepute, apparently. But I would say let us remember that the people who have brought this Island into disrepute with this matter are the perpetrators, the criminals who undertook such heinous crimes on our children. The rape of young children, of young girls, the sodomy of young boys; not once or twice but children, very vulnerable Jersey children who have had no parents to go back to, had to live with this along with physical and psychological abuse. Let us just put an even more uncomfortable thought into our minds, let us just imagine that these children are our own, because I think we need, as people's representatives, to realise the harsh reality and the seriousness of what has happened in our state care. I ask Members to focus on the

people behind these claims, behind what Deputy Higgins is proposing today. Most victims are not happy with the current scheme and I would say I know this, Deputy Higgins knows this and a few others know this because they are constituents and we have got to know them and how they are living today with what went on in the past. What Deputy Higgins is proposing is also what most of these victims feel they need. At the end of the day, if we are saying as a government that we are going to deliver justice... because we have said that all along; right from the very start the former Senator Walker as Chief Minister said: “No stone left unturned” and that has continued right through to our current Chief Minister, who said it in his speech last year when he was standing for the position. Justice is simply what this is all about. What Deputy Higgins is asking is not impossible and it is not a lot. Essentially, if we vote for this today, we are doing what the victims of the abuse are asking for and what we promised them, and we are giving them some justice.

The Bailiff:

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

1.1.12 Deputy M.R. Higgins:

First of all I think I will just mention that I have been criticised for a number of things; I think one for bringing it to the States. Well, I make no apology for bringing it to the States. If I have concerns and people approach me, I will raise any matter in the States that I feel is necessary. I was criticised for not attending 2 of the briefings. Fine, I was in the U.K. on the first and I had a crisis of my own on Monday which meant I could not attend the meeting. I would have liked to have done, because I am sure I would have asked more questions. However, let us just go through some of the comments that have been made. I will just take the points that I have written down here. The Chief Minister said that anybody who wants to go to the courts will get legal aid if they qualify. If they qualify. We also all know how inadequate the legal aid system is. I do not think there is anybody in this Island who is satisfied with the legal aid system that we have. It certainly does not mean that people will get a proper hearing or a proper case. Very often, who are the lawyers on the legal aid scheme: the most junior lawyers who have just come out of law school, or whatever, and have just joined the firm. They will be up against the law officers who will be defending the Crown and the States. So just think about it: legal aid is inadequate and people will not get justice that way. The Chief Minister mentioned the cut-off date. He said it was determined after detailed analysis and at the time the scheme was set, they did not know of any claims after that date. Well, I think that is pretty arbitrary; yes, they may know that but there were other ones working their way through. He said if it is a more recent case it will have to go to court and, again, I would just say who can afford justice in this Island? Most people cannot even afford the first meeting with a lawyer, which will probably cost you £150. Just bear in mind again what I have just said, the States would be defended with taxpayers’ money, it is an unequal contest. As far as the lawyers were concerned, he said that: “One of the lawyers I have spoken to is trying to put forward cases that are bogus.” That is essentially what he said. I would say if he believes that, he should be reporting that lawyer to the Law Society, simple as that. No one wants bogus claims to be put forward, however, that is not the information that I am getting. The information that I am receiving is that the States have a simple scheme; it says anybody who was in full-time residential care between those dates can bring the claim if they were abused.

Senator I.J. Gorst:

Sir, sorry, I wonder if I can make a point of order. I am not sure if the Deputy is referring to comments that he thinks I made with regard to legal representation.

Deputy M.R. Higgins:

Yes, I am, because he said...

Senator I.J. Gorst:

In that case, I did not say it.

Deputy M.R. Higgins:

You did not use the word “bogus” but basically it was implied.

The Bailiff:

I must confess, Deputy, I did not hear the Chief Minister suggesting that a lawyer was knowingly bringing forward a false claim.

Deputy M.R. Higgins:

If I could find my note, I would do it, but I will let it pass for the moment. Going back to the lawyers then. My understanding is what is happening is the scheme lawyers, instead of applying what the scheme says, if you look at the scheme document, it says: “Were you in full-time residential care between these dates? If you were, and you were physically or sexually abused, you can bring a claim.” Now, what I am being told is that scheme lawyers are trying to exclude visitors to homes, including members of the claimant’s family who visited them while in the home, and they were abused in the home, or friends of members of staff in the homes. If you think other people who were invited into the home and the abuse took place in the home. Jimmy Saville is a classic example of a person who has visited the home. I have spoken to abuse victims who say he was there and he was a pervert. These people’s claims might be excused on that ground, I do not know. We are aware that Edward Paisnel, the Beast of Jersey, was Santa Claus at Haut de la Garenne; he was invited in by the staff. Are we trying to say the people who were abused by him, who was invited in, should not be receiving compensation? No way. So the point is that there are other people who have been brought in; in fact, there are allegations a person has not been brought to court yet where 11 people have accused him of sodomy, and yet there is not enough evidence to bring him before the court. There are many people wondering why. Is he well-protected? Has he got something on someone? You have got to say it, you do wonder why these cases are not coming to court. If there is similar-fact evidence, why was it not tested in the court? If the case cannot be proved then the person is not guilty, but why have they not brought it to court? This person, by the way, was in there and people were coming in and he was almost... in fact, they were threatened they would be killed if they talked. These are the sorts of people we had operating some of these homes, and these people are going to be denied... he was bringing people in, he was farming them out, and I am not talking about a mild smack, a chastisement of a child, in fact, we are talking about serious sexual abuse: repeated sodomy. I think this is totally unacceptable. I know the Council of Ministers is saying: “These people have not been excluded yet” but behind the scenes there are discussions about disallowing these claims. One of my reasons for raising this is I am putting it out there first of all that that would be unacceptable if they do. I will tell you something, if I hear of a claim that has been rejected on those grounds I will be coming back and back to the States and hounding the Council of Ministers on it. The Chief Minister has acknowledged they are going to look at foster care, he said they were not aware of abuse in foster homes. I am sorry, I have heard of cases of foster homes, I am surprised they have not. I wonder how many cases will come forward, and I hope he will come forward with a scheme on it. In terms of documents, he admitted that some records are missing; yes, there are a lot of records missing. In fact, I was mistaken yesterday in my speech when I mentioned about Birmingham, saying that they found the records for 4, but they could not find the one for 5. There was a lot more than that, there were other institutions; half the councils in England did not acknowledge the requests for information about the people they sent to Haut de la Garenne. The records have not appeared, as far as I am aware, from the Health Department. In terms of financial bands, the Chief Minister skirted around the £3,000 medical expenses point. The point I was making yesterday is anyone who has to go to

receive medical attention for mental health or whatever, they have to see a psychologist or a psychologist, or whatever, they have to pay upfront and then they have to try and put the bills in. If the authorities consider them reasonable, they will accept it. I have met some of these people and they have been damaged for life, and they are going to need ongoing care. £3,000 is neither here nor there in terms of what the costs will be over a lifetime. I just think that instead of just putting in: “Yes, you will have medical care up to £3,000” these people should be getting long-term care and it should be paid for by the States, and the States should just make arrangements for them, not cap it. It was mentioned that the bands were determined after consultation and agreement with the lawyers. Well, it was their own lawyers, because it cannot be the claimants’ lawyers because they did not come forward because, until the scheme was created, I do not think they possibly could have been consulted.

Senator I.J. Gorst:

Excuse me, I am sure that the Deputy does not intend to do so, but that is not correct. Liaison and consultation was carried out with lawyers representing most of the claimants because the claimants had already instructed those law firms prior to the scheme coming into force.

Deputy M.R. Higgins:

I may concede that point. What I will say, however, what consultation took place with the Jersey Care Leavers’ Association? The Chief Minister seemed to imply that there had been a great deal of consultation. I have seen some of the emails and I have spoken to them and there was not that much consultation and I am sure they will confirm that if necessary in the press. We are also being told that if my proposition is accepted, that we are removing the scheme. I am not proposing removing the scheme. I have already said yesterday I happen to think a scheme of this sort is far better than going to court. I also happen to think it should be simple and flexible. What I am saying is I believe there are faults in the scheme and I would like to try and get them ironed out, and that is why I want to come to the House. The other thing that has been said is that I want to go through all the claims, and 51 of us should not be going through the individual claims. What total utter nonsense. What we are talking about is the scheme itself. The Council of Ministers can administer the scheme, for example, if it comes back here, if Members felt there should be amendments to it, then once the scheme rules have been put in place and so on, they can administer it then, but according to what those scheme rules are. It is not a question of going through individual cases; it is not appropriate and I would never even have suggested it.

[11:15]

The Chief Minister also mentioned too that it would delay the claimants. That is totally false. The claimants are making their claims, it is going through a process. Any claims that have been settled can be readjusted if the scheme rules are changed and just looked at again.

Senator I.J. Gorst:

Excuse me, I am sorry to keep having to rise and interrupt the Deputy in this way but he does rather seem to be misrepresenting the comments that I made, and I really cannot let that last point lie. There is no way that claims will be able to be processed if the scheme has to wait for the States to debate it; that is quite straightforward and seemed abundantly clear.

Deputy M.R. Higgins:

Again, I disagree with the Chief Minister on this point. If claims are in the system, if information is being gathered, if psychiatrists are being consulted, that can go on within the 3-month period while we are waiting for this to happen. Yes, it can. They are all part of the process. It does not mean to say in terms of the level of claim to be made. Sorry, I just do not accept the Chief Minister on this point. We are talking about 90 days for the States to come back with their scheme and enable us to

question it and put forward possible amendments if we wish to make amendments. At the end of that time a decision will be made. I do not believe that in 3 months' time that they are still not gathering the information, doing the psychiatric assessments and so on. They may not make a final determination but the groundwork is still being done. The Chief Minister also did not mention the conflict of interest. I mentioned the conflict of interest of the Health Department itself. That department, which was responsible for the care of many of these children and failed them, is still involved with the assessments. I am not just talking about Haut de la Garenne, that was Education, but we are talking about all the other establishments that they have which the scheme covers. If I move on to...

Deputy R.G. Le Hérisier:

On a matter of correction, the homes were run by the Education Department during a lot of this period.

Deputy M.R. Higgins:

And some were the responsibility of the Children's Service. The Constable of St. Martin, who I do like even though I did not appreciate some of his remarks, was basically criticising me for the lateness of my paper; fine. He also notes the Council of Ministers' comments paper was only sent out by email on Thursday or Friday night as well, and I responded to that as well. So the point is that it is not just my delay, it is also the Council of Ministers. Why was the proposition brought 4 weeks before the end of the scheme? Well, unfortunately, like many States Members, when the scheme was first announced, I thought: "Great", I had a quick glance at it and thought: "Great, they are going to get compensation." It was only after speaking with some of the victims and lawyers that I started looking into it a bit more and I got very concerned, especially when I heard the goalposts were being moved. I know the Chief Minister says the goalposts are not being moved, no claims have been rejected, and so on; the truth of the matter is if any of those claims were rejected on the grounds that I am hearing, then there will probably be a judicial review because the scheme says if you were in residential care between those dates and you were physically or sexually abused it should be allowed. It appears that attempts are being made to try and... well, it has not happened yet, it may not happen, but to prevent some claims coming forward. He also said that I appeared to want to change the scheme. Well, I am saying there may be some aspects of the scheme I want to change but I am not trying to get rid of the scheme at all. Also, he made a comment which, I must admit, I was concerned about, the idea of the bottomless pit, a money box which means lots of people come forward with claims. If abuse has taken place and it can be proved, those people deserve their compensation. He talks about whether I mistrust the Government, and in fact, this came out with the Council of Ministers. To be perfectly frank, on many occasions I do distrust the Council of Ministers; I cannot say all of them, some of them are people I respect. There are others I have less respect for and the reason why is I look at their voting record when it comes to freedom of information or investigations into other forms of abuse and so on. So what I am trying to say is when I look at their voting record and see what they are, I personally do not have respect because I believe these things should be dealt with. Hiding things under the carpet is not something that I want to do; I want things out in the open and dealt with. Deputy Power came up with the idea of political point-scoring. I am not trying to score any points whatsoever. I have got genuine concerns about the scheme and the way it is being applied and that is why I have raised it. I am not trying to raise victims' expectations, I am asking for the States to look at the bands; if it is satisfied with the bands, fine, I am not trying to encourage anyone to either hold off or expect any more money. He also said, and I found this interesting, that the Attorney General has learnt from other schemes and lessons, but the Chief Minister did not mention that the law officers had been involved in the scheme, I never heard that mentioned that our law officers were engaged in drawing up the scheme, so I am surprised at his comment. If I move on to Senator Le Gresley, who I have got a lot

of respect for and I do believe that he will be robust on the Committee of Inquiry. He has already stated publicly that he will resign if the terms are not robust and I commend him for that. We have got to get to the bottom of this whole abuse saga. He says he believes the scheme is fit-for-purpose, but he acknowledged that it is only really suited to full-time residential care. Yes, I am sure he will be looking at what they are going to put forward on foster care. I appreciate his explanation of the role the Minister for Health, and that. Other than that, I will just say that, obviously, I do not fully agree with him on this particular issue, but I do have respect for the man. Deputy Le Hérisssier. First of all, he said it was not my best oratorical hour. I do not like public speaking and I know it is hard to be a politician and not speak out in public. I do not enjoy speaking out in public; I do not enjoy making long speeches. I “sprayed it with a machine gun”, well, the truth of the matter is I was trying to address many of the issues that were in the comments paper and in the scheme detail. However, the most important thing that concerned me, and to make it quite clear, is the fact that behind the scheme, the scheme lawyers and the lawyers were arguing over admission of certain types of claims, and that is what concerns me. If the scheme is supposed to be open to all, it should be open to all. I am also concerned too that I also believe that the scheme lawyers are challenging claims where people are alleging that certain people, including an existing civil servant who has not yet been brought to court, over the fact that they are making these allegations. That does concern me because all claims and all allegations must be considered. The Minister for Health says she cannot imagine the abuse that the victims went through and neither can I; none of us can appreciate, unless you have experienced abuse. What I would say is I hope that as she really believes that she cannot imagine it and she accepts that they have gone through such horrendous things, that when the Committee of Inquiry comes forward and people are asking for robust terms, she will support robust terms and not a watered-down one. She says the scheme needs to remain with the Council of Ministers. I have not said it should not, I have just said I want to make sure the scheme is fit for purpose. She says some claimants want closure; so do some of the perpetrators, because the more that this is discussed, the more they are brought into the public’s eye and the demand for justice for the people who have not yet received it is going to be out there. So it is not just claimants who want closure but they want closure on the right terms. Senator Le Marquand, again, he mentioned that compensation was inadequate, and I have already mentioned the £3,000 for medical expenses. He said that, okay, that I...

Senator B.I. Le Marquand:

I was not saying that the compensation scheme was inadequate, I was saying that money is inadequate as a concept to compensate for some issues.

Deputy M.R. Higgins:

I accept that; money is inadequate compensation for the abuse that has gone on, however, the figures of £3,000 are totally inadequate when it comes to mental health and other issues. He disagreed with my presentation and said that the Council of Ministers cannot be trusted; well, I am sorry, there are times when... in fact, if he remembers my speech, I said the public have lost faith in politicians, judges, lawyers, police and so on, and it is at a low ebb. So I do not always have confidence in the Council of Ministers. I do not always personally trust the Council of Ministers on every issue; there are some I support them on but there are others I am very suspicious of. What I am saying is the public are suspicious of politicians in general and the Council of Ministers, in many cases, in particular. I agree with him when he says the scheme takes out the publicity associated with court cases. But he also mentioned a thing too: he said also, if I remember correctly, they are getting a higher amount of compensation than they were otherwise get. My understanding is it is 65 per cent of what they would get in a court case, and the reason why it is only 65 per cent of what they would get in a court case is because they are stopping them having to go to court and have their case brought out.

Senator B.I. Le Marquand:

Sir, another interruption. Can I clarify what I mean there?

Deputy M.R. Higgins:

I am sorry, say that again, please.

Senator B.I. Le Marquand:

The point is, yes, the figure of 65 per cent is correct for the total but, in fact, what I was trying to say was that rather than having a lower figure of 65 per cent plus special damages, we had gone up to the higher figure. That was the point I was trying to make.

Deputy M.R. Higgins:

I am sorry, I am not convinced of that argument because the other thing too is these figures are based on figures that are used in schemes, for example in the United Kingdom and elsewhere, they do not reflect the Jersey cost of living where everybody knows we are probably paying 20 per cent more than people in the U.K. After all, look at the number of firms... in fact, I will name one: B&Q, I was there the other day looking at buying an item which was more than the price in the United Kingdom, including V.A.T. (Value Added Tax), and this is standard of retailers in this Island, so we all know the cost of living. Many people said, with the compensation... and, remember, very few of them are going to hit the top £60,000, in fact, some of them should earn more than that but it is capped at £60,000; most of them will be within the bounds. You cannot even buy a closet, almost, in Jersey for £60,000. Can you buy a flat? No way. Can you have a home? No way. So the compensation will not last long, that is for sure, and it does not reflect the cost of living in Jersey. He also mentioned that the independent appeals process was included. As I said, the appeals process that was included was just on the amount where they can go to the Q.C.s and they can try and determine it. However, there was no appeal against someone saying: "No, we are not going to accept this claim." If this is going to be out of the courts, let some independent people assess the claim and see whether it is good enough. The lawyers representing claimants asked for that and that was denied, so some things were accepted, some things were not, but there was no independent assessment or appeals on the claims themselves as opposed to the amounts. He mentioned that all schemes have cut-off dates and that they must be there. That may well be the case; 6 months? Many of the schemes that he was looking at in other countries extend well beyond 6 months. Yes, ultimately, you must have a date, we want to try and get most of the claims in to get it over with, but there will always be claims coming forward and they will have to be dealt with on a one-to-one basis. He says: "Can the States be required to deal with details?" I have already dealt with this. I am not asking them to go through each individual claim; that is totally inappropriate. What we are doing is looking at the scheme itself and making sure it is fit-for-purpose. Deputy Tadier mentioned Jimmy Saville at one point but the other thing too is remember that many of these victims - this is why I am concerned about the cut-off date and 6 months was too narrow - are so traumatised by what it is, and it takes time for them to come forward with their stories and to bring the accusations out. On the radio this morning, it was said that the police have had 120-odd statements regarding Jimmy Saville; they have now increased the number of people that claim they have been abused by him. You have got to remember that many of the people who were abused were abused by former policemen, in the case of Jersey. Yes, former policemen, and also well-respected people. There were allegations made against senior politicians who sat in this House, I might add, who are not living at the present time but certainly were in this House. You have to imagine that many of the people that they were bringing allegations against were untouchable. The one thing that has come out about Jimmy Saville is the fact that he was untouchable; he was the pillar of the community, raising money for charity, doing all this good. Was he knighted by the pontiff in Rome? All these type of things. Even Esther Rantzen, who has

got a track record for fighting for children, was afraid to come forward with the concerns that she had. She knew that in the BBC and other establishments, he was a pillar, no one could challenge him and, by doing so, it would have brought her down. There is fear on the part of people who know about the abuse but even more fear on the part of the people who have been abused.

[11:30]

Now, I think more people will come out of the woodwork, and I am concerned, one, 6 months was totally inadequate as a cut-off date, and any claims should be considered in the future that come forward. They may be few and far between but they may well be coming. In conclusion, what I am trying to say is that I would like to review the scheme and I hope Members will bring it back before the House. There is nothing to hurt in going through the scheme and checking the detail and making sure that it is fine. 3 months is not going to prevent the closure to the people who are concerned, they have still got the Committee of Inquiry to come anyway so this issue is going to be rumbling. In addition, there is no way that the groundwork behind the scenes is going to be delayed, despite what the Chief Minister says. If they are looking for records... Chief Minister, I am not; I am fed up with these constant interruptions by members of the Council of Ministers. The truth of the matter is if the Health Department are looking for records, they can find the records. If someone has to go and see a psychiatrist, they can go and see the psychiatrist, it has got nothing to do with the main terms of this agreement. What we are looking at is the bands and the closing date and so on and other things, and also the rules and whether they are being changed. All I can say is that if the States reject this and some of the fears that I have come to the fore, there may well be a judicial review of some of the points that I am making and it could be that the States will have egg on their face again and the Island will be brought into disrepute yet again. I would ask Members to support this proposition and I call for the appel.

The Bailiff:

The appel is called for, then.

Deputy G.P. Southern:

Sir, I do not believe that anybody has addressed the question of whether these compensation awards will be regarded for income support purposes.

The Bailiff:

Yes, that has been dealt with, Deputy. Very well, the appel is called for. Can we please not have a conversation? The appel is called for in relation to the proposition of Deputy Higgins. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 10	CONTRE: 37	ABSTAIN: 1
Senator A. Breckon	Senator P.F. Routier	Deputy J.A. Martin (H)
Deputy R.G. Le Hérisier (S)	Senator S.C. Ferguson	
Deputy G.P. Southern (H)	Senator A.J.H. Maclean	
Deputy of Grouville	Senator B.I. Le Marquand	
Deputy J.A. Hilton (H)	Senator F. du H. Le Gresley	
Deputy J.A.N. Le Fondré (L)	Senator I.J. Gorst	
Deputy S. Pitman (H)	Senator L.J. Farnham	
Deputy M. Tadier (B)	Senator P.M. Bailhache	
Deputy T.M. Pitman (H)	Connétable of St. Helier	
Deputy M.R. Higgins (H)	Connétable of Trinity	
	Connétable of Grouville	
	Connétable of St. Clement	
	Connétable of St. Peter	
	Connétable of St. Lawrence	

	Connétable of St. Mary		
	Connétable of St. John		
	Connétable of St. Ouen		
	Connétable of St. Brelade		
	Connétable of St. Martin		
	Connétable of St. Saviour		
	Deputy R.C. Duhamel (S)		
	Deputy of St. Ouen		
	Deputy of Trinity		
	Deputy S.S.P.A. Power (B)		
	Deputy E.J. Noel (L)		
	Deputy T.A. Vallois (S)		
	Deputy A.K.F. Green (H)		
	Deputy J.M. Maçon (S)		
	Deputy G.C.L. Baudains (C)		
	Deputy of St. John		
	Deputy J.H. Young (B)		
	Deputy S.J. Pinel (C)		
	Deputy of St. Mary		
	Deputy of St. Martin		
	Deputy R.G. Bryans (H)		
	Deputy of St. Peter		
	Deputy R.J. Rondel (H)		

2. Draft Social Security (Amendment No. 20) (Jersey) Law 2012 (Appointed Day) Act 201- (P.81/2012)

The Bailiff:

Very well, then we come next to the Draft Social Security (Amendment No. 20) (Jersey) Law 2012 (Appointed Day) Act, Projet 81, lodged by the Minister for Social Security. I will ask the Greffier to read the Act.

The Greffier of the States:

Draft Social Security (Amendment No. 20) (Jersey) Law 2012 (Appointed Day) Act. The States, in pursuance of Article 72 of the Social Security (Amendment No. 20) (Jersey) Law 2012 have made the following Act.

2.1 Senator F. du H. Le Gresley (The Minister for Social Security):

This Appointed Day Act would bring into force an amendment to the Social Security (Jersey) Law of 1974 to create a new insolvency benefit from 1st December 2012. The benefit would ensure that former employees of insolvent businesses receive compensation based upon a reasonable proportion of certain amounts owed to them by their former employer. The proposals were widely supported in the community and the States adopted Social Security (Amendment No. 20) in 2010 with 43 votes in favour and only one vote against. The law was registered in the Royal Court in January 2012. Since that time, my department has been putting in place all of the necessary subordinate legislation, guidance and procedures for the administration of the benefit. Subject to Members adopting this Act today, I intend to make an order that would provide some administrative details relating to the benefit. That order would also come into force on 1st December. Since early 2009, we have had the experience of administering a temporary insolvency scheme. We have paid out over £400,000 in statutory notice pay to 173 claimants in 28 employer insolvency situations. This is an average of £2,336 per claimant. That experience has been

invaluable in helping us to prepare an efficient system to pay the 4 components of insolvency benefit which are: unpaid wages, holiday pay, statutory notice pay and statutory redundancy pay. The maximum amount of insolvency benefit will be capped at £10,000. Insolvency benefit will supersede the temporary scheme which will close to new claims on 30th November 2012. Relevant documents and guidance relating to the new benefit, including claim forms, will be available on the States website prior to 1st December. I propose this Act.

The Bailiff:

Is the Act seconded? **[Seconded]** Does any other Member wish to speak on the Act? Yes, Senator Breckon.

2.1.1 Senator A. Breckon:

I want to congratulate the Minister on this because I have a fairly long memory on this and it first emerged when the contractor building Queen's Valley went bust, they went *en désastre*, and it left quite a few people in the lurch; people working there especially, as well as contractors and suppliers and all sorts of things. I remember the Constable of St. Helier at the time, Mr. Clark, got the welfare system involved to help the people out, because not only were they working there and lost their wages and their holiday pay, also with the employer they had a savings scheme and they lost that as well. There have been other cases since, fairly high profile. The most recent one was Woolworths where there was some considerable debate in this House, and before that there were a number of fairly high profile building contractors. The poor people, and I say "poor people" in the case, who are the people working there, some of those who had loyal and long service, and it just went when the finances went. So I think this is very welcome but, having said that, it has taken nearly 40 years from the actual thing happening at Queen's Valley to getting to this stage and, although I am congratulating the Minister on one hand, it is not really good enough when it is a basic protection for some vulnerable people in these circumstances that it takes this long. I think maybe the Scrutiny Panel or somebody needs to revisit where some of this legislation is and where, indeed, it should be. I know they are all fairly busy but, having said that, I think it would be a worthwhile exercise because it is sometimes that people who are exposed, are vulnerable who suffer and then have this happen. In the Woolworths case, we did get the money back but there was some debate in this House about whether we should get involved at all, and I think it is very welcome and it is good to have it on the statute.

2.1.2 Deputy G.P. Southern:

I rise to my feet to offer a pale echo of Senator Breckon's congratulations. My involvement in this area has been slightly less lengthy than the good Senator's, but since the Woolworths days, I have been around for long enough now to see some of the birds we set in motion come home to roost. The Minister for Social Security is be congratulated for bringing this piece of legislation through, albeit that redundancy and insolvency laws sat on a shelf gathering dust for at least a decade and we should try, wherever possible, where we see a need and that need is still in existence, to make sure that we bring about legislative change in as speedy a way as possible.

The Bailiff:

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

2.1.3 Senator F. du H. Le Gresley:

I would like to thank the 2 speakers for their words of congratulations, which is always nice to receive when you are doing your job. I would particularly like to single out Deputy Southern to thank him because it was his private Members' proposition back in 2009 that triggered the setting up of the Temporary Insolvency Scheme and it was through his efforts that the employees of Woolworths were compensated, so I think in thanking him for congratulating me, we do need to

give due regard to the work that Deputy Southern did as a Back-Bencher in securing those people's compensation. **[Approbation]** With that, I would maintain the Act and call for the appel.

The Bailiff:

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

POUR: 42	CONTRE: 0	ABSTAIN: 0
Senator P.F. Routier		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F. du H. Le Gresley		
Senator I.J. Gorst		
Senator L.J. Farnham		
Connétable of St. Helier		
Connétable of Trinity		
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Connétable of St. Saviour		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérisssier (S)		
Deputy G.P. Southern (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy A.K.F. Green (H)		
Deputy J.M. Maçon (S)		
Deputy G.C.L. Baudains (C)		
Deputy of St. John		
Deputy J.H. Young (B)		
Deputy S.J. Pinel (C)		
Deputy of St. Mary		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy R.J. Rondel (H)		

Very well. Just before we move on to the next matter, can I inform Members that Deputy Baudains has lodged an amendment to Projet 90, that is Plémont Holiday Village: acquisition by the public and sale to the National Trust.

3. Jersey Police Complaints Authority: appointment of Chairman and members (P.83/2012)

The Bailiff:

Then we come to the final matter of public business on the Order Paper, which the Jersey Police Complaints Authority: appointment of Chairman and members, Projet 83 lodged by the Minister for Home Affairs. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion, in accordance with Article 2 in the schedule to the Police Complaints and Discipline (Jersey) Law 1999 (a) to appoint Mrs. Deborah Prosser as Chairman of the Jersey Police Complaints Authority for a period of 3 years effective from 1st January 2013 and (b) to reappoint the following members of the Jersey Police Complaints Authority for a further period of 3 years, effective from 1st January 2013: Mr. Bruce Ridley and Advocate Jane Martin.

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

I want firstly to pay tribute to the work of the soon to retire Chairman of the Jersey Police Complaints Authority, Mr. Tom Slattery, who served in this honorary post for 3 years, having before that been the Deputy Chairman and, in total, having served for 8 years. This is a very important and unsung role behind the scenes. The role of the Complaints Authority is to ensure that where there are complaints against police officers, that they are investigated properly and, indeed that where these matters should lead on to a disciplinary proceedings, that that occurs. The role of the Chairman in this function is particularly key because the Chairman looks as the incoming cases and allocates them to other members. Secondly, I want to recommend to this Assembly the new proposed Chairman, Mrs. Debbie Prosser. She prefers to be referred to as Mrs. Prosser, but she is, in fact, a retired advocate who has served on the authority already for almost 5 years. It is very helpful that somebody who is an existing longstanding member is willing to step up to take on the role of Chairman for the purposes of continuity. Details of her background are, of course, set up in the proposition and she has a good record of public service in other areas. Thirdly, I am recommending and asking the Assembly to agree to offer existing members who have already served for a period of almost 3 years, that their term of office be extended for a further 3 years, that is Advocate Jane Martin and Mr. Bruce Ridley. Again, details of their backgrounds are set up in the proposition. It is particularly important that they continue to serve because the other 3 members of the authority are all going to retire at the end of this year and therefore I need to draw attention of the Assembly to the fact that there are eminent retirements of other members who we will be seeking to replace urgently, and I will be coming back as soon as I can to the Assembly with a proposition in relation to the replacement of the other 3 in order to bring the numbers up to 6. Sir, I move the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any other Member wish to speak on the proposition? Very well. All those in favour of adopting the proposition, kindly show. Those against? The proposition is adopted. So that concludes public business, so we move on to arrangement of public business for future meetings, and I invite the Chairman of P.P.C. (Privileges and Procedures Committee) to propose them.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

4. Connétable A.S. Crowcroft of St. Helier (Chairman, Privileges and Procedures Committee):

Future business is as set out on the consolidated Order Paper under M. with the addition of the following items: P.98, P.99, and P.100, all in the name of the Minister for Economic Development Minister, Draft Gambling (Ancillary Services and Miscellaneous Provisions) (Jersey) Regulations, Draft Gambling (Charitable and Membership Gambling Services) (Jersey) Regulations, and Draft Gambling (Jersey) Law 2012 (Appointed Day) Act are all down for 20th November. Also, P.101, Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations in the name of the Minister for Social Security for 20th November and, presumably, also the amendment just lodged on the Plémont Holiday Village amendment to P.90 in the name of Deputy Baudains.

The Bailiff:

Does any Member have any observations on future business? Very well, do Members agree to take that business as outlined by the Chairman? Very well, so that concludes the business of the Assembly, which is now closed, and we will reconvene on 23rd October.

ADJOURNMENT

[11:46]