

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 9th SEPTEMBER 2014

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 The Deputy Bailiff:

Members will perhaps wish to mark Senator Bailhache's défaut excusé in the sense that he is in the Island and in the building with the Ambassador from Romania, and he will no doubt be attending the States Chamber shortly.

1.2 The Deputy Bailiff:

First of all, in the usual way, I am very pleased to welcome his Excellency, the Lieutenant Governor. **[Approbation]**

1.3 The Deputy Bailiff:

I imagine that Members must already have noticed that I was pleased to welcome back the Deputy of St. Peter. **[Approbation]** As Members will know, she has been unable to attend the Chamber since last November as a result of illness and I know that we all wish her well and a complete recovery.

1.4 The Deputy Bailiff:

I also thought I would mention the Ceremony of Light which took place on 4th August to commemorate the declaration of the First World War. All Members and others who attended it have expressed the view that it was marvellously organised and sensitively orchestrated, and I would like to thank all those involved but especially the Bailiff's Chief Officer, Mr. David Filipponi, who is at the heart of that organisation. **[Approbation]**

1.5 The Deputy Bailiff:

Now, before we come to oral questions I would like to draw to the attention of Members that we are privileged to have, in the public gallery, Dr. Jinga who is the Ambassador from Romania to the United Kingdom and I am sure Members will wish to express their greeting in the usual way. **[Approbation]**

[9:45]

QUESTIONS

2. Written questions

2.1 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE RELATIONSHIP WITH THE UTILITIES AND ISSUES WITH THE J.T. BILLING SYSTEM:

Question

Does the Minister, as shareholder representative for utilities generally and Jersey Telecom in particular, consider that the Memorandum of Understandings which he relies on should include an ability to require adequate customer satisfaction?

Would he also, in relation to JT –

- a) confirm that, as of July of this year, the billing problem had not yet been resolved, and state when final resolution is expected;
- b) state why the company is not willing to supply its customers with a bill that is clear, comprehensible and easily understandable, and
- c) advise, during the last year, on how many occasions customers have been wrongly charged via Direct Debit and the amounts involved?

Answer

The Minister is the representative for all the utility shareholdings (referred to as Strategic Investments) and Memoranda of Understanding are in place for JT and Jersey Post (being the two wholly owned utilities). There are obligations in these memoranda in regard to operational efficiency and acting in the interests of the community, which the Minister believes directly link to ensuring adequate customer satisfaction.

Specifically in relation to JT, the Memorandum of Understanding includes an objective to be as efficient as comparable telecommunications businesses not owned by the States of Jersey and the requirement to provide adequate customer satisfaction forms part of this objective. But it is also worth noting that standards for adequate customer satisfaction are governed by regulatory obligations set out by CICRA and these are contained in JT's Customer Code of Practice, which can be accessed via www.jtglobal.com or by following this link:

http://www.jtglobal.com/Global/Website%20Assets/footers/Code%20of%20practice/Customer%20Code_of_Practice_Jersey.pdf

In relation to the further questions, JT has advised the Minister that:

- a) following cutover to the new operating platform there were 265 items listed for fixing with JT's supplier and 260 of these have now been successfully closed. Of the 5 remaining items, it is expected these will be dealt with over the next quarter;
- b) JT is committed to supplying its customers with bills that are clear, comprehensible and easily understandable, which is why it has delivered on the commitments already made (including those such as bigger print and easier to read colours that were raised by customers); and
- c) during the cutover to the new system there were a number of direct debit errors which were dealt with by JT making direct contact with each customer impacted and immediately taking action to refund such amounts. Over the last year, there have been an average of 100 direct debit refunds per month, which to put into context for the 62% of customers that choose to pay by direct debit equates to 0.33% of direct debit payments (the average value of which was c.£50).

2.2 DEPUTY J.A.N. LE FONDRE OF ST. LAWRENCE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING FINANCIAL FORECASTS FOR 2016 TO 2019:

Question

Would the Minister provide the most recent estimates for income, expenditure and forecast surpluses/deficits for the years 2016, 2017, 2018 and 2019?

Answer

The draft Budget 2015 provides a revised financial forecast to 2015 at **Figure 10.1 page 55**.

Outturn	Financial Forecast (incl. budget measures)	Budget 2014 (Dec 2013)			Budget 2015 (Jul 2014)	
		2013 £'000	2014 £'000	2015 £'000	2014 £'000	2015 £'000
	States Income					
451,661	Income Tax	454,965	474,965	499,475	444,000	455,000
77,603	Goods and Services Tax	79,761	81,955	84,508	79,107	80,650
54,320	Impôts Duty	54,534	54,903	55,012	55,613	55,649
17,370	Stamp Duty	24,529	27,402	28,961	22,730	24,203
24,093	Other Income	20,545	21,926	24,764	38,842	57,175
11,641	Island Rate	11,670	12,032	12,453	11,956	12,219
636,688	States Income	646,004	673,183	705,173	652,248	684,896
	States Expenditure					
636,186	Departmental Net Revenue Expenditure	626,224	661,966	673,194	675,800	702,666
	Central Allocations	7,547	7,633	17,963	7,633	17,963
636,186	Total Net Revenue Expenditure (excl: Depn)	633,771	669,599	691,157	683,433	720,629
502	Forecast Surplus/(Deficit) for the year	12,233	3,584	14,016	(31,185)	(35,733)
12,566	Net Capital Expenditure Allocation	12,566	2,049	11,062	2,049	3,463
(12,064)	Forecast Surplus/(Deficit) for the year after Capital	(333)	1,535	2,954	(33,234)	(39,196)
	Proposed measures:					
	Contributions from States strategic investments				8,000	3,000
	Available balances on other funds to offset expenditure				12,500	1,100
	Proposed savings				6,000	20,070
	Other measures if required				5,000	8,967
	Total Proposed Measures				31,500	33,137
	Forecast Surplus/(Deficit) after proposed measures	(333)	1,535	2,954	(1,734)	(6,059)

The work being carried out by officers on Long Term Revenue Planning is considering all aspects of existing expenditure budgets and the requests for additional funding from departments for the next MTFP period 2016-2019, alongside the projections for States revenues. The work of the new Council of Ministers will be to consider which expenditure areas and services align with its strategic priorities and propose the allocation of available resources accordingly.

The Budget deals with 2015. It will be for the new Council of Ministers to propose appropriate tax and spending measures to deliver a sustainable MTFP for 2016-2019. It would be inappropriate for the current Minister for Treasury and Resources to set out future expenditure of the States. The next Council of Ministers and Assembly will agree their priorities.

However, the draft Budget 2015 also provides, in **Figure 12.8 on page 64**, an indicative financial forecast for 2016 and 2017 as part of an indicative economic impact assessment.

	2011	2012	2013	2014	2015	2016	2017
	Actual	Actual	Actual	Forecast	Forecast	Indicative	Indicative
MTFP Financial Framework	£m	£m	£m	£m	£m	£m	£m
General Revenue Income	587	628	637	652	685	707	742
Department Income	126	130	128	116	104	107	109
Total Consolidated Fund Income	713	758	765	768	789	814	851
Gross Department Revenue Expenditure	717	730	764	791	807		
Fiscal Stimulus Revenue Expenditure	8	1					
Central Allocations				8	18		
Total Consolidated Fund Revenue Expenditure	725	731	764	799	825	794	831
Operating Surplus/(Deficit)	(12)	27	1	(31)	(36)	20	20
Net Capital Allocation 2013-2015	13	14	13	2	3	20	20
Additional Housing Capital Allocation		27					
Surplus/(Deficit)	(25)	(14)	(12)	(33)	(39)	-	-
Timing Adjustments to Surplus/(Deficit):							
Add back: Capital Allocation 2013-2015	13	14	13	2	3	20	20
Add back: Additional Housing Capital Allocation		27					
Carry Forward Adjustments			-	(37)	-	-	-
2014 Exptre Outturn Forecast				10			
2014/2015 Proposed measures				43	33		
2011/12/13 Capital Expenditure Outturn	(42)	(33)	(41)				
Energy from Waste Plant - Major Project	(13)						
Fiscal Stimulus Capital Expenditure	(9)	(1)	(3)				
Capital Expenditure Profile adj 2013-2015				(59)	(171)	(198)	(131)
Economic Impact	(76)	(7)	(43)	(74)	(174)	(178)	(111)
Trading Fund Capital Expenditure	(10)	(4)	(8)	(14)	(21)	(30)	(14)
Near cash surplus/(deficit) on Trading A/cs	12	13	14	14	14	-	-
Consolidated Fund - Economic Impact	(74)	2	(38)	(74)	(181)	(208)	(125)
Currency Fund - Infrastructure Investment							
- Gigabyte Jersey £10m		(5)	(5)				
- Parish Loan £6m		-	(5)	(1)	-		
DHLF/AHP/AHP/HDF							
- Net (advances)/repayments	2	2	1	1	1	-	
Deposit Loan Scheme							
- Net (advances)/repayments			(2)	(1)	(0)	(0)	
Social Security Fund							
- Net Surplus/(Deficit)	24	24	11	7	4	2	
Health Insurance Fund							
- Net Surplus/(Deficit)	(5)	3	6	3	2	-	
Overall States - Economic Impact	(53)	26	(31)	(65)	(174)	(206)	(125)

This indicates a breakeven position on a comparable basis to the existing financial forecast and is based on the latest income forecasts which extend to 2017.

As stated in the draft Budget 2015, page 63, the current assumption is that the next MTFPs will follow a strategy of balanced budgets, but this will be a decision for the next Council of Ministers and States Assembly.

2.3. DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING DIVIDENDS FROM UTILITY COMPANIES:

Question

a) At the time the draft Budget 2015 was lodged, had the following dividends been agreed in principle by the Boards of the relevant companies -

- i) Jersey Post - £5,000,000 (2014)
- ii) Jersey Telecom - £3,000,000 (2014)
- iii) Jersey Telecom - £3,000,000 (2015)?

b) In the time after lodging the budget was any communication or correspondence received from any of the utility companies challenging the level of dividends to be required?

c) As at 9 a.m. on Monday 1st September 2014 do the amounts included in the Budget measures to balance the Consolidated Fund (as identified on page 55 of P129/2014) in respect of dividends from the utility companies (namely Jersey Post and Jersey Telecom) remain unchanged and have they been agreed by the companies?

Answer

a) Initial dialogue between JT, Jersey Post and JNWWC and the States was carried out before the draft budget was lodged. For JT and Jersey Post it was in the form of emails and for JNWWC at the AGM and emails. At the time of the draft Budget 2015 being lodged Jersey Telecom and Jersey Post were informed that the Treasury and Resources Minister, on behalf of the States of Jersey, as shareholder, would be requesting the level of dividends included in the draft Budget 2015 report.

b) Discussions have been held with the utility companies since the lodging date. Emails, letters, phone calls and meetings have taken place. This has given the Treasury Minister the opportunity to explain the need for the Budget measures and for utilities to explain any consequences or challenges for them.

c) Now that the utility companies have had a chance to discuss the requests internally and had the opportunity to put the Minister's proposals to their Boards they have communicated their position back and any changes in the proposed dividends will be explained within the further information to be supplied to members as part of the Treasury and Resources Minister's draft Budget 2015 amendments.

2.4 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INFORMATION GIVEN TO CREDIT RATING AGENCIES:

Question

Would the Minister inform members what data and reports were provided to the credit rating agencies in respect of the £250m bond?

Answer

For the actual bond issuance the only rating agency requiring information was Standard and Poor's (S&P) credit rating agency. The timing of the Bond Issuance coincided with S&P's half yearly annual review of the States of Jersey's position. Information was supplied previously when the States obtained its initial credit rating.

The following is a list of information supplied before the bond was issued. S&P analysts have unlimited access like other members of the public to the States' and JFSC main websites (for example: gov.je, statesassembly.gov.je) and would have reviewed latest statistical and other pertinent information available at that time.

Documents available in the Public Domain

- 2013 Accounts and Annex
- 2013 Summary Accounts
- Accounts Slides (2013)
- Statistics link from gov.je website - provided for S&P's analysts to look at all published information available in May 2014
- Parishes' 2013 accounts as available
- 2012 and 2013 accounts for the Utility companies where available (Jersey Post, Jersey Water, JEC and JT Group Limited)

Documents provided not in the Public Domain

- Draft Issuer Description Prospectus
- Extract from one of the book-runners' presentations listing likely interested parties for the bond
- Draft bond issuance timetable and plan for the roadshows as at that time
- Summary of the historical interest rate subsidies provided from the Housing Development Fund to Housing Trusts
- Copy of the 2015 draft capital programme
- Working draft of the presentation to future investors to show pension data. S&P would later have seen the final version.
- Names of contacts at the JFSC

2.5 DEPUTY S.S.P.A POWER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING PAYMENTS MADE TO THE FORMER TREASURER OF THE STATES:

Question

Further to the Minister for Treasury and Resources' confirmation on 15th July 2014 that all payments will be documented in the States accounts next year, could the Chief Minister inform what the approximate amounts that will be disclosed in the 2014 accounts will be in respect of any payments made to the former Treasurer of the States for the period from 1st January 2014, including any amounts connected with her resignation, and would the Chief Minister disclose the amounts of these payments in answering this question rather than waiting until 2015?

Answer

The financial arrangements for the former Treasurer of the States were agreed in accordance with the SEB policy and guidance.

The amounts will be shown, as the Minister for Treasury and Resources has already stated, in the 2014 accounts.

The figures will reflect the total remuneration provided to the States Treasurer in 2014, in line with accounting practice.

2.6 DEPUTY S.S.P.A POWER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE SCOPE FOR TAX INCREASES IN THE BUDGET 2015:

Question

In light of the fact that the Jersey all-items RPI (annual averages for each year) shows that in the 5 years from 2008-2013 prices have risen by 13%, an annual average of 2.5% per annum, and that figures provided to me over the summer period by the Statistics Unit show that a person receiving no pay increases over that period will have seen a real-term fall in earnings of -13%, a person receiving a 1%

increase per year a real-term fall in earnings of -8% and a person receiving a 2% increase per year a real term fall in earnings of -2%, does the Minister consider that he any scope for a tax increase in any area in the forthcoming Budget when a person would have had to have received a 3% increase in pay every year to have seen a real increase in earnings?

Answer

As indicated in Section 7 of the Draft Budget Statement 2015, taken as a whole, the proposed tax measures are broadly neutral when compared to the MTFP. Where tax increases have been proposed these are modest and targeted.

Alcohol duties

The Draft Budget proposes:

- duties on spirits, wines and strong beer are increased by 1.7% (the March 2014 RPI figure) so as to maintain the value of the applicable duties in real terms;
- duties on lower strength beers are frozen; and
- cider duties are increased in order to harmonise them with the corresponding beer duties, resulting in a simplification of the impôts regime

Tobacco duties

Consistent with the established policy of increasing tobacco duties at a rate above the cost of living, the Draft Budget proposes an increase of 4.7%, an increase of 3% over the March 2014 RPI figure.

Fuel duties

The Draft Budget proposes an increase in fuel duties that would equate to an additional 1p on a litre of unleaded petrol.

Vehicle emissions duty

The Draft Budget proposes an increase in vehicle emission duty of 1.7% across all bands in order to maintain the value of the duty in real terms.

Stamp duty

The Draft Budget proposes increases in stamp duty on properties costing £1m+, this measure, targeted at higher end of the property market, is proposed in order to fund the proposed reduction in stamp duty on mortgage debt which is targeted at the lower end of the market (i.e. where the property on which the debt is secured is worth no more than £400,000).

Mortgage interest tax relief

Based on the data available the proposed £15,000 cap on deductible mortgage interest tax relief will affect approximately 250 taxpayers out of around 8,500 who benefit from the relief currently raising an estimated £100,000.

The Deputy's question also highlights the importance of keeping inflation under control. The rates of increase in RPI for every quarter of 2013 and 2014 to date have been below 2%, this relates favourably to the longer-term behaviour (across the period of 1990-2012) of increases of 3.9% per annum on average. This highlights the importance of the recent focus on the development of a competitive, open economy, where new entrants to markets are welcomed, competition between businesses is encouraged and a strong competition authority addresses unfair pricing.

2.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING COURT PROCEEDINGS HELD IN PRIVATE:

Question

Will the Chief Minister, in view of his political responsibility for justice matters, state -

- (a) whether he considers there is a place for court proceedings to be held in private in a democratic society such as Jersey and if so, in what circumstances he considers they are acceptable and/or justified including, in particular, whether he considers they are acceptable for cases under the data protection law?
- (b) whether he considers that the full cost to the taxpayer of all cases heard in private should be accounted for openly, transparently and itemized so it is not hidden from the public by being merged or accounted for within other budget headings to ensure that those responsible for the public expenditure can be held accountable for the expenditure;
- (c) whether he is concerned that the holding of cases in private impacts on Jersey's reputation in the world?

Answer

- (a) The importance attached by the Courts of Jersey to ensuring that, so far as possible, proceedings in court take place in public is well established.

The general principles were summarised by Page Commissioner in G –v- A 2000 JLR 56¹ at pages 59-60 as follows:

“(a) The general principle, beyond doubt, is that all proceedings should take place in public in open court.

(b) The constitutional, legal and practical importance of this principle is such that it should not be displaced except for compelling reasons.

(c) Whether to order proceedings in camera is something that must be determined in accordance with principle, and not on the basis of what the judge happens to consider convenient or reasonable. Potential embarrassment on the part of those who have to give evidence is not a sufficient reason, of itself, to justify a hearing in camera.

(d) The question (of principle) that has to be asked can be expressed in various ways but was put succinctly by the Lord Chancellor, Viscount Haldane, in Scott (or Morgan) v. Scott ... as follows ([1913] A.C. at 439): ‘I think that to justify an order for hearing in camera it must be shown that the paramount object of securing that justice is done would really be rendered doubtful of attainment if the order were not made.’

¹ <http://www.jerseylaw.je/Judgments/JerseyLawReports/Display.aspx?Cases/JLR2000/JLR000056.htm>

There are several classes of case in which it is well established that in camera hearings are often necessary. But they are no more than illustrations of this wider principle.

(e) The test is a strict one and I quote again from Viscount Haldane ([1913] A.C. at 438):

'But the burden lies on those seeking to displace . . . [the general rule as to openness] in the particular case to make out that the ordinary rule must as of necessity be superseded by this paramount consideration. The question is by no means one which, consistently with the spirit of our jurisprudence, can be dealt with by the judge as resting in his mere discretion as to what is expedient. The latter must treat it as one of principle, and as turning, not on convenience, but on necessity.'

The general principles set out above apply to all cases, including data protection cases.

Even where the Court feels obliged to sit in private because it is necessary to secure the proper administration of justice, the Court will usually publish an anonymised judgment so that the public can be aware of what has occurred.

The general principles applied in Jersey, as described above, mirror those applied by Courts in the United Kingdom and elsewhere and I accept, for the reasons the Royal Court has given, some cases must be held in private.

(b) There is no difference in the cost of the Court administration as to whether a court sits in private or in public. All public expenditure must be accounted for in accordance with the rules that apply to the body that incurred that expenditure, and in particular the Public Finances (Jersey) Law 2005. The purpose of those rules is to ensure that those responsible for the public expenditure can be held accountable for the expenditure.

(c) I am quite satisfied that there is no adverse impact on the reputation of the Island in relation to holding cases in private, since the principles applied by the Courts in Jersey are the same as those applied by Courts in the United Kingdom and elsewhere.

2.8 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING GUIDANCE GIVEN TO THE STATES OF JERSEY POLICE AND STATES DEPARTMENTS:

Question

Will the Attorney General advise Members -

(a) whether he issues guidance to the Police and States departments on what crimes or regulatory breaches that they should or should not investigate or upon the degree to which any offence, criminal or regulatory, that is committed before they should take steps to institute a prosecution?

(b) whether he believes that such guidance should be published to the public in a transparent way so as to all can judge whether such guidance is reasonable in the circumstances?

(c) whether he has issued any such guidance to the States of Jersey Police with regard to cyber bullying or the operation of the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 and, if so, what guidance he has issued for the treatment of such cases.

Answer

- (a) The Attorney General's Code on the Decision to Prosecute is on the Law Officers' Department website and provides guidance to Centeniers. In 2008, my predecessor re- issued complementary guidance for officers of Regulatory Departments. This document is also available on the Law Officers' Department website. Those documents deal with both evidentiary and public interest considerations.
- (b) Accordingly, the guidance referred to above is accessible to the public at large.
- (c) In March 2012, following a number of matters involving use of the Social Media which were being considered by the Data Protection Commissioner and the States of Jersey Police, I issued informal guidance to both in the hope that it might assist them in determining the types of matter which I might regard as being appropriate for prosecution in the courts. That guidance is being reviewed. When that review is complete and the guidance is re-issued, I will consider whether it should be published on our website as formal guidance.

2.9 THE CONNÉTABLE OF ST. JOHN OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE I.T. ALLOWANCE FOR STATES MEMBERS:

Question

Would the Chairman provide the Assembly with a list showing the names of States members who have claimed some or all of the £600 IT allowance giving details of the amount claimed by each member?

Answer

Twenty-six States members claimed the full £550 information technology allowance between 1st January and 1st September 2014, totalling £14,300.

An allowance of £600 per annum per States member was made available from 1st January 2014. This was funded using the existing budgeted amount for States members' information services provision. As 2014 is an election year, the allowance was prorated down to £550 to account for the fact that members who were not elected for a further term of office would receive remuneration, including expenses, until the end of November 2014. The States Members Remuneration Review Body has recommended that the £600 allowance is abolished from November 2014 (R.122/2014 refers).

The States agreed a number of years ago (P.225/2004 refers) that it was not appropriate to maintain a public register showing which members claimed remuneration and expenses and as a result this information has never been made public. In the same way the Committee does not feel it is appropriate to provide a list showing the names of those States members who have claimed the IT allowance.

2.10 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE NUMBER OF QUESTIONS ASKED IN THE STATES ASSEMBLY:

Question

Will the Chairman of PPC produce in a tabular form information relating to the number and type of questions asked in the States Chamber by each member during the last parliamentary session (2011 to 2014) so that it shows the name of each States member, the number of oral questions with notice asked, the number of oral questions asked under questions without notice, the number of written questions asked and, in each case, to whom they were addressed.

Answer

This information requested is available on www.statesassembly.gov.je. It is not presented in the format that has been requested by Deputy M.R. Higgins, however it would take a considerable amount of time to classify and tabulate every written and oral question asked during the last parliamentary session, as well as every question without notice. This would be unlikely to be possible within the short amount of time available to answer the Deputy's question and is not considered to be a productive use of officer time when the officers of the States Greffe who support PPC are busy with the awareness campaign for the elections.

In addition, there is a risk the publication by the Committee of a table detailing the number and type of questions asked by each States member could be misinterpreted as a form of 'league' table and would not serve to improve the productivity or efficiency of the States.

Information on the total number of questions asked and the identity of those who have answered them is published every year in the States Assembly Annual Report.

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROPOSALS FOR THE CRIMINAL OFFENCES CONFISCATION FUND AND THE DRUG TRAFFICKING CONFISCATION FUND IN THE BUDGET:

Question

Will the Minister give detailed descriptions of what capital schemes it is intended to fund to allow the use of £7.5m from funds held in the Criminal Offences Confiscation Fund and the Drug Trafficking Confiscation Fund and explain how these schemes "fit the rules set on the use of these funds?" (see page 56 of draft Budget 2015)?

Is the Minister concerned that repeated use of ring-fenced funds such as Health Insurance Fund, the Criminal Offences Confiscation Fund and the Drug Trafficking Confiscation Fund to cover general revenue shortfalls will bring the public's trust in the ability of the States to properly manage its revenues to a new low and, if not, why not?

Answer

The allocation from the Criminal Offences Confiscation Fund (COCF) and the Drug Trafficking Confiscation Fund (DTCF) will be used to offset the cost of the Police Relocation capital project. This is being proposed following outline approval from the Attorney General confirming that this is an appropriate use of the Fund in accordance with guidelines identified in Article 24 of the Proceeds of Crime (Jersey) Law. Due process is being followed with sign off from the Attorney General, Home Affairs Minister and Treasury Minister.

The COCF now incorporates the DTCF, as agreed by the States in the Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014. The Fund was established to separately account for confiscations from criminal activity and meet international guidelines. In accordance with the law these funds can be applied by the Minister for Treasury and Resources, subject to the advice of the Attorney General, in supporting measures that prevent, deal with or facilitate enforcement of dealing with criminal conduct. These rules have been strictly applied.

The COCF has been used perfectly legitimately in line with the provisions of the law and has largely been used to provide funding for one off expenditure of a capital nature. If these allocations had not been made there would have been a greater call on public finances or other important projects that prevent, deal with or facilitate enforcement of dealing with criminal conduct would not have progressed.

The Health Insurance Fund allocations have been approved by the States to help meet the well-known pressures in Health funding, as part of the process of States agreement of the Health Strategy and sustainable funding,

This is good financial management, utilising all funds available to deliver services and assets. This is also entirely in line with advice from the Fiscal Policy Panel that we should maintain, and even increase, appropriate public expenditure to support the economy and not be constrained by the balance on the consolidated fund.

2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE IMPACT OF THE REVISED FINANCIAL FORECASTS ON PUBLIC SECTOR PAY AWARDS:

Question

Does the Minister accept that the proposals to manage the consolidated fund balance by removing 2% from the public sector pay budget (page 56 of the Budget 2015) effectively reneges on the agreement made by the SEB for a cost of living pay award in 2015 and, if so, how does he justify this proposal?

If not, why did he feel it was justified to refer to possible recruitment freezes (page 58) at a time when school rolls are rising and the Health and Social Services Department is already carrying vacancies for experienced specialist nurses? Did the Minister carry out an impact assessment of such a recruitment freeze on the level of public services provision before including reference to this in the Budget and, if not, why not?

Answer

Proposals for a pay review in 2015 have yet to be considered by SEB

The Minister asked that the proposed measures in the draft Budget 2015 be reviewed and agreed by both Corporate Management Board and the Council of Ministers ahead of the Budget debate. As a result of this further process Chief Officers have requested that the proposed 2% savings be based on gross expenditure and not specifically targeted at either will be or non-staff budgets. A revised set of measures to manage the balance on the Consolidated Fund will be presented to the States as part of the Minister's Amendments to the draft Budget 2015.

Ministers and their Departments will therefore be able to take account of the impact on staffing levels and the levels of public service provision when determining how the savings are attributed in 2015.

2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE REVISED FINANCIAL FORECASTS:

Question

Will the Minister state clearly when he was first informed of the potential for a fall in tax revenues in 2014 and 2015 and, in particular, of the size of potential deficits on the projected figures in the Medium Term Financial Plan?

When did the Minister start to consider the options laid out in the Budget for action on shares/dividends in the utility companies JT, Jersey Post and Jersey Water, will he give a detailed account of when the utility companies were informed of these measures and state what discussions and meetings took place?

Answer

The Minister continually takes an active interest in the latest available statistics which inform the trends of economic activity, jobs and income. He has made a number of statements over a significant period of

time that the States needed to do everything in their power to secure income and economic activity in one of the most turbulent periods of recent times. The Minister, however, takes no part in the formal Income forecasting process.

The independent Income Tax Forecasting Group (ITFG) meets each year and agrees the Income Tax forecast which then informs that year's annual Budget. A report is issued by the Economics Unit to assist in formalising the forecast position as decided by the ITFG.

The report written to inform the 2014 budget was issued in September 2013 and included a projected downgrade in income tax forecast for 2014 of £13 million and £26 million for 2015 compared to the MTFP figure.

A copy of this report was issued to States Members prior to the debate on the draft Budget 2014.

An updated report was produced in May 2014 by the Economics Unit to inform the draft Budget 2015 report. This resulted in the 2014 Income Tax forecast worsening to £31 million and the 2015 forecast worsening to £50 million. These forecasts led to the development of the proposed measures to balance the Consolidated Fund.

The proposed measures reported in the draft budget are potential options to balance the Consolidated Fund in 2014 and 2015. The Utilities are aware of the importance in meeting the dividend returns forecast in a year and also the Minister's ability to request additional dividend returns for the wholly owned States' Strategic Investments (JT and Jersey Post.)

Initial dialogue between JT, Jersey Post and JNWWC and the States was carried out before the draft budget was lodged. For JT and Jersey Post it was in the form of emails and for JNWWC at the AGM and emails.

The correspondence has continued since then and any revision to the numbers published will reflect these communications.

2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE MEASURES TO BALANCE THE 2015 BUDGET AND THE IMPACT OF THESE MEASURES ON FUTURE BUDGETS:

Question

What assurances, if any, can the Minister give that measure taken to postpone spending on measures previously agreed by the States on Freedom of Information, early repayment of PECRS debt and the Long Term Care Fund will not be repeated in the 2016 budget?

What confidence does the Minister have that the estimates for tax revenues for 2016 can be relied on and what measures has he put in place to ensure that the emergency measures to balance the budget this year do not need to be repeated in coming years?

Answer

The preparation of the next Strategic Plan and MTFP 2016-2019 will be the responsibility of the new Council of Ministers, following the elections in October 2014.

The work by officers on Long Term Revenue Planning is considering all aspects of existing expenditure budgets and the requests for additional funding from departments for the next MTFP period 2016-2019,

alongside the projections for States revenues. The work of the new Council of Ministers will be to consider which expenditure areas and services align with its strategic priorities and propose the allocation of available resources accordingly.

The tax revenue forecasts for 2016 will be reviewed again in 2015, in advance of the next MTFP and 2016 Budget and with the benefit of the 2014 outturn. The economic assumptions will also be updated so undoubtedly these forecasts will change. However, the Minister is confident that the current forecasts are based on the latest and most up to date information and economic assumptions.

There are no “emergency measures”. The use of the word “emergency” gives an inappropriate label to properly thought out measures to assist the economy. The proposed measures in the draft Budget 2015 are identified to allow existing public service provision and capital investment in the economy to continue in 2014 and 2015 and utilise available balances and efficiencies as recommended by the Fiscal Policy Panel.

The work described above on Long Term Revenue Planning will identify options for the new Council of Ministers to propose appropriate tax and spending measures to deliver a sustainable MTFP for 2016-2019.

2.15 THE CONNÉTABLE OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING A REVIEW OF SPEED LIMITS AND THE INTRODUCTION OF PENALTY POINTS FOR DRIVERS:

Question

Further to previous questions on aspects of road safety, can the Minister advise whether it is still the Department’s intention to undertake a review of the Island’s speed limits and if so, indicate its likely terms of reference and the anticipated timescale?

Furthermore, will the Minister advise the current position with regard to the possible introduction of penalty points for certain motoring offences?

What priority will the Minister be giving these matters in any “legacy” report he may choose to prepare for the next Minister?

Answer

My Department is in the process of producing a Road Safety Strategy. Appropriate and well enforced lower speed limits and the introduction of a penalty point system are two of 35 potential actions within the draft Strategy. A significant amount of research and key stakeholder consultation has taken place to inform its development. Positive feedback has been received with regard to the proposal for penalty points. With regard to speed limit policy, it would be valuable to carry out a public consultation before finalising proposals and my Department is currently preparing documentation for that consultation.

Although work is well advanced in these areas, there is more to be done, including ensuring that the Minister for Home Affairs is supportive of the proposals, as many of them relate to enforcement. It would be inappropriate to launch a consultation on proposed changes to the current speed limit policy or to finalise the Road Safety Strategy, knowing that a new Minister may be in my place shortly and there will certainly be a new Minister for Home Affairs. The work will therefore be finalised after the elections.

An assessment of Jersey’s road injury data found that our serious road injury rate per head of population is 39% higher than in the UK and our road traffic accidents are estimated to cost the Island over £18

million per annum. This is evidence that we must invest more in road safety and I hope to be able to present the Road Safety Strategy to the States early in the New Year. If however I am not in a position to do so, I would certainly urge the new Minister to give the issue a high priority.

2.16 THE CONNÉTABLE OF ST. MARY OF THE CHIEF MINISTER REGARDING THE IMPACT OF THE BUDGET 2015 PROPOSALS ON FREEDOM OF INFORMATION:

Question

The 2015 Budget Statement contains a proposal to reduce contingency allocation to Freedom of Information by £1million and gives the following explanation -

“In order to get ready for enactment of the Freedom of Information Law in 2015 a significant amount of the allocated budget was set aside for the recruitment of staff to work through department policies and procedures. The recruitment of these staff members has proved to be difficult with the levels of knowledge and experience available, which has meant that departments have had to use existing staff and knowledge. An element of the budget allocated to Freedom of Information could, therefore, be returned to the consolidated fund.”

Will the Chief Minister advise how the amount of this proposed reduction was identified, including identifying the departments consulted?

Is the Chief Minister confident that this proposal will not impact negatively on the long awaited implementation of the Freedom of Information legislation?

Answer

The original allocation of £4.788m for the implementation of FOI was reviewed and through prudent management of the delivery programme it was felt £1m could be saved by the end of 2015.

The Corporate Management Board, when considering the reprioritisation of funds to meet the new revised income tax forecasts, acknowledged that they will manage with the revised allocation to meet requests made under the new Law.

Due to the good progress that has been made within the departments and what has already been delivered, the implementation of the law is still on track for January 2015.

The final Regulations for the Law are currently being drafted and will be lodged in time for the new Assembly to approve, together with the Appointed Day Act for January 2015

2.17 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE CHIEF MINISTER REGARDING STATES' WEBSITES:

Question

Does the Chief Minister accept that many of the States/departmental websites are far from optimal regarding user-friendliness and, if so, will he explain how this has happened and what, if anything, is being done about it?

Answer

Expectations of what makes a good website have increased over the last few years as the internet has become an indispensable tool in the lives of most of us. It was only four years ago that Apple launched

the iPad. The existing www.gov.je site was not designed with tablets and smartphones in mind, yet today more of us use them to access the internet than PCs.

It is acknowledged that www.gov.je needs a design refresh. In May 2013, a local company 4Insight was commissioned to carry out independent usability testing on the site involving 30 members of the public. The headline results of that testing were made public on 23 May 2013 <http://www.gov.je/News/2013/Pages/WebsiteCustomerResearch.aspx>

A project was initiated to address the lessons of the usability testing. Six local companies contributed to the new design, which is intended to work as well on smartphones and tablets as on desktop PCs. It is now in the final stage of development and is expected to launch by the end of this year. independent testing involving members of the public is being planned to take place before the redesign goes live.

The new site has been designed to be usable by those with disabilities. The design team of local suppliers has received specialist training from the Digital Accessibility Centre. The new site is being tested by users with conditions including blindness, low vision, colour blindness, dyslexia, limited limb mobility, learning disabilities, deafness and Asperger's.

Other States websites are also in the process of being redeveloped:

- The States of Jersey Police web site www.jersey.police.uk was re-launched in February 2014
- A new parish site www.parish.gov.je went live at the beginning of August – a good example of the parishes and States staff working together.
- The www.jerseymet.gov.je site has been replaced with a new weather section on gov.je at www.gov.je/weather.
- A new website for Andium Homes www.andiumhomes.je launched in July.
- A project has been agreed to refresh the www.jersey.com site – vital for our Tourism industry.
- The Jersey Law website (www.jerseylaw.je) will be relaunched in 2015.
- Plans are being made to replace the www.jerseyairport.com site and to refresh the www.portofjersey.je site
- A replacement www.jerseycourts.je site is being designed
- Customs & Immigration are working with usability experts to improve the CAESAR website which islanders use to pay GST on goods arriving in the island.

The States has come a long way since 2008 when there were many separate departmental web sites, each with their own writing style, branding, navigation and domain name. Sites were often based on different technology, hosted by different companies, and looked amateurish. We have had a strategy since then to improve the States web sites by consolidating them onto a single platform, with consistently applied high standards for content based on best practice.

In 2014, SOCITM rated the gov.je website as ‘excellent’ and commended its ‘clear, easy to use content’. And in January’s quarterly Sitemorse survey, Jersey’s site was ranked 5th out of 429 local government sites.

2.18 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE CHIEF MINISTER REGARDING THE FINANCIAL IMPACT OF THE U.S. F.A.T.C.A. AGREEMENT:

Question

Can the Chief Minister confirm whether the cost of the US FATCA to UK businesses and individuals has been estimated at £1bn, and has he estimated the estimated cost to businesses and individuals (including trusts) in Jersey?

Answer

HMRC in 2013 when publishing draft regulations for compliance with the US Foreign Account Tax Compliance Act (FATCA) referred to an estimate of the cost to UK businesses over the first five years of between £1.1bn and £2bn. No equivalent estimate is available for the cost to Jersey businesses.

In considering whether such an estimate should be made regard has been had for the fact that, since the HMRC estimate was published, a global Common Reporting Standard for Automatic Exchange of Information to improve international tax compliance, which mirrors FATCA, has been adopted on which HMRC is consulting with businesses in the UK. In due course the UK will be publishing a Tax Information and Impact Note which will include an estimate of the impact on UK businesses arising from this expansion of reporting obligations.

Jersey has joined with the UK and 45 other jurisdictions in an “Early Adopters Group” committed to the implementation of the global standard and it is intended to consult with industry on this in line with the consultation exercise initiated by HMRC. This consultation will seek information on the cost of implementing the US FATCA and the global standard. From discussions with industry to-date it is clear that for the branches of the UK banks a significant part of the cost burden arising from the installation of IT systems is expected to be covered by the parent bank. This will not be the case with many trust companies, for example, who do not have a UK parent.

The cost burden of implementing the FATCA and global standard reporting requirements will be substantial. However, two important points might be made in this respect. Firstly, because FATCA and the Common Reporting Standard have global application, Jersey’s competitors will be equally affected and therefore Jersey’s relative competitive position should not be adversely affected. Secondly, and most specifically in respect of FATCA, meeting the requirements is unavoidable if international business is to be undertaken. Businesses in Jersey recognise that they have no alternative but to bear the costs incurred. For government there will be a consequence in that the implementation costs will impact on the level of taxable profits and the effect of this will be a factor to be included in revenue forecasts.

2.19 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING WORKERS IN POVERTY IN JERSEY:

Question

In the light of the findings of the Resolution Foundation that in the UK the number of young workers (aged 21 to 30) on low pay, defined as less than two-thirds of the median hourly wage, has risen to almost one in three (29%) what equivalent figures does the Minister have for young Jersey workers in poverty and, if none, will he agree to investigate this issue and report back to the States with his findings?

Does the Minister agree that in the light of the findings in the Jersey/UK comparison of the cost of living study from the Statistics Unit that the cost of living in Jersey is 20% greater than the UK, that our minimum wage is currently set far below a level which would eliminate in-work poverty and will he commission a major review of the minimum wage level, and if not why not?

Answer

The 2014/2015 Household Income Distribution Survey is currently being undertaken by the States of Jersey Statistics Unit. That data will enable analyses to be undertaken of income for different household types, including analysis by age and relative low income.

It is not the purpose of the minimum wage to address issues of poverty. The policy objectives of the minimum wage include to set a minimum standard for pay in the employment relationship and to remove the worst cases of low pay whilst taking into account business realities and supporting a competitive economy. In accordance with the Department's 2014 business plan, work is underway to investigate the possible introduction of a living wage for Jersey and it is intended to produce an interim report on this by the end of 2014.

As the Minister stated in a response to a similar question from Deputy Southern on 18 March 2014, the level at which the minimum wage is set is determined on an annual basis, following the recommendations of the Employment Forum. The Minister does not intend to undertake his own minimum wage review. The Forum will take into account the available statistics and economic advice, including the 'Jersey-UK Relative Consumer Price Levels for Goods and Services' report for 2013. The Forum will make its recommendation to the Minister later this month which will be presented as a Report to the States.

2.20 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE REVISED FINANCIAL FORECASTS:

Question

When was the Council of Ministers formally informed of the significant change in the income forecasts as compared to those included in the Medium Term Financial Plan?

Answer

The Council of Ministers were informed of the revised income tax forecasts at their meeting on 11th June 2014. The Treasurer advised that the income tax department was undertaking further work with agents to assess whether or not any more income was likely to be generated and to check that all returns had been made.

On 30th June 2014 the income tax department confirmed the revised estimate, having completed further enquiries with industry.

The Treasury then set about preparing contingency measures to address the reduced income stream. These were presented to the Council of Ministers at their meeting on 11th July 2014. Ministers accepted the proposed measures, which have been incorporated into draft Budget 2015.

2.21 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING OUTDOOR BASKETBALL COURTS IN JERSEY:

Question

Will the Minister provide a list of all the publicly accessible outdoor basketball courts in the island, as well as who can use them, whether they are single use, or multi-purpose, and by whom they are administered?

Will the Minister provide an estimate for the cost of building a new outdoor basketball court, and advise whether he believes it would be appropriate to provide such a facility at Les Quennevais Playing Fields.

Answer

There are currently multi-purpose outdoor courts, which include basketball facilities, located at Highlands College, Fort Regent and the Millennium Town Park. They are all open to the public and are free of charge. Those at Fort Regent and Highlands are administered by Education Sport and Culture and the Town Park facility is administered by Transport and Technical Services. Currently, there are no public outdoor courts dedicated solely to basketball.

As part of the 'Fit for the Future' sport strategy, the outdoor facilities for ball games at Les Quennevais are being upgraded. The hockey facility is being regenerated and the public tennis courts will be resurfaced. Two of the public netball/tennis courts will be converted to accommodate football and basketball, making them multi-purpose. The project has already begun and is due to be completed by the end of November 2014. Converting the two courts with new surface, lights, fencing and posts is costing approximately £84,000.

Building an entirely new court would require a site with planning permission and the cost would probably be in excess of £100,000.

2.22 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING SOCIAL SECURITY CONTRIBUTION RATES:

Question

Will the Minister provide projections for income yield if social security contributions were set at 4%, 5% and 6%, respectively, with no SEL or UEL, with employer contributions remaining unchanged?

Given the Minister's recent comments that social security contributions will have to rise, can the Minister give an update of what preparatory work has been done, if any, in the area by his department and will he provide an outline of the preferred options? Does he consider that there is scope to make the contributions mechanism more progressive?

Answer

Earnings limits for 2014 have been set at:

Upper Earnings Monthly Limit (UEL)	£12,964 per month	£155,568 per year
Standard Earnings Monthly Limit (SEL)	£3,918 per month	£47,016 per year

Under the current system, employers pay a total contribution rate of 6.5% up to the Standard Earnings Limit (SEL) and 2% in respect of earnings between the SEL and the Upper Earnings limit (UEL). Class 1 employees pay 6% up to the SEL, with no contributions levied on earnings above this level. Class 2 individuals (self-employed and others not in employment) pay a total contribution rate of 12.5% up to the Standards Earnings Limit (SEL) and 2% in respect of earnings between the SEL and the Upper Earnings limit (UEL).

The table below provides an estimate of yield under a flat rate, no earnings limit scenario with 4%, 5% and 6% levied on Class 1 employees. The same options have been applied to class 2 individuals, with the table excluding the contributions made by class 2 individuals which are equivalent to employer contributions.

Estimations for yield below the UEL are based on actual contributions received by the Social Security Department in 2012. The Department does not have access to data on the earnings of islanders above the UEL – there is no obligation for such information to be declared to the Department. However in 2011 the Department worked with the Treasury to model options regarding the new 2% contribution rate levied on earnings between SEL and the new UEL. Drawing on this exercise, yield above the UEL can be estimated.

It should be noted that the estimates above the UEL are vulnerable to variations arising from the ways in which income and earnings are defined.

2.23 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE REVISED FINANCIAL FORECASTS:

Question

In relation to the significant change in the States revenue income forecasts for 2015 as compared to the figures in the Medium Term Financial Plan and those reported to members in the 2014 budget, would the Chief Minister inform the Assembly;

- (a) whether he was fully and promptly informed about this change and, if so, when;
- (b) whether he was informed or otherwise, that the chief officer and finance director (or equivalent) of each ministerial department had been promptly informed of the significant change and, if so, when;
- (c) whether he was informed that Ministers had been promptly informed of the change and when he made arrangements to ensure that each member of the Council of Ministers had been provided with full and prompt information on this change and been asked to consider the implications;
- (d) what the Council of Minister's initial assessment of the policy implications of the revised estimates of States income was and the action the Council directed be taken as a consequence?

Answer

- (a) The Income Tax Policy Forecasting Group provided their revised forecasts at the end of May 2014, but further work was required by the Tax Department with industry to assess and fully understand the reason for the lower forecast. I was advised of the revised estimates immediately before they were presented to the Council of Ministers at their meeting on 11th June 2014. At that time, the Treasurer advised the Council of Ministers that these forecasts were still being investigated and the Income Taxes Office was contacting all agents to ensure that all returns had been made
- (b) The Corporate Management Board was formally informed of the revised Income Tax Forecasts at its meeting on 8th July 2014, although there had been informal discussion at previous meetings. Chief Officers worked with the Treasurer to prepare a list of contingent measures to address the shortfall. These were presented to the Council of Ministers at their meeting on 11th July 2014.
- (c) The Council of Ministers were presented with the revised income tax forecasts at their meeting on 11th June 2014. The Treasurer advised that the income tax department were undertaking further work with agents to assess whether further income was likely to be generated and that all returns had been made.
- (d) On 30th June 2014 the income tax department confirmed the revised estimate, having completed further enquiries with industry. The Treasury then set about preparing contingent measures to address the reduced income stream. These were presented to the Council of Ministers at their

meeting on 11th July 2014. Ministers accepted the proposed measures, which have been incorporated into draft Budget 2015.

2.24 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE RELATIONSHIP BREAKDOWN POLICY:

Question

Will the Chief Minister give the Assembly details of the relationship breakdown policy currently applied under the Control of Housing and Work (Jersey) Law 2012, and explain how this policy is applied both to entitled persons and to persons licenced to occupy housing and, in particular, inform the Assembly -

- (a) the effect on the separated partner's right to occupy housing if such partner does not enjoy either entitled or licenced housing status in their own right;
- (b) the policy in respect of Jersey born children, whether they can remain in their homes whilst in education and whether the policy recognizes the jurisdiction of the Family Division of the court in such matters;
- (c) how many applications for one party to remain in their family homes have been made under this policy and how many have been refused;
- (d) whether applications where one party is licensed are automatically refused and, if so, how the Chief Minister justifies such decisions;
- (e) whether persons and their children refused consent to remain in their home are required to appeal to the Royal Court?

Answer

The relationship breakdown policy currently applied under the Control of Housing and Work (Jersey) Law 2012 (noting that policies under the Law are under ongoing review) is as follows:

Population Office Control of Housing and Work (Jersey) Law 2012 Marriage and Relationship Breakdown Policy

This policy was developed because of the increasing number of applications of this nature and specifically, to ensure that they were dealt with in a fair and consistent manner. The rationale behind it was that, provided the unqualified spouse or partner had been co-habiting and resident for the specified period, at the time of the marriage, or the commencement of co-habitation as man and wife, such person would have had the expectation of being able to house themselves and any children in satisfactory and suitable housing conditions. The fact that, for whatever reason, the relationship or marriage had broken down was felt, on housing grounds, to have a material and detrimental effect on the children of the relationship or marriage, many of whom had been born and bred in the Island.

The policy is reactive to the breakdown of a relationship where the unqualified partner or spouse could be faced with having to move into uncontrolled accommodation with any children of the relationship or marriage, and is not retrospective or applicable where the spouse or partner has Licensed status.

Policy

Because of the hardship otherwise caused to minor children of a marriage or common-law relationship if entitlement is not granted, Entitled status is granted to an unqualified spouse or partner provided that:-

(a) the unqualified spouse or partner has been married to, and/or living with, the Entitled spouse or partner in the Island for at least the previous five years; and

(b) the unqualified spouse or partner has been continuously ordinary resident in Jersey for at least the previous seven years; and

(c) the unqualified spouse or partner has care and control of the child(ren) either by means of a legal separation or a Court Order. Any permission granted to occupy accommodation will be conditional upon the unqualified spouse or partner in question continuing to have care and control of the minor child(ren).

In the case of a common-law relationship breakdown, no Court Order will be granted but care and control of any child of the relationship must still be with the applicant on a full time basis.

In response to the individual parts of the question and as to how the policy is applied:

- a) A separated partner does not have the right to occupy Qualified property if they do not have Entitled or Licenced status, or if they do not satisfy the criteria for qualifying under the relationship breakdown policy. However, all cases are looked at on their own merit and decisions made accordingly, with due account of precedent. Where a partner owns the property, wholly or in part, they are able to remain in occupation, but would not have Entitled status to enable them to lease or purchase alternative Qualified property.
- b) The Population Office would consider the Family Division of the Royal Court when making decisions under the Control of Housing and Work (Jersey) Law 2012, but having a Jersey born child does not give a Registered or Entitled for Work parent Entitled status or the automatic right to occupy Qualified property.
- c) Applications under the Law for Entitled status on hardship grounds arise for a variety of reasons, and often marriage or relationship breakdown is combined with other elements of hardship. In addition, queries as to Entitled status that very clearly fall inside or outside the policy do not reach the stage of a full hardship application. Having noted this, 6 applications have been processed for Entitled status on the grounds of hardship/marriage and relationship breakdown this year, of which 4 have been refused.
- d) The marriage and relationship breakdown policy applies to spouses of Entitled people, not Licenced people. The housing position of a Licenced employee, their spouse/partner and children, is inherently uncertain, being linked to continued essential employment for at least ten years. Many other Islanders continue to work toward their 10 years residence while living in registered accommodation.
- (e) Applications are firstly submitted to the Population Office for a decision. The case may then be put before the Assistant Chief Minister and the Housing and Work Advisory Group for further consideration. Once these avenues are exhausted, it is for the individual to decide whether to seek Administrative Review or to appeal to the Royal Court.

2.25 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FORECAST SURPLUSES AND DEFICITS FOR 2016 TO 2019:

Question

Will the Minister inform the Assembly of the latest forecast revenue surpluses and deficits for the years 2016, 2017, 2018 and 2019, based on the financial and expenditure commitments which have been submitted for approval in the Budget 2015 and will he give his assessment of the implications of these forecasts for the future management of States finances?

Answer

The draft Budget 2015 provides a revised financial forecast to 2015 at **Figure 10.1 page 55**.

Outturn	Financial Forecast (incl. budget measures)	Budget 2014 (Dec 2013)			Budget 2015 (Jul 2014)	
2013 £'000		2013 £'000	2014 £'000	2015 £'000	2014 £'000	2015 £'000
	States Income					
451,661	Income Tax	454,965	474,965	499,475	444,000	455,000
77,603	Goods and Services Tax	79,761	81,955	84,508	79,107	80,650
54,320	Impôts Duty	54,534	54,903	55,012	55,613	55,649
17,370	Stamp Duty	24,529	27,402	28,961	22,730	24,203
24,093	Other Income	20,545	21,926	24,764	38,842	57,175
11,641	Island Rate	11,670	12,032	12,453	11,956	12,219
636,688	States Income	646,004	673,183	705,173	652,248	684,896
	States Expenditure					
636,186	Departmental Net Revenue Expenditure	626,224	661,966	673,194	675,800	702,666
	Central Allocations	7,547	7,633	17,963	7,633	17,963
636,186	Total Net Revenue Expenditure (excl: Depn)	633,771	669,599	691,157	683,433	720,629
502	Forecast Surplus/(Deficit) for the year	12,233	3,584	14,016	(31,185)	(35,733)
12,566	Net Capital Expenditure Allocation	12,566	2,049	11,062	2,049	3,463
(12,064)	Forecast Surplus/(Deficit) for the year after Capital	(333)	1,535	2,954	(33,234)	(39,196)
	Proposed measures:					
	Contributions from States strategic investments				8,000	3,000
	Available balances on other funds to offset expenditure				12,500	1,100
	Proposed savings				6,000	20,070
	Other measures if required				5,000	8,967
	Total Proposed Measures				31,500	33,137
	Forecast Surplus/(Deficit) after proposed measures	(333)	1,535	2,954	(1,734)	(6,059)

The work being carried out by officers on Long Term Revenue Planning is considering all aspects of existing expenditure budgets and the requests for additional funding from departments for the next Medium Term Financial Plan (MTFP) period 2016-2019, alongside the projections for States revenues. The work of the new Council of Ministers will be to consider which expenditure areas and services align with its strategic priorities and propose the allocation of available resources accordingly.

The Budget deals with 2015. It will be for the new Council of Ministers to propose appropriate tax and spending measures to deliver a sustainable MTFP for 2016-2019. The next Council of Ministers and Assembly will agree their priorities.

However, the draft Budget 2015 also provides, in **Figure 12.8 on page 64**, an indicative financial forecast for 2016 and 2017 as part of an indicative economic impact assessment.

MTFP Financial Framework	2011 Actual £m	2012 Actual £m	2013 Actual £m	2014 Forecast £m	2015 Forecast £m	2016 Indicative £m	2017 Indicative £m
General Revenue Income	587	628	637	652	685	707	742
Department Income	126	130	128	116	104	107	109
Total Consolidated Fund Income	713	758	765	768	789	814	851
Gross Department Revenue Expenditure	717	730	764	791	807		
Fiscal Stimulus Revenue Expenditure	8	1					
Central Allocations				8	18		
Total Consolidated Fund Revenue Expenditure	725	731	764	799	825	794	831
Operating Surplus/(Deficit)	(12)	27	1	(31)	(36)	20	20
Net Capital Allocation 2013-2015	13	14	13	2	3	20	20
Additional Housing Capital Allocation		27					
Surplus/(Deficit)	(25)	(14)	(12)	(33)	(39)	-	-
Timing Adjustments to Surplus/(Deficit):							
Add back: Capital Allocation 2013-2015	13	14	13	2	3	20	20
Add back: Additional Housing Capital Allocation		27					
Carry Forward Adjustments			-	(37)	-	-	-
2014 Exptre Outturn Forecast				10			
2014/2015 Proposed measures				43	33		
2011/12/13 Capital Expenditure Outturn	(42)	(33)	(41)				
Energy from Waste Plant - Major Project	(13)						
Fiscal Stimulus Capital Expenditure	(9)	(1)	(3)				
Capital Expenditure Profile adj 2013-2015				(59)	(171)	(198)	(131)
Economic Impact	(76)	(7)	(43)	(74)	(174)	(178)	(111)
Trading Fund Capital Expenditure	(10)	(4)	(8)	(14)	(21)	(30)	(14)
Near cash surplus/(deficit) on Trading A/cs	12	13	14	14	14	-	-
Consolidated Fund - Economic Impact	(74)	2	(38)	(74)	(181)	(208)	(125)
Currency Fund - Infrastructure Investment							
- Gigabyte Jersey £10m		(5)	(5)				
- Parish Loan £6m		-	(5)	(1)	-		
DHLE/AHP/AHP/HDF							
- Net (advances)/repayments	2	2	1	1	1	-	
Deposit Loan Scheme							
- Net (advances)/repayments			(2)	(1)	(0)	(0)	
Social Security Fund							
- Net Surplus/(Deficit)	24	24	11	7	4	2	
Health Insurance Fund							
- Net Surplus/(Deficit)	(5)	3	6	3	2	-	
Overall States - Economic Impact	(53)	26	(31)	(65)	(174)	(206)	(125)

This indicates a breakeven position on a comparable basis to the existing financial forecast and is based on the latest income forecasts which extend to 2017.

As stated in the draft Budget 2015, page 63, the current assumption is that the next MTFPs will follow a strategy of balanced budgets, but this will be a decision for the next Council of Ministers and States Assembly.

2.26 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE LABOUR REQUIREMENTS OF PUBLIC SECTOR CONSTRUCTION PROJECTS:

Question

Given the large number of public sector construction projects due to start, can the Chief Minister confirm that all labour needs will be met from within the current workforce and allocated licences? If not, how will additional labour be sourced?

Answer

As our economy recovers, some net migration will be needed in a range of sectors, including construction, servicing both public and private sector contracts. However the intention is to prioritise existing residents for the available work, and the Housing and Work Advisory Group will promote local employment when considering applications for licences.

Islanders are being supported by various government training initiatives, including the “back to work” and “trackers” programmes, in order to limit the need to import labour.

Back to Work, in partnership with the Jersey Construction Council, is already working to maximise opportunities for unemployed Islanders in Construction. By the end of this year, up to 200 locally qualified jobseekers will have had the opportunity to be trained as ‘Site Operatives’ on the Under Construction training course that is being run on the Waterfront and accredited by the Construction Council.

There are 58 students signed up to full time courses in Construction at Highlands and 192 studying part-time (23 at degree level, 73 on the Trackers apprentice programme and the remainder on either level 1, 2 or 3 construction courses).

2.27 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE NEW VESSEL BEING ACQUIRED BY CONDOR FERRIES:

Question

Given that Condor intend to operate all their fast ferry services to the United Kingdom with one vessel, what back up arrangements, if any, will exist in case of breakdowns and other breaks in service?

Answer

Firstly, it is important to note that the new Austal 102 is a vastly improved vessel to the two aging 86 metre catamarans currently in service. In addition to superior sea keeping in heavier weather than the current vessels, the Austal 102 will be a more reliable ship. She can sail as fast on two engines as the existing 86s can sail on three engines. The 8000 series MTU engines and ZF gearboxes are well proven and the Benchijigua Express, which is very similar to the 102, has not missed a day's sailing for a technical reason in eight years.

Secondly, contained within the new Operating Agreement is a generic contingency plan. While circumstances of unplanned outage can be different from occasion to occasion, the generic plan would involve using a combination of the Southern Route High Speed craft to cover a Northern Route sailing during the day and greater usage of the Clipper vessel.

Condor Ferries are also intending further security measures during the start-up operation, including retaining one of the current 86 meter vessels as a contingency in the initial period. The final decision

around this will be pursuant to the overall planning for the introduction of the new vessel, which is planned for March 2015.

Finally, the generic contingency plan in the Operating Agreement was negotiated prior to the outage experienced over the summer with the Clipper. Contained within the Operating Agreement is a Ferry Services Steering Group, comprising senior representatives from both Islands and Condor. This group will review the Clipper incident, and develop a broader contingency plan from the experience gained from this incident.

2.28 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING A REVIEW OF PLANNING ENFORCEMENT PROCEDURES:

Question

Will the Minister inform the Assembly whether any progress has been made by the Planning Department in implementing the essential improvements required to current planning enforcement procedures as identified in the reports of the Reg's Skips Inquiry, the States Complaints Board and most recently the Planning Officers' Society and would he explain why there has been such a long delay in dealing with this matter and ensure that the States receive a full and detailed report outlining the remedial action taken?

Answer

In replying to this question I would like to provide additional information to help put my answer in context.

In 2013, POS Enterprises (POSE), the operational arm of the Planning Officers Society, was appointed to provide a team to visit the States of Jersey to do the following:

- take a forward look at how the planning service might develop over the next three years, to assist in focusing resources and efforts;
- consider how plan making for the Island might develop, in the light of relevant experience within the UK planning systems;
- make an independent assessment of how the Island's planning system effectively balances environmental protection, heritage and the social needs of the Island against the need to see sustained economic performance and in the light of the Island's long term strategic aims;
- review delivery of the recommendations of past reviews to identify any outstanding recommendations which might be seen as priorities in the context of the ideas for future development of the service.

Three past reviews were identified for examination:

- The Shepley Review of 2005 – which was intended to guide planning and building functions at the advent of Ministerial Government;
- The POS Enterprises Process Improvement Programme (PIP) review of the development control service in 2010 – which was commissioned in response to a Committee of Inquiry held earlier that year focusing on a specific high profile planning enforcement case;
- The Reg's Skips Committee of Inquiry Report 2 of 2011 – which endorsed the improvements proposed by the PIP review and made additional recommendations about elements of the service and its operational relationship with other States departments.

The *POS Enterprises Shaping the Jersey Planning System for the Future* report was published by the department earlier this year and is available on the States website. Annex C, D and E of the report set out the progress made against each of the above previous report recommendations. These Annexes clearly show that most recommendations have been implemented and of those that have not been implemented, some have been overtaken by events and others are being progressed as Department resources allow. The report also recognised the important strides made in improving planning performance, protocols and

information technology, and its recommendations are forming a useful basis to develop and evolve our planning practice over the next three years.

In relation to the planning and building enforcement function, the report acknowledged that a separate internal review was being undertaken by the Director of Environment (further details below) and it would be inappropriate for the POS review to comment in any detail on further action to be taken in this area. It did note that the enforcement policy and procedure guidance still didn't incorporate policy priorities and there needed to be strong and clear leadership and management provided to the enforcement team.

One recommendation was made in this report relating specifically to enforcement procedures, as follows:

Recommendation 7.28

Arrangements should be made, at Director level, to complete the work on the following:

Point 3: A set of standard enforcement procedures and user guides, once the current internal review has reported and new arrangements are in place.

This recommendation was identified and captured in the internal review referred to below.

In October 2013, an internal review of how the planning and building enforcement service operates was requested by the Chief Officer of the Department for the Environment. This was prompted by an increase in Freedom of Information requests, requests under data protection processes, and individual cases and court cases highlighting the need to ask whether the administration of complaints through to investigation and possible formal enforcement action needed to be reviewed.

My department published the *Shaping the Jersey Planning and Building Enforcement System for the Future – A Review – February 2014* report earlier this year and it is available on the States of Jersey website. The report includes recommendations and underpins the way the service develops into the future. I reviewed the report and recommendations with the Chief Officer of the department and an implementation plan was drawn up.

Appendix A below provides comment on each of the recommendation. Some recommendations have been completed and all others are being progressed.

With regard to the States Complaints Board findings referred to in the Deputy's question, and as confirmed in my answer to Written Question 1240 (18th March 2014), my response to the Complaints Board findings have already been published and heard in public.

I renew my invitation to the Deputy to meet with me and some of my department senior officers to discuss enforcement activities further. I hope that we can clarify matters and answer any specific questions Deputy Young has more easily in a face to face meeting.

Appendix A: Shaping the Jersey Planning & Building Enforcement System for the Future – A Review – February 2014		
Ref	Recommendation	Commentary
	Policy and Process	
1.1	Policies and procedures should be captured and documented and made into operational reference document which can be published. Significant work was put into the drafting of policies and procedures documents by the team and these would be a useful starting point for this task.	This is a significant piece of work which will lay the foundations for a consistent and professional approach to enforcement. Owing to resource implications, completion is likely to be year-end, 2014.
1.2	Practice Note 4 should be re-published to reflect the policies and procedures. There are already in existence some standard operational documents and templates including letters and notices to parties involved in complaints and notifications of suspected breaches.	This work forms an integral part of 1.1 above
1.3	A suite of standard documents should be established that clearly refer to the policies and procedures as appropriate and should be a reflection of the different stages of the enforcement process.	On-going, as and when documentation is required. Enforcement Notices are now consistently and accurately worded and state policy based reasons for taking the action.
1.4	A protocol for the investigation of complaints should be established that applies to all complaints and generates a “story of investigation”. Part of that process should include that everyone involved in the process is kept informed of the investigation at appropriate points and any actions or decisions made in connection with a complaint would be recorded and explained.	Completed and will form part of 1.1 above
1.5	Prior to a notice being served, a review of the case by the LOD should first ensure that the notice is an appropriate way of pursuing the breach and that the steps up to the point of serving the notice, would be considered reasonable in court.	Completed
1.6	On a further point the LOD suggested that they should be tasked with ensuring that any Notice is served on appropriate persons by first agreeing who those parties are.	Completed
1.7	Appropriately branded Department specific letters / forms and communications including witness statement forms should be drafted and agreed upon by ET and management and used instead of those currently being used. All standard forms and templates should be reviewed not only by the management team but by a third party with a sound understanding of enforcement and planning issues. The documents should be bespoke and appropriate for use in investigations and for presentation to court.	Completion by end September 2014
1.8	The policies should include a scale of prioritisation. Other jurisdictions set these priorities and it should not be too difficult to apply them to the context of Jersey.	Completed, with a bespoke triage system for Jersey Planning and Building.
	Systems and Admin	
2.1	Administrative support should be provided to the team out of current resources. From discussions, this need not be overly	Completed – however, resource implications mean that full technical support is not always

	onerous a requirement and should not prejudice other workloads.	possible.
2.2	A proper understanding of the capabilities of the Merlin system should be explored, discussed, and the findings used to support the creation of the process notes discussed above.	Merlin is not fully adapted to the Compliance function and resource implications mean that Compliance Officers still have to adapt to the IT systems rather than vice versa.
2.3	Along with understanding Merlin, I@W should be integrated into the operation of the team in order to capture and manage all documentation generated in an investigation.	Ongoing
2.4	A set of process notes should be drafted with simple instructions on handling and recording information consistently. This should be based on methods agreed by enforcement officers and their management in conjunction with a Merlin expert.	This work forms an integral part of 1.1 above. A draft is currently undergoing scrutiny with the Law Officers.
2.5	A system for formally notifying applications / decisions would be a big step forward in opening communication. Weekly publication and decision lists should be actively shared with the team and acknowledgement recorded that they have been looked at.	Completed
2.6	A system should be instigated whereby the ET regularly (suggest monthly) report back to the planning and building Directors on workload and cases.	Monthly monitoring reports are now produced and circulated to Directors
	Records Management	
3.1	The management of the ET should work with the officers, and the department officer who has been given the mandate to deal with data protection issues to generate a robust system which works for all parties.	Ongoing. Draft produced.
3.2	There should be included in the process of issuing a Notice a definitive step of including the Notice on the register. There should then be a means to indicate where a Notice has subsequently been withdrawn on that Register. The Register should be made available online.	Completed, other than the on-line Register. The States' Web-Team is currently costing this element of work.
3.3	Letters must be generated to identify key stages of an investigation and to set out the formal position of the department and e-mail should only be used for informal correspondence. In conjunction with the implementation of Recommendation 2.2. – the use of I@W – the ET will ensure the proper storage and retrieval of all documentation in connection with investigations.	With growing customer expectation of email correspondence, the Team still uses email where it is obviously the preferred method of communication with a customer. The Department is still moving towards a paperless office and email as a recognised form of communication forms part of this strategy.
	Enforcement Culture and Officer Behaviour	
4.1	An agreed plan of ongoing training for enforcement officers and those involved in their supervision should be put in place and this should be updated as required.	Compliance Officers have attended National courses / conferences over the last two years. However, owing to

		budgetary constraints, funding for training is very limited. The Team is affiliated to the National Association of Planning Enforcement.
4.2	It is recommended that appropriate training be sought by the DoE to give the ET as many tools as are required in order to carry out their function in the manner discussed.	As 4.1 above
4.3	The team should be renamed as the <i>Planning and Building Compliance Team</i> and the respective post descriptions should be amended accordingly	Completed
5	Consistency of P&B Services Enforcement with broader DoE Enforcement	
5.1	The LOD suggested that ET officers among other SoJ Enforcement teams should liaise, with a view to adopting more common processes as good practice.	The Compliance Team regularly works in partnership with agencies such as Police, Population Office, Income Tax, Tourism as well as other sections within the DoE.
5.2	Cases for prosecution must only proceed with the authorisation of the LOD (Cr).	Completed
6	Management, Location and Officer Support	
6.1	The management line from the team to the CEO should be clearly defined and roles and responsibilities established and communicated internally.	Completed Compliance Officers report to Compliance Manager who, in turn, reports to Director (Planning) on a weekly basis. A Ministerial & Management meeting is held weekly for information flow in either direction.
6.2	Active caseload management should be introduced. The production of reliable weekly caseload lists of outstanding investigations should commence and then the lists used to hold regular caseload discussions with individual officers, within the team and with internal customers of the team.	Completed
6.3	It is recommended that an office facility be found for the ET within the main operating body of Planning and Building Control officers at South Hill and that consideration should also be given to their need for a secure and soundproof room for the carrying out of recorded interviews under caution.	Completed
7	Performance Management Reporting	
7.1	A better understanding and use of the merlin system (as previously recommended) will enable performance information to be extracted. This ability will enable targets to be set and performance against these targets should be published and proactively made available to customers of the department.	Monthly monitoring reports are now produced and circulated to Directors. Additional targets should be fed into the next Departmental Business Plan. The monitoring

		reports are not yet publically available as we are still checking the reporting mechanism for accuracy and completeness.
8	Other Issues	
8.1	The suitability of Article 7 of the Planning and Building (Jersey) Law 2002 should be examined. It could prove to be crucial in protecting matters of acknowledged interest and providing a deterrent to unauthorised development but only if it is demonstrated as a successful tool will it carry any credibility.	Completed

2.29 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE REGENERATION STEERING GROUP:

Question

Will the Chief Minister provide an explanation why the States have still not received a written report from him on the work of the Regeneration Steering Group as he promised in response to my previous 2 questions?

Answer

The information requested related to the composition, discussions, decisions and directions of the Regeneration Steering Group. However, the Group's primary function is to provide advice and guidance. This has highlighted that a fuller report answering both the questions posed and an outline of the status of the various projects considered by the Regeneration Steering Group would have merit. This fuller report is being finalised for presentation to the Assembly before the end of September, bringing together responses from other Departments. I apologise that it has not been completed sooner.

2.30 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE PUBLIC SECTOR REFORM PROGRAMME:

Question

Does the public service reform programme entail a reduction in the numbers of permanent employees and, if so, what targets have been set for the next 5 years and how do they impact on the different pay grades?

Answer

The Public Sector Reform is designed to ensure a sustainable and affordable public service that provides essential services to Islanders efficiently and effectively.

As services are redesigned and e-government gathers pace, there will be an impact on the skills and staff required to deliver services as they develop and change.

The Reform Programme does not set targets for staff numbers. It is the responsibility of Departments to work within the budgets and staffing parameters agreed by the States Assembly in the Medium Term Financial Plans.

2.31 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ACCESS TO PSYCHIATRIC SERVICES:

Question

Will the Minister -

(a) set out how members of the public seeking the urgent assistance of mental health professionals for friends and family members who are suffering psychotic episodes or other conditions that require admission,

voluntarily or by compulsion of law, to Orchard House, St. Saviour or to some other institution can get the help they require and the procedures that must be followed in such cases;

(b) inform Members whether a person who calls for assistance in these cases is compelled first to contact their GP to arrange for a psychiatrist to consult the person being referred and whether this person will be billed for both the GPs consultation and also that of the psychiatrist who is called out to assess the person who needs urgent medical assessment and treatment at a cost of £100s and, if so, whether she considers this is reasonable;

(c) explain what she considers to be an acceptable or reasonable timescale for a person to be seen by a doctor, psychiatrist or to be taken to Orchard House or a similar institution from time of first request for assistance or from examination by a psychiatrist?

Answer

(a) Any member of the public requiring 'urgent assistance' in regard to their mental health has immediate access to the Adult Mental Health Liaison Service located at the Emergency Department in the General Hospital.

This service is available on a 24/7 basis and provides immediate access to a triage assessment, including relevant access to a specialist community psychiatric nurse, staff grade psychiatrist and Consultant Psychiatrist, as required.

The outcome of an immediate assessment of a person in urgent need of assistance, may lead to further inpatient assessment and/or treatment which can be accommodated in one of two ways:

- firstly, and preferably, on a voluntary basis, which can be facilitated by the psychiatrist
- secondly, via detention under an Article of the Mental Health Law

(b) As with access to all secondary care services, the most advisable route is referral by the individual's GP, who will have a holistic view of the patient, and both medical and psychological history. This knowledge is fundamental in being able to provide good mental health care.

Referrals from GPs are prioritised, depending on the risks identified. Any GP can request an urgent appointment through the route outlined in (a).

Wherever possible, urgent assessment is undertaken within the Emergency Department at the General Hospital, which allows for any physical symptoms or conditions to be addressed, enabling a comprehensive mental health assessment to be completed.

GPs are not part of the Health and Social Services Department. They are run as private business and set their charges accordingly. The Minister for Health and Social Services has no control on that issue, although work is ongoing with GPs to develop a Primary Care Strategy for improving access to primary care services to all patients.

In terms of provision that is made within the Health and Social Services Department, any person in need of immediate compulsory psychiatric treatment under the Mental Health (Jersey) Law 1969 is exempt from charges, under the conditions of the Health and Social Services Residents and Non-Residents Charging Policy.

In the context of charges that are made for services provided by the Health and Social Services Department, the Minister believes this is an appropriate position.

- (c) The national average for an immediate response where urgent assistance is required is for a patient to be seen within 30 minutes in the UK, and the Minister is proud to say that in Jersey, the average response time is just 20 minutes.

This is a consistently high standard which has contributed to the Community and Social Services Department's National Accreditation by the Royal College of Psychiatry, and to the Mental Health Liaison Service successfully achieving 'excellence' status for its services, one of only three authorities across the UK to currently hold this accolade.

GP referrals made to the Adult Mental Health Service are screened on the day of receipt.

Where a referral indicates a significant risk, the referred patient is seen on the same day, or at least within 24 hours of the referral being received.

Where a referral is made on a 'routine' basis, the patient pathway involves a letter from the Adult Mental Health Service being sent to the individual seeking their consent to become involved in the service.

Once confirmation of consent has been received, an appointment is provided within a maximum three-week period.

This standard also exceeds expectations in the national standard set in the UK through NICE guidelines.

2.32 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE NUMBER OF WORK PERMITS ISSUED:

Question

Will the Minister advise Members of the number of work permits that have been issued in Jersey over the last three years and give further information regarding the nationality of each the people granted a permit, their profession or skills and the sector in which they will be working and the duration of the permit?

Answer

Work permits are issued in accordance with the Immigration (Work Permits) (Jersey) Rules 1995 and in accordance with the Work Permits Policy and Procedures issued by the Home Affairs Minister.

787 work permits were issued in the 3 years between 01/09/2011 and 30/08/2014 (this figure also includes those cases where an individual immigrant has been issued with more than 1 work permit within that period).

Of these 787 work permits:

- 309 were for skilled employment positions and were valid for between 1 month and 1 year :
- 326 were for skilled employment positions and were valid for between 1 and 3 years;
- 7 were for skilled employment positions and were valid for between 4 and 5 years.

- 145 were for un-skilled positions in the hotel and catering sector for returning workers and were valid for between 6 and 9 months.

The nationalities of the immigrants concerned are shown below, along with the number of work permits issued to each:

Albanian	1	Japanese	4
Armenian	2	Kazakh	1
Australian	34	Kenyan	155
Bangladeshi	8	Kuwaiti	1
Bahaman	1	Lebanese	1
Brit Nat Overseas	2	St Lucian	2
Brit Overseas Cit.	1	Cit. of Sri Lanka	4
Brazilian	2	Moroccan	1
Barbadian	1	Malian	5
Cit. of Botswana	1	Mauritian	20
Canadian	24	Malawian	4
Chinese	11	Cit. of Malaysia	11
Egyptian	4	Nigerian	1
Hong Kong	24	New Zealander	22
British citizen	11	Pakistani	14
Georgian	1	Filipino(a)	27
Ghanaian	1	Russian	1
Guyanese	1	Singaporean	3
Croat	2	Tongan	2
Indian	268	US Cit.	24
Iranian	1	Kosovar	1
Israeli	3	South African	57
Jamaican	1	Zambian	1
Jordanian	1	Zimbabwean	19

The 787 work permits were issued in the following sectors:

Entertainment	20
Finance	324
Hotel & catering	179
Information technology	167
Law	14
Medicine / Health	32
Other (Lifeguards / sports coaches / etc)	51

Most work permits are issued for periods between 6 months and 3 years; very exceptionally a work permit may be issued for a period of 5 years.

Data which cannot be readily retrieved:

In order to ascertain the duration and profession / skills related to individual work permits each of the 787 immigrant records involved would require separate examination in order to extrapolate the required information; such research cannot be undertaken in the available timescale.

Furthermore, the amount of time which would be required in order to fully answer the question is disproportionate to any public benefit in so doing.

If the questioner has concerns in relation to any specific category or categories of work permit then I would suggest that he re-present a more specific and targeted question.

3. Oral questions

3.1 Deputy J.A.N. Le Fondré of St. Lawrence of the Minister for Treasury and Resources regarding the significant changes in the income forecasts for 2014 and 2015:

I will say it is good to be back. When was the Minister first made aware of the significant changes in the income forecasts for 2014 and 2015?

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

The Income Tax Forecasting Group known as the I.T.F.G. meets to agree an income tax forecast which then informs each year's annual budget. The I.T.F.G. report, written to inform the 2014 Budget, was issued in September 2013, and as the Deputy will know, from written questions I answered in February, this includes lower forecasts compared to the M.T.F.P. (Medium-Term Financial Plan) figure which was in turn based upon an Income Tax Forecasting Group conclusion made in the early part of 2012. Members had a copy of this information prior to the debate on the 2014 Budget last year. A preliminary updated I.T.F.G. report for this year's Budget was produced in May 2014, although it was only finalised on 30th June, to inform the conclusions of the early Budget this year. This resulted in the 2014 forecasts being again revised. These forecasts have led to the development of the proposed measures to balance the Consolidated Fund, which are included in the Budget. In summary, I was therefore aware of an emerging issue in certainly late May. The Council of Ministers was updated on 11th June, although none of these estimates were confirmed until the meeting of the Income Tax Forecasting Group on 30th June.

Deputy J.A.N. Le Fondré:

Before I go on to supplementary. When the Minister said "late May", did he mean late May 2013 or late May 2014?

Senator P.F.C. Ozouf:

No, this year.

3.1.1 Deputy J.A.N. Le Fondré:

I am trying to match up 2 statements there. One was that, I believe the Minister said that Members were informed prior to the Budget of last year. Could he just clarify exactly when and what terms and was it from ... something directly from Treasury because for example, summary table A of the Budget for 2014 contained and continues to contain the optimistic figures? The Consolidated Fund forecast remained in the black using those figures. If the revised forecast had been used it would have been put into the red, and that is why it is quite crucial as to when this was all sent through.

Senator P.F.C. Ozouf:

I understand why, perhaps, Members are just confused about this issue: it is quite simple. The M.T.F.P. contains the forecast in revenue, which was approved by this Assembly in October 2012, of the Income Tax Forecasting Group conclusions and the rest of the Treasury income which was made in March of that year. Those numbers are not revised. They are not formally revised in terms of a revision of the M.T.F.P. The only things that have changed in the M.T.F.P. income is when this Assembly changes a policy. So there are 2 issues: there is the income tax forecast that was done in 2012, which was always going to be a long-range weather forecast which was going to change. What we have done is we have updated Members of the latest information and I was quite clear in last year's Budget and that is why Members had a full copy of the full report which has not been published because it contains a lot of granular detail of our income. All Members had a copy of the income tax forecasting conclusions last year, and I will be doing that again this year, by giving Members the full details of the Income Tax Forecasting Group conclusions.

3.1.2 Deputy J.H. Young of St. Brelade:

What date was that report given to us?

Senator P.F.C. Ozouf:

Which report?

Deputy J.H. Young:

The Minister for Treasury and Resources said that Members were given a full copy of the report prior to the Budget of 2014, i.e. the one that we debated in December 2013. So when was that report provided to Members?

Senator P.F.C. Ozouf:

I do not have the precise date but a copy of that report was issued to States Members by email, I will get the date, and in advance, prior to the Budget debate, and the supplementary note, which is included in the actual published documents, obviously has all of the forecasts in 2013-15.

The Deputy Bailiff:

The Minister will provide the date to you.

Senator P.F.C. Ozouf:

Exactly, but it is all there. There is some revisionism going on, I think.

3.1.3 Deputy J.H. Young:

The Minister has referred to making the States aware of this major shift in our income tax forecasts and that these were published, he says, at the time of the 2014 debate. Could he help us? I see that a report was in fact lodged, R.149/2013, on 3rd December 2013. Could he remind us when we approved the States Budget - on what day - and how much time we had had an opportunity to look at that detailed report with his revised forecast?

The Deputy Bailiff:

It is a matter of public record, Deputy.

Senator P.F.C. Ozouf:

It is not a memory test, I do not have those dates in my head but I know that the revised forecast ... there is this misunderstanding, I think, that the baseline numbers that are approved in the Assembly to base the Medium-Term Financial Plan, those are not changed. They are what they were at the time and of course they will change with the benefit of hindsight, and I am getting lots of questions today about a revised forecast down. I happen to have had lots of questions in 2011 and 2012

where apparently also the forecast was different when in fact there was £27 million more revenue and in 2012 there was £30 million more revenue. These numbers will change. Forecasts are forecasts. The nearer you come to the time, the more accurate they will become; they are like weather forecasts, and the fact is there is now this extrapolation that there is some sort of major issue and problem. These numbers will change based upon latest economic information, which is, a lot of it, completely outside the Island's and the Treasury's concern. I do not make the weather, I do not make the forecasts; they are what they are.

3.1.4 Deputy J.H. Young:

Supplementary, Sir. The Treasurer spoke about these forecasts as weather forecasts. Would he not accept that the weather for the last 30 years has been that our income tax forecasts have been underestimated and that we have always overachieved it and therefore a change to a deficit situation is something he should have highlighted up front on page one and at Budget time and with all the papers?

Senator P.F.C. Ozouf:

Absolutely not, and this whole debate that seems to have emerged over the summer that first of all there is somehow a problem with a deficit, that there is somehow a problem with income tax forecasting, is simply, I think, revisionism. It is just not the reality. The fact is that the Income Tax Forecasting Group has, in previous times... and Members have seen this chart; sometimes, yes, the Treasury is prudent but in previous recessions the Treasury did overstate income. It is not a criticism, and the forecasts, somehow to now say that forecasts which were done in 2012, because the income is not being met, is somehow a criticism of the Income Tax Forecasting Group is unfair. The world changed between the beginning of 2012 and later on. The Eurozone, double-dip in the recession, problems in the U.K. (United Kingdom). Of course the income was going to change. The key question is what would you do about it?

Deputy J.H. Young:

The Minister said I was criticising the Income Tax Forecasting Group and I want it put on record that is not the case.

The Deputy Bailiff:

Thank you, Deputy. Final supplementary, Deputy Le Fondré.

3.1.5 Deputy J.A.N. Le Fondré:

The Minister has tried to say that the forecasts are like weather forecasts but it was very, very clear in 2012, and I refer to comments he has made in the press and the media recently and the Chamber of Commerce, that particularly Scrutiny, you have got some eminent advisers on advisement, identified the issue of the forecasting in 2012. They raised extreme concerns, and in 2013. Surely now the M.T.F.P. is basically in tatters because of the state of where we are, and surely the Minister, by ignoring the warnings that came through, must accept some form of responsibility for that.

Senator P.F.C. Ozouf:

The Minister takes complete responsibility for looking at forecasts and I use the analogy of the farmer at the Chamber of Commerce. The farmer does not make the weather, does not make the forecasts, neither do I. There is a difference between long-range forecasts and short-dated forecasts, and what you do is you respond. We knew that the economy internationally was under serious threat. What do we do? We then deliver more fiscal stimulus, more help for the economy. When those income forecasts went up in 2011, the first thing I did was bring a proposition to this Assembly to spend more money - on £27 million - for the Housing Department. Where was

Deputy Le Fondré criticising then the fact we had overachieved the number? What a prudent Minister for Treasury and Resources, like an informed farmer does, is he takes action, and if you think the weather forecast is going to be wrong economically you get the fertiliser out, you get the irrigation pipes out and you stimulate the economy. He says that Scrutiny has observers. **[Approbation]** Well I take my advice from the F.P.P. (Fiscal Policy Panel), people like Dame Kate Barker, Joly Dixon, and they are saying the Budget is absolutely right. Do not compromise the recovery; help it and run deficits, and we are doing that because we have got responsible politics and this Assembly has supported not having a structural deficit which means we can invest and we should invest. Is that a problem? I do not think so.

3.2 Deputy S.Y. Mézec of St. Helier of the Chairman of Privileges and Procedures Committee regarding campaign group expenses in relation to the forthcoming referendum:

What provisions, if any, are in place to ensure that there will be a level playing field in terms of what expenses the campaign groups are allowed to incur for the upcoming referendum on the future of the Constables in the States?

Deputy J.M. Maçon of St. Saviour (Chairman, Privileges and Procedures Committee):

There is no provision in the Referendum (Jersey) Law 2002 to govern the level of expenditure incurred by campaign groups in promoting their preferred option. In the reform referendum campaign held in April 2013, defined campaign groups emerged for the 3 options and this enabled a publicly-funded website and leaflet to households to contain statements from all 3 groups. If united campaign groups emerge for the forthcoming referendum, funding could be made available to do similar things. If 2 clear groups emerge, the 'Yes' campaign group and the 'No' campaign group will have the opportunity to make their argument on the vote.je website and in the leaflet, which will be sent to all households, a maximum word count would be set. The cost would be met from the funding stipulated in P.118/2014, the Referendum Act, which identifies funding for the printing of ballot papers and a media campaign not exceeding £30,000. In the absence of any statutory body, there is no one in Jersey with the authority to define which campaign group has official status for the content of the website and the leaflet. It is therefore necessary for campaigners to come together to promote their preferred options and make themselves known to the committee and the Greffe and P.P.C. The P.P.C. could only use public money to promote the referendum if there were 2 very clearly identifiable groups that were fully representative of those campaigning for both sides and P.P.C. would urge either of the groups to come forward as soon as possible. Thank you.

3.2.1 Deputy S.Y. Mézec:

The short answer to that question was none. So that means that this referendum is in breach of section 2.2 of the Venice Commission's code of good practice on referendums. So my second question to the Chairman is: does he know how many other criteria of the Venice Commission this referendum is going to breach?

Deputy J.M. Maçon:

I have not had an opportunity to compare and contrast the Venice Commission with our Act. Members will be aware, of course, that this was not the proposition and question that the Privileges and Procedures Committee brought forward. At the eleventh hour, the States Assembly decided upon another question, and accepting the democratic will of this Assembly, P.P.C. - through all the apparatus that we have - are doing what we can in order to enable a fair and balanced referendum should clearly identifiable sides on both sides come forward. Thank you.

[10:00]

3.2.2 Connétable J. Gallichan of St. Mary:

Irrespective of the question which the Assembly foist on P.P.C., does the Chairman not consider that it is P.P.C.'s responsibility to promote the referendum, and does he think, in a mature democracy, we have embarked upon a process which we have not really fully prepared the public for?

Deputy J.M. Maçon:

There are 2 questions there. Of course it is P.P.C.'s responsibility to promote information around this area and if 2 campaign groups do not come forward we have some draft contingency plans, but it is not P.P.C.'s preferred route. With regard to the second question of do we feel that the public are aware enough for this question regarding the composition of the Assembly. One would hope that some of the issues raised in this particular debate, looking at this particular aspect, should have been well covered in the previous referendum and the previous information that went out because it does concern the role of the Constable which was crucial in that referendum as well. Thank you.

3.2.3 The Connétable of St. Mary:

Supplementary, Sir? Does the Chairman feel that the public are currently focused on the fact there is a referendum at all? It is my experience, asking people, is that quite clearly they are not.

Deputy J.M. Maçon:

I take that on board and accept if there is more public awareness that does need to be done, I will undertake to make sure that that occurs. Thank you.

3.2.4 Senator P.F.C. Ozouf:

I was just going to ask the same question as the Connétable of St. Mary but I will build on it. Is the Chairman saying that he has budget in P.P.C. for the referendum but he has done nothing in order to ... 6 weeks away from a massively important constitutional question to be put to the public, that he has nothing effectively to inform the public of that? Is he just saying we are going to rely on a previous referendum to have the arguments properly elucidated for the 'yeses' and the 'noes' of which the 'noes', you know were perfectly valid for their thing but there is no vehicle in order to explain both sides of the argument? This is a dreadful situation and will he please confirm what his proposals are and get on and do something extremely quickly? We are 6 weeks away, are we not?

Deputy J.M. Maçon:

I will repeat myself for the Senator. I did say that P.P.C. does have contingency plans if no 2 groups were to come forward. That work has been drafted but the preferred route in order for the referendum is for 2 clear campaign groups to come forward on the 'Yes' and the 'No' side, but there is work undergoing at the moment through the Greffe in order to provide an informed debate should that not come to pass. Thank you.

3.2.5 Senator P.F.C. Ozouf:

Sir, can I just have a supplementary? When will that decision be made to trigger that, and is the information ... is he able to share the information that he has got in terms of contingency? When will the decision be made and can he share the information within the next 48 hours that he has already drafted?

Deputy J.M. Maçon:

If we work backwards, the booklet which will go out regarding candidates, and therefore any information on the referendum, will be needed to be had by noon of Friday nomination week, and

therefore I would imagine the intended proposal is to see if by the first nomination day of the 16th, whether the groups will come together, which we believe is a realistic timeframe, so that we can make sure that all the information, when it goes out for candidates in the referendum, can be contained and given to the public all in one go. Thank you.

Deputy J.G. Reed of St. Ouen:

My question has been asked.

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

I wonder if the Chairman could indicate whether his committee has learnt any lessons from the Scottish referendum because, as with the Minister for Treasury and Resources, I do feel we are possibly witnessing a slow car crash here. Thank you.

Deputy J.M. Maçon:

Following on from the Deputy's own proposition where he requested P.P.C. to look at the referendum processes and procedures, we have, from that report, incorporated certain elements. I am quite happy to get back to the Deputy to explain exactly what those are, in future. Thank you.

Deputy R.G. Le Hérissier:

But I wonder if he could identify what those elements are because I cannot feel the excitement building up at the moment. [Laughter]

The Deputy Bailiff:

Chairman, can you do so quickly because we have 20 questions to deal with?

Deputy J.M. Maçon:

I will get back to the Deputy, I cannot at this very moment but I will contact my officers and brief the Deputy and any other Members who want that information. Thank you.

3.2.7 Deputy S.Y. Mézec:

The answers to my earlier questions have revealed that this referendum is in breach of the Venice Commission's code of good practice for referendums which therefore means it is bad practice. So how does the Chairman square it off with the public that this Assembly expects them to treat a referendum seriously when it cannot even be bothered to put something to the public that abides by basic principles of fairness and democracy, and is it not time we accepted we are about to walk into another car crash and we should just go for the Royal Commission?

Deputy J.M. Maçon:

While again, in the report which Deputy Le Hérissier asked and endorsed by this Assembly to come forward to, we do accept that there are better practices which could be used. Unfortunately, we are... I hate to use this phrase. We are where we are and P.P.C. is abiding by the democratic will of this Assembly, granted that it was not the question that P.P.C. wanted to put forward to the public. Thank you.

3.3 Senator S.C. Ferguson of the Minister for Social Security regarding the reinstatement of prescription charges:

What consideration, if any, has the Minister given to adopting a similar approach to prescription charges as was used for the road tax changes when a simple petrol duty was imposed, and would he contemplate bringing back the prescription charge with special assistance available as required for those in need?

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

As I understand the Senator's analogy, she is suggesting that a consumption tax in the form of petrol duty, or a prescription charge, is a useful method of raising public revenue. While I can agree with the economic analogy I share the concerns of many Islanders as to the current cost of visiting the G.P. (General Practitioner). The cost is currently split with the Health Insurance Fund providing £20.28 towards the cost of the G.P. and covering the full cost of any medicines prescribed as part of the visit. The patient is required to make a co-payment to meet the remainder of the cost of a G.P. visit. A move to increase this cost by reintroducing prescription charges at this time is, in my view, premature. That said, considerable work is being undertaken to review both the primary healthcare system in the Island and to develop a model for future sustainable healthcare funding. The role of a prescription charge will be considered as part of that work, which will be completed by the next Council of Ministers.

3.3.1 Senator S.C. Ferguson:

Supplementary, Sir. Does the Minister not consider the return of the prescription charge plus use of the support scheme for those needing assistance, that a smaller payment across a wider population is fairer?

Senator F. du H. Le Gresley:

There are many merits in reintroducing prescription charges but if we learn any lessons from the U.K., in England, and I have the figures from the N.H.S. (National Health Service) for 2013, where they have exemptions, 90 per cent of items dispensed in England in 2013 were free. So that means the remaining 10 per cent was paid by a very small part of the population, and in fact the elderly accounted for 60 per cent of the prescriptions prescribed, and if we were to exempt the elderly and young children we would find that the majority of the cost of prescriptions would be paid for by the working population.

3.3.2 Deputy G.C.L. Baudains of St. Clement:

Would the Minister agree that there is a problem with doctors prescribing perhaps several months of medication in advance and then the patient finds that that medication does not agree with them so the whole lot gets taken back to the chemist and then thrown away? Does he not believe that an introduction of a modest charge would help to alleviate that issue?

Senator F. du H. Le Gresley:

As I understand, the Deputy is concerned about waste and it does not matter that the States appointed Primary Care Director is looking into, together with G.P.s, in fact the current rate of prescribing items is about 5 items per consultation which is relatively high and why the recent Government Actuary Department report built-in to their full cost a 4 per cent increase in dispensing items over the next 20 years. That would be unsustainable and therefore it is important that we eliminate waste and this would be done in conjunction with G.P. practices.

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

How much did the removal of the previous charging system cost the H.I.F. (Health Insurance Fund) and how much does it cost now on an annual basis?

Senator F. du H. Le Gresley:

I have not got those sort of specific figures with me although I can provide them to the Deputy later, if he so wishes. I think it is fair to say that if we were to reintroduce prescription charges they would need to be at least £3.50 per item to cover the current cost of dispensing fees, and if we were to include the average cost of drugs, allowing for 5 items per consultation, that would be about

another £33 which would take the cost of paying for all your drugs and the dispensing fees per consultation to £51.

3.3.4 Deputy M. Tadier of St. Brelade:

I think many listeners will be thinking what is the point in having prescriptions free or otherwise if one cannot afford to see the doctor in the first place. **[Approbation]** Does the Minister, referring to written question and written answer 22, acknowledge that if we had a flat rate of social security, be it at a lower rate of 5 per cent or even the same rate of 6 per cent, we could have more than enough money coming into the fund to pay for both prescriptions and free doctor's visits for all residents?

Senator F. du H. Le Gresley:

As I said in my opening answer, I am concerned about the cost of visiting the G.P. but I maintain that these are private businesses... and we have recently seen one new practice opening, which seems to be prepared to accept the benefit that we pay as sufficient remuneration for children and also some adults. So I think it very much is a question of G.P.s looking at their practices and whether they are charging a fair rate for the work that they do. Whether the Health Insurance Fund could afford to provide free G.P. visits for everybody, I would very much doubt. The fund is already no longer at breakeven and we need to make some big decisions about contributions going forward, and making all visits to the G.P. free for everybody would place immense burdens on that fund.

Deputy M. Tadier:

Supplementary, Sir? It is relevant, I think the Minister ...

The Deputy Bailiff:

Sorry, Deputy, we have a large number of questions to get through and there is time for one supplementary unless the Senator wishes to give way.

Senator S.C. Ferguson:

I think we need to get on, Sir. Given the £51 ...

The Deputy Bailiff:

I think we could have invited the Deputy to ask the final question.

3.3.5 Senator S.C. Ferguson:

Oh, right. No, I have got one myself, Sir. **[Laughter]** Because the Senator has mentioned a sum of £51 I think that is somewhat specious because that includes the cost of the drugs. The cost of a script in the U.K. which does not include the cost of the drugs is £8 per script. But given that the major burden of prescriptions - the current system - will fall on the working population, which is decreasing, and an average man will be paying nearly £1,000 additional a year with the increase in social security payments, why is the Minister not looking more carefully at an alternative approach to prescription charges?

Senator F. du H. Le Gresley:

Well, that is exactly what we are doing. That is part of the health review, working with the primary care body and also the sustainable funding mechanism for primary healthcare. All of those things are being worked on. We have recently had an excellent Scrutiny report which highlights the urgency of getting these things resolved, and this will be dealt with by the next Minister in conjunction with the Council of Ministers.

[10:15]

3.4 Deputy G.C.L. Baudains of St. Clement of the Minister for External Relations regarding the implementation of a trade boycott of Israel:

Does the Minister consider that Israel should be condemned for its continuing defiance of U.N. (United Nations) resolutions and disproportionate use of force against its neighbours, and, if so, in light of the recent escalation in violence, would he agree to take action to implement a trade boycott of Israel?

Senator P.M. Bailhache (The Minister for External Relations):

The policy of the Government of Jersey in this matter is of course aligned with the policy of the United Kingdom Government and we support the statements by the British Foreign Secretary, endorsing the continuation of the ceasefire. The current crisis underlines once again the need for a wider political solution to the Israeli Palestinian conflict which is the only way to secure the lasting peace that the people of Israel and Palestine deserve. The Island does not have any trade agreements with the Government of Israel.

3.4.1 Deputy G.C.L. Baudains:

I thank the Minister for his helpful response and presumably he is aware that there are dozens of U.N. resolutions still outstanding against that State due to its illegal occupation of Palestinian territory and its disproportional use of force. But does the Minister not believe that by continuing to trade with a State that behaves in this way that we risk sending a signal that we endorse that State's actions? What I am asking is, I know that we have been trying to create business with certain countries and Israel is one of them, so does the Minister not agree that we should either cease trade that we have or not continue with attempting to increase trade lest we be seen to be supporting this behaviour?

Senator P.M. Bailhache:

When the ambassadors from the Arab Consul came to Jersey some months ago, there were discussions, among others, with the Ambassador from the Palestinian State who was entirely understanding and approving of the wish of Jersey to nurture trade relations with Israel, and indeed to nurture trade relations with Arab States as well. The purpose of encouraging trade relations, or one of the purposes of encouraging trade relations, is to nurture and encourage political relations and to encourage exactly the kind of outcome which I think the Deputy and most of us would desire in relation to Palestine.

3.4.2 Deputy R.G. Le Hérissier:

I wonder if the Minister could tell us the circumstances under which the Jersey Government would refuse to engage in trade with a country in order that we can get the criteria clear? Thank you.

Senator P.M. Bailhache:

I think the first thing to say is that the Government of Jersey ...

The Deputy Bailiff:

I will have to break your proposition, Minister, in fact it is not in accordance with Standing Orders.

Deputy R.G. Le Hérissier:

Could I rephrase that, Sir?

The Deputy Bailiff:

You can certainly try.

Deputy R.G. Le Hérissier:

I wonder if in the light of the sentiments expressed in relation to Jersey-Israel trade, could the Minister outline the circumstances which would lead to a withdrawal or to a ceasing of the relationship, the trade relationship?

Senator P.M. Bailhache:

I think the bottom line is that the Government of Jersey must comply with the law, and so far as trade with Israel is concerned, the legal basis for trade relations lies in an E.U. (European Union) Israel Association Agreement which came into force in June 2000, and our relations with the European Union are, as the Deputy will know, founded upon protocol 3. The customs authorities in Jersey are required to apply E.U. rules relating to trade in goods and on that basis the Island would not be empowered legally to enforce any trade embargo on trading with Israel.

3.4.3 Deputy S.Y. Mézec:

This Assembly does not have to follow the same foreign policy as the United Kingdom. It did not do so at the beginning of the Iraq war when a motion was passed by this House deploring that action, so we do not have to follow what the U.K. says. So will the Minister agree that working with Israel, which is a country that is in breach of more United Nations resolutions than all of the countries in the world, sends out a message that we accept Israel being a pariah State, and would he not agree that a Government with integrity should not work with a country to help it become more wealthy so that it can spend more money on bullets and bombs to murder children on the Gaza Strip?

Senator P.M. Bailhache:

The Deputy uses very extreme language and the position of the Jersey Government is that it is constitutionally obliged to follow the same line as the British Government in the conduct of foreign affairs. Certainly we can if we wish express a point of view from time to time but as a matter of our constitutional relationship with the United Kingdom, it is not open to us to follow a different line from that of the United Kingdom because we are a Crown Dependency, we are not a sovereign state.

3.4.4 Deputy G.C.L. Baudains:

I am concerned from the answer arising out of the last question because it does seem to me that what we are being told is we have to do whatever the United Kingdom tells us to do. When I referred to a trade embargo ... if I could help the Minister, when I referred to a trade embargo I was not suggesting that we should enforce an embargo as we do on behalf of other countries, I was merely suggesting that we ourselves should make a decision not to trade with that particular State. Is it in our ability to do that or not?

Senator P.M. Bailhache:

Of course, the Deputy is right, it is open to the Government of Jersey to decline to encourage trade with any State if it wishes to adopt that action. But the position that the Government has adopted, as I have explained in answer to a previous question, is that trading with countries - not all of whose policies one might approve of - is a means of encouraging good relations, and by encouraging good relations one can express one's views as to those aspects of the policy of the foreign country of which one disapproves. The notion that one should cut oneself off from trade with a particular country is a very extreme measure.

3.5 Deputy N.B. Le Cornu of St. Helier of the Minister for Treasury and Resources regarding parking arrangements for tenants and private parking space users at Clos du Fort and Bas du Mont:

Can the Minister, as the shareholder representative, detail the total number of parking spaces at Clos du Fort and the number of parking permits issued to Andium Trust's Clos du Fort tenants, the Christians Together Housing Trust for their tenants at Bas du Mont flats and private parking space users at both and advise what the criteria is for the issue of permits to those living at Bas du Mont?

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

Sir, the Assistant Minister will answer these questions.

Deputy E.J. Noel of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

I am informed by Andium that Deputy Le Cornu has been in contact with Housing prior to Andium's incorporation and Andium since, and with their staff in the recent weeks on this very issue and has already been provided with most of the information he is seeking. The Clos du Fort development provides a total of 113 parking spaces including 3 disabled spaces. There are no parking spaces at Bas du Mont. There are currently 80 parking permits issued to Andium clients residing at Clos du Fort. There are 23 paid parking permits issued. There are 11 active permits issued to residents of Bas du Mont as the Christians Together development. A total of 114 permits have been issued for 113 spaces. In addition to the above, 7 medical permits have also been issued and these are restricted to 3 hours in any one day and enable family members to support relatives living at Clos du Fort, subject to certain qualifying criteria. More widely, a number of permits are issued to Health and Social Services and Andium's contractors so they can provide services to the clients because of the many homes there, which will necessitate parking at Clos du Fort from time to time.

3.5.1 Deputy N.B. Le Cornu:

Supplementary, thank you, Sir. As there is genuine need of those who live in the flats - and I could give examples but I will not - would he be prepared to make available some of the paying parking spaces, which generate in the region of £38,000 per year, to those who have a need in Bas du Mont?

Deputy E.J. Noel:

Firstly, that is not in the shareholder's remit to do that. But I am advised that there are no examples of Clos du Fort residents requesting a parking permit they have not been allocated.

3.5.2 Deputy N.B. Le Cornu:

Further supplementary. Does this mean that Andium Trust is not as accountable to this Assembly as it once was when there was a Minister for Housing, and am I seeing the example of wealth trumping need?

Deputy E.J. Noel:

Firstly, Andium is not a trust it is a company incorporated by guarantee; and no, there is not an example of income generation trumping need. I am advised that Andium are willing to work with the residents at Bas du Mont to try and find a solution to the problem that the Deputy has alluded to.

Deputy N.B. Le Cornu:

The Assistant Minister did not answer the second part of the question or the first part, whichever it was, which was saying is Andium Homes now less accountable to this Assembly than it was previously when there was a Minister for Housing?

Deputy E.J. Noel:

No, it is certainly not the case.

3.6 Connétable P.J. Rondel of St. John of the Chairman, Privileges and Procedures Committee regarding receipts for purchases under members' I.T. allowance:

Could the Chairman of Privileges and Procedures Committee advise the Assembly how many of the Members who claimed the I.T. (information technology) allowance provided receipts documenting expenses?

Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):

None of the Members who claimed the I.T. allowance provided receipts as they were not required to do so, as explained in my letter to Members dated 3rd January 2014.

3.6.1 Connétable of St. John:

So the written question that I also submitted at the same time as this one, on the expenses to Members, has not been fully answered. The Chairman is hiding behind a law ... sorry, he is hiding behind a decision of the States of 2004 which in fact does not cover that particular question of who were the people who received and have claimed the allowance. That allowance was ... the answer he has given was the incorrect answer because this additional £600 that was put aside was not covered by that. This is a decision that was made by his committee, and, therefore, will he tell us, of his committee, how many of themselves have claimed the allowance? Or probably still, those who have not claimed it.

Deputy J.M. Maçon:

I am unable to answer that question, (1) because we do have a States decision that advises us not to do so, and secondly, I do not know. Thank you.

3.6.2 Connétable of St. John:

For the Chairman himself not to know who has claimed and who has not claimed, I am concerned. If States money is being given to Members, I would expect the Chairman of the Committee to be aware of those who have received it, apart from who they are. But to tell this Chamber he does not know who, on his own Committee, have taken advantage of this is showing this Assembly in a very poor light on how they look after States money. Would he agree?

The Deputy Bailiff:

The question is, do you think you should know?

Deputy J.M. Maçon:

It is not my responsibility as Chairman of Privileges and Procedures Committee to be aware of the financial situation of other Members of this Assembly. There is a record, of course, kept in the Greffe but it is not my responsibility ... who are independent of P.P.C., it is not my responsibility to rifle through and ascertain what Members are claiming or not claiming. Thank you.

3.6.3 The Connétable of St. Mary:

It is my understanding that this £600 allowance was more or less a reworking of the previously existing I.T. provision which was given centrally. If that allowance is now to be withdrawn, is the Chairman concerned that the public may have difficulty in accessing some States Members? Because this was originally set up, as I understand it, to provide a basic infrastructure to ensure that all Members were contactable by the public.

[10:30]

Deputy J.M. Maçon:

In the written question, I think we explained that Members still receive support from the I.T. Department. The Constable is quite right to point out that this allocation money was always for ... went to assist States Members with various I.T. things. However, with the prompting of Jersey Telecom changing their billing system and therefore withdrawing how they accounted for and billed for States Members' internet service, and also with the demands of not being able to keep up with the hardware that States Members were attempting to use, after referring this issue first of all to the Remuneration Board, who did not make a decision within the deadline, the committee, then had to make a decision on behalf of Members. It is a concern in the decision that the Remuneration Board have made. It is something which I will have to be writing to them about. They will be making greater considerations on this in the future. But at the same time in their latest report they do point out that they feel that there is enough in the way of a remuneration package in order to cover I.T. expenses and I would encourage Members, if they have not have the opportunity, to read that latest report from the States Members Remuneration Board.

3.6.4 Deputy R.G. Le Hérisier:

Would the Chairman not agree that the benefit that has been derived from moving the States to be a more I.T. friendly body, albeit at an uneven speed at times, has been absolutely unquantifiable and is probably much in excess of £600? In other words, we have all gained from moving to a much more supported, much more training on I.T., and that the issue of the £600 pales in comparison with the advances that have been made.

Deputy J.M. Maçon:

In our written question we point out that not all Members have claimed the amount that would be available to them but I completely agree with the Deputy's observation that the efficiencies that moving to an I.T.-friendly working Assembly, as we progress there, does create more efficiencies and a greater cost saving than not moving that way. Thank you.

3.6.5 Connétable of St. John:

As the Chairman seems reluctant to answer any of my questions, did the Chairman himself ... well, every Member has an expense allowance. Of his expense allowance of approximately £4,000, was that not sufficient that he had to dip into the additional £600, and did he claim within that £600 over and above his expenses?

Deputy J.M. Maçon:

As I have made it quite clear I will not be discussing Members' or my individual financial situation.
[Approbation]

3.7 Deputy J.H. Young of St. Brelade of the Chief Minister regarding the downturn in States revenue income compared to earlier forecasts:

Will the Chief Minister inform the Assembly when, and in what circumstance, he first became aware of the downturn in States revenue income compared to earlier forecasts; whether he considers that his recent public statement that the Island running a year on year deficit in revenue expenditure is nothing to worry about was appropriate; and whether he plans to do anything about it, and if so, what?

Senator I.J. Gorst (The Chief Minister):

Planned deficits while the economy was weak is what was advised by the Independent Fiscal Policy Panel to support the economy and to keep Islanders in work. That fiscal stimulus has provided

investment in infrastructure for health, for education, for social housing and for our emerging digital industry, and they continue to advise the same. So we have proposed contingency measures to deal with reduced income in 2014 and 2015, which have now been incorporated into the Draft Budget 2015. I personally was advised of the revised income forecasts immediately before the Council of Ministers' consideration at its meeting on 11th June, and now the M.T.F.P. in the next stage will incorporate lower income forecasts.

3.7.1 Deputy J.H. Young:

The Chief Minister has advised us that he knew first on 11th June and that is also recorded in his written answer number 23. Could he provide us with an explanation why, if the Minister for Treasury and Resources has told us in his answers that this information was in fact available at the time of the 2014 Budget, 3rd December 2013... and I have checked the records, the information was put in on the paper in the States on the same day as the Budget debate, and that the record also shows that these figures were reported in 2013 to the Income Tax Forecasting Group having been produced in March 2013? Can he not see that ... can he explain why it has taken over a year for this information to come to light and have contingency plans for it?

Senator I.J. Gorst:

Sadly, it appears to me the Deputy is getting confused between 2 different yearly forecasts but it is difficult in an oral question to get into detail of what it is that he is referring to where he thinks there is a discrepancy. The Income Tax Forecasting Group make their best estimates, as the Minister for Treasury and Resources has said, then they get in returns from individual taxpayers and then there may need to be some adjustments in light of those returns. That is exactly what we have done, and I stand by my previous comments; when things change we need to change what we do and how we provide our services. That is the fundamental issue of being a politician; when circumstances change we must change accordingly.

The Deputy Bailiff:

This is a matter which clearly is of great interest to everyone. Can I remind Members that we have a full Budget debate coming up next week and the purpose of question time is to gain information rather than to have a pre-run of the arguments? Deputy Vallois.

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

Can I ask the Chief Minister whether he has had sight of the long-term revenue plan and whether he thinks it is satisfactory that States Members have not seen sight of this even though it was repeatedly mentioned in previous Budgets and this Budget, only 2 weeks before a Budget which everybody seems extremely concerned about?

Senator I.J. Gorst:

My understanding is that the Members will have sight of a long-term revenue issues paper on Monday in advance of the Budget. This deals with next year. We need to deal with next year. We all know that next year, whoever is returned to this Assembly, will then need to deal with Medium-Term Financial Plan 2, which will cover the years 2016, 2017 and 2018. Members cannot always look into the future. Sorry, perhaps 2019 as well because of the change in electoral term. We have to deal with 2015. This is a Budget that we can support, it deals with the reduced income tax forecast. It is not an easy Budget but it is the right Budget so that we can move forward and then we will concentrate next year on the next Medium-Term Financial Plan.

3.7.3 Senator S.C. Ferguson:

If the Chief Minister only knew about the reduced income forecast in May/June, did he not notice the income forecast that the Minister for Treasury and Resources has referred to that was made in 2013 and apparently supplied to this Assembly before last year's Budget?

Senator I.J. Gorst:

Members do wish, I suppose, to confuse issues. If we go back to the original M.T.F.P., we knew then that we were predicting or trying to predict the future - and I stand by everything the Minister for Treasury and Resources has said - that when circumstances change, when the experts that we employ to look at these things tell us that perhaps it is not going to ... reality is not going to be as predicted, then we need to amend our course of action accordingly. So we have seen years of income lines over-estimation and now we see one where income line is tight compared to estimation. We adjust accordingly and we carry on, and it seems to me that some Members would like to create a crisis where there is no crisis and would like to create confusion where I do not believe there is confusion.

3.7.4 Senator S.C. Ferguson:

Supplementary, Sir. But then if the forecasts were down last year, why did we not adjust last year's Budget?

Senator I.J. Gorst:

As I say, it is very difficult for me to go back to refer to individual documents and what was known when. I support everything that the Minister for Treasury and Resources has said and anything that I have said today is in complete alignment with what he said earlier.

Senator P.F.C. Ozouf:

May I make a point of clarification because this is at the heart of a number of points that a number of Members have made?

The Deputy Bailiff:

Well, it is question time.

Senator P.F.C. Ozouf:

Yes, but it is a point of clarification on some ...

The Deputy Bailiff:

If it is question time and it is not questions to you, then ...

Senator P.F.C. Ozouf:

Well, it may be a point of order then in terms of getting facts out in the Assembly. It is just fact, Sir. There is simply a misunderstanding.

The Deputy Bailiff:

It is question time. Deputy Southern and then we will have the final supplementary. The debate is going to take place next week, I remind Members.

3.7.5 Deputy G.P. Southern:

In the 2014 Budget, when did the Chief Minister become aware of the potential for £48 million shortfall, and is he still content with that shortfall in the sense that he then further approved reducing the marginal rate from 27 per cent to 26 per cent, costing another £7 million to the revenue input?

Senator I.J. Gorst:

It is important that in this Assembly we listen to independent economic advice, and I ask Members to consider which of the measures that we have taken, which of the fiscal stimulus items that we have delivered into the economy, which of funding measures that we have put into social housing, into getting people into work, into education, into training, which of those measures would any Member in this Assembly say we should not have done when the independent economic advice said that we needed to stimulate our economy and we needed to help get it back on track and we needed to plan for deficits? Any Member that says that they would have done anything different, in my view, would have been irresponsible in not putting the best interests of Jersey and getting economic growth right. We did make adjustments and I stand by the reduction in the marginal rate, putting money back into the economy, back into people's pockets, and I am surprised that the Deputy himself appears now not to. These have been difficult times. We have brought forward the right measures for those difficult times and I stand by them. The Income Tax Forecasting Group say now that we ... what is now expected needs to be adjusted slightly. That is what we are doing. That is why this Budget is the right Budget for today, it is the right Budget for 2015 and it is the right Budget for Jersey's long-term interests.

Deputy J.A.N. Le Fondré:

Point of order?

The Deputy Bailiff:

Final supplementary. A point of order?

Deputy J.A.N. Le Fondré:

I think it is a point of order. The point is that the Chief Minister said they listened to the economic advice. The economic advice in the F.P.P. was not supportive of the reduction in the marginal rate tax.

The Deputy Bailiff:

What Standing Order are you referring to for the ruling which I must make on that point of order?
Final supplementary.

3.7.6 Deputy J.H. Young:

I will try and focus my final supplementary on the question. The Chief Minister, in his answer, I think, suggests to my questions and a number of other Members, that we were mixing things up somehow. To be clear, my question concerns the reduction of States income forecast from £713 million to £679 million which was contained in a document dated September 2013 which did not get presented to States Members until 3rd December 2013, the same day that we approved the 2014 Budget. So my question is, that is my issue and I still am looking for an explanation why it was that that information did not get discussed at the top table, the very Council of Ministers, until June 2014? And the question, if we ... one final word. Would the Chief Minister not accept that if we were a private company we would at the very least have had to issue a profit forecast warning against that very big change which is new for Jersey?

Senator I.J. Gorst:

I do not accept that at all. No, we would not have had to do such a thing. Ministers have seen all those documents. It is when the Income Tax Forecasting Group start to look at the returns and the returns indicate that we may need to revise down again, and that is what we have done in this instance. It is looking at the forecast, it is then going out to looking at individual returns. Treasury then undertook a number of weeks' work to go out to potential large taxpayers and then, after they had all that evidence in front of them, Ministers took the decision that they needed to adjust accordingly. That is exactly as it should be.

[10:45]

3.8. Deputy G.P. Southern of St. Helier of the Chief Minister regarding the 2 per cent reduction to pay budgets in the 2015 Budget:

How does the Chief Minister justify the 2 per cent reduction to pay budgets in the 2015 Budget?

Senator I.J. Gorst (The Chief Minister):

Budget 2015 proposes a number of measures, as we appear to have just been discussing, to deal with reduced income forecasts. One of those proposed measures is to require departments to find a 2 per cent saving in 2015, not, as the Deputy suggests, a 2 per cent reduction in the pay budget. Each department will identify how they can make their efficiencies and savings in the next few months.

3.8.1 Deputy G.P. Southern:

So switching from the pay element to the general revenue element. Is that a recent change, is that a new change because the proposal in the documents we received said “from the pay budget”?

Senator I.J. Gorst:

I am not sure that that is correct. I do not have those documents in front of me. It is my understanding that it has always been 1 per cent from the pay in uprating line.

3.8.2 Deputy M. Tadier:

I believe that the Council of Ministers at least in theory operate under some kind of collective responsibility. How does the Chief Minister therefore feel about the soon-to-be outgoing Minister for Social Security’s comments that taxes and contributions will have to go up? If in fact that is the case, how would the public sector feel about having their pay frozen or potentially reduced, given the fact that their taxes and contributions are likely to go up imminently?

Senator I.J. Gorst:

The proposal in Budget 2015 is to not quite allocate the same amounts on the budget line for uprating so the Deputy is simply scaremongering when he tries to say that salaries might be frozen or reduced. It is absolutely not the case. Senator Le Gresley quite rightly raised an issue about how are we going to provide for what we know is the increased cost of healthcare into the future. By the end of this M.T.F.P. we will already be putting £30 million extra into health care. Again, I ask all those Members who have been criticising the Council of Ministers this morning, is that wrong? Is that the wrong policy? Did they stand up and vote against it when we brought it forward? No, they did not because they recognised the need in our community to provide the very best health care that we can. There is going to be a challenge over the next few years and that challenge is what Senator Le Gresley spoke about. We hear some Members suggesting that: “Well we should simply give free doctors’ appointments.” No, we should look at the issue in the round. We know that health is going to cost us more. We have provided for some of that already; we are going to need to provide more. That is what the pieces of work that Health and Social Security are doing: to work in a joined-up fashion, to consider how we are going to provide funding for primary care, to consider how we are going to provide funding for secondary care and to consider how those elements of care are going to work together. There are some difficult issues facing members in the community at this election.

Deputy M. Tadier:

Would I be allowed a supplementary?

Senator I.J. Gorst:

We should not shy away from them. We should bring forward plans to deal with them.

The Deputy Bailiff:

Chief Minister, I wonder if you could please try and contain your responses to the question that is directly put to you. Deputy Le Fondré.

Deputy M. Tadier:

May I have a supplementary? We ask questions on the basis that we have supplementaries. When we have a filibuster which does not even address the initial question, I think it is only fair that I have a right of reply, given that is the usual.

The Deputy Bailiff:

It is question time rather than a debate, Deputy, but you may certainly ask a further question.

3.8.3 Deputy M. Tadier:

The point I was making, the Minister has accused me of scaremongering. I have had it on relatively good authority that a pay freeze may well be on the agenda given the financial climate. So if I am scaremongering it will help allay the fears of workers across the Island if the Minister gives a categorical assurance that there will not be a pay freeze in the forthcoming years. Will the Minister take that opportunity to clarify this before 15th October?

Senator I.J. Gorst:

Of course that will depend on who this Assembly decides they want to give the role that I currently am honoured to occupy and they sit on the States Employment Board. What this Budget does is take 1 per cent out of the uprating full pay into the future. Perhaps I should apologise. As Chief Minister I do not often get the opportunity to electioneer and be political but I am taking the lead from every other Member that seems to be electioneering so I thought I would take the opportunity to do the same. Thank you. [Approbation]

3.8.4 Deputy J.A.N. Le Fondré:

I am not too sure if I like the comment about electioneering because this is the first time we have been able to ask the questions about the Budget since it was lodged, I believe. The point is, the Budget itself is being identified and it was said last night it is very, very tight in the extreme. If it is a pound out it is illegal as presently lodged. So what evidence does the Chief Minister have that all of the 2 per cent, including what we are discussing just now, is going to be delivered by all the departments within the timescale envisaged, over and above everything else, and therefore keeps the Budget legal?

Senator I.J. Gorst:

We have to bring forward a Budget that is theoretically and practically deliverable. We know from the C.S.R. (Comprehensive Spending Review) process that some departments will consider issues where they can make savings and then after further investigation they will have to change tack slightly and deliver other issues. I hope the Deputy is not suggesting that we should not be bringing forward these proposed savings and efficiencies. He is one of those proponents who thinks the States can save more. I would have thought he was supporting these amended Budget proposals as the sensible, prudent approach for when forecasts change; for when reality changes, we then must change tack as well.

3.8.5 The Deputy of St. Ouen:

Given that the Chief Minister has acknowledged the Health Department are in need of additional resources, will he confirm whether or not he will be requiring the Health Department to deliver the

2 per cent overall savings as identified by the Council of Ministers and the Minister for Treasury and Resources?

Senator I.J. Gorst:

Health has been doing a fantastic piece of work about redesigning the service that they provide. They have areas where they want to put extra resource, areas that this Assembly agrees they need to put extra resource in and therefore they have a programme also that means they are making savings in other areas. They are committed to speeding-up those savings and finding other areas where they can make savings. That is part of Health's day-to-day business these days. They are totally transforming the way that they deliver services to our community. Yes, they are committed to making those savings but they were committed to making savings anyway. At the same time we are giving them extra resources so that they can continue that important work.

3.8.6 Deputy G.P. Southern:

Given the Chief Minister's deep understanding of the relationship between the S.E.B. (States Employment Board) and its employees, where does the Chief Minister think that these 2 per cent savings will be achieved? Will they be achieved in services, will they be achieved in pay or will they be achieved by a freeze on recruitment and will they apply across all departments?

Senator I.J. Gorst:

I am not sure now if the Deputy is referring to the 1 per cent in uprating or he is talking about the 2 per cent across departments. Departments will have various ways in which they will deal with that requested saving.

3.9 Deputy M. Tadier of St. Brelade of the Minister for Housing regarding the compliance of social housing in the Island with the U.K. decent homes standard:

Further to the findings of the 2009 Review of Social Housing in Jersey (Whitehead Report), which found that 27 per cent of social housing in the Island would not meet the U.K. decent homes standard, will the Minister now provide an up-to-date estimate of what this figure would be, and in the absence of such a figure, explain what mechanism is being used to assess progress or otherwise in this regard?

Deputy A.K.F. Green of St. Helier (The Minister for Housing):

At the end of last year the percentage of homes, this is Andium Homes, failing to meet the decent homes standard has fallen to 25 per cent. I look forward to reporting a much more significant reduction over the coming year now that we have the Housing Transformation Programme in place. £6 million has been invested in maintenance this year, £62 million will be placed over the next 5 years. This investment will bring enormous benefits to the ordinary Islanders. It will be closely monitored with the 2014 performance against the decent homes standards which is due at the end of this year.

3.9.1 Deputy M. Tadier:

Thank you for the Minister confirming the figures which I already had understood to be correct which corresponds to 1,157 homes which are currently falling below standard in the Island. Will the Minister confirm that despite this quarter of his homes not meeting decent standards that rents for these homes have nonetheless gone up? Does he think that that is the correct way to proceed and should not the rent increases have waited until the decent standards had been met?

Deputy A.K.F. Green:

We have to get this into context. Some homes did not meet the decent homes standard because they were in very poor structural condition. Those are the ones that we have tackled first and I could keep you busy for 15 minutes with the long list of achievements that Andium Homes have achieved since I have been the Minister for Housing but I will not do that. What I will say is that some homes fail to meet the decent homes standard merely because we have not yet replaced the bathroom or the kitchen and yet the bathroom and the kitchen are currently in reasonable working order. We have a proper programme; I am not embarrassed by it. I think that Andium Homes have done an excellent job. Since I have been Minister we have been driving-up standards. To answer the Deputy's question about rents, I had to tackle a long-term problem where this Assembly had not had the courage to put the rents where it needed to be.

Deputy C.F. Labey of Grouville:

Sorry, I knocked my microphone by mistake, Sir. [Members: Oh!]

3.9.2 Deputy T.A. Vallois:

Could the Minister advise whether a policy on decent homes standard has been put together for Andium Homes and whether that has been informed to all tenants?

Deputy A.K.F. Green:

Tenants are regularly advised by newsletter on what we are doing. We have also contact with the Tenants Forum so tenants are aware of what is going on. Most tenants are aware of the programme that we have in place. I am very comfortable about the communications that we have in place from Andium and the contact that we have with our tenants.

Deputy T.A. Vallois:

Sorry, I was asking about the policy of decent homes and whether every tenant knows exactly what the decent homes policy is?

Deputy A.K.F. Green:

I do not know.

3.9.3 Deputy G.P. Southern:

Is it not the case that the Minister and Andium Homes would be much better able to deliver its programme much more rapidly if it was allowed to use all of its rental revenue and not maintain the return to Treasury which caused so many problems over the last 20 years?

Deputy A.K.F. Green:

It is not the case. What has caused the problem over the years is the subsidy of rental by keeping rentals low instead of supporting people that needed access to social housing by Social Security. We did that by keeping rents low and failing to carry out the maintenance. Now tenants pay the correct rent and if they need support, they get that support from Social Security. That is wholly right. To answer the Deputy's question which he always asks me about the contribution, the payment that we make to the Minister for Treasury and Resources ... the Treasury Department, not directly to the Minister, we have to live in the real world. When you look at the billion pounds worth of assets, we are paying a very small payment to Treasury for the use of those assets. If in an ideal world we could do away with it... we have just been talking about the income deficit, where are we going to take that £27 million from? Are we going to take it away from Social Security or should we take it from Health? Or what about Education, let us take it from there. No, we have to live in the real world and I am in that world.

3.9.4 Deputy J.H. Young:

I thank the Minister for his programme. Obviously it is vitally important to bring all our homes up to decent standards. Could he tell us: in advancing his programme is he able to give priority to the particular needs of the elderly and housebound who spend the majority of their time in those buildings? To have to live in unsatisfactory circumstances is really a big problem for them. Is he able to give priority to that group in his programme?

Deputy A.K.F. Green:

I thought we had done that in lots of cases, for example, The Cedars and the La Collette high rise where the lifts used to go to every other floor which meant if there was a problem with that lift the people on the floors in between could not get access. As part of our programme then we have put another lift in and that does every floor now. We have 2 lifts doing every floor: that helps with people.

[11:00]

Of course, there will be some areas where we still have work to do but the Deputy knows we are working very, very hard to do that. I could read out the list but I will not take up 15 minutes of question time doing so.

3.9.5 Deputy M. Tadier:

The Minister talks about living in the real world. Does he acknowledge that there are tenants whose real world is that they have been living in substandard accommodation for decades where their rent has been misappropriated by the Treasury because it should have been going back into reparations but it has been going into subsidising the taxpayer rather than doing that and that their reality is living in what the Minister has just confirmed exists in Jersey, very poor structural conditions? Yet they have had in the last couple of months a rent increase and seen no increase in the living standards of their properties which are possibly in some cases uninhabitable and do not even merit paying rents in the first place.

Deputy A.K.F. Green:

No, I do not acknowledge that and we do not have any uninhabitable properties in Andium. I just cannot comprehend the same picture that the Deputy sees. The picture I see when I go round are tenants in good-standard accommodation. Some of that accommodation does need to be brought up to modern insulation standards. Some of that accommodation is far better than many of the elderly are living in in their own homes because they cannot afford to insulate it so I am very proud of the work that we are doing at Andium. I want to help everybody achieve a decent homes standard in Jersey whether they own their own home or whether Andium owns the home.

Deputy M. Tadier:

I invite the Minister to come round with me this week and I will show him those conditions very clearly.

3.10 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Health and Social Services regarding the percentage of operating theatre time devoted to allow Consultants to perform private procedures during their working week:

What percentage of operating theatre time is devoted to allow consultants to perform private procedures during their working week?

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

All consultants undertake a full-time job working a minimum of 40 hours right across the working week. That working week covers 24/7 and the 40 hours which is public work includes clinics, ward

rounds, theatre time, out of hours and administration. Over and above these 40 hours consultants are entitled to undertake private practice. Surgeons are allowed to undertake private practice in the Jersey General Hospital theatres and this can occur across the 6 days of a week. To plan the most efficient use of theatre capacity, surgeons are requested to keep their private practice to no more than 30 per cent of the scheduled theatre lists. Most recent audits however show that the percentage of theatre activity spent on private practice is 21 per cent. This remains over and above the contracted 40 hours of public work they undertake across their full working week.

3.10.1 Deputy R.G. Le Hérissier:

Could the Minister confirm - and I thank her for the clarity of her answer - whether any of this 21 per cent is focused on operations where people are desperate to get them and are kept on long waiting lists but almost by a sleight of hand were they to move to private operations they can get the operation almost immediately? Would she confirm that a lot of the 21 per cent is used in that fashion?

The Deputy of Trinity:

I cannot confirm that the 21 per cent is used in that fashion because that is private practice and it is up to the consultant at the time, but issues of waiting lists are because there is an increase in demand for surgery. We know that because of the ageing population. That will not change whether we did private practice or not private practice. The waiting lists, even though they have been successful over the last months, have reduced dramatically. If there was not private practice work those patients would not be able to go obviously on the private list and the public list would even be longer.

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

Members have just been told that theatres are currently used 6 days a week. We are all very well aware of lengthy waiting lists for some specialities. Has any consideration been given to using theatres 7 days a week?

The Deputy of Trinity:

Yes, issues like that are always constantly under review but if we did do 7 days a week you need to make sure you have the theatre staff, the anaesthetist, *et cetera*, to be able to achieve that but that is the whole issue of working at weekends within the hospital which is constantly kept under review.

3.10.3 The Deputy of St. Ouen:

Would the Minister tell us, after the overall 40 hours that the consultants undertake on public work, what is the actual average time per week spent in theatres by those consultants?

The Deputy of Trinity:

I do not have the exact details. It varies from surgeon to surgeon, I would have thought. An E.N.T. (Ear Nose and Throat) consultant does one night in 3 on call, so this is including the on-call. But the exact figures of what each doctor ... we do have that information but I do not have it to hand.

The Deputy of St. Ouen:

Could I just ask the Minister if she would circulate that information to the States Members?

The Deputy of Trinity:

Yes.

The Deputy Bailiff:

A final supplementary?

Deputy R.G. Le Hérisier:

No, Sir.

Deputy J.A. Hilton:

Could I ask a final supplementary?

The Deputy Bailiff:

That is not the tradition, Deputy. [Laughter] We have a lot of questions to get through.

3.11 Deputy S. Power of St. Brelade of the Minister for Treasury and Resources regarding the discussions for a bond for Andium Homes Limited:

In placing the bond for £250 million to finance future funding for Andium Homes Limited, could the Minister outline the specific discussions he had with prospective issuers of the bond and advise whether these were based on the projections now stated in Budget 2014, namely the projected budget deficits for the next 3 years of up to £90 million and possibly more in the future? Thank you.

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

I have been through this a number of times. First of all the question asks “now stated in Budget 2014” I think the Deputy means Budget 2015.

Deputy S. Power:

Yes.

Senator P.F.C. Ozouf:

Yes, so I am assuming that. First of all, I hope the Deputy still agrees that having achieved a coupon of 3.75 per cent fixed interest for 40 years is delivering everything he wanted as the Minister for Housing. Secondly, I do not recognise or understand again, with respect, how the figure of £90 million for deficits over the next 3 and, as the question says, possibly more, has been calculated. No decisions have been made by this Assembly on tax or spending beyond 2015 so no discussion can be had about... I am coming to a later question of whether or not there is a structural deficit, which I will deal with. As far as the bond issuance is concerned, all the available information at the time was shared with the 3 appointed book runners, financial and legal advisers who were involved throughout the insurance process. There were so many discussions, too numerous to list in an oral question because there were lots of face-to-face meetings, emails, conference calls and all the rest of it. The purpose of the discussions was to prepare the documentation, plan the road show, to ensure that we supplied the correct information required by potential investors. I was provided with regular updates by the former Treasurer. I can say this, my own involvement with the bond issuance was with the Minister for Housing. We went on the roadshow promoting what we had done and having a lot of very tough questions from really, really informed and smart investors in bonds over the period of time that we did the roadshow in Edinburgh and London. All of the bond investors are interested in historical results and how this Assembly has proven in the past to deal with any challenges of the future.

3.11.1 Deputy S. Power:

That long answer, which was another example of filibustering, did not answer the question. The question was did he specifically discuss the projections that we are now aware of, of a funding deficit with those particular prospective issuers of the bond? Did he specifically discuss that there was likely to be budget deficits for the next 3 years?

Senator P.F.C. Ozouf:

This issue about deficits of the next 3 years, the answer is, yes, there was absolutely full disclosure, granular discussions, tough discussions. I get tough questions in this Assembly. But if I may say, bond investors and credit committees of multi-billion pound investors know exactly how to get under the skin and how to answer. Perhaps they have had legal training like the Attorney General and the Solicitor General of answering questions. Nothing can be hidden from the people that we were proposing. We have a published prospectus, full information, and this Assembly and this Island has one of the best track records in terms of publicly-disclosable information past and present and we have a good track record of dealing with problems in the future. That is the impressive thing that all the bond investors had; loose talk about future deficits, deficits this year which have been done to get the best of economic growth, is frankly not the most important issue. Is this Assembly capable in the future of dealing with challenges of healthcare spending and the rest of it? I believe we are. Investors, having got the lowest margin of any bond issue around in recent times, showed that those bond investors have confidence in our track record, have confidence in the current situation and have confidence in the future. Frankly, they know better than some of even I do about international trends. **[Members: Oh!]**

3.11.2 Deputy G.P. Southern:

The key question is, I think, was the information contained in the 2014 Budget about the shortfall between predicted forecast revenues and what was coming in shared with the people making the decision? Or was it a much larger shortfall between predicted and actual or pre-forecast in the 2015 Budget? Were those 2 pieces of information, £45 million and £75 million plus, shared with the assessors?

Senator P.F.C. Ozouf:

Well not only that there is the S. and P. (Standard & Poor's) report and the S. and P. information that is done, which I am just getting a copy of that so I can answer the question a bit later, the fact is that we have seen a shortfall in revenue in 2013, fully disclosed, and we explained it, where it came from. We are now seeing a downgrade in income for 2014 and 2015. This is exactly as many people would have expected the contagion of the euro crisis finally coming through into our numbers. The remarkable thing is that in 2011 and 2012 we beat the forecast by £27 million and an extra £17 million. These numbers will go up and down. Short-term knee-jerk reactions are not the good way that Members of Assemblies and Budget Ministers deal with things.

The Deputy Bailiff:

Minister, you must keep to the question.

Senator P.F.C. Ozouf:

It is long term and we have a great track record. Do not condemn it; celebrate it.

The Deputy Bailiff:

Minister, you must keep to the question.

3.11.3 Deputy G.P. Southern:

The question was, were the 2 figures on shortfall over expected revenue shared with the assessors on 2014 or 2015? Is the answer yes or no?

Senator P.F.C. Ozouf:

All information was given and the track record of beating estimates was also something. The confusing thing is the world tanked after 2013 and the revenue, because of the resilience of our

finance industry, continued to come in. We have now seen a deficit because we want to spend money and cut taxes. Why are people criticising? I just do not understand it.

The Deputy Bailiff:

This is not a debate about the Budget or about the facts in relation to Andium Homes. It is question time. Deputy Le Hérissier.

3.11.4 Deputy R.G. Le Hérissier:

When the Minister did brief the parties in England and Edinburgh - and I hope Edinburgh did not get the word given what might happen next week, when he did do that - was surprise expressed at the fact that this was the first time after generations that the Island Government had deliberately sought to go into debt? Was surprise expressed at that?

Senator P.F.C. Ozouf:

No, and, again, I just do not know. Sometimes I think that Members wake up in the morning and they have forgotten everything that we have done in the past. What is this about we have not done deficits? Can I remind the Deputy of this chart? I will send it around. We ran budget surpluses in 2008 and 2009, we ran a deficit in 2010, we ran a deficit in 2011 from the drawing-down of the Stabilisation Fund because of the hugely prudent decisions that this Assembly made to deal with the issue of the change in corporate tax regime. I then arrived at the Treasury at the start of my term of office, warned about a public deficit ongoing of £100 million by 2013. This Assembly backed those proposals. Some Members did not do it. Some of the Members criticising me now are saying: "Oh no, should not have done that." We dealt with the deficit, we are in a good position, and what we are doing is we are building on putting money into the economy to be in the best position to deal with spending demands that many Members will have after, hopefully, some of them will have got re-elected. I just do not understand the issue.

3.11.5 Deputy J.A.N. Le Fondré:

Just one point while I am standing up is that we have a different forecasting model from 2012 onwards so I am not really interested in what happened in 2011 and before plus different economic circumstances, so would the Minister stop referring backwards? The question the Minister was answering in relation to the issues of the bond, could he also just clarify both for that and for the credit rating agency, were they given the I.T.F.G. forecasts which include dates of April 2013, it is dated September 2013, and it includes the shortfall of £70 million in income forecasts?

[11:15]

The reason I repeat the question is because in response to my written question they are not listed there. Just a yes or no.

Senator P.F.C. Ozouf:

I am getting a barrage of dates and we are moving around. I have a question about Budget 2014 when the Deputy means 2015; Deputy Le Fondré asking back from 2013. All information... let us be clear, the bond roadshow happened at the end of May. The income tax forecast for next year was effectively finalised at June. This Assembly and all people involved in the bond issue were aware and are aware of the exogenous factors faced in our financial industry and how that is going to affect it. We had lots of discussions about the future of Jersey and I was able to say with pride that this Assembly has tackled previous problems, not put issues away and that is why we are in a strong position. Unlike most other places, we have 100 per cent of G.D.P. (Gross Domestic Product) on our balance sheets in assets as opposed to all the other bond issuers which go around Edinburgh and those great financial advisers there because they have debts of 100 per cent the

opposite way. We are not even zero. Most places are 100 per cent debt. We have 100 per cent of assets. I just do not understand the issue.

The Deputy Bailiff:

Minister, this is question time. You are supposed to be answering questions, not making speeches.

Senator P.F.C. Ozouf:

It is questions but it is questions about the detail where I am being told that forecasts have not been made. I know you are saying that we have a Budget debate next week but I need the facts out so that we can have a proper debate about the Budget, not have a debate which is based upon misinformation, revisionism and accusations that the Treasury has not been absolutely transparent in everything it has because it has. I need to make those points.

The Deputy Bailiff:

Thank you, Minister, you have done that. A final supplementary?

3.11.6 Deputy S. Power:

Yes, Sir, with great trepidation. **[Laughter]** I am going to bring the Minister back to the bond and the time it was taken out in the early part of the summer which he referred to as May or thereabouts. Was the Minister aware then of the significant changes that we are now aware of in the forecast and was he able to advise the issuers and the credit rating agencies and the banks of these changes in the forecasts?

Senator P.F.C. Ozouf:

The forecast was not finished until 30th June. We spent a lot of time thinking and talking about the reasons why Jersey's income would increase and not increase. I was able to explain what we are doing in the financial framework which is the new financial services strategy now delivering results: HSBC bringing business back to Jersey; 2 private equity firms bringing business to Jersey. Bond investors are taking a 40-year view. They are not interested in minor blips in terms of latest forecasts, they are looking at the resilience of the last 30 years of Jersey's economy, the way this Assembly has prudently dealt with estimates of the past and track records over 40 years. We are in a strong position and what are we doing? We have people saying that we are in a weak position. Deputy Power should be saying: "Fantastic, 3.75 per cent investment in social housing for 40 years at some of the lowest rates that anybody has ever got; fantastic" with full transparency and ongoing 6-month reviews ...

The Deputy Bailiff:

Yes, that question took 12 minutes.

3.12 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the pursuance of cyber bullying cases:

Will the Minister advise Members whether the police have received any legal advice not to pursue cyber-bullying cases and, if not, would he investigate whether police officers are advising members of the public seeking to make complaints that such cases cannot be pursued?

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

In his written answer today, Her Majesty's Attorney General has confirmed that he has issued what he describes as informal guidance to both the Data Protection Commissioner and the States of Jersey Police as to when a prosecution might be appropriate. I have seen that advice and I would

expect the States of Jersey Police might quote that advice when advising complainants as to how they intended to proceed in relation to a particular complaint.

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

A supplementary? Would the Minister be surprised to hear that police officers laughed at one complainant and said: "You have got no chance" regarding their complaint about a cyber-bully? They have been told that unless the matter is exceptionally serious it would not be looked at. Does he think that is acceptable that police officers should not even investigate a case? It comes to the Attorney General on whether there is enough evidence to prosecute but the police should investigate and treat all these cases seriously. Does the Minister not agree?

Senator B.I. Le Marquand:

I am aware of the allegations which the Deputy has put because I have met with the particular complainant who made those allegations. I referred the matter on, as is my normal practice, to the senior officers and the individual. In fact, there was another individual also seeking to raise issues at the same time. I also referred matters on and provided details in relation to that. I think that the Deputy needs to understand that the nature of the advice, without going into it in detail because obviously that is a matter for the Attorney General, is really to try to advise investigating officers as to the level of seriousness of matters. He must understand, as I am sure the Deputy does, that there is a lot of criticism that takes place on blog sites, there are things which are said about different people from time to time, much of which I personally would deplore. But there is a difference of level which would warrant a charge of harassment, something of that nature, which would justify a full investigation leading on potentially to a charge.

3.12.2 Deputy M. Tadier:

The Minister said that he had met with the complainant and talked about the level of seriousness needed for an investigation. What was the level of seriousness of this and does the Minister believe it should have warranted an investigation?

Senator B.I. Le Marquand:

Well I do not want to be commenting on the level of seriousness test which is set out in the advice because that is a matter for the Attorney General. What I can say is I have subsequently seen some detailed analysis from the police in relation to these different cases and it is clear that they have looked very carefully at the matters and they have very carefully analysed them and come to certain conclusions. This is centrally an operational matter and it is a matter for them to decide upon.

3.12.3 Deputy M. Tadier:

Will the Minister comment on what the nature was of the alleged comments and the alleged threats that were made?

Senator B.I. Le Marquand:

No, I will not because that would be going into an operational matter in relation to the nature of allegations which are made. It does not seem to be right for the Minister for Home Affairs to do that.

3.12.4 Deputy M.R. Higgins:

Well the Minister will not say it but I will say it. Death threats were issued in one case and in others that they were going to ruin someone's career. Now I think that is serious and this is something that the police should be investigating. I find if there has been guidance issued from the Attorney General's office which is preventing the prosecution of individuals like that, that advice

needs to be withdrawn and new advice given because it is a new threat, it is vile and these people should be put in their place. Does the Minister not agree?

Senator B.I. Le Marquand:

In his other question the Deputy has mentioned allegations of details of matters of which I am quite frankly unaware in terms of the seriousness of them. They were not mentioned, as far as I am aware, by any of the complainants who had contact with me. I think it is perfectly proper for the Attorney General to try to give some kind of guidance to police officers as to cases in which a prosecution might ensue. That is just part of a screening process so that officers are not spending huge amounts of time on matters which, at the end of the day, prosecutors are not going to proceed with. The precise nature of that advice is of course a matter for the Attorney General.

3.13 Deputy R.G. Le Hérissier of St. Saviour of the Minister for External Relations regarding efforts to remove the restrictions on some Jersey residents to work in the E.U. without a permit:

What steps, if any, are currently being taken to remove the necessity for some Jersey residents to have a “stamp” in their passports restricting them from working in the European Union without a permit?

Senator P.M. Bailhache (The Minister for External Affairs):

As the Deputy will well know, Jersey’s relationship with the European Union and the status of Channel Islanders is defined in Protocol 3 of the United Kingdom’s Treaty of Accession to the European Communities. It would only be possible to change Protocol 3 in relation to the status of Channel Islanders, and indeed in any other respect, with the agreement of all 28 Member States of the European Union and that is a prospect which seems unlikely to be easy to achieve.

3.13.1 Deputy R.G. Le Hérissier:

I do realise this question may be becoming a bit tiresome but could the Minister tell us whether informal approaches have been made? Because it does seem a totally over-the-top procedure that 28 states have to be convened in order to look at what, to a lot of the population, is a very irritating issue. Is there no other way? Have informal approaches been made to the European Union? Thank you.

Senator P.M. Bailhache:

The short answer is no.

3.13.2 The Deputy of Grouville:

Would the Minister acknowledge that the Jersey residents who form part of this group are increasing in number? Also, as the issues are complex to change it, could he set out how he would envisage how we could use this restriction to our advantage, for example, restricting entry to certain people known as drug dealers?

Senator P.M. Bailhache:

Well the Deputy of course is right that it is always very tempting to see if one can find means of restricting the entry of undesirable people, whether from the European Union or indeed from the United Kingdom. I am not aware of evidence that the number of people categorised as Channel Island under the protocol was increasing. I think it is probably worth restating the point that the problems faced by such Channel Islanders are not really very frequent. I have received no representations from anyone defined as a Channel Islander under the protocol indicating that he or she has had any difficulties in relation to that status. If such a person wishes to work in the

European Union it is true that a permit would be required. But so far as I am aware there are no particular difficulties in achieving such a permit.

The Deputy of Grouville:

Could I ask a supplementary?

The Deputy Bailiff:

I will come back to you. Deputy Higgins.

3.13.3 Deputy M.R. Higgins:

Would the Minister acknowledge that the reason why it is not on the agenda for discussion with the common market is that to raise this issue would be opening up all the Protocol 3 which would open up a can of worms for the finance industry which did not exist when the protocol was first drafted and that if we raise the issue they will want to bring in all sorts of controls in the finance industry which obviously the Council of Ministers do not want to have? That is the core of it. That is why we do not renegotiate it and I would like the Minister to acknowledge that. Secondly, does he think it is reasonable that all 28 Member States have free movement and people can come to Jersey and reside here even though Jersey men and women do not?

Senator P.M. Bailhache:

The reason why representations are not made to alter the status of Channel Islanders under the protocol has nothing whatsoever to do with the financial services industry. It is because, as a matter of law, it would be very difficult, if not impossible, to achieve an amendment to Protocol 3 without changing the status of Jersey in relation to the European Union. As the Deputy will know very well, there is no present intention to achieve any such change. Sorry, the Deputy asked a second part to the question but I have lost it.

Deputy M.R. Higgins:

Just whether it is right that members in 28 states can come to Jersey and be here but obviously Jersey men and women who have that restriction cannot as an automatic right?

Senator P.M. Bailhache:

It is true that there appears to be this imbalance but the appearance is deceptive because it is open to Jersey to restrict the entry of citizens of the European Union if Jersey wishes to do so. The only caveat upon that is that restrictions would have to be introduced across the board to all citizens of the European Union, including British citizens. As we have no desire at the moment to risk upsetting the common travel area which allows citizens of Jersey to travel freely throughout the common travel area, the prospect of introducing such restrictions has not been contemplated.

The Deputy Bailiff:

The Deputy of Grouville, I cut you off and you had a supplementary.

[11:30]

3.13.4 The Deputy of Grouville:

It was to do with the answer to my question whereby we could use this to our advantage but the last answer has somewhat confused me in that the Minister has now said that we can introduce restrictions. So I would just like to flag-up, can we not use these restrictions in a discriminatory way as I alluded to before, as I gave an example before, so that as indigenous Jersey people are discriminated against, surely we can find a mechanism where we can discriminate against the people that we do not want in this Island, drug dealers as an example.

Senator P.M. Bailhache:

The Deputy is, I am sure, aware that there are 2 different provisions of the protocol that are relevant in this context. The first provision is the definition of a Channel Islander which prevents those who are defined as Channel Islanders from working without a permit in the European Union. The second is the provision of the protocol which provides that the Government of Jersey may not discriminate between nationals of Member States and therefore, as in my answer to Deputy Higgins, it is not possible for restrictions to be placed upon the entry of European Union nationals from other countries without imposing the same restrictions upon United Kingdom citizens and, for the reasons that I have given, we would not wish to do that. So far as restrictions on drug traffickers and the like are concerned we are able, or that is to say the courts of the Island are able to recommend to the Lieutenant Governor that non-U.K. citizens can be deported from the Island and the Lieutenant Governor has the power under the Immigration Act, as extended to Jersey, to order the deportation of criminals from Jersey in certain circumstances but that does not apply to citizens of the United Kingdom.

3.13.5 Deputy M. Tadier:

Given that the Senator stood on an election platform as being the only one being able to convince 26 States Members all to agree, does he not think that the task of getting 28 European Member States to agree would be much simpler?

Senator P.M. Bailhache:

No, I do not.

3.13.6 Deputy N.B. Le Cornu:

Would the Minister not agree that actual discrimination is being carried out by the Government of this Island and it is indeed ironic that visiting us today is the Ambassador of Romania? His citizens who work here face a 5-year rule; potentially can be regarded discriminatory because they are restricted to the type of employment that they can undertake and many of them are critical that their skills are not fully recognised when a graduate is working in a coffee shop. Whereas, a Channel Islander, although bearing this stigmata, can indeed apply to the relevant government body in France, or wherever in the E.U., and remove that stigmata and then work whereas, here in Jersey, the 5-year rule is unchallengeable.

Senator P.M. Bailhache:

I do not accept that the rule relating to residence in the Island for 5 years is discriminatory. It is a provision that applies across the board to people of all nationalities and it is something which is necessary in order to prevent the population of the Island from rising out of control, which is something that I think the majority of people in this Island would not wish to see.

3.13.7 Deputy R.G. Le Hérissier:

I wonder if the Minister is happy with a situation where it strikes me ... it has often been suggested people use informal means to circumvent basically the stamp. Is he really suggesting that people do that, because surely it should be done in a much more upfront fashion? Secondly, would he promise to take informal soundings? Thirdly, would he look into the issue of people who do not have a grandparent born in Great Britain and therefore do not have automatic European Union mobility? Would you look into that issue because I think the Deputy of Grouville has raised a point there of unintended consequences?

Senator P.M. Bailhache:

I think I have already indicated to the Deputy that no informal soundings have so far been made and I do not think that there is any prospect of such informal soundings being made. The seeking to avoid a provision, which is set out in a protocol that has lasted for 40 years, is not, as I have explained, legally possible without the consent and approval of the governments of all 28 Member States of the European Union and that is just a prospect which is not likely to be capable of being achieved.

3.14 Deputy G.C.L. Baudains of St. Clement of the Minister for Treasury and Resources regarding raising J.T.'s standard of customer service and the potential reinstatement of number cross-referencing previously available in the telephone directory:

Before I do may I start with a point of order? I was under the impression this morning that the new wonderful electronic system that has been installed during our break meant we no longer needed to attract your attention with the light but it would come up automatically. The reason I ask that is because I did indicate over the last question, quite early on, that I wished to ask a question. I pressed my button for a moment but you did not call me. Could you clarify what the situation is?

The Deputy Bailiff:

I understand that when a Member presses the button it will flash up on my screen but when he releases it it goes. So until I have acknowledged it Members may take it that I do not know that that request has been made. Usually I do pick it up. I am sorry if I overlooked you on that occasion.

Deputy G.C.L. Baudains:

No problem. So we have a semi-wonderful new system. If I may proceed. My question, what action, if any, will the Minister, in his capacity of shareholder representative, be taking to encourage Jersey Telecom to raise its standard of customer service and would he, in particular, undertake to discuss the reinstatement of number cross-reference previously available at the rear of the telephone directory?

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

What an interesting question after a segue of technology. I think computer services and our own internal people are doing great with our technology and our new technology as I think J.T. (Jersey Telecom) are doing. I have discussed this issue at length with J.T. and I am in no doubt as to the seriousness that they attach to the issue of the matter which the Deputy raises. During times of enormous change within J.T., which has, of course, involved the roll-out of new networks and operating platforms. I agree that customer service standards are vitally important and I understand, and have been monitoring carefully, the measures taken and challenging J.T. on the measures they have taken to improve the standard of service. So I am pleased that we have seen the appointment of Mr. Kevin Keen to the board and that is going to help after his astonishing improvements in Jersey Post that we saw in terms of customer service. Also J.T. has done all the things that I have said previously in the Assembly, increasing the number of agents to deal with queries in their call centre. In regard to cross-referencing; this is an important issue. Previously the telephone directory did have an ability to have the numbers in the back; that was removed 4 years ago following a proper decision to ensure compliance with data protection. These requirements state that a data subject's telephone number only or telephone number and address may not be used to generate a name and/or address; i.e. reverse searching. J.T. would be happy to offer the reverse number service again if Data Protection would undertake to take no action but the reality is that data protection requirements about reverse searching is not permitted and that is for a good reason, as I understand it. J.T. needs to make sure that numbers could not be used to perpetrate fraud on

unsuspecting subscribers as a result of information being available by misuse of reverse searching even though, of course, many of us found the facility very helpful when it was there.

3.14.1 Deputy G.C.L. Baudains:

I am grateful for the Minister's response there and I presume that he agrees with me that customer service was not what it might have been. In fact, is still not but hopefully it will improve shortly in the future. Regarding the other matter, the reverse issue, no doubt the Minister will be aware that the Data Protection Office has moved, and is not very far from Senator Le Marquand's office. I wonder if he would agree to pay them a visit because I did and I was told there was no data protection issue preventing Jersey Telecom from printing a reverse directory so hopefully we will get one in the future.

Senator P.F.C. Ozouf:

On that latter issue, I am not briefed on what data protection ... I have had my information from J.T. and I am happy to look at it. In relation to customer service, we have had a very challenging position with J.T. in relation to what I maintain has been absolutely the right thing to do with the rolling-out of fibre even though it has been disruptive and it has been difficult, but the prize is there. We are now talking increasingly ... there is an increasing recognition. Even comments of the U.K. Chancellor recently on Fintech linked the importance of infrastructure, both wireless and fixed line, in unleashing the whole economic advantage for Fintech and all of the digital stuff going forward. I appreciate that it has been difficult for customers of J.T. J.T. would not have wanted to impose this difficulty by their new computer systems on customers either but they have recognised it, they are now working. I think Mr. Kevin Keen is going to be the non-executive director champion of customer service we have seen and we are going to see an improvement. I think we need to recognise J.T. is changing. We want them to change but, yes, customer service, I accept, absolutely important as it is across the States.

3.15 Deputy J.H. Young of St. Brelade of the Minister for Treasury and Resources regarding the impact of revised forecasts on the draft Budget and the M.T.F.P:

Hopefully this will be straightforward. Will the Minister inform the Assembly whether the draft 2015 Budget is based on the latest available revenue forecast or whether an updated forecast has been produced and if so whether the requirement in the Public Finances (Jersey) Law 2005 not to go into deficit in the Consolidated Fund at the end of the year will require the draft Budget and the M.T.F.P, approved by the States, to be revised?

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

I have answered a number of these questions. The answer is, yes. I understand what the Finance Law says. The Finance Law says that you cannot allocate money, which means that the Consolidated Fund becomes over committed. Of course, oddly, as Members will know, we still have £100 million current account surplus on the Consolidated Fund because of this very strict rule, so I understand what the rules are. Yes, of course, the Budget takes account of all of these measures. The early budget meant that we have to work very quickly. I am providing an updated schedule in advance of the budget measures which are not for the Assembly's approval but to inform Members of the action we are taking to make sure that the Consolidated Fund balances and I have put another amendment also updating Members of that. So full information, yes, I understand it. There is not an issue as far as I am concerned.

3.15.1 Deputy J.H. Young:

Just to clarify. Obviously, the Minister for Treasury and Resources has helpfully told us that we are going to have an updated schedule. Can he tell us, will that schedule revise the figures that we are asked to approve in the Budget? Will it, for example, deal with the things he has mentioned today about proposals to reduce departmental spend, *et cetera*? Is he producing a schedule which will amend what we are asked to approve in 2 weeks' time or is it by way of just supplementary information that perhaps was the case last year?

Senator P.F.C. Ozouf:

I have got 2 public meetings and if Members want to come along to the public meetings ... I sent an email last week. If Members want any information to understand exactly what the rules are ... I know the Deputy is a relatively new Member of this Assembly. If he needs to understand exactly what the rules are about, what we are doing; more than happy to come and explain them to make sure that there is no doubt at all that what we are doing is correct. Yes, there will be an updated schedule that will be provided. Hopefully, I am going to provide that on Monday. The important thing is that that schedule is there for Member's information not for approval because what the budget is doing is approving changes in taxes and capital programmes. I welcome these amendments. I might agree with some of them, I might amend some others, we are working on that.

[11:45]

If any other Member wanted to change the policy then they should have put some amendments down. We have got lots of questions about ifs and buts and maybes. I congratulate the Deputy on putting some amendments down because at least he has said: "I do not agree with that, change it." Other Members are just criticising. They do not seem to have alternative plans. I am still listening if there are alternative plans of dealing with these issues.

3.15.2 Deputy J.A.N. Le Fondré:

In the context of the question, the effect of the Budget on the Consolidated Fund, which is our current account, is the tightest in living memory and bearing that in mind does the Minister still stand by the amounts for the extra income from the utility companies, which has been included in there? Was that why we have got some extra amendments being lodged in order to keep the Budget legal?

Senator P.F.C. Ozouf:

Two questions. First of all the tightest Consolidated Fund. I know the Deputy is an accountant but there is forecasting, there is the Statistics Office and economists. There are economists and there are accountants and we need to take all that advice and make the right decisions for the public. The Deputy is saying the tightest Consolidated Fund balance, quite rightly so. That is what the F.P.P. said. Use all available resources to put money in the economy to secure economic growth. He puts the questions as though it is a criticism. It is not a criticism. It is in line with the F.P.P. information. We do not have revisionism and we cannot be selective in the advice. I listen to the F.P.P. I have issued the comment this morning, backed 100 per cent and said, absolutely right Budget, and last year they told me - they warned me - they said, use all available resources. Do not be constrained from the Consolidated Fund. Use all available balances, and that is what we are doing. That is why I have brought forward D.H.L.F. (Dwelling Houses Loan Fund), all the others and I have been asking the utilities for more money and I will provide an update on those discussions in the next few days.

The Deputy Bailiff:

I am sorry to interrupt you in full flow but the 2 hours allowed has now come to an end and we come now to questions to Ministers without notice.

Deputy J.H. Young:

Point of order. Does not mean ... did I not get a final supplementary on that under those rules?

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

The Deputy Bailiff:

It means just that. You do not. The questions to Ministers without notice start now because the question period is for the Minister for Transport and Technical Services and I call on the Connétable of St. John.

4.1 The Connétable of St. John:

Given that this is the Minister's last ... well, the last chance to question this particular Minister in open question time, will the Minister give Members a date when the remaining 8 per cent of the Island will be connected to main drains [**Approbation**] and let Members know what he is putting in place for the many people still on tight tanks and soakaways to have the effluent removed free of charge as everyone who are on main drains currently have. It is paid for by the taxpayer?

Deputy K.C. Lewis of St. Saviour (The Minister for Transport and Technical Services):

I am going to miss the Constable of St. John. [**Laughter**] So we are pursuing this as fast as we possibly can. We have had several meetings with the Constable of St. John and the Environment Scrutiny Panel regarding this. We do have infrastructure problems. We have to start at the other end with the sewerage treatment plant which, as the Constable knows, we do have the money now to pursue this, to build a new sewerage treatment works and there will be money left over to pursue mains drainage. There will be, with the best will in the world, a few houses that we will not be able to connect to mains drains but with new systems, the microbore system, the pocket systems of the sewage treatment we believe we will be able to get there in the not too distant future but I am keen, also, to pursue this as quick as I can. Regarding tankerage, that is in consultation; that remains ongoing.

4.1.1 The Connétable of St. John:

Because of the public out there, they would like a date. When I came into this House 20 years ago we were told within 12 to 15 years. Could the Minister, on me leaving the House in a few weeks' time, give us a date the public can put in their diaries that it will be completed?

Deputy K.C. Lewis:

That would be impossible. It is an ongoing project and it never will be completed because people keep building new houses. But to get older houses on to this system that is something we are actively pursuing.

4.2 The Connétable of St. Mary:

Not for the first time I have asked a written question to the Minister about the road safety strategy and the speed limit policy and he has given me some helpful information but I just wanted to press him. He mentioned the benefit of lower speed limits. My question was not related simply to lower speed limits but to appropriate speed limits. Can he confirm that the consultation documentation being prepared will look at standardising, perhaps, and reducing the complexity of speed limits across the Island? For example, we want consistency. One bay area with car parking on the opposite side to the sea may have a 40-mile-an-hour limit, like Grève de Lecq. Another one may have a 20-mile-an-hour limit, like St. Brelade. Will the Minister be urging his successor to look at standardising and simplifying this policy?

Deputy K.C. Lewis:

Yes, indeed. My department is preparing all the documentation as I speak. It is pretty well advanced and it will be going out to consultation, which is appropriate. But not only may there be a new Minister for Transport and Technical Services there will also be a new Minister for Home Affairs and it is only fair that it will be at the beginning of the next session that this will be finalised, to get their input.

4.3 Deputy J.H. Young:

The Minister will recall the recent debate on cycle helmets when the Scrutiny Panel, which I chair, gave him full support for his measures. But I see on the papers today he has tabled R&O.116/2014 on 29th July which comes into force on 6th October. Will he please tell the Assembly why he chose to ignore the advice of the Scrutiny Panel that said that that should apply to 16-year olds and yet he has passed the law for 13-year olds? Does he not think that is not going to cause problems among families, in schools, in practical administration? Surely what is good for 13-year olds should be good for up to 16. That was the clear advice. Everybody seemed to say that in our meeting. Is it not an example of Ministers just ignoring what Scrutiny has to say?

Deputy K.C. Lewis:

Well, we did take all advice on board. It started off at 18 but we are working at the other end, if you like, and the fact that we feel that once children get into the habit of wearing a cycle helmet they will not take them off. But we did not want to be too prescriptive with young adults and it also dovetails with the seat belt law for youngsters in the back of a car; under the age of 14 they are not responsible, over 14 they are and it dovetails with that.

4.4 Deputy S. Power:

The Minister will be aware that there are 5 pedestrian crossings in the area of Liberation Square. Has he had any discussions with the Constable of St. Helier about the logjam of traffic that has now occurred coming down Hill Street, Halkett Street and the intersection of these streets at the Mulcaster Street end?

Deputy K.C. Lewis:

Yes, that was brought in some time ago and that was a proposition brought by the Constable of St. Helier. We have had mention of disruption around the tourism area, I agree, and that is something the department is looking at; ways of speeding traffic up there but keeping pedestrians safe.

4.5 Connétable J.L.S. of Gallichan of Trinity:

Will the Minister give some consideration to a very simple thought on speed limits, that where there are white lines would be 40 mile-an-hour and where there are no white lines would be 30 mile-an-hour? That would then take all the infrastructure of Parish lanes into a 30-mile-an-hour speed limit without having to have too much signage.

Deputy K.C. Lewis:

Indeed. I believe that is part of the consultation document that will be going out.

4.6 Deputy J.H. Young:

If there is a paucity of questions then I will take another opportunity. Could the Minister, since it is his last chance on parade as it were, tell us where he is with regard to the 3-year consultation on taxi regulation and what advice he will be passing on to his successor on the subject if he is not able to bring it to a conclusion?

Deputy K.C. Lewis:

Yes, the taxi regulation has been very complex and has been fraught with problems. We have been challenged by the J.C.R.A. (Jersey Competition Regulatory Authority) regarding the current model of operation and the technology is changing all the time with the new apps, *et cetera*, so it is something that will be in the first quarter of next year, I believe that will be coming forward. If I might add it is something I am actively pursuing and should the good people of St. Saviour No. 2 re-elect me I will again be putting my name forward for Transport and Technical Services so I can finish the job.

4.7 Deputy T.A. Vallois:

Talking of St. Saviour No. 2, could the Minister provide me with an answer, as I have not received one from an email, as to when he is going to be putting in a 20-mile-an-hour limit on Patier Road, the whole way down and not just half-way?

Deputy K.C. Lewis:

This is something I have discussed with the Deputy recently and it is something that T.T.S. are actively pursuing as part of the Safer Routes to School Scheme which hopefully will be coming online very soon. It is still in final stages of consultation.

4.7.1 Deputy T.A. Vallois:

Could the Minister provide an exact date at which he will be signing an Order to reduce the speed limit to 20 miles-an-hour on Patier Road? I did not ask about the Transport Action Plan, I asked about a specific reduction of traffic ... the speeding limit in that road.

Deputy K.C. Lewis:

As I just said, it is part of the Safety Schools Programme and will be done very soon. I do not have an exact date.

4.8 The Deputy of St. Ouen:

Given the Minister's response to the Constable of St. John's question on mains drains, what funding is currently available to extend the mains drains network?

Deputy K.C. Lewis:

We do have a rolling programme. I do not have the exact details with me but we do have money as part of the new sewerage treatment works which will extend some mains drains.

4.8.1 The Deputy of St. Ouen

Supplementary. Again, could the Minister circulate that information to States Members otherwise the Constable of St. John will never be able to hold the Minister to account?

Deputy K.C. Lewis:

I am more than happy to do so.

4.9 Deputy J.H. Young:

Just to balance things up. Will the Minister ... would he congratulate the work of his department and his officers in achieving the significant improvement in bus ridership which has been recently announced and the improvements in our bus service and could he, perhaps, give us a flavour of the bus improvements to come, maybe even the hoppa buses or Parish circuit routes as a result of the success of that work?

Deputy K.C. Lewis:

Yes, indeed. I did put in a bid for the St. Helier hoppla bus system but unfortunately it was unfunded so we will put in another bid next year. I thank the Deputy for his kind remarks regarding the near 9 per cent increase in ridership on the buses. I am absolutely delighted with this. When we signed the new contract with the new company it was put forward that they should increase ridership as much as possible and that they have done. From a T.T.S. point of view, we are working closely with them. Staff relations are improving month on month, which I am absolutely delighted with, and we are putting up as many bus shelters as we can to improve the bus ridership.

4.10 The Connétable of St. John:

Given the poor condition of many of the roads within the Island ... and when I arrived in this Chamber 20 years ago something like the previous 2 years, £15 million had been spent on road resurfacing. Will the Minister tell us what the figure is for this year and for next year, proposed, in 2 separate items for resurfacing and the infrastructure of our roads? Will it have kept up from those original figures with inflation from that £20 million I originally mentioned?

Deputy K.C. Lewis:

I do not have the exact figures with me. I am more than happy to get that to the Constable and I would just like to inform him, which he already knows, that the La Grande Rue of St. John is progressing well.

4.11 Deputy T.A. Vallois:

With regards to the action plan for the St. Saviour School traffic, could the Minister advise whether it is an actual action plan or whether it is a consultation document? If it is a consultation document why he has not consulted?

[12:00]

Deputy K.C. Lewis:

It is a bit of both. We have consulted. We had several meetings with Deputy Vallois and members of Education to formulate the plans and that is something that is ongoing which I am pressing to get sorted as soon as possible.

4.11. Deputy T.A. Vallois:

Sorry, I have to try and get an answer for this. When I ask about the consultation; I ask about the consultation with the residents who live in the area with the proposed action plan that is being presented because there are serious concerns about some of the suggestions that have been put forward. So can the Minister, please, give an answer?

Deputy K.C. Lewis:

We have it prepared. It is going out to consultation now hence the delay but I am very keen to progress this forward to make safer routes to school for children and parents alike.

4.12 Deputy R.G. Le Hérissier:

Given that the Minister may return, would he like to identify **[Laughter]** given the support of his other colleague, currently number 2, could he identify what has been the highlight of his term in office and what has been the low light? **[Laughter]**

Deputy K.C. Lewis:

It is a very interesting question. I think rebuilding the Island after the big storms; that was quite a big challenge. The bus contract was very challenging. A lot of small projects but I think being blamed for lots of things that are beyond my control **[Laughter]**, the collapse of Mount Bingham,

which is part of St. Helier not mine. I was blamed for sea water coming over the sea wall. How dare I allow that to happen; that was quite a good one. But it is getting projects moving that I think I ... things I really achieved, the Energy for Waste plant up and running normally and I think it has been [Laughter] ... normally, it's operating very well. [Laughter] And I think the general projects around the Island. It is very rewarding when all these projects are finally finished. [Approbation].

5. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

Much to the chagrin of the Chief Minister there will be no time to carry forward to question period for the Chief Minister [Laughter] because we have taken 15 minutes on that. The second question period with the Chief Minister starts now.

5.1 Deputy J.A.N. Le Fondré:

Why did the Chief Minister not bring an amendment to the Medium-Term Financial Plan last year as required by the law; that is for 2014 and 2015, or perhaps on behalf of the Council of Ministers, when the significant downwards revision of the income forecasts of April and September 2013 were first identified?

Senator I.J. Gorst (The Chief Minister):

Because at that point, although there was a downward revision, I think that the decision was that we wanted to see what the actual results would be, which is why we arrive at where we are with Budget 2015.

5.2 Deputy G.P. Southern:

Perhaps not a wise move, that last statement. Does the Chief Minister accept that now I have the documents in front of me there is proposed savings from all departments of 1 per cent pay budgets, amounting to £3.6 million, and further savings, proposed savings, from all departments of a further 1 per cent pay budget in 2015? The Minister for Treasury and Resources has suggested that in 2015 departments would also be asked to make savings on both staff and non-staff budgets. These savings could be met by means of recruitment freezes. Recruitment freeze for teachers. Recruitment freeze for nurses. Will the Chief Minister clarify?

Senator I.J. Gorst:

As the Deputy said, the Minister for Treasury and Resources suggested that was one possibility. I answered a question from the Deputy earlier, different departments will come forward with different ways of managing within their plans and where their current staffing levels are, *et cetera*, and what they propose to do over the next year.

5.3 Deputy N.B. Le Cornu:

This is a question which I asked the Chief Minister several months ago but I have heard nothing formally or informally as to what is being done. We have our first general election coming up and it is going to be complicated with so many ballots and so many people and candidates all standing on the same day. What has been done about inviting election observers to ensure that that election is fair and impartial?

Senator I.J. Gorst:

I have written to relevant Jersey authorities with that proposal. Unfortunately, for a number of reasons, it now appears that there is not time to amend any necessary legislation which might need

to be amended and therefore I have not been able to invite election observers over. I am extremely disappointed with that because I think it is something that we should welcome. I do not think scrutiny of our democratic process is something we should be afraid of. I think it is something that we should welcome but whoever sits in this seat, and whoever sits in the seat of the Member opposite after the election, I am sure will want to continue to amend those laws so that we can have them in due course.

5.4 Deputy M.R. Higgins:

In the U.K. they have been experiencing their own revelations of child abuse and everything else that has been going on but they seem to have taken a different approach to the Government of the Island of Jersey. For example, the police commissioner of South Yorkshire was asked to resign even though he was a police commissioner but he was in charge of Children Services at the time. Both the Prime Minister in the U.K. and the Leader of Opposition also believe that those who have political or direct responsibility for the institutions where abuse took place should resign. Is the Chief Minister going to call upon people in Jersey who had political and direct responsibility for the child abuse that went on under their watch, is he going to ask them to resign or are we going to follow the Jersey way and not pursue it and just say: "We have learnt lessons" and allow the issue to be moved on without anyone being held to account?

Senator I.J. Gorst:

This Assembly made the right decision when it agreed to set up a fully independent Committee of Inquiry to investigate and to review these matters and to hear people's stories. We do not at this point know what the findings or the result or the report will be from that Committee of Inquiry. When we have that and when that is received ... the difficulty with the answer I am about to give is I do not know who will be sitting in this seat, but let me assure the Deputy, if it is me then the appropriate action will be taken and it may indeed involve what the Deputy has suggested.

5.5 Deputy J.A. Hilton:

In March this year the Health Scrutiny Panel published a report into the Child and Adolescent Mental Health Service and as a result of that the Minister for Health and Social Services informed Members that 2 new external directors would be appointed to carry out an independent review of the Children's Service. The question I would like to ask the Chief Minister is this: was the Chief Minister part of a decision to transfer 2 senior directors from the Children's Service to his department and could he explain why he thinks that was a good decision?

Senator I.J. Gorst:

The 2 individuals that were moved from that department were moved to continue doing their work with regard to the support that is needed to facilitate the information flow to the inquiry. I can only reiterate the comments made by the inquiry themselves, they are not connected in any way with the inquiry. They are not working for the inquiry. They are not instructed by the inquiry. The inquiry, through the appropriate legal channels - that is the States lawyers acting on behalf of the States before the inquiry - received requests for information and documents. That involves a considerable amount of work. Those documents were previously and are now currently being ... that work is being undertaken by those 2 individuals. So despite how it has been reported in the media, and I was out of the Island at the point that it was reported and I think it was reported in an unfortunate way, there has been no change. Those 2 individuals were doing that work. They are still doing that work and it is important that that work is done so the inquiry receives all the information that it needs. There are hundreds... there are thousands of boxes of information that need to be reviewed and passed to the inquiry. The inquiry decides whether those papers are then made public or how they are redacted, not anybody employed by the States. So I was informed that that was what was

going to happen. I think it was the right thing to do to keep that expertise working in the way that they were.

5.5.1 Deputy J.A. Hilton:

Supplementary please. Notwithstanding the information the Chief Minister has just imparted to Members, 2 new external directors have been brought into the Island, no doubt at great cost to the taxpayer. Can he confirm whether the 2 directors who have been moved from the Children's Service to the Chief Minister's Department, what is going to happen to those 2 directors when the abuse inquiry is finished? Are they going to be transferred back into the Children's Department?

Senator I.J. Gorst:

It is very difficult to talk about an individual's circumstances and I do not propose to do so. There is a piece work that they were involved with and they will continue to do that and of course that will come to an end in due course.

5.6 Deputy M. Tadier:

Does the Chief Minister maintain his support for the separation of powers, vis-à-vis who chairs this Assembly and who is the Chief Justice in the Island and if so what is the timescale if he remains in office to bring these changes forward?

Senator I.J. Gorst:

I do not know whether to be flattered or it is just another trap that I am being expected to walk into. Most of his question seems to be about what I am going to carry on doing if I am re-elected and if the Assembly puts me back in this seat. My position on this matter is clear. I put comments on Hansard, written comments, and I stand by those comments and I would seek to work with P.P.C. (Privileges and Procedures Committee) if I was re-elected to this position to deliver the change that I think is necessary.

5.6.1 Deputy M. Tadier:

Does the Chief Minister's position on the separation of powers extend to the Connétables and if not, why not?

Senator I.J. Gorst:

They are 2 completely different issues.

Deputy M. Tadier:

But he can still answer the question.

The Deputy Bailiff:

Well, I think he has answered it, Deputy.

5.7 Deputy M.R. Higgins:

Just following up on Deputy Hilton. It has been brought to my attention by some people who have been giving evidence to the lawyers behind the scenes that they will feel intimidated if certain officers are attending the inquiry when they give their evidence because their evidence ...

The Deputy Bailiff:

No, I am sorry, Deputy. I disallow the line of that questioning as Standing Orders make it plain that a question shall not refer to the proceedings of the Committee of Inquiry unless the committee has made its final report to the States and you are going down that path.

Deputy M.R. Higgins:

Fair enough.

5.8 Deputy J.H. Young:

I wonder if I could ask the Chief Minister just to say a few words, to give us a little bit of information about the work of the Regeneration Steering Group, which is obviously fundamental to the future of St. Helier and our built-up area. Obviously he has given me short answers on 3 occasions now. If he could perhaps tell us about - just a little word - the major projects and the work of that group which I think, hopefully he will accept is important.

Senator I.J. Gorst:

The work of that group is very important and I have apologised to the Deputy for the length of time that it has taken to get a full report to him. I cannot do justice to the work that that group and the Jersey Development Company undertakes in a few short minutes but he will have that report with him and it will not only detail the work of the Regeneration Steering Group but it will give an update on all the major projects which I think is just as important for the Deputy and for the public to know about.

5.9 Deputy R.G. Le Hérissier:

Building on Deputy Hilton's question. I wonder if the Chief Minister is happy with the situation where the Chief Officer of Social Services has been taken off the job to sort out documents when surely the priority, which was reflected in his appointment, the priority should be to continue with the reform of social services and focus. Why is a person of such unbelievable importance to the reform and change process in social services being removed in order to sort out documents?

Senator I.J. Gorst:

I am afraid the question shows a lack of understanding of what is required to such a major independent investigation. It is a substantial piece of work and it is right that somebody of seniority is dealing with it and somebody of experience.

[12:15]

The work that the Scrutiny Panel undertook with regard to C.A.M.H.S. (Child and Adolescent Mental Health Service) and with regard to the Children's Service is an important piece of work and the Minister takes the recommendations and that report very seriously. It was felt that to really deliver the change that the Scrutiny Panel, that the Minister and that this Assembly accepts, we needed to undertake the review and bring in new people and that is what we are doing. I believe that we will have an improved and better service, something that many Members in this Assembly have been concerned about for a long time. If we can be challenged on any grounds it is that we have not done it sooner.

5.9.1 Deputy R.G. Le Hérissier:

Just a supplementary. The point is these 2 people are coming in to work for Children's Services which are, of course, under the overarching responsibility of the Director of Social Services who is the officer who has been removed to undertake this admittedly important task. It seems a very odd way to bring about change when the key person pushing through that change has now been removed from the situation.

Senator I.J. Gorst:

Many things in Government seem odd. **[Laughter]** But certainly from where I am sitting the right decisions have been made. Those individuals are concentrating on what was taking up a lot of their time, which meant they were not able to focus on the very important issue that the Deputy is

referring to needs to be undertaken in that service and in some respects this change and this move will allow that work to be undertaken and I fully support it because it is extremely important work.

The Deputy Bailiff:

That brings the second part of question time to an end. Under J, Deputy Le Cornu has given notice to the Bailiff that he wishes to make a personal statement which I hope has been circulated.

PERSONAL STATEMENTS

6. Deputy N.B. Le Cornu:

I would like to thank the Bailiff for giving me this opportunity to make this statement. On Thursday, 4th September 2014 I published a generalised tweet on my Twitter account. I did not specifically mention any individual by name. It was intended as a political comment connected to a Member of this Assembly. Although no specific person was named I accept the comment was inappropriate in the circumstances. I unreservedly apologise for publishing the comment and any offence it has given to them, their family and supporters, together with any discredit brought upon this Assembly in so doing. I have also expressed my apologies in private emails with the Member in question.

COMMUNICATIONS BY THE PRESIDING OFFICER

7. The Deputy Bailiff:

Very well, there are no matters under K but before we come on to any further business I meant to make a statement under A and perhaps Members will forgive me for making it at this stage. The Bailiff is to present President Jean-François Le Grand with the Bailiff Silver Seal in recognition of his contribution over many years of service to building relations between Jersey and Normandy. President Le Grand has had a long connection with the Island community since 1976 and has promoted the development of economic links between Jersey and La Manche. More recently he was decorated in France by receiving the Chevalier de la Légion d'Honneur for his work and services to the region. President Le Grand will travel to the Island with a small delegation to receive the Bailiff's award on Tuesday, 23rd September this year and the Bailiff is hosting a special reception at which the award will be presented to President Le Grand. Members are asked to make a note in their diaries. The special award presentation reception will be held during the lunchtime adjournment on 23rd September and invitations will be issued shortly by the Bailiff's Chambers.
[Approbation]

PUBLIC BUSINESS

The Deputy Bailiff:

We now come to Public Business. The Committee of Inquiry, sale of Broad Street Post ...

Senator I.J. Gorst:

Sorry, just before we do that could I give notice to Members that I do not intend today to move item P.97/2014 and in fact would like it to be moved to 25th November please.

8. Committee of Inquiry: sale of Broad Street Post Office building (P.61/2014)

The Deputy Bailiff:

P.97/2014 to 25th November, did you say? Thank you, Chief Minister. So we come to the Committee of Inquiry, sale of Broad Street Post Office building, P.61/2014 lodged by Senator Breckon and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, (a) to agree that a Committee of Inquiry should be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely the circumstances surrounding the plans by Jersey Post to sell the Broad Street Post Office building in 2008 and the actions of the Minister for Treasury and Resources in relation to the proposed sale. (b) to request the Chief Minister to take the necessary steps to select a suitable chairman and members to undertake the inquiry and to bring forward to the States for approval the necessary proposition relating to their appointment.

8.1 Senator A. Breckon:

Before lodging this proposition I would like to tell Members that I did have a word with the chairman and some of the members of the Public Accounts Committee and also the Corporate Services Panel to see if this is a matter that they may apply themselves to but the message I got is that they were both fairly busy and in the timescales before the end of this political term, it was not possible. There was also the possibility that it could have been referred to the Comptroller and Auditor General but I did not do that, but I am aware that the former Comptroller did look at the issues surrounding Lime Grove House, which I am sure Members will remember. There also are emerging possibilities under Freedom of Information about accessing information and is something that the Chief Minister, about 3 or 4 weeks ago, sent out an email to everybody on the system saying that we were going to be more transparent and we should co-operate with the expression of this. For my sins, sometimes I watch the politics channel and I should say I am amazed at who is brought in for questioning; chief constables, the Governor of the Bank of England, leaders of trade and industry. Nothing seems taboo. They seem to go exactly where they want to. The reason for my saying that is, where are we in Jersey with this transparency, with these checks and balances because that is something I remember, as some other Members may remember from Ministerial government, we were told that we would have checks and balances and things would be shared as it were. That was a promise that was made. So, where indeed are we if a Back-Bencher is having some difficulty, not in asking questions, I can ask questions, it is the answers indeed that I am looking for and I believe that the public deserve? I think there is a case of public interest in the operation of Broad Street, what happens to it is of interest. The next question is: who is the shareholder? I would say it is the public of Jersey to whom we are accountable. Although the Minister for Treasury and Resources does have responsibilities he is not the only person that has that. We all, indeed, I would say, have responsibilities. I also believe that he needs to be accountable to his actions and he needs to be accountable to this House and that is why I believe if this House does not call a Minister to account then who else will do it and I do not see anybody else being able to do that. It is not about dodging questions. It is about presenting the facts, which is what I am seeking, and I believe there is a difference. I think this should be fairly simple in that it appears that at various stages, over a number of years, that the board of Jersey Post had a wish to sell the Broad Street premises and the Minister for Treasury and Resources is quite right, and that is his role, to make them accountable for that; why are they doing it, what is the reason, what is the business case, where will the proceeds go, *et cetera*. There is another example with the Jersey Electricity Company where the States own about 62 per cent of the company and indeed they did sell their Broad Street premises and then they issued a special dividend from the sale, of those proceeds, which was then distributed. This is not rocket science. It has been done before. It was open. It was transparent and they are different in respect that they are quoted on the stock exchange but it was transparent. In my proposition I asked Members to read or re-read the content of my

report and I did that for a reason. I was looking for answers. In my report ... this is from an email sent by the Minister for Treasury and Resources on 30th January 2014 and part of the content of that email says this: "On behalf of the public of Jersey the States is the sole shareholder of Jersey Post, S.o.J.D.C. (States of Jersey Development Company) and other valuable entities. As Minister for Treasury and Resources supported and advised by Treasury officials it is vital that the shareholder role is discharged properly and always in the public interest. It is my duty to exercise proper oversight of States companies and property sales. It is a responsibility which I and Deputy Noel take very seriously. While States companies act on an arm's length basis any potential sale of publicly owned entities, land and development of States land to the States of Jersey Development Company or Property Holdings are legitimate matters that require the approval of the Minister for Treasury and Resources. Developers and land owners compete for the future space requirements of tenants. Numerous sites are assessed in these processes. In the past these have included the Broad Street H.Q. (headquarters) and currently sites are owned by S.o.J.D.C. Such deals could be worth millions of pounds of value to the public and similar amounts are likely to be at stake for the parties involved in competing schemes. It is absolutely appropriate for me to be questioned and answer Member's questions in the Assembly and generally hold me to account on such important matters. I appreciate the media and civil society also have important roles in doing the same. At the same time it would be inappropriate for Treasury to comment publicly on commercial discussions relating to schemes and matters which affect often highly respected third parties. States entities should be permitted to discharge their functions without inappropriate political inference in a way which prevents them from acting in the interests of the shareholder, ultimately the public of the Island. Attempts to inappropriately delay decisions cost the public money. While the economic situation is now improving there is a need for us to continue to work as never before in a mire which maximises our economic potential in an ever fast moving and competitive world for the benefit of our community." Well, that, for me, does not answer the questions that I am asking. What does it tell us? Was a sale agreed? Yes or no? Who would keep the proceeds? Where were we with that? It does not say that at all. So what I want to know, and I believe the public have a right to know, what exactly was going on? The board of Jersey Post appear to be moving towards the sale of Broad Street, heads of terms have been drawn up, negotiations seem to be fairly well advanced but nowhere can I find a decision of this Minister for Treasury and Resources or the previous one, in fact the opposite. It said in 2008 that one would not be taken. Now, if one was that one said one thing or the other that would, I think, have satisfied the points that I am seeking to find out. Also the reason I have produced an addendum to my report, and I did say in there that the Minister for Treasury and Resources might well have produced and put on our desks today the email he sent to the former Chief Executive Officer and others but that has not been forthcoming.

[12:30]

Members can make their own minds up about that. I have not seen, as I say, any conclusive written evidence about what has been agreed and even what the situation is now. So where are we now? What I have just quoted from, saying we need to make decisions, we need to move on, it is a fast moving world, *et cetera*. It appears from the comments that have been produced they are saying that on 19th June 2008, this is a summary of what went on, and I quote from that. It says this: "The board discussed the political and P.R. (public relations) risks around the sale and in particular the consequences of a change in the Minister for Treasury and Resources after the election. The board agreed to discuss the process for obtaining political consent with the Minister for Treasury and Resources following the A.G.M. (annual general meeting). While informed discussions have taken place between the board and the Minister there is currently nothing in writing to confirm this support." The Minister for Treasury and Resources at the time was not this Minister, it was the previous one and that was June 2008 and I think it is worth noting that it was in June 2008 that the States approved the Waterfront Masterplan and we had a named developer as well. It goes on to

say in the comments they: “Made a note of the discussions that were held following the A.G.M. and it was noted that the Minister for Treasury and Resources confirmed his support in principle” and also at that meeting: “It was agreed that there would be no Ministerial decision or public announcement on the future of the Broad Street site until January at the earliest.” That is January 2009. There seems to be a number of issues here between the board, the Minister and possible purchaser, of which I am not clear, but I think a Committee of Inquiry should find out. That was in June 2008; the gathering took place after the A.G.M. In February 2009 - and this is the existing Minister for Treasury and Resources - on 4th February, in an email to the then Chief Executive Officer, who said the following in reply: “If you were to block the deal, you would be seen as unsupportive or even blocking the actions of a major employer. It is hardly a message of encouragement. You would need to have a very good reason, provided of course that the deal is commercially sound, and I expect you will require the board to ensure themselves of that. So what could your reason be? Only that you think the bank should be on the Esplanade and that you are more intent on making the Esplanade happen than you are on securing a major business. You will be backing your judgment against that of the bank. That is the sort of planning that Russia pioneered and that eventually failed them.” That was in response to an email from Senator Ozouf, the content of which seeks to promote the Esplanade scheme, the one that we suggested should be on Members’ desks today and is not.

Senator P.F.C. Ozouf:

Sir, a point of clarification. I have already sent it round to States Members; by email, most Members have got email.

Senator A. Breckon:

I am in here, Sir; I am not doing emails. This is an extract from the chairman of Jersey Post to the Minister for Treasury and Resources sent as recently as 23rd January 2014, when he says in that email: “I did say to journalists that I sensed your preference at the time was for the bank to move into new premises.” So what exactly does that mean? What are the implications where we have somebody who is a willing buyer and a willing seller and there are, let us say, differences in between? Also in the comments from a board meeting of Jersey Post on 16th December 2008, by which time it was this Minister for Treasury and Resources, and it says this: “Subsequently, a formal investor briefing meeting had also been requested with the Minister for Treasury and Resources, to be attended by the chairman early in the new year, and this meeting should be used to, among other things, consult the Minister on the board’s plans for Broad Street and the retail strategy. The board needed to decide what it wanted to do with regard to the site and future strategy prior to any meeting with the Minister. The Chairman agreed to telephone the Minister for Treasury and Resources to emphasise Jersey Post’s urgent request for an investor briefing as soon as possible.” That was on 16th of December 2008. On 13th January 2009, another note produced from the board says: “The board agreed that it wished to pursue the sale of Broad Street site. The chairman stated that this would be communicated to and discussed with the Minister for Treasury and Resources in the meeting he was to attend on 2nd February.” That is 2nd February 2009. In that note, bearing in mind it is some 6 weeks later, no mention is made about the telephone contact between the chairman and the Minister for Treasury and Resources following the board meeting of 16th December, which is some 6 or 7 weeks later. I have not seen any reference to, or been given any idea of what happened with the Minister for Treasury and Resources on 2nd February 2009, however, it was shortly after that the Minister for Treasury and Resources emailed the chief executive officer and others and, on 3rd February 2009, he said this in an email: “The urgency is I am being pressed by J.P. (Jersey Post) to sanction the sale of Broad Street to the bank. Once the Post Office site is sold to the bank, the option of a States consolidation on Broad Street is lost and the bank moves to Waterfront.” So there is a gap there again where, going on, rather than being

pressed, it appears that nothing was resolved. On 29th May, the notes from the board meeting says this: "The board agrees that the issues around the sale of Broad Street would need to be discussed with the Minister at the A.G.M. on 25th June." That is 25th June 2009; some 12 months after they had had discussions with the previous Minister for Treasury and Resources. So what were the issues? Sell, not to sell? Who to? They had professional advisers on board, but nothing appears to be conclusive. The notes contained, and the Minister for Treasury and Resource's comments also say - and again this comes from a J.P. board meeting on 12th August 2009 - and I ask Members to bear in mind, the clock is ticking and if I owned a house and I was going to sell it to somebody and I was messing around like this, they would have gone to live somewhere else, I am sure they would, or found somewhere else. It says this: "The board had received a paper prepared by the M.D. (Managing Director) Postal Business in the board pack providing an update on the Broad Street sale and retail strategy. The chairman stated that, contrary to what had been written in the paper from the M.D. of Postal Business, the Minister for Treasury and Resources had not confirmed that J.P. could keep any proceeds from the sale of Broad Street. The chairman stated that he had concerns that a sale would forfeit balance sheet asset strength and not necessarily assist in the group's need to raise new non-regulated income streams." He goes on to say: "Taking these changed circumstances into account"; well, what changed circumstances? Was it for sale? I mentioned before J.E.C. (Jersey Electricity Company) is an example of where sale proceeds are returned to shareholders, so what was the problem? Again, this really does raise some issues for me, and I believe for the wider public as well and to date they remain unanswered. But I believe that a Committee of Inquiry would indeed address these issues and discover the facts, which I believe we all have a right to know. Why was it that the Managing Director of Postal Business did not know what had or had not been agreed? It seems a very a strange business for a company that is in the business of communications. That is their business: communications. Just finally, another extract from the Minister for Treasury and Resource's comments on my proposition, again from the notes of a Jersey Post board meeting on 4th March 2011, and it says: "The Chief Executive informed the board that the potential purchaser would be moving to the Waterfront." That raises a number of questions: would they be pitching a marquee to move into? Because that is what it would have been, because at that time I cannot see anywhere on the Waterfront where they might be planning to move to, which developer were they negotiating with - I am not aware of any - and who had planning permission for suitable office accommodation. I would just like to remind Members that for Jersey Finance Centre a detailed planning permission was not given until July 2013, which is roughly 2 years after that, or a little bit more. Also at the time they could not really have been negotiating with W.E.B. (Waterfront Enterprise Board) because W.E.B. was in transition to becoming the States of Jersey Development Company and, as Members may remember, there was something controversial about candidates, and 2 of them subsequently withdrew and an amendment was brought forward for 2 other persons to fill that post. I am not going to go on much longer, I am nearly finished, so if that is okay, I will just finish off. I hope I have convinced Members that there is a need for this inquiry. I would have hoped the Minister for Treasury and Resources would welcome it, as he has welcomed other reports and has made comments on them; that he would be in a position to do the same. That is really where this ends, because I am not sure now if Broad Street is for sale, if it is still being marketed and, if so, who that might be to. There was some discussion about proceeds and other things but I think it is the principle, and I should say that, if I was a member of the board of Jersey Post, I would feel a little frustrated by this, because we talked about "not having political interference" and "arm's length" and "they know what they are doing, they are well-qualified" but then if I had been in that situation, I would feel frustrated by that. In conclusion, I would just say I do not think any Committee of Inquiry would be either lengthy or expensive; it is about gathering evidence and I believe that the evidence is there and it does give that transparency and I hope it will be welcomed by all, including the Minister for Treasury and Resources. With that, Sir, I make the proposition.

[12:45]

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Is the proposition seconded? **[Seconded]** Well, it is 12.45 p.m.; is the adjournment proposed? The adjournment is proposed and the States stands adjourned and we will reconvene at 2.15 p.m. this afternoon.

LUNCHEON ADJOURNMENT

[14:15]

Deputy S. Pinel of St. Clement:

Just before the debate proceeds, I would just like to ... I do not know if it is necessary, because it is not of pecuniary interest, but to declare an interest in the debate, as my husband was Chief Officer of Jersey Post until February 2009.

The Deputy Bailiff:

Thank you very much. Very well, the debate now opens on P.61. Does any other Member wish to speak? Deputy Noel.

8.1.1 Deputy E.J. Noel:

No doubt Members will appreciate that the Minister for Treasury and Resources will speak later on in this debate but I would just like to start by saying that we found this proposition a little confusing. Senator Breckon set out at length why he feels the Broad Street offices were important to Jersey Post, its employees and Islanders in general. He alleges that the Minister and another individual blocked the sale of that site. We are not sure whether the Minister is being praised or criticised for this allegation. While the proposition may not contain the words “vote” “no” and “confidence” that is how it appears. These allegations are simply untrue and I will go on to explain why. To give some background before we move on to the meat of the proposition, we should reiterate that the board of the States-owned utilities appoint a board, that board includes non-executive directors, and it is for that board to manage the affairs of the company. The Minister for Treasury and Resources as a shareholder on behalf of the States approves, or otherwise, these appointments through the exercise of the vote of the shareholder at the annual general meetings. The Minister, upon advice, approves a business plan. Once such appointments and approvals of business plans have been made, the board should be left to manage the business activities of the respective companies without the day-to-day interference from the Minister or States Members, unless that involvement is required under an agreement. The relationships are managed through a memorandum of understanding, an M.O.U. The M.O.U.s with Jersey Post require that Jersey Post seeks Ministerial consent for a number of important decisions. The original M.O.U. was agreed in September 2006 by the Minister’s predecessor, Senator Le Sueur. Among the requirements of the M.O.U. was that Jersey Post seeks the consent of the Minister before it sells, transfers, leases, licenses, or in any way disposes of or is a material part of its business or assets, including and in particular properties bearing the numbers 15 to 17 Broad Street and 7 to 9 Commercial Street. There are 3 sites bearing the numbers 8, 10 and 26 that form part of its Rue des Pres Estate, which also require specific permissions. That requirement is very clear and it is exactly what Jersey Post did: it consulted the Minister. We have attached detailed extracts of the minutes of Jersey Post to the Minister’s comments. If Members have not already read these, I urge them to do so. They should leave any uncertain Member in no doubt as to how to vote in this matter. They explain exactly what a Committee of Inquiry would find if one was convened. This document has not been prepared by the Minister or Treasury or Treasury officers, it was put together by the Finance

Director and Company Secretary of Jersey Post, who is an important and respected officer, responsible to Jersey Post not to the Minister. I will read out the key dates from the Minister's comments: "June 2008, in-principle support for the potential sale of Broad Street Post Office to the potential purchaser was sought and received from the Minister for Treasury and Resources." At no stage since has this Ministerial consent been withdrawn. August 2009: "The Minister for Treasury and Resources [Senator Ozouf in this instance] discusses with the chairman of Jersey Post whether the proceeds of any sale could be retained by the company." This is entirely appropriate, it is the right thing to have happened and, in fact, not to discuss the use of the potential proceeds with the shareholder would have arguably been wrong. Why would they not have had such a discussion? It was what the States required both parties to do under the M.O.U. Moving forward, November 2009: "The potential purchaser confirmed their intention to defer any decision to purchase the Broad Street site for the next 2 to 3 years." That is the potential purchaser. March 2011: "The Jersey Broad Street Board agreed to close down any further assessment of the retail opportunities for the Broad Street site." Let us now move to what we suspect is the heart of Senator Breckon's inference here. We did discuss with the chairman of Jersey Post how the proceeds of any potential sale might be used. Is this improper? No, it is not; it is what we were required to do as the shareholder representatives on behalf of the States. "The Chairman explained the need of the board of Jersey Post to have due regard to the position of the company's balance sheet at the time given when the L.V.C.R. (Low Value Consignment Relief) situation arose." There was a climate of uncertainty because of that and caution was the right approach. The decision not to proceed with the sale was then taken by the potential purchaser; by no one else, it was the potential purchaser who pulled out: not Jersey Post or the Minister or anyone else, it was the potential purchaser. In essence, it was a potential business deal which simply did not proceed. Had it progressed then, on behalf of the States, we would have protected the shareholders' interests, as required. The proposition makes a number of veiled personal accusations and I understand that the Minister has taken legal advice upon those. I also understand that others may have done so too. Board members of Jersey Post have confirmed that Senator Breckon's inferred allegations are completely groundless and therefore untrue and unfair. While those inferred allegations would appear to be covered by parliamentary privilege under Article 34 of the States of Jersey Law 2005, I would ask the Senator and others to be cautious in how he expresses them, and I understand that privilege is not without limits. To some extent, the Minister is fair game but, in my view, an esteemed Jurat and an individual who gives his time freely for the benefit of the Island is not. On behalf of the Minister and myself, I apologise to that individual, and on behalf of this Assembly, for the public airing of this matter which was brought about by Senator Breckon's proposition. Further, I would like to express our thanks to him for all he has done for our Island and continues to do so. **[Approbation]** A Committee of Inquiry would add nothing new to this matter; all the relevant facts have been included within the Minister's comments. I believe that the matter has been put beyond doubt. There is simply nothing more to say or reveal on this subject, not by the Treasurer, not by the Minister for Treasury and Resources or by the board of Jersey Post or anyone else. I urge Members to reject this proposition.

8.1.2 Deputy J.H. Young:

I absolutely know nothing about this matter, I only know what is in the papers we have been given and what has appeared in the newspapers and so on. Certainly it is not a question for me as implied allegations, or anything of that nature; for me, it raises issues about the way in which we go about making and putting into effect major policy decisions in respect of publicly-owned property. It raises issues for me of sound governance, sound accountability and transparency and, of course, here we have got an example of a major decision with a huge, really very major public asset that has been known for decades as having great potential for future development, and it is used and loved conveniently by members of the public and the people that earn a living in it. The decision to

either dispose of it, or otherwise, has obviously got major implications in all sorts of ways. Of course, I know, having had some experience in a past life, that major policy decisions during the formation stage go through an informal process of, if you like, behind-the-scenes toing and froing, which eventually then arrives at some kind of formal decision which then goes forward. I think that processes behind the scenes, as it were, is pretty important because here we have our Minister for Treasury and Resources empowered in all sorts of ways as sole shareholder of publicly-owned bodies. Here we have, I think on the paperwork involved, at least 2 of those bodies: Jersey Post and the States of Jersey Development Company, and also the third role of being in charge of property assets. I feel that having those kinds of multi-roles in one person is liable to conflict. Personally, I think one of the solutions I would like is to look at separating out in any future administration that role of responsibility for States property. Because, for me, I am starting to worry about: does that rest comfortably alongside all the other enormous responsibilities that our Minister for Treasury and Resources has, both for public finances and also as sole shareholders of these huge undertakings. Of course, we are set now to do many more; we have progress taking place on the stocks about our Ports of Jersey, we have done Andium Homes and so on, and you know, we are talking about huge asset values here. To have those decisions in a process which is very strongly - and I put it no more than that, because I think this is the nub of what an inquiry would serve - influenced by the views of one person, I think, is high risk. So, for the future I would like to see whether there are any lessons one could learn from the processes to arrive at a safer place. In other words, that is the way I approach this, the principles of governance: can we learn, in essence, from this event in the past that, frankly, water under the bridge. I think the issue for me does not matter, it has gone by, overtaken by events. What we are looking at now, looking back with a mirror: what can we learn and how can we apply that to the future? Of course, we are in a situation where we cannot ask the leading players, because the 2 emails we have been given - the ones circulated from the Minister for Treasury and Resources - I will not name them, but I think Members know who they are. The property director at the time, the professional person there to advise the Minister and the Chief Executive, to whom he gave that advice. We cannot ask them about it. So I would like to say: "What was the process here? How did we arrive at the situation?" I have got absolutely no criticism for the Minister for Treasury and Resources having a role in this because that is in his role, as the Assistant Minister said. We have created this structure, that responsibility sits with him. My concern is that it is in-built with conflicts, absence of transparency and accountability and I would like to see more than one person involved, and therefore some separation of powers. I would like to hear from those involved, what were the issues, what were the tensions, were there tensions, because I know that there are always going to be tensions between Ministers individually ... and this is not an issue personal to the Minister for Treasury and Resources; it is any Minister. The interface between the principal senior professional adviser in any department, often the Chief Officer but not always, and the Minister is a crucial one-to-one relationship. There has to be tension in there. I would hope nobody wants passive advisers and dominant politicians where a politician can, if you like, have such a strong view that the professional opinion is overridden.

[14:30]

I certainly do not want that, I have got no evidence to suggest that is the case anywhere, but it is a risk that may happen. Equally, we can have the other way: when we have got dominant professional advisers and weak Members, the reverse situation, and we do not want that. I think we depend on these one-to-one relationships and I think they need to be managed, they need to be in a governance structure. So, for that reason alone, I lean towards Senator Breckon's proposal, not as some kind of retrospective witch hunt against the Minister for Treasury and Resources, it is about an event that has gone by, lessons learnt. I hope, having said that, that if the House do approve this, we do not spend too much money on it, because I really do not see it as a major task. If the key

players were still in the post we could probably do it through a Scrutiny Committee, but we cannot. So with that, I look forward to listening to other Members, and perhaps when the Minister for Treasury and Resources speaks he could comment on those things that I have said. But that is, I think, my reasons for why I think there is mileage in this proposition.

8.1.3 Senator P.F.C. Ozouf:

I do think it is appropriate that I say something. Perhaps the absence of speakers may well indicate we have got a big agenda; I think we do not want to be spending a lot of time on some of these issues. I am grateful for my Assistant Minister. I thought that there might have been a longer debate that we would need to be responding to. From a personal point of view, I have to say, I found this proposition and the process by it extremely personally difficult. I will respond to Deputy Young in a second. It is absolutely fine that politicians are challenged on matters of different policy approaches; that is what politics is about, and I am perfectly happy to get into the absolute proper robust discussion about policy options. Because we can agree to disagree, respectfully, about policy options, regardless of where one is on the political spectrum. This proposition is different, it is effectively questioning almost the integrity, the honesty of actions that took place. I have found that difficult. I do not mind being challenged on policy options, but when my integrity is being challenged, when what I did and what I said ... and I do not want to breach in any way Standing Orders, Sir, but the impression that this is a Committee of Inquiry because the truth has not been told ... I read the conclusion of that that my integrity and honesty is being challenged. I cannot think of any other reason why, when I have been completely transparent. I asked for a report, as the Assistant Minister said, to be done by Jersey Post, nothing to do with me. I have given States Members all of the emails that were published. This was apparently initially done on the basis of some conversations that Senator Breckon had. I have been completely open with Members. I have given Members all the email traffic that existed between myself and the chairman of Jersey Post. I found that personally difficult because, on this occasion, yes, my policy option choices can be challenged; that is part of the robust political debate, but when it descends into questioning one's integrity and honesty, then I find that extremely difficult. Senator Breckon in his opening remarks said that a Freedom of Information request could follow to get the truth out. In some previous questions I have had new information that has come forward, the addendum that came last week. I have sent the email. If Members have seen that email, and I hope Senator Breckon has read it over the lunchtime adjournment, he will see almost the thing that people are saying, there is some sort of hidden work that Ministers do. There is a Minister faced with a decision asking for advice, receiving it and accepting it. What is wrong with that? I think the public and this Assembly wants to see Ministers question and ask about what is going on. As the Assistant Minister said, if Jersey Post would have disposed of the building at Broad Street ... and this is not about future plans of Broad Street, this is about what happened. I will just briefly say what I think will happen with the future Broad Street issue. I was asked: "Can we sell it?" Memorandum of Understanding, the Assistant Minister has said very clearly, that had to be the Minister for Treasury and Resources' decision. It was specifically referred to. They had to ask advice. My predecessor was asked, I was asked and it was absolutely right. Members will remember Jersey Post went through a very difficult period; we had worries that the business was going to go bust, we had all sorts of other activities going on which the Treasury dealt with in relation to that, with an excellent chief executive, who then delivered £600,000 worth of savings. Was I right to question this issue? Yes, I was. Was I right to ask the linked issue of the effect on the Waterfront? Not saying that it should be dealt with, but asking the question. Absolutely right. My integrity has been questioned; I stand in this Assembly and say the truth and when I am asked to deliver, if I am asked about full transparency, Members have it, and I know the consequences of not telling the truth as a parliamentarian standing in this Assembly with the privileges that we have. So there must be no doubt, I hope, in Members' minds, of the Treasury, Jersey Post and myself

being completely transparent in this matter and that transparency has shown the real actions of a Minister: asking for advice, receiving it, taking it and then implementing it. What is the problem? What can be known? The Committee of Inquiry, if the States approve it - and I hope they do not - will cast a doubt on my integrity. Not only my integrity, because apparently there might be something I have not been honest about; well, if I am not honest, remove me from office, but I have been honest and so has, I have to say, the chairman of Jersey Post. As the Assistant Minister said, what happens, yes, there was a speculative request to sell it, advice was given. I said: "Jersey Post, if you want to sell it, sell it. We will certainly have a conversation about the revenue that you get from it if you do it", that is absolutely the right thing to do. It is not Jersey Post's money, it is taxpayers' money that would have come from that sale, and everything else happened and the rest is absolutely clear. Just to address Deputy Young; I am grateful for his observations. He said that we should not have dominant politicians with passive advisers. The email from the chief executive of the States giving me advice was not passive advice, it was advice and perhaps he would not have wanted that email put into the public domain because it was characteristically robust and I had a difference of opinion at the time with the chief executive, but the chief executive gave me a good piece of advice. That is not passive advice, that is good advice and I took it and I accepted it. Tension is good, the Deputy is right. What he has done is, if I may say, gone into a territory which is beyond this Committee of Inquiry proposal about conflicts of interest. I would just remind him that there are always conflicts of interest within Ministries; of course, Property Holdings ... and I will not wind the Deputy up, I was just going to say something factually, but he will know about this and he will understand this: there was a conflict of interest in Property Holdings being at planning when he was chief officer of Planning. That might have been a terrible conflict, being the actual decision-maker of States property. That was a worse conflict, I would say to the Deputy, and I would hope he would agree with it. Of course, there are conflicts and big jobs in terms of the Treasury, and that is why, even though the Treasury used to have 2 Assistant Ministers, I have got one brilliant Assistant Minister. But the Property Holdings issue was always carved out, so the Deputy is right, Property Holdings was carved out with the delegated responsibility of the Assistant Minister having it. So that has happened. Treasury has got big workloads and could always do with more people that can advise Assistant Ministers going forwards; perhaps that might be the right thing to do. The balance sheet is something that we have taken very seriously, and those utilities. Question time is often dominated by Treasury oversight of those utilities. But to cast this issue as far as one person is concerned, if I may respectfully say to the Deputy, is also not quite right. I am not the sole decision-maker; Ministers have to act upon advice and I and the Assistant Minister get good advice from Property Holdings, and we have made a great deal of progress on this. Jersey Post is now in a much better state than those difficult times there. They may well want to change their strategy with Broad Street, but those are matters for the future. Of course, the bank, in terms of it was talking about potentially buying Jersey Post, has now made their decision and that building has now been built and absolutely congratulations to the entity, which is now committed to Jersey, and which was the most important thing about that, keeping that bank and committed to Jersey. There is nothing, I believe, apart from a further period of doubt, and a question mark hanging over myself and the chairman of Jersey Post, that a Committee of Inquiry is given. If any Member has any question, and I have had no questions from Members since this proposition has been launched. One Member may have come to see me, I think, about it; forgive me, I cannot quite remember. We have been absolutely open, completely transparent. I would just add one further thing about the individual who wrote the Jersey Post report: that individual used to be the chief internal auditor for States of Jersey; a highly-respected individual and doing a great job as a finance director. I worked with that individual as a member of the Finance and Economics Committee and I can tell Members that that nothing will pass that individual by in terms of facts and fearless reporting. Finance directors need to be fearlessly independent and I know that individual, and it would not matter who it was, she is professional beyond doubt. Members, I hope,

can have reassurance that it is not me only saying the facts have been put in, but it is the finance director of Jersey Post that has done it. There has been a lot of heartache on this proposition, I say to Senator Breckon. I wish he would withdraw it and I wish he would say that the facts have been put out and he is satisfied, but he does not seem to be that. I find that personally quite hurtful and quite difficult and I hope Members reject the proposition.

Deputy J.H. Young:

Sir, a clarification, if I may. The Minister referred to the conflict of interest that was Planning with Property, which was 10 years ago. Could he confirm that it was 10 years ago when that responsibility was held by a committee of 7 members and not by a single Minister?

Senator P.F.C. Ozouf:

Yes, happy to do so. Yes, but of course there was a single chief officer who was responsible for both of those issues. So conflicts are there, we just deal with them. It is not criticising the Deputy, he does not need to make these clarifications. I am saying there are conflicts and one deals with them. I am not being critical, I am just stating the facts; he should not be so sensitive.

Deputy J.H. Young:

Sorry, but it does sound that there was an implied criticism, the last remark; I would like him to confirm that there were professional directors in respect of both of those departments which were separate.

Senator P.F.C. Ozouf:

I have nothing further to add. I was President of that committee for 2½ years.

8.1.4 Deputy G.C.L. Baudains:

I am pleased to follow on from the Minister for Treasury and Resources. I am not sure that he has to defend himself on this issue, as he seems to feel is necessary. From the evidence before me, I do not see that he has done anything which any other reasonable person would not have done. What I am inclined to do is to take a similar vein to that of Deputy Young, and that is: I would hope that if this proposition was adopted that the terms of reference would allow the process to be examined to see whether it was appropriate in the context of Ministerial government. Because I do have concerns about the conflicts that a single person must basically have with himself as to how he is going to operate in this environment. I think clarification on that issue would be helpful to good management and I am inclined to support the proposition on those grounds, that hopefully the terms of reference would allow such conclusions to be made on that aspect.

8.1.5 Deputy J.A.N. Le Fondré:

I must admit, when the proposition was lodged, I did rather hope it would never come to having a debate in this Assembly because I thought it was automatically going to be a difficult debate because, as has been alluded to by both the Assistant Minister and the Minister, there are obviously other individuals involved other than politicians and they are incredibly well-respected individuals.

[14:45]

I will say, and I was slightly disappointed it never happened, I suggested to the Chief Minister that the whole matter could have been resolved, I am not saying quietly, but one could have had a very small working group of some politicians, which the Chief Minister could have appointed with Senator Breckon involved, to go and have a look at the correspondence and then that would have solved the matter. At least then one would have got to the facts of the matter without having this kind of airing, but that did not happen. All I can say, and I think in certain terms the Minister for Treasury and Resources will be surprised to hear that I agree with him in certain areas; it is right for

the Minister for Treasury and Resources to consider what happens to the proceeds of any disposal. Within those considerations, of course, we look at the history of the J.E.C., which sold a similar building, and the States got a special dividend out of it. I think that was one of the issues in there. Whereas I would rather suspect, and I cannot recall at that point, that the financial position of Jersey Post would have been somewhat different. So obviously the issue within that is: would that money have been of a significant source of potential investment into the future for Jersey Post? Also, I agree with the comments of both Deputy Young and Deputy Baudains, that if something does come out of this, it is of course, about, well, can we get a positive out of it in terms of process. Trying to look at this objectively, and I do try and look at it very objectively, is that I find there are bits of information that, if I was trying to put it together with what I have got, I cannot get them to match up. So we know at one point in time that the Minister for Treasury and Resources considered, which was his right, blocking the Jersey Post office deal, no question about that, that is what is in the 2009 email. But, other than that, we do not really have much other information as to what has happened. The reason behind why it is quite important is because if you do not challenge these types of things then how do you get to the point of keeping Ministers to account? For example, going back, if the Minister for Treasury and Resources did in some shape or form block, interfere or slow down the deal such that the deal has failed, then obviously Jersey Post lost out on £7 million of investment potentially, and that makes it quite important. But the Minister also said in response to I think it was Deputy Southern, that he did not meet with the bank on the subject of moving to the Waterfront, and he has in the past talked about keeping any dealings with W.E.B. or S.o.J.D.C. at arm's length. Now, what the conflicting information is, is that when this originally came out, we were told that the Jersey Post never even got to the point of negotiating on price. That is clear; that was in one of the correspondences. But we then received what seems to be a version 8 of 'Heads of Terms', which clearly includes an amount of £7 million. So I am trying to be objective, but all I can say is I have got a bit of information here which says one thing, and I have got a bit of information here which says something different. And I have received an email from an individual, who I obviously will not identify here - but obviously I would forward it to a Committee of Inquiry or a review panel if it was needed - which basically does refer to the fact that negotiations did take place with the bank in question and implies, as far as they are concerned, that they got to a price, and I have had verbal confirmation as to the accuracy of the heads of terms that we received. I genuinely do not know the source of those heads of terms. In the minutes that were first provided we were told, I think, that there had been information received that the Treasury would not require significant payment of the sums from the disposal to be passed up to Treasury, whereas later on we were told that there was not an agreement. So at what point in the process was that reached? That comes down to how these things are finally decided, I think, which is a bit of a process. Then, finally, what I want to just mention is that obviously in the email that was originally circulated ... again sorry I can just refer to it, Senator Le Sueur says: "On that basis Senator Ozouf can advise Jersey Post we are not currently interested in the site and they should not delay any aspect of the deal on our behalf." It has been confirmed today that the email clearly shows the Minister asking for advice, getting it, accepting it and implementing it, and that is okay. The difficulty I have there is that between the date of that email and the date of the minutes of Jersey Post in June and August, Senator Ozouf was invited to meet with the bank in question. The email says, and is from the Senator and it is addressed to the managing director of W.E.B: "Upon invitation, on Monday I met with the bank. They briefed me on their future plans, in particular the future of office plans requirements", nothing, no problem there: "For my part, I advised them of the various States of Jersey objectives, including regeneration of St. Helier and options for the Broad Street area." The problem I have there is that it is about how enthusiastically one gets behind a deal, because if you talk about the options and that the States might be considering doing office consolidation strategies at Jersey Post when previously we told Jersey Post to get on and do the deal, there is a conflict of information through. That is all I can say. That is all I have got. So, for

me, on the face of what I have got, I have got conflicting information as to what happened. As Deputy Young says, to an extent, it is all past history, it does not matter. The only reason it matters is about Ministers being held to account and to determine if there is any better way or improvements that can be made to that type of process. I think, from my point of view a review - I would not have even gone down a Committee of Inquiry - would have been very useful to clear those issues up. It would have been useful very particularly for the Minister for Treasury and Resources, I think, because it would have justified what he had done, but it would clarify things. I think on that basis, I support the proposition but I am trying to do it in an objective manner and just trying to get to facts. That is what I want to say. Sorry; I should not say “facts” because that possibly casts aspersions. To try and identify the exact process and is there scope for improvements in how that process runs.

Senator P.F.C. Ozouf:

Sir, may I raise a point of order? Deputy Le Fondré has said that he believes that there were gaps in the information which supports a Committee of Inquiry. I have submitted a comment and made remarks that an independent report has been done by Jersey Post and I understand my obligations to be completely factually honest before this Assembly. I have said all the information has been given so I just would like some guidance as to whether or not the implication of a Member rising to say that there were gaps, is effectively saying that somehow I am not being complete and not being completely honest with this Assembly in information, because that seems to be the implication.

The Deputy Bailiff:

I did not hear the Deputy raise that as an implication, Senator.

Senator P.F.C. Ozouf:

He used the word “gaps”, Sir.

The Deputy Bailiff:

He certainly did talk about gaps but that is not necessarily an imputation on your integrity. A gap can arise either deliberately or accidentally or just in the course of conduct, and it does not necessarily reflect as a slur on integrity.

Senator P.F.C. Ozouf:

But I have given complete information, Sir, and I have had that checked by Jersey Post, so if the implication is that there were gaps, which has been checked by my Treasury staff and Jersey Post, then effectively, Deputy Le Fondré is suggesting that that is incomplete and therefore there is a problem.

The Deputy Bailiff:

To make a ruling in your favour on that would be to prejudge what the effect of what the results of the Committee of Inquiry would be if the States were to consider it was appropriate to appoint one, and it does not appear to me that that would be the right course to follow.

Senator P.F.C. Ozouf:

Okay, then therefore, that is fair enough, Sir; the point is understood. But can I ask in clarification to Deputy Le Fondré, for the avoidance of doubt, is he suggesting that there are gaps in the information that the Minister for Treasury and Resources has given the Assembly for this debate? Because I just want to understand the implication of what Deputy Le Fondré has said. He has used the word “gaps”, Sir; what does he mean? Is he saying that something is incomplete? Because I take that extremely seriously.

The Deputy Bailiff:

You have been asked for clarification, Deputy. You do not have to give it, but if you choose to then it is a matter for you.

Deputy J.A.N. Le Fondré:

I am trying to think how I can change the word “gaps”, Sir. It is certainly not my implication or imputation, Sir. All I will say is from past professional experience when one has 2 arguments, sometimes there is a point in the middle where people come together. I am not impugning people’s reputations or anything along those lines at all. What I tried to indicate, Sir, in terms of the information I have been provided with, there are some ... I need another word, but contradictions, maybe, I do not know, or things where one view and another view do not seem to correlate. That, I think, I would appreciate clarification of what the position is. Until that point, I make no judgment on the matters. I have said I do not know the answer and I thought it would assist having this review (a) to try to identify how the process could be improved and (b) getting confirmation and clarification as to the state of affairs. That is it, Sir. Is that reasonable?

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on Senator ... oh, sorry, Chief Minister.

8.1.6 Senator I.J. Gorst:

I appreciate the Minister for Treasury and Resources finds himself in a difficult situation, because this is largely to do with his actions, and we have just heard the previous speaker talking about that, and yet those who are speaking now in favour of accepting the Committee of Inquiry spoke after the Minister spoke and therefore he has not had the ability to address their concerns. So I think it is an inappropriate process and it was unfortunate that those Members who wished to support Senator Breckon felt that they wished to hold back after the Minister had spoken when the Assistant Minister purposefully tried to address the issues on behalf of the Minister in advance. Having said all that, the previous speaker suggested that he would have preferred a quiet review of individuals going to look at the files, made up, I think, of States Members and the mover of the proposition. I took the view that once Treasury had instigated their review and Jersey Post had instigated their review, I am not sure that there was anything further that could be added by politicians looking through that correspondence. As we know, the individual that undertook the review on behalf of Jersey Post was previously an internal auditor, so knew exactly what they were looking for. It is unfortunate when we find ourselves in situations like we do today, but I am satisfied with the work that Treasury have undertaken and the work that Jersey Post has undertaken. I think it is unfortunate that ... I hope by accident, and I believe by accident, that individuals’ reputations and actions have been impugned. I really hope that it is by accident and that was not meant in the way that it might have been indicated. Ministers have got difficult jobs, particularly the Minister for Treasury and Resources; they have to hold entities that they have shareholder responsibilities for to account. Barely a week goes by that some Member in this Assembly does not ask some question of miniscule detail about the functioning of those entities. Today, we have had car parking from an entity which is not even a States-owned or incorporated entity but a neighbouring entity of a States-owned incorporated entity, about what was the Minister going to do about this adjacent entity. We have also had questions about a specific directory and how it has been produced and whether the Minister can do something about that directory. Yet, we equally have now some individuals suggesting that Ministers should not hold those functions robustly and, when it comes to taxpayers’ money, hold those entities to account. I believe that is what the Minister did. When he asked the question, he received robust advice and he allowed the situation to continue. Of course, at the same time, the Minister had a piece of work being undertaken around office strategy and reorganisation of States accommodation. That seems to be a piece of work which is continually in progress and never coming to fruition. But hopefully we will deal with that, or whoever is here will deal with

that, in the next 3 years. I think that the report that has been provided by the Treasury Department answers the questions that the mover is asking to be answered and therefore I see no reason then to move to a Committee of Inquiry. That report, to my reading, means that those people who might have felt that their reputation was being impugned through this process says that they have nothing to answer, both sides, Treasury and Jersey Post acted appropriately and therefore I hope that Members will reject this proposition.

[15:00]

8.1.7 The Deputy of St. Ouen:

Just very briefly. I am a little bit confused because I, unlike many States Members, do not believe that the Minister for Treasury and Resources' integrity is being challenged here. I think there is an issue and it is a broader one of how do you balance the demands of a States-owned entity with the needs of the States overall? And it boils down to, in this particular instance, the focus is around one property: Broad Street. Obviously there was a clear desire for the Jersey Post to dispose of the assets to improve their balance sheet but there was equally a demand, that the Minister for Treasury and Resources, the Chief Minister and others have already mentioned, of other demands across the States in taking a broader view. I do not believe that any of those answers have been provided in the evidence given. All we have seen in the evidence provided is justification of the Minister's actions who no one is suggesting are wrong but I do firmly believe, with regard to issues in the past around, I hate to mention it but Green Street and the police station, and this particular property. I think it would be great for us to really get a feel of whether or not we have the right checks and balances in place to ensure that we are making best use of States property and, equally, finding the right balance between meeting the needs, in this case of the States entity, and indeed the future needs of the States as a whole. So I do not believe that a Committee of Inquiry would be a disadvantage. In fact, I think it would enhance the Minister for Treasury and Resources' position because I firmly believe that the evidence that has been provided to date does not point to a problem with the Minister for Treasury and Resources. It may point ... and I cannot answer that because the evidence is not there, that the overall process needs to be strengthened but that is still a question that has not been answered. I do accept that Senator Breckon has looked at various ways of addressing some of these issues and the timing with regards to elections and scrutiny Panel workloads has meant that that has not been possible. Quite clearly, a Committee of Inquiry is allowed. It is included in Standing Orders. It is an appropriate use and, as I say, it is not ... and I cannot find anywhere in here, whether it is designed to be some form of witch hunt, it is simply to look at something of public importance to ensure that what has been undertaken has been appropriate and if there are lessons to be learnt, that they are indeed identified and help in the further future government of this Island. So I, for one, will be supporting this proposition.

8.1.8 Deputy M. Tadier:

Planning is not my forte, it has to be said, because I find it generally quite boring but obviously we all need buildings in which to sit and maybe one day this building itself will also have disabled access so those Members who wish to come and watch and listen to the Assembly can benefit from that. What I am concerned about here is that is also process and I would like to put it in the wider context because it seems to me that if there are questions to be asked over one decision and over whether or not the site should have been used for a particular purpose and if certain judgments were made which perhaps were not correct or were proven to be incorrect in hindsight, what is the corollary of that? To put it simply, for example, what other purposes could the Esplanade Quarter have been used for and what could it still be used for? If we have made a complete mistake by trying very robustly and perhaps over-trying to get tenants in for offices that never needed to be filled in the first place because other properties were available, then that means we also risk making consequentially bad decisions. For example, we end up putting the police station in the wrong

place. In our hearts of hearts, certainly the public know that the police station is in the wrong place. It should not be where it is being proposed. It is what is termed in the vernacular a “cock up” but no doubt that is not parliamentary language.

The Deputy Bailiff:

No, that is not parliamentary language and you will withdraw it.

Deputy M. Tadier:

I will withdraw it, Sir.

The Deputy Bailiff:

It would have been better not to have used it in the first place.

Deputy M. Tadier:

Thank you, Sir. The same with the hospital. Everybody out there knows that the hospital should not be built on 2 different sites. It does not make any sense whatsoever and indeed we have a Scrutiny Report being released this week that says exactly the same. Therefore, the question in all of this is where is the accountability? When we make bad decisions, where is the independent advice that looks into that and do we continue to bury our heads in the sand when we know that there is a strong possibility that the Emperor has no clothes on? Do we just sit back and say: “I am going to put entire trust in either an individual or a process which may be flawed.” So for me, this is about a process but I will ask Senator Breckon perhaps to make the case more robustly when he sums up because I think he needs to do that to convince other Members. But the point, it seems to me, superficially, is that there is a suggestion that pressure, either correctly or incorrectly, was put on the Post Office and R.B.C. (Royal Bank of Canada) so that the R.B.C. would not inhabit the current Post Office building because they were the preferred tenants for the Waterfront. That is what it boils down to and if the Senator has strong evidence for that or if he thinks that that is the case, he needs to make that case in the summing-up. That is what it boils down to. That is what the story is going around with some members of the public. The bottom line is, if we are to restore confidence and to draw a line under this, then a Committee of Inquiry seems to be the most obvious way to be able to do that, both to clear Senator Ozouf’s name, who has been making the case for himself today quite rightly, but more fundamentally to look at those issues of process when a government is engaging in free enterprise, what is it that the whole level playing field scenario needs to be looking into? How do we, as a Government, engage in what is essentially State capitalism, while at the same time making sure that we have the right checks and balances. That should be welcomed by the Minister for Treasury and Resources. That should be welcomed by the Council of Ministers and that is why, I believe, we need this Committee of Inquiry.

The Deputy Bailiff:

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

8.1.9 Senator A. Breckon:

In response to Deputy Tadier, I would just like Members to be clear that in no way, shape or form have I been involved in any negotiations or discussions over the Post Office, possible tenants, the Waterfront or any of that. I have never been involved whatsoever and I have no background knowledge of who might be going where or whatever. I just was not involved with that at all. Deputy Noel said that the board should be left to manage and I totally agree with that but of course, there need to be checks and balances and accountability and that is really what this proposition is about. As the Deputy of St. Ouen has just mentioned, where else was I to go to get that work done? I believe it needs to be done. It is transparency and if it is as we have seen so far, it is not an issue to anybody. Neither was it about an individual, nor was it about their honesty or integrity. It is

about process and what has been done and I think, to me that is a red herring. It is not relevant. We have a board at the Post Office. They are paid people and have to be accountable and that is really where it stops for me. People who know me, there is no other agenda. There is not another agenda. We have people in place with lots of experience. It is about them making professional decisions whether in the public sector or the private sector and it is that coming together. As I say, I was not involved in that at all. But what it is about, it is about clarity of policy and Deputy Noel used an expression about a Ministerial consent. Well, that is a new one that is not ... you know, the Minister might say it is okay but it is not something that is an official record. Ministerial Decisions are published and people can look at them and in some cases look at the report attached to it. That has never happened so a Ministerial consent, which goes back to June 2008, may well have happened and it is recorded there but then, what was it? It is qualified, it says certain things but that ... and he said that has never been withdrawn. It has not been withdrawn because it was not, in my opinion, the framework that should have been there to say: "Well, yes we are going to do this", or: "No, we are not." Because I still have not seen that. I have not seen that and I would say that in some of the papers, it does say a meeting was held in August 2009 with the Minister. Well, if we have an A.G.M. and we have a business planning process, where was that in this process? It is not evident to me and the Minister said he has to make a decision. Well, he might have to make a decision but I have not seen it. I do not know and no Member in this House has said today what that decision was. Was it to sell the Post Office to a potential tenant, whoever that may be, at a price to be agreed and substantiated by the advisers to the Post Office board and then that was up to the Minister to agree that. The second part of that is who gets the money? There seems to be, to me, some tug of war about the Post Office maintaining the money for a strong balance sheet and perhaps, to use the term, to diversify into non-regulated activities. Now, that could be anything. It could have been selling mobile phones or whatever they might have decided to do and that seems to be their plan but, you know, that is from the bits and pieces that are being put together. Deputy Le Fondré mentioned that there could have been a review. Well, yes, there could have been a review but it was not my gift to do that and that was something in a conversation with him that he suggested and as the Chief Minister said, they had that conversation and he did not think it was appropriate. He felt that there was enough information. The other thing that Deputy Le Fondré mentioned that Senator Ozouf never mentioned was the Minister for Treasury and Resources having a meeting with a potential purchaser. That was not mentioned and it is not in any documentation. Now, that could have been anything else but Deputy Le Fondré has quoted bits from that particular email which is not before Members today. So, in conclusion, I would just like to say that lots of people's time has been taken up here. Now, if you were an individual or a company and you were negotiating with the States and this is what has happened, then people would say: "Well, you know, stay well away. They are a nightmare to deal with. You know, they make their mind up or they do not or they change their mind or whatever they do." For me, that indecision seems to have been there but the other thing ... there is a bottom line to this because it is... the Post Office belongs to the people and there is accountability through the Minister for Treasury and Resources and this House but there is public sector money involved. Now, if there was a sale price then that is something that either could have come in ... the Post Office perhaps could have been re-sited in town. There were discussions on that, I understand. The money could have either come back to the States or it could have been used by the Post Office. Now we have neither. We have neither now because the potential purchaser has decided to move somewhere else but retain the office that they have in town. So say that they wanted to move lock, stock and barrel somewhere else has not happened either. So there is enough doubt ... I believe that it is worth having a Committee of Inquiry. Now, some Members have mentioned the cost but I believe it will be less than many of the Scrutiny reviews. It will not be long and, as I said, it will not cost much. I believe it is appropriate because it is a check and a balance and the Minister for Treasury and

Resources should, I believe, welcome it and not reject it. On those grounds, I maintain the proposition and I ask for the appel.

Senator P.F.C. Ozouf:

Sir, may I ... I am reluctant to do this, Sir, but may I make a point of information because Senator Breckon has said that the advice is not clear.

The Deputy Bailiff:

That sounds like a second speech.

Senator P.F.C. Ozouf:

Sir, there is point that ...

The Deputy Bailiff:

I appreciate your concerns about the process but ...

Senator P.F.C. Ozouf:

It is a point of clarification. Senator Breckon has said that the decision was not clear in his closing remarks. He has had an email that says ... I asked for advice, the chief executive made very clearly what that advice was.

[15:15]

Senator Breckon has it and yet he is saying that he is not clear. It is very clear, Sir. The point of information in the Senator's summing up is incorrect. He has the advice. The advice is there, it was accepted.

The Deputy Bailiff:

I am sorry, Senator. That is a second speech. All that information is attached in the proposition.

Senator A. Breckon:

Sir, I never said that. I said there was not a Ministerial Decision. I never questioned the advice that was given by ...

The Deputy Bailiff:

The debate is now closed and I invite Members to return to their seats. The vote is on the proposition to establish a Committee of Inquiry as proposed by Senator Breckon and I ask the Greffier to open the voting. Have all Members had the opportunity of voting?

POUR: 14		CONTRE: 30		ABSTAIN: 0
Senator A. Breckon		Senator P.F. Routier		
Senator S.C. Ferguson		Senator P.F.C. Ozouf		
Deputy R.C. Duhamel (S)		Senator A.J.H. Maclean		
Deputy R.G. Le Hérisssier (S)		Senator B.I. Le Marquand		
Deputy J.A. Martin (H)		Senator F.du H. Le Gresley		
Deputy G.P. Southern (H)		Senator I.J. Gorst		
Deputy of St. Ouen		Senator P.M. Bailhache		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Helier		
Deputy M. Tadier (B)		Connétable of Trinity		
Deputy T.A. Vallois (S)		Connétable of St. Clement		
Deputy J.M. Maçon (S)		Connétable of St. Peter		
Deputy G.C.L. Baudains (C)		Connétable of St. Lawrence		
Deputy J.H. Young (B)		Connétable of St. Mary		

Deputy S.Y. Mézec (H)		Connétable of St. Ouen		
		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of Grouville		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		
		Deputy J.P.G. Baker (H)		
		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)		

The Deputy Bailiff:

I am going to ask the Greffier to take the chair for a moment.

9. Draft Criminal Justice (Compensation Orders) (Amendment No. 2) (Jersey) Law 201-(P.115/2014)

The Greffier of the States (in the Chair):

The Assembly now comes to, having deferred the Employment of States of Jersey Employees item, the Draft Criminal Justice: (Compensation Orders) (Amendment No. 2) (Jersey) Law 201- and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Criminal Justice: (Compensation Orders) (Amendment No. 2) (Jersey) Law 201-. A Law to amend further the Criminal Justice: (Compensation Orders) (Jersey) Law 1994. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

9.1 Senator I.J. Gorst (The Chief Minister):

The Criminal Justice: (Compensation Order) (Jersey) Law 1994, made provision to enable Jersey's criminal courts to order the payment of compensation by persons convicted of crime and for connected purposes. The Attorney General recently brought to the attention of the Legislation Advisory Panel certain deficiencies in the law, which I will explain as we go through the Articles in relation ... and the purpose of this projet is to address these matters so I hope that they are not contentious. Thank you.

The Greffier of the States (in the Chair):

Are the principles seconded? Are the principles seconded? **[Seconded]** Does someone wish to speak on the principles? Those in favour of adopting the principles, kindly show. And against. They are adopted. Senator Ferguson, this falls within the remit of your panel. Not something you wish to scrutinise?

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

No, we would not, Sir.

The Greffier of the States (in the Chair):

Very well. Chief Minister, do you wish to propose the Articles together?

9.2 Senator I.J. Gorst:

I do, Sir. I have quite lengthy notes. I do not want to use time unnecessarily but I think I should just say, under Article 2, the changes are in case of a compensation order made by the Magistrate's Court, the Youth Court and the Royal Court on appeal against a decision of the Magistrate's Court, the draft law proposes to lengthen the maximum default sentence to the maximum jurisdiction as the magistrate to imprison offenders and that is up to 12 months. Secondly, in the case of a compensation order made by the Royal Court, which is potentially unlimited, the default sentence for non-payment cannot exceed 12 months. I think they are the major changes.

The Greffier of the States (in the Chair):

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on any of the Articles? No? All those in favour of adopting Articles 1 to 5, kindly show. And against. The Articles are adopted and do you propose the draft law in the Third Reading, Chief Minister?

Senator I.J. Gorst:

If I may, Sir. Thank you.

The Greffier of the States (in the Chair):

That is seconded? **[Seconded]** Does any Member wish to speak in the Third Reading? All those in favour of adopting the draft law in Third Reading, kindly show. And against. It is adopted in Third Reading.

10. Draft Criminal Justice: (Compensation Orders) (Amendment No. 3) (Jersey) Law 201-(P.115/2014)

The Greffier of the States (in the Chair):

We come therefore to the following item, which is the Draft Criminal Justice: (Compensation Orders) (Amendment No. 3) (Jersey) Law and I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Criminal Justice: (Compensation Orders) (Amendment No. 3) (Jersey) Law 201-. A Law to amend further the Criminal Justice (Jersey) Law 1957. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

10.1. Senator I.J. Gorst (The Chief Minister):

These are minor, consequential changes arising from the change we have just agreed, Sir.

The Greffier of the States (in the Chair):

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

10.1.1 Deputy J.H. Young:

Really, just a question. Obviously the previous one that we have approved without comment is about compensation. This one is about extending periods of imprisonment for non-payment of fines or late payment of fines. Of course there could be all sorts of reasons why people pay them late. Could the proposer just give us a little bit of perhaps examples or explanation in what sort of circumstances that the new power to impose imprisonment of greater than 12 months would be

used in terms of non-payment of fines. You know, how material is it and is there any upper limit then under this law for non-payment of fines?

10.1.2 Senator B.I. Le Marquand:

I will seek to assist the Chief Minister on that. Deputy Young is quite right that this is to do with the alternative imprisonment period for failure to pay fines. At the moment, for some strange reason, they have been left at 6 months for the Magistrate's Court and one year for the Royal Court and the jurisdiction of the Magistrate's Court to imprison is of course 12 months. Courts, when considering the imposition of fines, should normally consider the means of the person and certainly, when giving time to pay, because it is customary in such matters to give people a period of time in which to pay if they cannot pay immediately, the court will also consider that. Now, if a person is in default of payment of the fines, then the Viscount will bring the person back before the court and the court will then consider whether there is a proper reason and may well give an additional extension of time to pay. My own experience, certainly in the Magistrate's Court, was that people were only imprisoned once it was clear that they had no intention of paying and were making no serious effort so to do. So there are a number of judicial safeguards in relation to the whole issue as to when the actual enforcement takes place. This is not about that. This is about what the maximum alternative periods would be in the lower courts or in the Royal Court for non-payment. But I hope that helps the Deputy.

The Greffier of the States (in the Chair):

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

10.1.3 Senator I.J. Gorst:

I thank the Deputy Chief Minister for his comments.

The Greffier of the States (in the Chair):

All those in favour of adopting the principles, kindly show? Any against? The principles are adopted. Once again, Senator Ferguson, not a matter your panel wishes to ...?

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

No, thank you, Sir.

The Greffier of the States (in the Chair):

Do you wish to propose Articles 1 and 2 together, Chief Minister?

Senator I.J. Gorst:

If I may, Sir. Thank you.

The Greffier of the States (in the Chair):

Are they seconded? **[Seconded]** Does any Member wish to speak on either of the Articles? No? All those in favour of adopting the Articles, kindly show. Any against? The Articles are adopted. Do you propose the draft law in Third Reading, Chief Minister?

Senator I.J. Gorst:

If I may. Thank you.

The Greffier of the States (in the Chair):

It is seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the draft law in Third Reading, kindly show. Any against? It is adopted in Third Reading.

11. Milli's Contact Centre: funding (P.199/2014)

The Greffier of the States (in the Chair):

We come now to Milli's Contact Centre: funding in the name of Deputy Southern and I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Health and Social Services, in conjunction with the Minister for Treasury and Resources and other Ministers as appropriate (a) to provide appropriate funding to enable Milli's Contact Centre to continue to support children of separated families over the coming year; and (b) to establish, following negotiations with Milli's, sustainable longer-term funding based on a 3-year service level agreement founded on the National Network of Separated Family Centres (N.N.S.F.C.) guidelines.

Deputy J.H. Young:

Sir, can I just ask a question on conflict? If one has a relative where there is a connection with this, is that a conflict of interest, in this matter?

The Greffier of the States (in the Chair):

Well, it will not be a direct financial interest, I assume, so there is no need for you to withdraw. I am not saying it is you but any other Members, it may be something that is worth declaring just for the record. There is no requirement for you to withdraw or not participate.

Deputy J.H. Young:

I declare an interest.

The Greffier of the States (in the Chair):

You declare that? Thank you. It is noted. Deputy Southern?

11.1 Deputy G.P. Southern:

I will try not to keep the House too long because I see from the comments that while the Council of Ministers has rejected part (a), they are accepting part (b) and part (b) contains the money and that is what the proposition is about. The Council of Ministers, as ever, recognises the importance of services, such as those provided by Milli's, that enable separated parents to have contact with their children, often in difficult and sensitive circumstances. The Council is committed to helping ensure that Islanders are able to access high quality, family contact services via the voluntary and community sector, which we believe is often the best place to support separated families. The Council also wishes to ensure that the most appropriate States agency or department leads with regard to the co-ordination of these services and they have said that the J.F.C.A.S. (Jersey Family Court Advisory Service) attached to the Probation Office is to be the lead in this particular matter. Now, that presents some problems for Milli's Contact Centre and in particular for its chief executive because traditionally they have had problems negotiating with J.F.C.A.S. As she says in her response to me just a couple of days ago: "As for negotiating with J.F.C.A.S., they want us gone. Only the other day I was told by a client that they said they are looking for an alternative to Milli's. Would I wish to have all the associated stress of trying to negotiate with J.F.C.A.S.? Been there, done that before. I am not sure I would repeat it." So 14 years of experience, and a very experienced person this is in this particular area, is saying: "I am disappointed it is J.F.C.A.S. because J.F.C.A.S. are hard people to negotiate with", and certainly seems to be looking for alternatives to this long run of support. So I was in 2 minds as to whether I was going to attempt to get this thrown out because of that particular condition. However, it does have the proviso that

should the Probation Board decline to lead in this matter, the Council of Ministers will work to identify another department to take forward development of the Family Contact Centre service level agreement. So there is scope for the Council of Ministers to revisit this and see if they cannot resolve what seems to be a difficulty between the people running the centre and J.F.C.A.S.'s black and white rules that they never seem to be able to quite fit. That has had a knock-on effect. Now, it says somewhere in these comments that they have orally confirmed that Milli's has enough funding to run for the next 2 years. When I presented that to the chief executive, she said: "I may have mentioned that I have some funding from TSB but this is only to cover an office and some salary and running costs for that office and it ends in August 2015." So they can probably carry on with the limited funding they have until August next year but after that they definitely do not have the funding. In referring to the £5,000 on offer in part (b), £5,000 for 2 years, the Chief Executive points out that she has a budget for carrying on just doing what they are doing and that amounts to £17,500 over a 3-year period. However, they want to improve the things they can deliver, in particular by reorienting to give earlier intervention, which we know is always the best thing to do. The earlier you can get in there, the better and to provide that service, in addition to what they are doing at the moment, takes it up to £21,000 in order to run the service.

[15:30]

So if we are talking realistically, we are talking £21,000 over the next 3 years. That is the sort of funding that I expected the Council of Ministers to come up with just to make sure that we have first class services that have a 3-year funding plan because we know in 3 years you can do things and you can make sure that in 3-years' time you are still doing them and you can do things properly. The big thing that is always wrong with any charitable institution is that reliance on funding that is one year, that is 6 months, that is the odd donation here, the odd donation there, so you never know where you are going to be in a year's time and you do not know whether you can continue to deliver in a year's time. On the question of the £5,000, they say: "Oh, dear. Yet again, children not worthy of being properly cared for and more cost to this service is needed in future for them but hey, that is Jersey." They say: "£5,000 goes a little way to keep Milli's open but you need the rest of the organisation to do this and therefore £5,000 is well short so we could not guarantee continuing." So in accepting that this is the best offer on the table - and I will accept the Minister's offer of £5,000 for the next 2 years - I give the warning now that the Council of Ministers should really go back and think to itself: "Is that sufficient?" She also says: "The offer of £5,000 is an insult as this was proposed in the Williamson Report, which went through Scrutiny in 2009 and which we could never claim due to an inappropriate service level agreement with J.F.C.A.S. and they have not even added any inflation or offered us the money for the last 5 years that we should have received following the Williamson Report." So that is 5 years when Williamson said: "This service must be supported", and said £5,000 here should go to it and yet it never arrived and now it is here having sat around for 5 years, doing nothing, will now reluctantly offer the £5,000 for the next 2 years. So, with the warning that £5,000 is really not sufficient and that there are problems with this particular service and that the clear warning is there that it may well be that Milli's will not be able to continue operating under these conditions, I ask the Council of Ministers to go back and revisit this and see if they cannot come up with something that is more generous and more practicable. In the absence of that I will push it to a vote, because I would like to hear what people have to say, and leave it there on part (b).

The Greffier of the States (in the Chair):

Is the proposition seconded? Could I just clarify, Deputy, are you saying you are not proposing part (a) or ...? You just mentioned part (b) but are you saying ...?

Deputy G.P. Southern:

I just mentioned part (b) because it has been accepted by the Council of Ministers.

The Greffier of the States (in the Chair):

But are you asking the Assembly to vote on (a) and (b) or are you withdrawing paragraph (a)? Just to clarify.

Deputy G.P. Southern:

I will withdraw paragraph (a), yes, and I call for a vote on paragraph (b).

The Greffier of the States (in the Chair):

Very well. Before the debate opens, that is your prerogative to withdraw. So you are withdrawing paragraph (a) so the Assembly is debating paragraph (b).

Senator F. du H. Le Gresley:

Sir, could I seek clarification from something the Deputy said in his speech?

The Greffier of the States (in the Chair):

Yes.

Senator F. du H. Le Gresley:

In his financial manpower implications, he quotes a figure of £17,600. He has mentioned a figure of £21,000. Is this per annum or over the 3 years in total?

Deputy G.P. Southern:

I believe it is a 3-year budget.

Senator F. du H. Le Gresley:

In total?

Deputy G.P. Southern:

Yes. A 3-year budget in total, yes.

11.1.1 Deputy K.C. Lewis:

I will be supporting this proposition, which is now in its form of part (b). I do know people who have used Milli's services and it is an essential service provided to the community when relationships breakdown irrevocably. They do excellent work and it does deserve our full support. **[Approbation]**

11.1.2 Deputy G.C.L. Baudains:

I just wanted to speak earlier before either the Minister for Treasury and Resources or perhaps the Chief Minister spoke because I need clarification on the comments by the Council of Ministers because I am slightly confused on the penultimate and the last paragraph, which appear to be mutually exclusive. The penultimate paragraph says: "... request that the Probation Service works to confirm that sufficient funding is in place, in the short term..." and the last paragraph says: "... has agreed to provide £5,000 per year." What I want to know is what happens if it is more than £5,000 a year? I just would like clarification on it.

11.1.3 Deputy J.H. Young:

I am really quite troubled by the comments. I mean, here we have a body, which to my knowledge has been delivering a voluntary service for many, many years with no States funding and thankfully this Island has a list of very public spirited citizens' organisations who have put money into this,

listed in appendix 1. So full marks for those people there. But I am really quite shocked to think that we have taken all of the skills and the time of people over many, many years and now we are being so ... almost miserly with them in saying in the comments there: “Look, they have no guarantee of security”, and so on. We are talking about, frankly, peanuts here. I am really astonished that we have the States Assembly arguing over whether it is £5,000 or £17,000. I am staggered. This is such a public service and whatever the costs of having separated children growing up without access to absent parents and so on, I think society in the long run will pay the price, and I think this is really quite troubling that we have such comments here.

Deputy G.P. Southern:

Sir, can I just ask a point of order ... a point of clarification? I am having a bad day, I think.

The Deputy Bailiff:

It is your proposition, Deputy. [Laughter]

Deputy G.P. Southern:

It is my proposition, yes. So I think I just withdrew part (a) on, and it says: “To provide appropriate funding.” Could that appropriate funding be interpreted as the full £21,000 over 3 years or not? Because if it could be interpreted as an appropriate amount, which is the appropriate amount they have said that they need to deliver the service and for the coming 3 years, then I do not think I should have withdrawn (a) at all.

The Deputy Bailiff:

Well, that is a great shame but it has been withdrawn.

Deputy G.P. Southern:

Oh, dear. That is a point of order I wanted. You cannot put it back again. Okay, right. I am having a bad day.

11.1.4 Deputy J.A. Martin:

I would like to speak really just to put a bit more meat on the bones that are not in the comments. After the threatened closure of Milli’s, I have known the director, or the lady who runs this, for many years, and contacted her and her vision is fantastic. It is not just going to be a contact centre, they want to expand into a centre for separated families and they are working with some excellent people from the U.K. and they have already started this process. They have outlined a business case over the next 3 years and there will be different services that could be commissioned from different departments. I did meet with her again after these comments were put together and input from Health, input from Probation, input from Treasury and the Chief Minister and the Council of Ministers and asked her to read them and see whether this was somewhere they could start from and felt happy with. After a bit of: “Well, yes, we would like more but we also like to do our bit on the, you know, that we are independent of and how we work ...”, and the service will look like spending more time with the Mediation service, the Women’s Refuge, all other different departments but as a third sector, we can help and we can fund but we can also ... and that is how I see us going forward with these at least 3 or even 4, all with the family and the child, who is at the heart of the separated family, going forward and facilitating. And I felt that we had got somewhere and that this would be the place that would carry on because if you can see the Deputy, who has got the information from Milli’s, this is where the majority of the referrals for Milli’s go. If we have a serious concern with child contact that needs supervised provision, it is provided through Health and Social Services, which is a completely different level and that child has supervised contact, one to one, with probably a social worker and the parent that somebody for some reason has issues with. I am sorry that Deputy Young feels it is measly, but as he said, this has been established and

running very well, excellently for 14 years and I do agree, we need a service level agreement. They need to know what we would like them to provide for that amount of money and anything else that they can raise and want to raise outside of that amount of money, they can provide extras. But all the time listening to what they are preparing going forward, working with these other agencies and, as I say, I see my role, if ... wherever I am, if I am still here, in facilitating that going forward. Because you do need to bring a lot of the third sector, to stop duplication, but we even said over a coffee, the last thing a divorcing mother or separating mother and an upset child needs is to be dragged around through 4 or 5 different agencies and asked the same information and passed on and basically: "Well, no, you do not need to be here. You need to be up the road." So I thought we were at some sort of agreement. There is more work to be done and there is a lot of work to be done with the agencies to get to where this expanding to a centre for families of separated parents and incorporating everybody. So I hope I have tried to put a bit more meat on the bone and I think Deputy Southern was well intentioned to withdraw part (a) and we can carry on working with this centre and many other people who provide, not similar, but complimentary and excellent services to keep children in contact, but safe, visiting every parent and from keeping the conflict of the parents when the handover takes place.

11.1.5 Senator P.F. Routier:

I am pleased to follow Deputy Martin because I think she has outlined some of the issues that Health and Social Services need to consider when passing on funding to voluntary organisations. I was taken aback a little bit by Deputy Young's comment about the miserly approach because we should encourage voluntary organisations to do the best they possibly can to raise funds to do their own work. It is not as if the States have been miserly during that period. Milli's Contact Centre has done tremendous work in 14 years off their own resources and working hard and getting money from charitable organisations but they did come into a difficulty this last year and that is what raised this proposition which we are now being asked to help and support them. I do not think there is anybody in this House that does not want to do this. I think we just have to find a way to do that. We are being asked to support part (b) of the proposition, which is to establish negotiations to sort out long-term funding. I am very, very supportive of that and I think we should all just agree to that. But there is one issue, which I think Deputy Southern touched upon in his earlier comments about the service level agreements, which Milli's did not originally... it did not feel able to see eye to eye with J.F.C.A.S.

[15:45]

Unfortunately with all of our voluntary organisations who are seeking funds from an outside body, they have to have a meeting of minds about what services need to be provided and if the States are going to be supporting an organisation, the organisation - I happen to be involved with some as well - needs to provide what the States want. It is not necessarily what the voluntary organisation wants to go off and do. It is about a meeting of minds and agreeing a particular service that is required. So full marks to Milli's for the service they have been providing in the past. I am very prepared to support them in the future and I think we should all do that but there will be a need to have a meeting of minds on the actual service which is being provided.

11.1.6 The Deputy of Trinity:

Just briefly, and I just want to comment after the Assistant Chief Minister and also really supporting that they have been providing a very good service over the last years. However, in the context of commissioning its services, Health and Social Services is only a very, very minor stakeholder. My department has no commissioning or contractual relationship with the organisation and it really does sit with the Probation and After-Care Service, and as Deputy Southern comments, they are the main service who has been using this very good contact centre.

This has been particularly evident with the formation of the Family Courts Advisory Service and this was set up following the Williamson Review of 2010. It was during that review that that £5,000 was set aside to give to a particular organisation for that service and it is from there that the money is still there and I am very happy to sign an M.D. (Ministerial Direction) to have it put across to the Probation Service if that is what eventually happens. I am pleased that Milli's Contact Centre is up and running after they said they were going to close because of lack of volunteers. As for the future, as my Assistant Minister says, they have come up with a business plan and if a service level agreement can be sorted out between the 2 organisations, it needs to fit into the next Medium-Term Financial Plan. As I said, it is my intention if the States approve part (b), to transfer that £5,000 and if Probation do manage to get a service level agreement, because we have a service level agreement with all our voluntary and community sector... and it is like a partnership so they know what to expect from the States and vice versa. In considering an extension of these services, and it has been mentioned here what they would like to extend into family centres and what have you, I think it is important that the voluntary sector and different agencies do understand what each voluntary sector can provide or wishes to provide so they are not duplicating because as we go into the future, money, I am sure, will become even more tight. So it is important that different voluntary and community sectors all understand what each others can be had and complement each other, not duplicate services. I shall leave it at that.

The Deputy Bailiff:

Does any other Member wish to speak? Then I call on Deputy Southern to reply.

11.1.7 Deputy G.P. Southern:

I thank all those who spoke, those in support of the principle of ensuring that this child contact centre can continue to operate. However, it seems to me that there is some politicking going on around this particular issue. It has proved extremely difficult to achieve a single service level agreement for the past few years with this particular body and transferring responsibility to this particular body, J.F.C.A.S., is not, I think, the ideal way to achieve a solution. Senator Routier said: "Well, no objection." Nothing charitable when those sector bodies raise their own funds but the fact is that raising £14,000 a year is like a full-time job and the chief executive, in doing that has performed miracles, quite honestly, in order to be able to deliver the service ... to help with delivering the service as well as this full-time job of fundraising. So £5,000 a year goes some way to help but it does not take away that pressure. Then to hear Senator Routier, in charge of social policy developments in the Council of Ministers say that: "They cannot, they must do what the States wants, not what they want." Now, this is a body ... I wrote it down as you ... maybe you did not say "must". I wrote it down verbatim: "What the States wants not just what they want." Even though after 14 years of experience they know exactly what the needs are and what the need is. Certainly politicians, I do not think, know that to anywhere near the same extent. So to say that they must do what the States wants in a service level agreement despite the fact that they have the experience to know what needs to be delivered I think is a very, quite honestly, arrogant statement that should not have been made. The end result of passing this particular proposition does not guarantee that in 3 years' time Milli's or any service will be doing what Milli's is doing now. It is a vital service that they are doing. If they are to successfully achieve funding and go on for the 3 years and beyond, to continue to deliver an improved service, this goes some of the way, but not far enough, to ensure that. I will not be surprised if, 18 months down the line, we have got another crisis and we will see what happens then. It is back to what I said at the beginning, that at least 3 years' funding has to be in place for charitable organisations to be confident that they can continue to deliver the service and can continue. Running around from a bit of money here, a bit of money there, a bit of money there, not knowing where you will be in 6 months' time is a recipe for disaster. Three-year funding, as I said last time we looked at this issue, over the other family

centre, up at Brighter Futures, yes. Again, at one stage, they were, in November, without any idea, any guarantee that their funding would be there in January. That is the sort of thing that has happened in the past. That is the sort of thing that drives people to stop doing their charitable work because it is just not secure enough. Three-year funding must be delivered. I would like to see the Ministers go back together into their huddle and say: “Can we not do better than this?” straightaway, and get done with it but certainly back in 6 months’ time, a year’s time and say: “We have got the agreement. We have got the funding in place. This is what is going to happen.” I hope to be able to see that at some time in the future. But I do encourage the Council of Minister to get their heads together over this one and do a better offer than is on the table at the moment.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on part (b) of P.119 and I ask the Greffier to open the voting.

POUR: 38		CONTRE: 1		ABSTAIN: 0
Senator P.F. Routier		Senator P.M. Bailhache		
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				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. John				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
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 J.P.G. Baker (H)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				
Deputy S.Y. Mézec (H)				

Deputy G.P. Southern:

Sir, could I crave the indulgence of Members to allow me to take my next proposition, Survivor's Benefit, which is a tougher argument to do, if I could, would the Members allow me, because I am having a bad day. I think, as my mother used to say, I am going down with something. **[Laughter]** If they would allow me to postpone that debate until a suitable interval tomorrow morning, I would be very, very grateful because my brain is not functioning properly. I am finding it difficult, Sir.

The Deputy Bailiff:

I am not sure how long the P.121, the kerbside recycling is going to take. That is the one next on my list.

Deputy G.P. Southern:

I give notice of the request that if possible I would like to do tomorrow morning rather than this afternoon.

The Deputy Bailiff:

Shall we revisit that, Deputy, after the next proposition?

Deputy G.P. Southern:

Yes, Sir, that is fine. Excellent.

Deputy M. Tadier:

Sir, as well, at this juncture it would be probably helpful to Members with regard to the Cannabinoid propositions, given the fact that the comments, some of which have only been lodged today, it is not at all possible for me to be able to read through those and come up with sufficient arguments. The issues are very complex so I would ask for those 3 which relate to the same matters to be deferred, if that is possible.

The Deputy Bailiff:

That is P.126, P.127, P.128?

Deputy M. Tadier:

Yes, that is right.

The Deputy Bailiff:

Deferred to when? To 25th November or to some other date?

Deputy M. Tadier:

To 25th November, please.

12. Kerbside Recycling: feasibility study (P.121/2014)

The Deputy Bailiff:

We come to P.121, Kerbside Recycling: feasibility study lodged by Deputy Tadier and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Minister for Transport and Technical Services, in liaison with the Parish Connétables, to investigate the feasibility of bringing forward a scheme for the Island-wide collection of household recyclables of selected materials (‘kerbside recycling’) and to report to the States with recommendations by the end of 2014.

12.1 Deputy M. Tadier:

I do not think this needs to take long. It is a very modest proposition. I will be accepting the amendment of the Minister for Transport and Technical Services. It is with slight reluctance. I had considered that a more timely report would have been more beneficial given the fact that this is only a feasibility study. In an ideal world, I would have liked an Island-wide scheme should be up and running by 2015 but that is maybe not the way things work in such a quick fashion in Jersey. I think we are all in agreement and certainly it is the policy of both the Transport and Technical Services and the Environment Department, along with, I think, the general wishes of the Comité des Connétables and their parishioners that we should all be doing more to recycle in general, although getting some heads being shaken over there but not sure if it necessarily directly relates to this. Certainly in my experience people, certainly the younger generation, know that the world’s resources are finite and we are also reminded by the department that the push and drive for reduction, reuse and recycling is one that is very much at the heart of the policy of the department. What I am not proposing here is to take anything away, necessarily, from the Parishes but I think it is important and, indeed, those Parishes that do have up and running schemes, all perhaps with slight variation. In this case it is often the smaller Parishes which seem to be leading the way, much to their credit, but there is an element of which people do move around in Jersey and I think no matter where you live in the Island, we should be all able to benefit from a similar kind of scheme. There is an element of hecticness in the modern day life where people sometimes often do not have cars. They do not necessarily want to build up their recyclables in their kitchen, especially if they live in small flats, to be able to take those out to recycling centres. There must be a simpler way to do it and we know that many countries, even since the early 1980s have had kerbside schemes which seem to run very well. It would seem to me that logic would dictate that there is an economy of scale to be had here whereby if everybody works together by having a scheme then cost can be driven down. I would like to get further clarification from the Minister himself because he does say in his notes that he has identified inefficiencies in implementing schemes on a Parish by Parish basis and that he would welcome working in partnership with the Comité to investigate the feasibility of an Island-wide approach. He may want to talk more about that but at the moment, of course, it is a feasibility study. We do not need to decide the way forward here and now, today, and I would hope that this is something which could be widely supported by the Assembly.

The Deputy Bailiff:

Is the proposition seconded?

[16:00]

May I ask again? It is. **[Seconded]** Thank you.

12.2 Kerbside Recycling: Feasibility Study (P.121/2014) – amendment (P.121/2014 Amd.)

The Deputy Bailiff:

There is an amendment in the name of the Minister. Minister, your amendment has been accepted so no doubt in proposing your amendment, you will need to be fairly brief. But Greffier would you please read the amendment?

The Greffier of the States:

Page 2 – For the words “by the end of 2014” substitute the words “by the end of 2015”.

12.2.1 Deputy K.C. Lewis (The Minister for Transport and Technical Services):

I am always brief, Sir. The department has been working with the Parishes individually to achieve kerbside recycling for many years. The proposition presents the opportunity to work with the Parishes collectively to investigate how an Island-wide kerbside recycling scheme could be implemented and this is an opportunity eagerly accepted by the department. This will also be welcomed by the public who have questioned the many differences that exist in recycling between the Parishes. However, this investigation must be carefully considered if a realistic and sustainable solution for the Island is to be proposed. So that the department can propose a quality solution an amendment to the original proposition has been submitted so that the department has until the end of next year to complete this study rather than the end of this year. In order to investigate how an Island-wide kerbside scheme could run, the department will need to work with numerous stakeholders including the 12 Parishes, the parties that collect the Parish waste and the various depots able to receive recyclables. The different ways an Island-wide kerbside recycling scheme could be delivered will also need to be looked at before a recommendation can be made. For the recommendation to be simple, logical, achievable and acceptable to everyone involved, the department will need to apply the appropriate resources. As this year it is already into its third quarter the department will not be able to complete the detailed feasibility study this year. If States Members accept the amendments to the proposition, the department will be able to prioritise the feasibility study for 2015 and will include delivering the recommendation in next year’s business plan. States Members are therefore encouraged to accept the amendment so that the department can allocate the appropriate resources and move forward with a scheme that our Island community will readily engage with to ensure a long-term success. Thank you.

The Deputy Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment? All those in favour of adopting the amendment, kindly show? Those against. The amendment is adopted. We now return to the proposition as amended. Does any Member wish to speak?

12.3 Kerbside Recycling: feasibility study (P.121/2014) - as amended

12.3.1 The Connétable of St. John:

Firstly, can I ask Members to amend the report on page 3 of the proposition whereby it says: “If you live in St. John or Trinity you will be lucky enough to receive a monthly kerb recycling collection for items such as paper and cardboard.” Well, in fact, we have had a full collection of plastic and tins, *et cetera*, since day one back in 2007, 2008, just to correct that. That said, I was just picking up on what the proposer of the amendment said about the time required for the feasibility study. Given that a full feasibility study has been done between 2005, 2007, before St. John and Trinity, *et cetera*, and St. Lawrence and St. Mary all came on board afterwards, surely a lot of this work has already been done; it is just a matter of updating the work that is required, because we know it works and it works very well. But I must inform Members there is a cost implication obviously to your respective budgets annually and when we set ours in place the parishioners were happy but our recycling, dust collection, for want of a better word, virtually doubled overnight. It went from, shall we say, £38,000 to, shall we say, £74,000-£75,000 overnight. Just so that people know what they are signing up to, that must be taken into account. But the system works superbly well and, yes, I am sure you will be able to find one or 2 ways of tweaking it but in reality the work has already been done, Minister and let us hope that you can move it forward. Thank you.

12.3.2 Deputy J.H. Young:

I speak wholeheartedly in favour of this. The reality though is that it is outstanding that the smaller Parishes have picked up and run with this but there is no doubt that the larger Parishes will, if asked to do it on a Parish-wide basis, incur major costs, and that, I think, has been a really difficult bridge to cross over. Our Constable is not here but if he were here, I am sure he would be saying - I remember him saying it at our Parish Assembly when this comes up because there is a strong view from members of the Parish - that this is something that we should take seriously but, of course, the cost is north of £300,000, so about double and that is for one Parish. So if you multiply that by the other Parishes, and, of course, what do T.T.S. (Transport and Technical Services) tell us? T.T.S. tell us that it is inefficient to do it on a Parish by Parish basis. What they say is that we should look at the feasibility of an Island-wide facility to be able to do this much more efficiently and I think nothing ... if one looks for an indicator of why this is important, I am sure many Members will have been up to the excellent, now the greatly improved recycling centre up at Bellozanne and seen how the thing has transformed. Once upon a time it was a pile of mess and so on and you almost felt a bit intimidated going in with a vehicle. Now, you have got operatives there to help you and guide you and carry the stuff out of your vehicles if it is too heavy and stuff. I cannot praise them enough. But the thing is, you see, young people, they are keen to recycle and I think the message is there. I think the message is coming through the schools, right through the generations and I think there is no question because people reckon that there is no question the world's resources are finite and just look at the examples of the recycling on, for example, electronics. The world is running out of precious metals which are absolutely desperately important to electronics. In recent years now we have got first class recycling in place to recover those materials and so it will go on. That will extend to other things. T.T.S.'s record is, I think, good – excellent - but I think there is no question it could, with this sort of commitment, be even greater. In the 2013 accounts the recycling rate is shown as being 31.5 per cent and that is an increase ... a substantial increase over previous years and I think the Minister for Transport and Technical Services will tell us what ... but that is what is printed in the accounts. What is also printed in the accounts at the moment it is costing us around £6 million to deal with solid waste per year. Of course, with recycling there is a greater potential of recovery of income so I think I will certainly expect that as part of the feasibility study the opportunity to generate that income, the opportunity to do it on a more cost effective basis, I think all those things are really ... absolutely, should be at the top of the priorities for the new Minister for Transport and Technical Services. But I think there is no question. When one thinks back over the years, how the attitudes have transformed and the performance of that department with some outstanding professionals there who have taken us thus far. But now is the point at which we need to look at kerbside recycling. Now there is another argument which I am going to bring in. The Scrutiny Panel published a report on the matter of ash, the residues from the Energy from Waste plants. In it, we have highlighted the fact that without some Island-wide kerbside scheme, we are going to have difficulty. There is another bridge to cross of removing contamination from the waste stream. I know there has been a lot of progress in that but I do not know. The Minister for Transport and Technical Services will tell us whether that task of cleaning up that waste stream so that waste can be reused and recycled, the residues of waste, the ash can be recycled, whether he has succeeded in doing that. Certainly, when we did the review 2 years ago, it had not been. One of the major issues was batteries. Now we have got some excellent places where people can go and put batteries but can anybody say...? Can anybody say that they feel confident that all these ... example of batteries, that there are no cases of people throwing these in the general waste and getting these contaminated heavy metals, which are toxic. I think this is absolutely imperative and full marks for the proposition. I support it.

12.3.3 The Connétable of Trinity:

I will be brief. Just to flag-up a few points. It is quite correct, the smaller Parishes do have recycling but this is basically taken at the Parish Assembly and the view of those parishioners. I

just would like to say if it is ... as soon as the T.T.S. look into they also have to be very wary they do not come with some gilt-edged or gold-plated recycling which they will suddenly say: "Oh, that is fine. We will get this in place but what we expect is some sort of commitment to pay for this from the Parish rates." At the moment each Parish decides if they wish to do it and I understand Parishes like St. Brelade, where they have private contractors, it is a major thing. When you have private ... your own contractors you have to also have a team that follow when all these people go on holiday. In a small Parish, I found, certainly when I became a Constable, that when my dustman was on holiday I had to get someone else to come and do those jobs or when he was ill. It is a thing that has to be looked into but do not just think you are going to come back from T.T.S. and say: "We have got this wonderful idea and what we need is X amount from the Parishes to finance it." You might find it is the other way around. We would want money from T.T.S. to finance what they want to do. **[Approbation]** I am fully supportive of it. It has to be looked into but there is a lot more work to be done on this than meets the eye.

12.3.4 Deputy G.C.L. Baudains:

Yes, I do support this but I do have a couple of concerns. That is, casting my mind back to the shadow Scrutiny Panel's report on waste, we suggested at that time that the type and size of incinerator that T.T.S. was asking for was the wrong type. Now the problem is if we start reducing too much that incinerator will not be able to operate; it requires a certain loading. So that means one of 2 things. Either we have to reduce our recycling or we have to get rid of the incinerator and buy a different one. I am rather concerned about T.T.S.'s position in this case.

12.3.5 Deputy K.C. Lewis:

We are on the main proposition now. If I could just correct a few misunderstandings. It is not my proposition but we are in support of the feasibility study. Should the waste stream reduce then we can just shut down one stream of the Energy from Waste plants. There is more than enough to keep it going but we are committed to do as much recycling as possible but nothing will be done without the full agreement of the Parishes.

The Deputy Bailiff:

Does any other Member wish to speak? If not then I call on Deputy Tadier to reply.

12.3.6 Deputy M. Tadier:

I thank Members who have spoken and the Minister for his broad support. I should probably clarify and thank the Constable of St. John for his clarification and explain exactly on what that middle paragraph was based, on page 3. I suspect that I took it from the States website, the gov.je website which I will read out, because I think, reading it again, it is ambiguous and probably needs to be changed. It does say that if you live in ... this is under the kerbside recycling scheme section: "If you live in St. John, St. Lawrence, St. Mary or Trinity, you will also receive a monthly kerbside recycling collection for items such as paper cardboard (St. Lawrence and St. Mary, metal packaging and plastic bottles)." So I think what I understood from that is that St. Lawrence and St. Mary were the ones who provided metal packaging and plastic bottles as well as cardboard. Is that ... I do not know if that is the case but I think it is the other way around. Well, perhaps the Constables can clarify which ... okay. I think the point remains the same, that depending where you live in the Island, if you are lucky enough to even have a kerbside recycling scheme, it recycles different objects and different types of materials. I should also add that, of course, St. Helier does have its scheme but it is only partial so when I used to live in St. Helier we did not have one, but depending on other parts that they would have had some. I think that point is quite clear. With regard to Deputy Baudains' comment, I was also somebody who would not have supported the incinerator and before I was in the States I campaigned also not to have it but I think it remains a false economy to say that just because we have made a bad decision with a ginormous incinerator which

was never necessary, does not mean that we need to keep feeding the beast to provide electricity in a very inefficient way, if at all. What we should be doing is going, as the rest of the world is, in the reduction of use in the first place and then recycling.

[16:15]

Absolutely correct that the mechanisms for funding will need to be looked at. It could be that the schemes are run by the Parishes collectively and cross-subsidised by the States. It may well be that T.T.S. run a scheme, but then it is somehow the rates are contributed to. But perhaps collectively it would work out cheaper than if each Parish had its individual recycling scheme. That needs to be looked into. I am not saying that there are answers readily available today. I do not have any other comments to make I do not think, and I apologise if I have missed anyone out in particular. But I think that this, although a modest step, is a step in the right direction. Hopefully something that is not particularly politically controversial. I would like to see a scheme certainly in the next term of the Assembly where all Islanders can easily recycle their goods, but also reduce the amount that they consume in the first place. I ask for the appel.

The Deputy Bailiff:

The appel is called for. I would like Members to return to their seats. The vote is on the proposition of Deputy Tadier as amended on the kerbside recycling feasibility study, and I ask the Greffier to open the voting.

POUR: 47	CONTRE: 0	ABSTAIN: 0
Senator P.F.C. Ozouf		
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		
Senator P.M. Bailhache		
Connétable of St. Helier		
Connétable of Trinity		
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. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérissier (S)		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy S.S.P.A. Power (B)		
Deputy K.C. Lewis (S)		

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.P.G. Baker (H)				
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)				
Deputy N.B. Le Cornu (H)				
Deputy S.Y. Mézec (H)				

The Deputy Bailiff:

Deputy Southern, do you still wish to defer your next proposition, Survivor’s Benefit until tomorrow?

Deputy G.P. Southern:

Yes.

The Deputy Bailiff:

Members will agree to that.

13. Funding for Women’s Refuge (P.124/2014)

The Deputy Bailiff:

We come to P.124, Funding for Women’s Refuge, lodged by the Deputy of St. Martin and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Treasury and Resources to identify the appropriate means of reinstating the funding for the Women’s Refuge from the proposed level of £189,000 in 2014 to a level of £209,000, and annually thereafter.

13.1 Deputy S.G. Luce of St. Martin:

I have to say that when I lodged this proposition back in June the last thing I expected was to be stood here today. In fact, when I arrived here this morning the last thing I expected was to be stood here this afternoon. Even up as late as last Sunday only 2 days ago I thought I was being given assurances by Ministers that we could and would all work together to solve this issue, an issue over money - money that in my view is a drop in the proverbial ocean for the Minister for Health and Social Services - but money that is a significant part of the funds needed to run the Women’s Refuge on an annual basis. The decision to allow me to lodge this proposition in the first place and to bring it to this Assembly was one that was hugely difficult for the Women’s Refuge to make. I cannot stress enough how confidentiality is the real key to the work that the Refuge does. Any talk about them, any mention in the media, any publicity at all makes things more difficult for them to

remain quietly and most importantly confidentially in the background. That is why they continually struggle to balance fundraising publicity with the need to remain completely incognito. Members need to know from the outset today there are some women and children in our community at risk and women out there that are currently being abused who will not go to the Refuge now this debate is happening. Some will be so worried about their situation and that of their children that they will not engage for fear that their abusers will listen to this debate, hear about it, read about it and register the fact that the Refuge exists; and put 2 and 2 together when their partner and probably children are suddenly no longer at home. The women and children that use the Refuge want to access it as quietly and confidentially as possible. I am therefore very upset that I am here at all, especially as I stated earlier that I was given assurances that we would not be debating this today. The Refuge is the only safe place in the Island for women and children suffering domestic violence. Indeed, children make up two-thirds of the Refuge population. It offers a 24-hour service to those who seek expert help at any time of the day or night. It works closely with our other agencies and the service is widely used by States of Jersey Police and the A. and E. (Accident and Emergency) Department of the hospital, as well as local doctors, providing the only safe place where victims in Jersey have to go in times of crisis. Women find leaving home difficult especially when children are involved. Their loyalty to a partner often makes them vulnerable, often leaving them and their children in danger. If this essential and safe place is not available, where will they receive expert help and support in a totally secure environment, and how can they receive help at all? Jersey Women's Refuge is concerned about keeping women and children safe. Jersey is a very different place to the U.K. where victims can be placed in towns and cities well away from the violent homes. In a small Island where it is not possible to get very far away from anyone or anything, it is essential more than ever for women to know that their concerns remain completely confidential. I would be very surprised if Members do not hear much during this debate about other agencies, groups set up to assist with domestic violence. The Multi-Agency Risk Assessment Conference, M.A.R.A.C., will be one; C.A.D.A.R., Co-ordinated Action against Domestic Abuse will be another; and then there will be others. Members will be told that the costs associated with these types of new initiatives mean that the Refuge budget needs to be cut; that money is not available to do everything. The truth is that these new ideas are really good, but the issue is that the effectiveness of these new efforts to help abused women and children has created more work for the Refuge and not less. Let us just say it is like we are going to spend some more money identifying diseases, but when we have found them and created more people that need curing, we are going to cut the number of doctors available to treat those many new patients. It is a situation that to my mind has not been well thought through. We surely cannot create a demand and then refuse to provide for it. Members also need to have some opportunity to study the 2 comments papers from the Ministers for Health and Social Services and Treasury and Resources, comments that were only published this week; indeed, the Health comments only this morning. Some would say that the lateness of these comments is unfortunate, but I would go further and say that is unacceptable. As a Back-Bencher working entirely alone it seems not a little unfair that I am expected to respond in such a short timescale especially, and as I said previously, because as late as last Sunday evening I was still working on the basis that this debate was not going to proceed. Some may ask why I thought as I did. First, I was given what I understood to be an assurance by the Chief Minister before the States broke for summer recess that a solution would be found. Secondly, I was aware that the Refuge was holding meetings with representatives from both Health and Treasury, meetings at which a large amount of additional financial information was being made available by the Refuge. Thirdly, and after those meetings were completed I received this email from the Refuge: "This afternoon we had a meeting." Then I have redacted some names. "A wide-ranging meeting ensued culminating in their offer to put in place a 5-year plan to ensure our financial survival. There was a full admission of our essential place in the social services on this Island. Also they are to reinstate our grant in full. All this is to be contained in a letter to be sent to

us in the very near future. They also will contact you as myself, to ensure that this plan is acceptable before you agree to withdraw your proposition.” Following the date of receiving that email, 18th August, many Members would know that I have spent some time away in London. But immediately on my return on 2nd September I emailed both the Chief Minister and the Minister for Health and Social Services asking for an update as I had heard nothing. Such is life as a Back-Bencher. I am still too new and probably too naïve to have worked out how to avoid the type of situation I find myself in this afternoon. So as it stands the funding for the Refuge is being cut and their workload is going up. The costs are increasing and try as they might, it is not easy for them to raise funds in this current financial situation. The Refuge occasionally attracts donations for specific projects, for one-off schemes, but donations for day-to-day salaries are not attractive to donors and very difficult to raise. That is where the States funding comes in, and the £209,000 grant received annually has been used specifically for salaries and wages. This is essential money, money that is needed for the day-to-day costs; money that keeps the Refuge going. They might survive without the new kitchen or the repainting of the premises, but they cannot survive if they cannot pay their staff. I will not go on; I could. I would just ask for Member support in asking for this reinstatement to the level of the funding of 2013, and I will be happy to listen to what my fellow Members have to say.

The Deputy Bailiff:

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

13.1.1 Senator P.F.C. Ozouf:

I have to say that I understand and sympathise greatly with a number of the remarks that the Deputy of St. Martin has said. People have been away over the summer break and that has meant that probably I did not think that we would get to this debate today and I was hoping that there could have been some discussions. There has been a lot going on in the last couple of weeks. That is not to excuse the lateness of the comments, but it does explain it. Certainly the Council of Ministers wanted to have a proper informed discussion on the issue that underlies this whole issue last week. Nobody in this Assembly, as the Deputy of St. Martin rightly said, would want to have this debate and hopefully we can have a short informative debate with a solution found very quickly during the course of it. I certainly have been privileged in my time in the States to understand, see and to get to know the work of the Women’s Refuge. There must be no Member of this Assembly who does not absolutely support the work of the Women’s Refuge. Over the years the very significant amounts of money that the Women’s Refuge has raised for protecting women who have found themselves through absolutely no fault of their own in the most difficult of situations. Ministers are in an extremely difficult position, because somehow in understanding and in some sense supporting the Minister for Health and Social Services’ decision upon advice with her officials, to effectively redirect money from the Women’s Refuge into another area which needs to be carried out where the Women’s Refuge were not willing for the understandable reasons that the Deputy of St. Martin is talking about, about confidentiality. Somehow the message Ministers cannot win in this kind of debate is inevitably going to effectively get Members’ support. Why would one not want to support the Women’s Refuge? Of course. But there are some principles that perhaps do need to be said which are difficult. But before I just do those very quickly, let there be no doubt of the Council of Ministers and the agencies that the Council of Ministers fund and support about the recognition or the perhaps previously hidden, not understood, unreported scale of domestic violence, not only to women, but to men in some cases, and also obviously the consequences of domestic violence to children and other family members. This is a scourge in society. There are wrecked lives that happen as a result of angry partners taking action against individuals. No Member of this Assembly will in any way compromise, want to reduce the efforts in this area. It needs to be said that notwithstanding this debate and this transfer of money which was effectively

at the heart of the issue, there has been a very significant amount of work done by a number of government agencies and the police certainly in raising the awareness of domestic violence. We are now seeing perhaps cases of domestic violence which have never been reported, as the Deputy of St. Martin says, now reported. I think that we should recognise the important work that the police have undertaken in putting expertise, resource.

[16:30]

Unfortunately I was aware of a case from people that I know and I was involved in reporting a case and I had to deal with some very difficult situations in relation to a case of domestic violence. In fact, the agencies involved were quite outstanding and particularly the police in the support that they gave that individual and the attempts to deal with the perpetrators. The Council of Ministers considered the B.A.S.S. (Building a Safer Society) report last week at the meeting and I think that is a report that will be published which identifies all of these issues and brings them together. We are seeing falling crime rates in the western world and we are seeing them in Jersey. But domestic violence is something that has been previously unreported. The Women's Refuge deals with the consequences, rightly, caringly and have saved many women from the most horrific of circumstances. But if we are going to deal with the issue of those women being in that position, one needs to do and one needed to do more. One needed to go back and first of all understand why do people perpetrate domestic violence. There are mental health issues; troubled individuals with troubled backgrounds are repeat offenders. I do not wish to use the previous Labour Party mantra, but one needed to deal with the causes of crime as well as crime itself and the consequences of it. The whole issue of why. I give no credence and no sympathy whatsoever to the perpetrators of domestic violence, or anybody that is involved in violence. But one has to understand why they do it; what are the underlying mental health issues; what are the unresolved mental health problems that people have in terms of addictions or problems in their childhood. These are very complex issues and they must be understood and governments here and elsewhere must do much more. The Council of Ministers has done very significantly more in this whole area. So the message must not go out ... this debate is not about whether the Council of Ministers does not recognise or the Treasury does not recognise the scale, the problem and in having this difficult debate does not recognise what needs to be done in this area because a lot more needs to be done and it is not simply about the Women's Refuge and providing that safety. It would be fantastic in 5 or 10 years for us not to have a Women's Refuge of the size that we have, because one would have solved the causes of it, put preventions in place, *et cetera*. Maybe that is a dreaming situation, but there is an underlying reason why people ... perhaps we are dealing with a catch-up of people living in single accommodation but with children living in the same room as their parents with terrible housing accommodations which this Assembly has fixed, with people with mental health issues, with all sorts of issues about why I think these things happen. This is difficult, because effectively, and I am sure that the Minister for Home Affairs - and I am not going to speak for every long - but the Minister for Home Affairs perhaps will speak about the very, very sensitive issue about the confidentiality issue and about what you do when you understand and you know about an individual who has been abused and what you do about dealing with the perpetrator. Dealing with those issues, bringing them to justice but also making sure that it does not happen; understanding whether or not other people could have been involved in that domestic violence. Simply providing a Refuge is not the only solution. It is a much wider problem. What effectively happened, because it is important that the record is set straight, is that the information about sharing information about the perpetrators of domestic violence was the issue at the heart of the problem that Health had to deal with, which was discussed at the Children's Policy Panel. It is not right to say that the Health Department simply reduced the budget for this area - they moved it and that is the fact. They moved it in order that those appropriate multi-agency safeguarding arrangements and information sharing in the appropriate way could be done. I say that because there is also another principle that

is a really difficult thing for this Assembly and for Ministers to deal with. We have engaged in a C.S.R. process. Individuals like Senator Ferguson have rightly said - and Ministers were doing this work - that we needed to move away from a simple grant funding arrangement to organisations that receive public money having clarity between the money that they are receiving and what they are doing. We have moved away from simply grant funding to effectively a commissioning arrangement and that is why. So there is an important issue of principle here. The important issue of principle is we all recognise the important work that third sector organisations do. It is much better that third sector organisations do a lot of the work that is effectively not provided by the public sector. But there must be an appropriate clarity between the relationship of the money that is coming from the public purse to that agency, and a lot of organisations have found that extremely difficult, to move from simply a grant-funded arrangement to effectively a commissioning arrangement where there is clarity. This is effectively something that organisations have found difficult. Health, I hope, are going to speak quickly in this debate. Yes, this is not a large amount of money, but it is a massively important issue. It must be said that the Council of Ministers has not decreased resources in this area, but increased them and reallocations have been made in areas such as Home Affairs and other departments in order to deal with the causes, the consequences of this whole area. Massive additional resources have been put in. Huge energies have been put into this whole area. But here we have an organisation that was asked to do something which they were not able to do. That task needed to be done and so the money was moved into the other agency. That is the reality of what happened. The Women's Refuge need to do effectively a degree of service level agreement. One respects the Women's Refuge completely in what they do. I have managed to see some of the organisers that have attended some of the third sector organisations that have been regular contributors to the budgetary process and the C.S.R. and they are caring beyond belief individuals who give of their time and energy. It is not just about money for these organisations; it is about the time that they give. We need to find a solution which is not going to cause a schism in this Assembly and cause any offence or any difficulty to people like the Deputy of St. Martin who is doing the right thing. There is always another side to this issue. Funding will be found for all of this area and Women's Refuge will always get, I am quite sure. The Deputy of St. Martin says there are more cases, so more needs to be done because more women are presenting themselves at the Women's Refuge. Well, that is a dialogue that needs to happen and I am not sure whether in the commissioning arrangements that dialogue has happened. Something has not worked. Because if Women's Refuge needs more money, it is the Refuge dealing with men that have been subject to domestic violence need more assistance, then that is what government is there to try and do. In conclusion, Health were asked to make difficult decisions on their budget. If we end up in a situation that every absolutely compassionate, well-meaning important organisation, Women's Refuge or anything else, simply has a breakdown in their relationship with a department on this different approach to commissioning and then we end up with a States debate, it is going to put the Health Department with all their grants into a very difficult position. I note last week that Health commissioned new services from Jersey Hospice which we put grant funding in and there is new commissioning. Hospice is now providing better end-of-life care to hundreds of Islanders and now have extended their services. A good example of a much respected third sector organisation like Women's Refuge, working with the States. These are very difficult decisions. There must be no sense of any reduction, unsympathetic, hard cash approach to dealing with these difficult issues. The opposite effect is the case and these things must be said when we are having a debate about these issues. We should not be talking about £20,000 or £50,000. I am sure the Minister for Health and Social Services will want to speak reasonably early in dealing with this. None of us wanted this debate, but there are some things that had to be said about our commitment to these important issues and the way the commissioning must happen because all organisations cannot simply think that they can get additional money - and I am not just talking about the Women's Refuge here - just because simply we put a proposition in and none of us feel that we can possibly vote against the

Women's Refuge. Of course that is the situation. If we start however continuing to do this, as difficult as it is to say, where is Health in this area of commissioning?

Deputy J.A.N. Le Fondré:

Can I seek a point of clarification? It might even be from yourself, the actual proposition that we are talking about, because I am slightly confused although I am supportive of the proposition. The proposition is saying: "To request the Minister for Treasury and Resources to identify the appropriate means of reinstating the funding ... from the proposed level of £189,000 in 2014 to a level of £209,000, and annually thereafter." So in my understanding of that proposition what I am slightly confused about is, are we agreeing to increase it to £209,000 and an annual amount of £209,000 thereafter, because the report certainly makes reference to the grant, because up until now the Refuge has received an annual grant from Health and Social Services of £209,000 - that is on the right-hand side on page 3, second paragraph from the bottom. But the Treasury comments keep making reference to £50,000 which would obviously mean the grant is £239,000. I accept they are saying the £209,000 is part of the funding for 2014 and there is an argument for the full funding is a higher amount for 2015. But my reading of the proposition is that we are talking about £209,000. I am sorry. It is probably a moot point but I am just trying to get some clarity because it is whether it is an increase of £20,000 or an increase of £50,000.

The Deputy of St. Martin:

Could I clarify the situation, Sir?

The Deputy Bailiff:

You can clarify what you think you mean and I will tell you whether you do.

The Deputy of St. Martin:

The funding up to the end of 2013 had been £209,000 annually. It was then proposed to cut it back by £20,000 in 2014, and by a further £30,000 in 2015, which would have meant at the end of 2015 the total cut would have been £50,000 from the last high number, end of 2013, £209,000. So when the Minister for Treasury and Resources says the cost of supporting the proposition is £50,000 from 2015 onwards he is correct because it would be when we get to the end of 2015 that amount of money being granted to the Refuge from the States would be £50,000 less.

The Deputy Bailiff:

Deputy, you will be pleased to hear that I agree that your proposition says what you want it to say.

Senator P.F.C. Ozouf:

Can I also please just make sure that Members are clear that no proposition can effectively undermine the next M.T.F.P. in terms of any period past 2015, because those are matters for the next Assembly to deal with the next Medium-Term Financial Plan, and nothing, not even your salary, Sir, I am afraid can be guaranteed in terms of budgets. You may be looking at me gruffly, Sir, but the Bailiff's Chambers does not get a budget. **[Laughter]**

The Deputy Bailiff:

Are you wanting a favourable ruling, Minister, or not?

Senator P.F.C. Ozouf:

No, I want the facts, Sir, like you, and no department whether or not it is Health dealing with Women's Refuge or the Bailiff's Chambers has a budget until there is a Medium-Term Financial Plan for 2016 to 2019.

The Deputy Bailiff:

Minister, it is perfectly obvious that if this proposition is adopted it does not mean that if there is a wholesale revision of budgets in 2016, 2017, 2018 and 2019 that this would stay inviolate, of course. It has to be taken in this context.

Senator P.F.C. Ozouf:

Which is just simply for 2015; that is the point that needs to be made. It can be no further.

The Deputy Bailiff:

And further money for 2014 as I understand it.

Senator P.F.C. Ozouf:

Yes. So 2014 and 2015, but it can be no further, and that is what the proposition is not clear about.

The Deputy Bailiff:

Very well.

[16:45]

13.1.2 Senator L.J. Farnham:

I will go out on a limb and say that your salary is probably safer than most of ours [Laughter] who have to seek re-election shortly. We are all going to have to fight very hard. I was going to talk briefly in my capacity as Assistant Minister for Home Affairs. I know the Minister is going to say something shortly. But, Senator Ozouf made an excellent speech and he covered most of the points, but not least the one in relation to the cause and the symptoms. I was pleased to be in attendance at the Council of Ministers the other day when the Building a Safer Society Group presented their report, which is an excellent example of multi-agency working. The issue of domestic violence has been high on the agenda at Home Affairs, leading to some very good work by the police in raising the profile of this issue. If you look at the crime figures, as we know, we have been seeing for various social reasons a drop in nearly all areas of crime. Domestic violence is the only area where reported crime - that is important to note - is up. We are not saying that domestic violence is up or down, we do not have that figure accurate enough to say that, but, a good trend is that more domestic violence is now being reported. It is, I think, very helpful. Ironically that leads to perhaps more traffic heading in the direction of the Refuge. I think that will be a short to medium-term trend as society deals with the stigma in relation to reporting domestic violence - if that is the correct term "stigma" - so more people do. I stress the excellent work being done by the police in this area. It means that victimised partners are feeling more confident in coming forward. I have no doubt that the Health Department have a very difficult job in balancing their books and in deciding where part of their very large - I do not say that flippantly - budget is going to go. I would, however, suggest that perhaps given the unusual statistics and the fact that because more domestic violence is being reported that in the short to medium term the Refuge is going to be much busier. I am not saying it is wrong in the fullness of time, but perhaps it was a little premature, perhaps we would be looking, as we help with symptoms, to put more money into the Refuge now. We are looking at understanding more and addressing the cause, so we could be looking to reduce funding some way down the road when hopefully the Refuge has seen a decline, hopefully fingers crossed, in people going to them for help. It would have been helpful if there was a little bit more financial information in the proposition, but I think I am minded to support it. Thank you.

13.1.3 Senator S.C. Ferguson:

The problem with domestic violence, you may be surprised to know, perhaps many people here do not realise, was identified in the late 1960s and early 1970s by Erin Pizzey, who wrote a book

Scream Quietly the Neighbours Will Hear. I have kept an eye on it ever since, in a sort of metaphorical manner of speaking. Going through all the comments and so on, I am intrigued by these I.D.V.A.s (Independent Domestic Violence Advisers). What on earth are they? What are they meant to do? I have a sort of picture of these people going out and rushing around and so on. I do not understand why we need the extra layer of bureaucracy involved in this, because, as I understand it, there are counsellors employed by the Refuge. Is this just the Social Services trying to get their fingers into everything? Why? I am told that the social workers are apparently overworked. I understand that there are people saying that their workload is too heavy. So, we are presumably going to hire extra people to do a job which dedicated private sector workers are doing already. The Minister for Treasury and Resources talks about the growing scourge of domestic violence. Actually, it is not the increase in domestic violence; it is the fact that the police are now taking it seriously. Thirty years ago they used to refuse to get involved. That is why, now that they recognise it, the incidence is growing. The Minister is also making excuses for perpetrators of domestic violence. There may be some mental health issues, but this is not entirely the case. There are quite a lot of cases where it is a lack of self-control and self-discipline, which has not been taught at a younger age. If the cycle is not broken then it carries on into the next generation, following the example of the parent. Now, the Refuge gives an opportunity for women to review their position. A time when they can decide whether it is time to call it a day, as the relationship is dead, or for some women who have been in such a relationship and have their self-esteem some 6 foot underground. They have been so battered mentally that they really cannot make a decision. In fact, one of the biggest problems is to get them to bring an action against the perpetrator of the violence. It takes about 18 months to 2 years to get back to normal and to start being able to make decisions. I know, I have seen it happen. What is needed is a safe, calm Refuge - just what it says, a Refuge - to get themselves back together. What on earth is an I.D.V.A. going to add to this? The Refuge is an essential part of our social compact with the population and I shall be supporting this proposition.

13.1.4 Deputy G.P. Southern:

Briefly, it reminds me of the previous debate where all the support is there in the first paragraph, but the money is not. My eyes are drawn to the bottom paragraph, inevitably, to look for the money. The example given here is that the Minister wishes to make clear that no contingency or other funding is available to meet these additional costs. So, here we are, under this Minister for Treasury and Resources, scraping along the bottom, having emptied all the pots, there is no contingency left. What a shameful way to run an economy. What a shameful act has been done to the funding of the Women's Refuge. I will be wholeheartedly supporting this and I draw Members attention to the fact that the pots are empty.

13.1.5 The Deputy of St. Ouen:

I think on this occasion Ministers are basically trying to defend what I would call the indefensible. We can spend millions of pounds per year on consultants. Yet the Ministers choose to reduce the budget of the Women's Refuge by £20,000 in 2014 and £50,000 in 2015, because they say there is no money available. Unbelievable. Worse still a group of Ministers, the Children's Policy Group, get together, they get told: "Well, we need to deal with domestic violence." Absolutely. How are we going to deal with it? We are going to set up a Multi-Agency Risk Assessment Committee. Brilliant. Presumably using existing resources. "Oh, well, no. No, no, we need to spend another £50,000 on other civil servants to do the job properly" when we have people already providing those services. For goodness sake. **[Approbation]** That is what they do. That is what the Minister for Treasury and Resources is now standing up and trying to support and he is struggling. Absolutely. Because he even admits we need to do more. We have to keep providing the basics. We have a growing population and a growing demand that has been highlighted by the police and

others in 2013 and yet we are cutting the funding. The only other comment that I would make ... because I really do believe and I expect the Chief Minister very, very quickly to stand up and say: “This is done. Do not worry, it is sorted.” I look at the summary of the comments provided by the Minister for Health and Social Services. If ever there was a case of the pot calling the kettle black, this is it. I draw your attention to page 3 under the heading “Summary”. I think Deputy Southern has already picked up the point, but I want to highlight this and stress it a bit more. We have the Minister for Health and Social Services saying: “Should the States Ministers support this proposition [they know we are going to] this is what I am going to do. I am going to wield the big stick. I am going to look for firm commitments from the Jersey Women’s Refuge for further improvements, including consistently producing matrix to enable valuation of their services, constructively working with Commissioners to review Jersey Women’s Refuge services to identify opportunities for cost savings, working with Jersey Property Holdings to establish a sustainable position regarding tenure premises and it goes on.” I will say, Minister, that you have been told to do that by this Assembly and others for years, with regard to the Health Department, yet nothing happens. The Minister has the gall to suggest that a voluntary organisation that is continually raising and providing services using charitable donations commits to this. Well, if they are going to... and I am all in favour of service level agreements, absolutely, everyone needs to know where they stand, but you want a level playing field. I well understand the trustees of the Jersey Women’s Refuge going: “Who do you think you are?” There needs to be a far better approach and a far more appropriate approach to ensuring that both parties get the best out of the arrangement. It is not by dictation. It is not by saying: “By the way, States Members, if you do not approve this this is what is going to happen.” I am sorry, it is not. Proper communication, proper dialogue should take place with the Jersey Women’s Refuge and others and agreement reached with a partnership approach that the Women’s Refuge are provided with appropriate funding and are following the replacement of the part of the budget that has already been removed and you move on from there. But, to suggest that the States should support taking money away from an organisation that we know - we know - provides a significant service to this community is ridiculous in its extreme. Thank you.

13.1.6 Senator B.I. Le Marquand:

There are 5 things of which I have no doubts. Firstly, the Women’s Refuge have provided and have continued to provide an excellent service to women who need, for their own protection and sometimes that of their children, alternative and protected accommodation. Secondly, I have no doubt that the numbers of cases of domestic violence coming to the attention of the police have grown and are continuing to grow. The increased figure this year has been substantial. It is my understanding that that alone has led to a slight increase in reported crimes this year. That came on the back of a 17 per cent reduction last year. But, crime figures were up this year. I am being told the cause of that is the increase in the reporting of domestic violence. The third thing that I have no doubt of is that there has been a need for a different approach. I regret Members, my good friend Deputy of St. Ouen for one, Senator Ferguson behind me, who have spoken against, as it were, the M.A.R.A.C. and I.D.V.A.s, frankly with no understanding whatsoever of what they do.

[17:00]

Let me explain, as far as I am able to, the Multi-Agency Risk Assessment Committee concept and the Independent Domestic Violence Advisers’ role here the emphasis is on protection by identifying people at risk and taking counter-measures. This is in order to avoid the cycle, repeated cycles, which go like this: there is violence that the woman - if it is a woman - needs to go to the Refuge; after a time she decides to go back home; there is then violence again; she needs to go to the Refuge; and after a time she goes back home, *et cetera*. The sharing of information presents difficulties. Obtaining information presents difficulties where victims are reluctant to bring or to

maintain complaints. That is one of the difficulties that the police and prosecution services have always had in this whole area. How do you get people to make complaints and to maintain those complaints, so that actions can be taken through the court? Sometimes there are other sources of information and that is part of the point of this process, bring together the information sources to save those who are at risk, so that you can then engage with them actively in order to try to seek to provide them with better protection. Ultimately what we want to do is to change the behaviour of the people who inflict domestic violence on others. Sometimes that does require prosecutions and bringing them before court. Sometimes this can be done on a more voluntary basis if they recognise that they have weaknesses and difficulties and need help in changing their behaviour to avoid being perpetrators in the future. There are excellent courses in relation to this particularly the Change course - that is the name of it - which is run through the Probation Department and normally is run as a result of court orders. This whole area has been a priority issue for the States of Jersey Police because numbers have increased we have had to put additional resources into this area. We are going to have to continue to do that. One thing I want to say very clearly, we needed to have this specialist function attached to the police force in order to seek to tackle the root causes and the cases which otherwise do not come to our attention. Finally, I wanted to say that domestic violence is a serious matter. It is a particularly serious matter where children are involved. After many years we have finally come in recent years to the position of understanding and fully accepting that domestic violence where children are present is child abuse. The children need protection and sometimes unfortunately the agencies have to step in and ensure that is happening, even though sadly sometimes the victims will not take action to protect themselves. That is the third thing of which I am sure and have no doubt. The fourth thing that I have no doubt is that the Women's Refuge will be able to function just as well with the reduced grant because of its substantial reserves. Some Members may think that is irrelevant. I do not, there are substantial reserves. The fifth thing is this, that there is now considerable pressure on governments. That is going to get worse. Those who may wish to contemplate the 2016-2018 budget ... and I wish you all, as I did my colleagues on the Council of Ministers recently, I very cordially wished all of those who came back on the Council of Ministers all the very best in relation to the 2016-2018 budget. I am rather relieved I am not going to have to be part of that. It is going to be difficult. It is going to be tight. It is going to be tough. Therefore it is very difficult for Government to guarantee continuing financing for one organisation particularly when there are going to be competing claims from other organisations, some of which have very limited reserves or no reserves whatsoever. In my view, Government must have the freedom to make the decisions that need to be made. I stay that notwithstanding the undoubted merits of the work of the Refuge. The most essential things from my point of view are this: firstly that the importance of the M.A.R.A.C and the I.D.V.A.s, *et cetera*, are recognised and it is recognised that this is the best way forward. I regret that those have been attacked - people sometimes get a bit enthusiastic in debate - by Members who frankly do not understand the issues and have not bothered to ask the police why these things are so important and so on. That I regret. Secondly, the recognition of the principle that Government must be able to look flexibly at the needs which have the highest priority, and particularly so where there are competing claims on government funds, as there are now and as there will be in the future. So, for those reasons, with regret, I am unable to support the proposition.

Senator S.C. Ferguson:

Could the Minister please give some idea of the outcomes of the risk assessments being undertaken?

Senator B.I. Le Marquand:

I do not get involved directly in operational matters, but it is my understanding the whole purpose of identifying these is so that people who are at risk can be approached. I believe that is part of the

role of the I.D.V.A.s. Basically, what one is trying to do is work with them to try to improve their situation. That may involve encouraging people to bring prosecution where they should be brought. I do not get involved in individual matters on that sort of level I am afraid.

13.1.7 The Deputy of Trinity:

First of all, I would say that this was and is a difficult decision. Especially, obviously, being a woman, I fully support all the work that the Women's Refuge do. It was a proposal to increase the value of a current fully negotiated and signed service level agreement that already exists between Health and Social Services on behalf of the States of Jersey and Women's Refuge for services. They are very important services - we have all acknowledged that - that they provide. This agreement provides for the payment and monitoring of a service for women who were the victims of domestic abuse. This service is set out in an agreed service specification. An agreement was signed by all parties earlier this year. I understand that the Deputy wants the funding to be negotiated to 2014/2015 agreement to be reinstated to that position of 2013, which means that the increase of £20,000 in 2014 and £50,000 in 2015. I think it is very important to put the background to the change. It was linked with the work that has been going on since 2012 to establish, as has been said, the Multi-Agency Risk Assessment Committee. We know, and it has been on the media and discussed at length in the Scrutiny Panels too, the importance of children safeguarding and adult safeguarding. The level now and with the independent chair of the Safeguarding Board raises that issue and is very appreciative of all the safeguarding work that is being done for both children and now adults. But, the extra safeguarding which we all have to put in place, whether we are States bodies or in the voluntary sector does come at a cost of resources and a cost. Quite rightly, because safeguarding must be the number one priority. With that in mind the M.A.R.A.C. ... in response to the growing concerns about the increase in reports of domestic violence in Jersey. To answer Senator Ferguson's question about I.D.V.A., the I.D.V.A., as we said, is the Independent Domestic Violence Adviser. Independent is the word. Up until then women or men - because we are now talking about men as well - did not have a voice on the M.A.R.A.C. group. This I.D.V.A. represents their clients on that M.A.R.A.C. group and helps them implement safety plans. They support and work over the short to medium term to put victims on the path to long-term safety, which must be all our aim at the end of the day. We want to stop that cycle of continuing domestic abuse. Jersey Women's Refuge was involved in the detailed discussions about the proposals of M.A.R.A.C., including their individual domestic violence role, to support that initiative. At the end of the day, it is the children and the women and some men that really matter at the end of the day and giving them the best service. Women's Refuge had people performing a similar role to the I.D.V.A.s via its Outreach workers. But, the Women's Refuge, however, declined to do this role. Repeated invitations to see if it could adapt its current service provision to take on the M.A.R.A.C. I.D.V.A. role obviously did not come to fruition. The business case to support the establishment of M.A.R.A.C. was developed in January 2013 and, as it said, was agreed by the Children's Policy Group. It was an important decision, which the police themselves brought to the Children's Policy Group, because, as it was said by the Minister for Home Affairs, it is very important. It was acknowledged then at C.P.G. (Children's Policy Group) that no new money was available to support that initiative and the funding would have to be met from existing budgets. I was concerned. It is not a decision that I took lightly. In July the Minister for Home Affairs and I met Women's Refuge and it was agreed that the 2014 Women's Refuge Service Level Agreement would be reduced by the total of £50,000 per year, with that funding transferred to Home Affairs to support the cost of the I.D.V.A.s. This decision was further endorsed by the C.P.G. In May this year following detailed negotiations, the Women's Refuge was commissioned to provide services through a service level agreement covering this year and next year. That agreement was signed by all parties. I do stress at this point any agreement is a partnership. Again, the Minister and I subsequently met with a representative from Women's Refuge to discuss some of the details and

service level agreements. It was agreed that reduction in funding would be phased over 2 years, reducing by £20,000 this year and the full £50,000 next year. The commissioning process is designed to ensure that we have the right combination of services to meet the needs of Islanders. Commissioning is also in line with financial directions. As it is taxpayers' money we are held to account for it to be used in the most appropriate cost-effective and best value way. It is important that all service level agreements, as I said, is a partnership. So, they know what to expect from the States of Jersey. We too in return know what we need from the Women's Refuge. Health and Social Services, like all departments, is accountable through financial directions for the way it spends its budget. We will work with Women's Refuge in the same way we work with other organisations, to establish service level agreements to achieve that. For this reason, I have outlined here in my comments it would be wholly inappropriate to agree allocation of additional funding for services no longer being provided under the existing service level agreements. When we do come to the vote, and I presume that it will be approved, we will have additional service level agreements for the extra £20,000 and £50,000 this year. I know Commissioners have been in discussion with the Women's Refuge over this. Just to finish, it was a difficult decision, because I feel that with safeguarding, adult and children safeguarding especially being high on the agenda, quite rightly, the formation of M.A.R.A.C. and especially the I.D.V.A. role is important. We want to stop that cycle. There will be more initiatives regarding domestic violence, I am sure, coming forward over the next years. But, I understand where the Women's Refuge are and, as I have said, if the States approve this then they will be given the extra funding and service level agreements for that extra funding will be put in place alongside it. Thank you, Sir.

The Connétable of Trinity:

Sir, before the next speaker, could I just say, I do not know if it is the quality of our new system, but I seem to be hearing conversations from all over the Chamber very easily and it is very difficult, Sir, if I might say, to concentrate on the speakers.

[17:15]

The Deputy Bailiff:

I am sure those Members who were talking will take that on board, Connétable. Deputy Bryans?

13.1.8 Deputy R.G. Bryans of St. Helier:

My speech is considerably shorter than it was going to be thanks to the rather emotional emphatic speeches from Senator Ferguson, the Deputy of St. Ouen and Deputy Southern. I had originally come in here today having looked at the information to vote against this but I have changed my mind. Domestic violence is on the increase; I was there at the Council of Ministers when this was mentioned by the Home Office and while we have this open wound in our society we must do what we can quietly, confidentially, delicately and effectively as the Refuge has done for a considerable time. Senator Ozouf is right when he says we need to address the cause not just the symptoms, but I see in this discussion and what has been debated here today a transitional point. We still need to get down to the root of the problem and break the cycle, that is true; but the Deputy and the Refuge has with these fragmented negotiations been compromised and the thing that really gets to me is this little piece - once again I am going to read it - from the Refuge, the email that was sent to the Deputy of St. Martin: "A wide-ranging meeting ensued culminating in their offer to put in place a 5-year plan to ensure our financial survival. There was a full admission of our essential place in the social services of this Island. Also they are to reinstate our grant in full." We cannot play with people's lives in this way. We were talking earlier about principles, well I think the principles have been broken. I think there is a case to be made; that this is a transitional point where we can move from the very efficient job that the Women's Refuge do to what is being contemplated but rather

clinically by Senator Le Marquand and the Deputy of Trinity, so I will be fully supporting this proposition. Thank you.

13.1.9 Connétable L. Norman of St. Clement:

Yes, just briefly. The Minister for Treasury and Resources was absolutely right when he posed the rhetorical question: "How can we not support this proposition?" The only disappointment to me is that we appear to be doing it or we will in fact be doing it on an emotional basis rather than on the strong evidence of financial need. I cannot help reflecting that there might be a good reason for the reduction in the grant. But I cannot help reflect, but certainly in my Parish and I am sure in other Parishes as well, we have a certain amount of money which is given to charities and other organisations but before we give that money we always ask for the accounts, details of the assets and future budgets and even in appropriate cases a business plan, and when such a charity had £1 million in reserve, the Parish might think twice about whether a modest donation was really going to be of significant help, and if the Parish itself increased its cash assets in 3 years by £750,000 they still ask the ratepayer to contribute a bit more in rates, then I think the Council of that Parish would have some serious questions to answer. Unfortunately in this case the questions have not been answered. I know that this proposition is going to be adopted; I know that I am emotionally going to have to vote for it; but it certainly would have helped me and made me more comfortable if we had seen accounts, if we had seen a business plan and seen a budget.

13.1.10 Senator I.J. Gorst:

Like other Ministers, firstly I want to acknowledge the difficulty of this debate but I do on balance, having thought that perhaps the best way was for just the Health Department and Treasury Department to sit down and agree that the extra funding should be reinstated, and it was firmly said to me that some of the important issues that we have now aired this afternoon, which hopefully have been extremely useful for Members about how we arrived at the situation that we did with regard to the new service that needed to be provided, and I hope that Members have felt that that was helpful. I appreciate that it has put the Deputy of St. Martin in a difficult position and I do not think that any Minister wished to do so, because I think all Ministers fully support the work of the Refuge and the Deputy knows that I do as well. I think the other difficulty that we have encountered this afternoon is that in trying to explain what has happened and how we have arrived at where we are, where the budget was reduced, and what we propose going forward, it may not be clear to Members that Ministers will be supporting this and having talked about the issues, helping Members to understand how we have arrived at where we are and the Health Department having had subsequent conversations with the Refuge, whereby an appropriate agreement has been agreed about the services that will be provided, then I for one, and I think the majority of Ministers will be supporting the Deputy. So the Deputy has a choice of either withdraw; I do not suggest he does that, I suggest we quickly get to the vote and we support his proposition, the money is reinstated and then we move forward. I will be supporting the Deputy. The issue of domestic violence is one that we all take extremely seriously and want to provide the breadth of service which is required and we have all heard about how we have arrived at today, so you do not need me to reiterate it, because I would be breaching Standing Orders. So, after this debate we will have a new, improved and enhanced service and I think that is something that we should all want to support.

13.1.11 Senator P.F. Routier:

Very briefly. I would like to thank the Deputy of St. Martin for bringing this proposition today because I believe it has been a very useful debate to have, to raise the issue that we are being asked to address. The reason I want to speak is because Senator Ferguson was querying the value of I.D.V.A.s and I just have had the opportunity to look at the Refuge in the UK, their own websites, which explains the value of I.D.V.A.s, because they use them themselves within their own service.

It is about creating safety plans and undertaking risk assessments, it is accompanying clients to court or arranging pre-trial visits, it is supporting clients to give evidence and write victim impact statements, requesting special measures like screens in courts, it is helping clients to access Refuge accommodation, because they are independent of the Refuge service; helping clients to increase security in their own properties so that they can continue to live safely at home; and the list goes on and on and on of the values of I.D.V.A.s. I hope that the Senator will see the value of having these independent people to assist and to develop a service which the Refuge does provide. They have their outreach service, which does some of those things, but there is a wider impact from independent people who are able to advise people and to help them live safely within our community, so I just really wanted to add that about the value of I.D.V.A.s. Thank you. I will be supporting the proposition.

13.1.12 Senator F. du H. Le Gresley:

I have held back because it is never easy to make a speech which says we should not be doing this and, quite honestly, we should not be doing this, and why, because the committee of the Jersey Women's Refuge have entered into an agreement, a signed agreement in the S.L.A. with Health and Social Services in May of this year and the Deputy brings a proposition on 26th June or at least he lodged it on 26th June. So in other words the committee are reneging on their service level agreement within one month of signing it and that is the reality of what we are debating today. Now that might be all well and good and perhaps they did not understand what they were signing, but the Minister for Health and Social Services has made it clear that they had a number of meetings and it was understood that they were not going to be able to provide this service or did not wish to provide this service and therefore the funding was going to be reduced in 2 tranches. It was all agreed; it was all signed. What is the point of service level agreements if organisations turn around a month later and say to a States Member: "Can we have the money back please?" It just makes a mockery of what the commissioning process is all about. Now, I say all this because my department has just been going through a whole process of commissioning for care providers for long-term care. I have signed numerous agreements now with care homes and care providers and all the words have very carefully been sculptured with the individual providers so that they all understand what they are entering into. I mean, we all enter into agreements; we agree to buy a house or we agree to take on a job or whatever we sign. Are we just saying it is quite simple, a month later, we renege on it and we just get a Member of the States to come along here and get the money? That is not good governance and I know you are all going to vote for it today, well, most of you, but I think it is wrong and it is a lesson to be learned by States Members that you cannot just come along, as the Deputy has done, with the best of intentions, and put before us, and as the Constable of St. Clement has made absolutely clear, where is the evidence? We have not seen the accounts of the Jersey Women's Refuge, and that is a discipline that we should be going through. Quite clearly the Minister for Health and Social Services has seen the accounts and her officers, and they reached the opinion that this was a correct way forward, about reducing their grants. It is just stupid to run business ... this is a business that we run and if we just renege on agreements within one month and Members trot in here with propositions to give them the money back, it is bad government; you are all going to approve it but I warn you, it is bad government.

The Deputy Bailiff:

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

13.1.13 The Deputy of St. Martin:

I am pleased to be able to speak immediately after the Minister for Society Security because I would say to the Minister I was talking to the Women's Refuge a long time before they signed the agreement, and I would also say to him that they had no choice in the matter. If they had not signed

the agreement for services they could have had all their funding removed. Because there was no agreement for services, they could have lost everything. What are they to do when faced with an agreement: sign it or do not sign it? Sign it for a reduced amount of money or do not sign it and receive nothing. I have to say, I think I am still going to, but I had not intended to be particularly aggressive in my response to people and I think I will stick with that and even with Senator Le Gresley's response, I am tempted to say to him there is something here that says the Women's Refuge were involved in detailed discussions. They were not involved, they were told. They were asked. There has been inclination that they were asked to do outreach work as a combination within the Refuge and I am going to come to that in a minute. There are some issues here which I can respond to directly; I do not find that it would be the right thing to do under the circumstances because I think we have had a good debate and I do not want to end it acrimoniously, but I would say to the Constable to St. Clement, there is a mention of £1 million in here somewhere; it is not £1 million and it certainly will not be £1 million for very long, even if it was, because the Refuge are now currently trying to find £200,000 a year of their own money through fundraising, which has not happened, and the few hundreds of thousands of pounds they do have available will very quickly disappear. I would only pick out 2 others; I would pick out the Minister for Treasury and Resources, who I think gave us a very well-informed speech this afternoon and I would say a few things to him and at the same time I would address them to the Minister for Health and Social Services. Confidentiality, I state at the beginning, is a massive issue and I cannot stress that enough. If you say to somebody: "I can guarantee you only 2 people will ever get to hear about this", they may tell you. If you say: "Four people will hear" they will be less inclined. When you then say to them: "There is another agency or another 2 agencies which I will have to inform of your case" they are even less inclined to tell you what is going on and the more people that get to find out, the less likely we are to get people to be confidential with us and come into the Refuge. The second thing I would say is any suggestion that men should be asked or allowed into the Refuge on a regular basis; anybody who suggests that does not understand fully how some of these women feel towards males. It can be incredibly difficult for some of these women to be in a room, in a house, with a male, knowing the door might be closed, and for some of the propositions that have come through these multi-agencies for men to be sent into the Refuge for meetings or other multi-agency meetings, is quite wrong and it should not be done; men should not be sent into the Refuge unless they are specifically invited by the people that work there. The Minister for Treasury and Resources spoke about moving the budget and yes, I can appreciate that the States may be spending slightly more money, but there is no doubt that these new initiatives, with M.A.R.A.C., and the other agencies that we have discussed, and I would say to Senator Farnham particularly, they are working; do not be too sceptical; it may be a half-way house somewhere between the 2, but these agencies are working ...

[17:30]

Senator L.J. Farnham:

I think the Deputy is confusing me with somebody else. I do not recall ...

The Deputy of St. Martin:

I apologise if I was. I have got it written down here. But these new agencies, these new initiatives are working but the problem is we are putting more money in, we are identifying more cases, we are creating more work for the Women's Refuge and that is work that they are being asked to do with even less money than they have had previously. Finally, the Chief Minister, and as Members may know, he and I last year stood side by side in King Street to raise money for awareness for the Refuge and last December he and I both took part in a video produced to highlight domestic abuse and violence. He knows well that women and children are at risk and that the Refuge is the only place for them to go when their personal situations get completely out of their control. The

protection of women and children from domestic violence is, I am sure, an absolute priority for everyone in this Assembly and I would just end there and call for the appel. Thank you.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats as we vote on the proposition of the Deputy of St. Martin, P.124. I will ask the Greffier to open the voting.

POUR: 40	CONTRE: 2	ABSTAIN: 2
Senator P.F. Routier	Senator B.I. Le Marquand	Senator P.F.C. Ozouf
Senator A. Breckon	Senator F.du H. Le Gresley	Deputy J.A. Martin (H)
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of St. Helier		
Connétable of Trinity		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
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. Hilton (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy J.M. Maçon (S)		
Deputy G.C.L. Baudains (C)		
Deputy J.P.G. Baker (H)		
Deputy J.H. Young (B)		
Deputy S.J. Pinel (C)		
Deputy of St. Mary		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy R.J. Rondel (H)		
Deputy N.B. Le Cornu (H)		
Deputy S.Y. Mézec (H)		

Senator I.J. Gorst:

Sorry, before we adjourn, Sir, could I just ask whether Deputy Southern is going to request that he takes his Survivor Benefit proposition first in the morning or not, because otherwise it is my item that will be first up?

Deputy G.P. Southern:

I am easy either way. Whatever; I will take it first, if you like.

The Deputy Bailiff:

I understood we would be taking it first, if that is convenient to Members.

Senator P.F. Routier:

I propose the adjournment, Sir.

The Deputy Bailiff:

The adjournment is proposed. The States now stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:33]