

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 3rd NOVEMBER 2015

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. Message received from Her Majesty the Queen in response to congratulations from the Island on becoming the longest serving monarch

The Bailiff:

Members will remember that I read to the Assembly a copy of my letter to Her Majesty the Queen to congratulate her on becoming the longest reigning monarch. I have had a letter back that I will just read: "Dear Bailiff. The Queen has asked me to thank you for your kind letter sent on behalf of the Lieutenant Governor of the States and people of Jersey on the occasion of Her Majesty becoming the longest reigning monarch of the United Kingdom and the Commonwealth Realms on 9th September. The Queen has been greatly touched by all the messages of support she has received and appreciates your thoughtfulness in writing, as you did. This message comes to you with Her Majesty's very best wishes. Yours sincerely." And it is signed by the assistant private secretary to the Queen. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE VALUATION OF THE JERSEY INTERNATIONAL FINANCE CENTRE:

Question

The Minister recently released some limited information relating to the DTZ valuation on what would be the completed Jersey International Finance Centre development at some time in the future. Can the Minister advise:

- (i) what the cost of the valuation was;
- (ii) whether the Treasury statement that 'The latest DTZ valuation was undertaken in accordance with the Royal Institute of Chartered Surveyors' regulations and attributes an estimated aggregate value of £332 million to the completed office development' means that it was carried out as a red book valuation in accordance with standard RICS standards;
- (iii) what average rent figure was used and what yield percentage was used to achieve a valuation of £332,000,000 valuation on the completed development of 470,000 square feet; and
- (iv) whether the full report will be published immediately to ensure transparency?

Answer

- (i) The valuation fee was £10,000.
- (ii) The valuer confirms that the valuation was prepared in accordance with the appropriate sections of the RICS Professional Standards, RICS Global Valuation Practice Statements, RICS Global Valuation Practice Guidance – Applications and United Kingdom Valuation Standards contained within the RICS Valuation – Professional Standards 2014 (the "Red Book"). The valuation is prepared on the basis of Special Assumptions set out in the valuation report.

- (iii) The rent figures and yield percentages are assumptions that the valuer has utilised in reaching the valuation. This data is regarded as commercially sensitive and would not ordinarily be publicly released.
- (iv) The report will be provided to the Corporate Services Scrutiny Panel under the usual confidentiality agreement for its consideration as part of the ongoing scrutiny process. The Minister will consider whether it is in the public interest to publish the report in full more widely.

2.2 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING DISCUSSIONS WITH THE U.K. GOVERNMENT IN RESPECT OF JERSEY'S ABILITY TO ACCEPT REFUGEE FAMILIES:

Question

Could the Chief Minister update the Assembly on what progress, if any, has been made during discussions with the U.K. Government on Jersey's ability to accept refugee families? Could he further inform the Assembly when he believes those discussions will be concluded and the full details announced to the public?

Answer

Officials in the Chief Minister's Department and the Home Affairs Department are still in discussions with the UK Government, as well as Guernsey. We are not in a position to confirm when those discussions will be concluded, but we will provide an update as soon as we are able to.

2.3 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING JERSEY'S LOW INFLATION RATE:

Question

What plans, if any, does the Minister have to prevent Jersey's low inflation rate from turning into deflation?

Answer

It is good news that RPI inflation in September was at 0.1% - its lowest level for six years. Underlying inflation, as measured by the change in RPIY, was 0% - its lowest level since this measure was introduced in 2007. RPI Low Income was also unchanged and RPI pensioners fell by 0.6% - meaning that average retail prices for pensioner households were lower than a year earlier. These developments should be welcomed as it eases pressures on the cost of living.

Annual falls in the price of fuel and light, food, clothing and motoring costs will be welcome for islanders.

- Fuel and light costs fell by 10% over the twelve months to September, driven by the fall in domestic heating oil and a fall in the cost of gas.
- Food fell by 2%, with lower prices for fresh fruit, vegetables, potatoes and some dairy products.
- Motoring costs fell by 2%, driven by falls in the price of petrol and diesel.

It is encouraging that Jersey is seeing the benefits of lower trends in global commodity prices (food and energy) and we want to ensure that inflation remains low because:

- Low inflation has meant that there has been real earnings growth in each of the last three years 2013, 2014 and 2015.
- Low inflation is good for competitiveness and is a key element of the Strategic Plan priority to optimise economic growth.

If downward pressure from global commodity prices were to result in Jersey's inflation rate turning negative, this would continue to be good news due to the impact this would have on the prices islanders pay for essential items. This in turn could mean that more money is available to spend on other goods and services, which would be further good news for some sectors of our economy.

When negative inflation is imported through lower global commodity prices, this is often known as ‘good deflation’. If there was a sustained fall in prices caused by a fall in demand in the economy, then this could be considered ‘bad deflation’. There are no signs that Jersey is currently at risk of the latter type of deflation - private sector wages increased by 2.2% in the year to June 2015, employment is growing, and responses to the Business Tendency Survey do not suggest a significant number of companies operating below capacity.

The best way to mitigate any risk of deflation caused by falling demand in the future is to follow the advice of the Fiscal Policy Panel by ensuring that fiscal policy is counter-cyclical. For example, the past Fiscal Stimulus programme was designed to support projects which could inject demand into the economy in a timely manner.

2.4 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE USE OF POPULATION PROJECTIONS TO DETERMINE THE CAPACITY OF LES QUENNEVAIS SCHOOL:

Question

Will the Minister provide the concrete population projections for both the Island and the new Les Quennevais School intake which are being used to determine the capacity of the new Les Quennevais School, including figures for the opening date and each 10 years thereafter until 2057?

Answer

As noted in my response to Deputy Tadier’s question on 20th October, the projections for pupil numbers at Les Quennevais School are based on birth numbers and the analysis of demographic trends, including net migration. This work is carried out in close consultation with the States Statistics Unit, and the figures for net migration take into account both the States’ population policy and actual population numbers. The projections also take account of the number of pupils in the school system, and are updated annually to reflect changes over time.

The school population at Les Quennevais currently stands at 688 pupils, and the projections for the period up to 2029 are as follows –

Les Quennevais School	Year entry	7	School pupils - total (September)
2016	153		686
2017	150		690
2018	141		683
2019	149		693
2020	148		681
2021	163		692
2022	162		705
2023	152		715
2024	175		738
2025	148		736
2026	179		755

2027	153	743
2028	170	762
2029	157	743

Deputy Tadier has asked for ‘concrete’ population projections for both the Island and the new Les Quennevais School, but it will be appreciated that it becomes more difficult to make more detailed projections when looking at a longer term, as the number of variables may increase over a longer time span. Pupil projections for the period after 2029 would therefore be more provisional in nature, and would be subject to review on a continuing basis.

The planned capacity for a new secondary school at Les Quennevais is 750 pupils, with the ability to take up to 850 pupils without having to build extra accommodation. The plans for the new school will allow room for expansion beyond this figure, should this become necessary. As already noted, pupil projections are kept under continuing review, and the department would therefore be able to give at least several years notice of any such requirement. Consideration would also be given to other options, including whether there is capacity in the other secondary schools to take additional pupils.

Deputy Tadier has also asked for population projections for each ten years after the projected opening date until 2057, and projections beyond 2029 will be to a lesser degree of accuracy for the reasons explained above. Any such projections will be subject to change over time, and will therefore need to be seen as very provisional at this stage. Assuming an opening date of 2019 for a new school, the provisional figures are as follows –

Year	Les Quennevais School – pupil population	Total Island population (see note)
2019	693	104,700
2029	743	112,200
2039	865	118,500
2049	918	123,700
2059	968	127,800

Note: The projections for the total Island population take into account both the current States’ population policy and actual population numbers. The projections also assume that any increases in housing to meet the increased demand for accommodation will be spread evenly across the Island, although in the current Island Plan there is a strong emphasis on building new residential accommodation in St. Helier. If this emphasis is maintained in future Island Plans, then the total number of pupils in the Les Quennevais catchment area could be significantly less than the totals shown for the years 2039 onwards.

2.5 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING ALCOHOL ADVERTISING AND PRODUCT PLACEMENT:

Question

Does the Chief Minister have any plans to restrict the advertising and product placement of alcohol, as has been the case for tobacco, and if not, why not? Furthermore, when can members expect to see a cohesive alcohol strategy being published?

Answer

The Council of Ministers' Alcohol and Licensing Strategy was published in September 2014 (R139/2014). That strategy does not include restrictions on advertising and product placement but does include development of safe drinking messages and point of sale information.

Restrictions on alcohol advertising and product placement are difficult to achieve as Jersey has no jurisdiction over UK print and broadcast media. In addition, bill board advertising, which is commonly cited as being the most pervasive in relation to alcohol promotion, is not generally a feature of the Island.

Further consideration may be given to point of sale restrictions (for example, screening) but the benefits would need to be fully assessed in light of on-going media advertising.

2.6 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE HEALTH AND SOCIAL SECURITY SCRUTINY PANEL REGARDING THE ALCOHOL STRATEGY:

Question

Does the Chairman consider that the lack of a current governmental alcohol strategy should be of concern to this Assembly and, if so will he outline the reasons why? Also, does his Panel consider that any above inflationary increases on alcohol duty should be opposed until a cohesive strategy is produced?

Answer

The Panel is aware of the Alcohol and Licensing Strategy for Jersey presented to the Assembly on 23rd September 2014 (R.139/2014) and has no immediate plans to review its implementation. It is willing to receive a submission from the Deputy if he wishes to suggest that the Panel should conduct a review into the Strategy. However it is noted that the Strategy has been developed as a joint approach between Health and Social Services and at least four other departments. The Panel looks forward to learning the results of further work on the Strategy by the Alcohol and Licensing Policy Group, including a pricing review investigating the role that pricing mechanisms could play in reducing the harmful effects of alcohol. The Panel will make enquiries concerning the progress of this work.

2.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPLEMENTATION OF EGOVERNMENT POLICIES:

Question

Will the Chief Minister, as Chairman of the States Employment Board (SEB), outline the options under consideration by SEB to enable the implementation of eGovernment policies and, in particular, the potential outsourcing of over 50 jobs in Information Services? Will he further clarify the statement made by the Chief Executive of the States that: "Their jobs are not formally at risk yet – we are just market testing. We are just seeing what the market can offer us"?

What impact has the response of the SEB and its officers to a leaked document had upon public sector employees across all departments and has this resulted in increased anxiety among employees? In this regard, will the Chief Minister assure members that future plans for restructuring will be subject to open and transparent consultation with States employees and their representatives at the earliest opportunity in line with good employment practice?

Answer

Information Services is important in enabling reform across the public sector through eGov and other transformational work. The department needs to re-structure to focus on reform and e-government activities and to ensure it can deliver the IT services required to meet the demands of the business through this, and further periods of change.

It is not unusual for organisations to outsource their technical infrastructure services (servers, network, data centre, desktop, Service Desk etc.), as the technology and economies of scale allow commercial organisations to offer these services profitably.

As a result of an initial review of Information Services' core activities the technical infrastructure services have been selected for market testing. The team responsible for technical infrastructure has been informed of work underway to establish whether this approach is viable. Team members were briefed at an early stage in an open and transparent manner.

Unions have been made fully aware of this project, and will be consulted on a regular basis until the service review is completed.

At each stage team members have been informed of the reasoning and how the change may affect them. Understandably this communication may have caused concern for some. There is work underway to increase engagement during this period of change.

2.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING SERVICE DELIVERY AND OUTSOURCING:

Question

Will the Minister list for members the current services delivered by his department to the public or other departments and indicate whether he intends to reduce, cease or outsource any of these services as part of his commitment to the delivery of the targets set by the Medium Term Financial Plan (MTFP)? Will he also inform members what reduction in staffing numbers through natural wastage/voluntary release have been achieved by the department in delivering the MTFP so far and what further reductions are being targeted?

In relation to the foregoing, will he further state whether his department has given notice that it intends to withdraw from the contract to service gardens/public space for Andium Homes, and if so why? Is it also the intention to withdraw from a similar contract with the Education Department, and will he state the reasons which underpin this decision?

Answer

The Transport and Technical Services Department is in the process of comprehensive reviews of both its Technical and Non-Technical Services that will enable them to continue to provide these essential public services to the Island and manage the finances in a sustainable manner in the long term. The majority of these reviews will be complete during 2016 and only on completion will the Department be able to say whether it intends reduce, cease or outsource any of the services it provides.

Shown below is a list of services delivered by the Transport and Technical Services and the staff savings that have been achieved by the department to date. At this time, the Department is unable to say what future manpower reductions will be made until it has completed the service reviews.

Department + Area	Voluntary Release 2015	Voluntary Release 2016	Reduction in staffing numbers through natural wastage	Total Manpower savings achieved to date
Transport and Technical Services	13.3	9.0	38.8	61.1
Operational Services: Waste	4.0	2.0	8.0	14.0
Drainage	2.0		3.0	5.0
Energy From Waste				
Liquid Waste			2.0	2.0
Solid Waste	2.0	2.0	3.0	7.0

Operation Services: Municipals	8.3	5.0	24.8	38.1
Cleaning	4.3		10.8	15.1
Jersey Harbours	1.0		0	1.0
Parks & Gardens	3.0	5.0	14.0	22.0

Engineering & Highways	1.0	1.0	6.0	8.0
Civils			2.0	2.0
Highways & Infrastructure Maintenance	1.0	1.0	4.0	6.0

Transport	0.0	0.0	0.0	0.0
Buses				
Driver & Vehicle Standards				
Transport - Policy & Regulations				

Departmental Support*	0.0	1.0	0.0	1.0
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* Departmental support contains areas such as Directorates, Chief Executive, Corporate Resources and Stores, which support the entire department.

Due to the current vacancies in the Parks and Gardens Mobile Gardening Team the Department made the decision to give notice to Andium Homes that it would be terminating the majority of its Landscape Maintenance Works Service Level Agreement on 31st December 2015. The reason why the Department chose to terminate the Andium Homes contract was that they already have existing gardening contracts in place and would be very easily able to get alternative contractors to undertake the work for 30% - 50% less than the Parks and Gardens Mobile Gardening Team can do.

It is the Department's intention to withdraw from the Parks and Gardens Mobile Gardening Contracts, including the Education Mobile Gardening Contracts, as and when vacancies become available.

2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECRUITMENT AND RETENTION OF NURSING STAFF:

Question

Does the Minister accept that the inability of the General Hospital to recruit and retain nursing staff revealed in the answer to question 9014, tabled on 20th October 2015, shows that his department is no longer capable of delivering a full health service which meets the reasonable needs of residents?

To what extent has the need to close beds on safety grounds due to lack of staff been brought about by the need to meet 2015 spending reductions, for example, by deferring recruitment for some posts, and if so, can the Minister assure members that he has measures in hand to ensure that staffing is brought up to full complement in 2016, and if not, why not?

In particular, what measures does the Minister have under consideration to reduce the waiting time for initial orthopaedic appointments along with the waiting time for procedures, other than to prioritise relatively minor procedures that do not require bed occupancy in order to cope, and if none, why? With medical and orthopaedic beds closed what measures does the Minister have in hand to prevent a crisis in the health service this winter?

Answer

The Minister does not accept that the current nursing staffing position means that the department is no longer capable of delivering a full health service which meets the reasonable needs of residents. No operations have been cancelled due to lack of bed availability. All theatre sessions are still in operation and

there have not been any changes to our admission criteria for medical patients – all patients requiring admission have been appropriately accommodated.

There has been no deferment of recruitment to clinical posts that are currently vacant. Active recruitment is continuously undertaken and a number of staff have been successfully recruited and are due to commence work. 5% of the budgeted registered nursing posts remain vacant as of October 2015 – this is the lowest figure in the last 4 years, yet the budgeted establishment is the highest in the last 4 years. There will always be turnover of staff in any organisation with the number of employees we have and the level of unfilled vacancies at 5% would not be considered an outlier in comparison with UK hospitals.

The decision to close beds rather than use off-island, costly agency nurses has been carefully considered and is an appropriate decision in the current economic climate. Should the need to increase capacity arise, these beds would be re-opened using on-island temporary staff where possible, supplemented with off-island agency staff if necessary. As set out in the answer to States Question 9014, the orthopaedic beds will be re-opened in January which is traditionally the time of year when there is a seasonal increase in admissions.

Should Jersey experience an episode of illness that would constitute ‘a crisis’, for example, a serious outbreak of winter flu or vomiting, the 6 closed beds would be re-opened. However, this alone would be insufficient to manage such a crisis and we would have to take decisions to cancel elective surgery and manage our in-patient capacity to accommodate any such influx of islanders who were unwell. This would include closing wards to admissions if the ward had an infection outbreak, stopping discharges to nursing and care homes from any ward with an outbreak, nursing infectious patients together and managing infectious patients in their homes where safe to do so. The current configuration of the hospital, with largely 6-bedded bay accommodation, reduces operational efficiency as a whole bay will close for one infected patient. In the future hospital, the single rooms for patients will assist with such management by increasing flexibility, reducing bed closures and reducing the risk of the spread of infection between patients.

Orthopaedic waiting times are constantly reviewed and changes are made to processes and systems to strive for maximum efficiency. These actions will continue as processes can always be improved. No new investment is planned for the orthopaedic service during 2016 due to the financial constraints upon all public services. However, even if funding was available, the lack of theatre capacity would prevent any significant reduction in waiting times until the new temporary theatres become operational in 2017.

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE LOSS OF INCOME FOR THOSE RECEIVING LONG TERM INCAPACITY ALLOWANCE:

Question

Given that the Minister’s response to written question 9012, tabled on 20th October 2015, fails to point out that, although the most common award of Long Term Incapacity Allowance (L.T.I.A.) is 20% (approximately £40 per week), this represents only 8% of claims, can the Minister provide the average loss of income for those receiving L.T.I.A.?

Can the Minister also advise whether, given that the average L.T.I.A. award of those who also need Income Support is some £5,900 annually or £110 weekly, this results in an average loss from the removal of Income Support disregard not of £2.40 but of close to £7.00 weekly?

Is the Minister’s statement that ‘the Department has not in any way decreased the income support to those with disabilities’ correct given the above figures?

Answer

I have been very clear regarding the changes that have already been debated and agreed by members as part of the Social Security MTFP proposals. The Long Term Incapacity Allowance (LTIA) is a contributory benefit that compensates a working age person in respect of a loss of faculty, judged on a percentage scale. The value of LTIA has not been reduced it has increased annually. The value of this contributory benefit went up from £196.42 to £199.99 (by £3.57 per week) on 1 October 2015; and this will continue to increase over the next four years.

The most common award of LTIA is at 20% of the standard rate of benefit, or approximately £40 per week. At the end of 2014, about 511 people (13% of all claims) claimed LTIA at this level - out of the 3,958 people in total who claimed LTIA. The median average percentage rate of assessment for LTIA claims by those who also claim Income Support was 40% of the standard rate of benefit, or about £80 per week in 2014. In other words, half of those claiming LTIA and Income Support at the same time were assessed at 40% or below and the other half at 40% and above. Looking specifically at a 40% LTIA claim, if the person claims Income Support, removing the overlap will mean they receive £4.80 a week less in Income Support.

As I confirmed in my previous answer to written question 9012, and included in my propositions that were agreed by the States, the approval of my spending plans has allowed the Department to maintain the level of benefits paid to people with disabilities. The impairment component of Income Support contains three separate elements that provide additional financial support to assist with the cost of personal care, mobility, and the cost of extra visits to the GP (General Practitioner). The impairment component is available to Income Support claimants of all ages, including pensioners and children. The elements that comprise it have not been reduced. The package of changes approved by Members concerned the treatment of the overlap between Income Support and LTIA benefit income, and resulted in the removal of an additional 6% disregard against LTIA income within the Income Support calculation. This extra allowance was not aimed at any specific need or additional cost. This has now been brought in line with the treatment of other contributory benefits, such as Short Term Incapacity Allowance, which have never received an additional income disregard. The removal of this extra disregard simplifies the calculation of Income Support and ensures that all benefits claimants are treated fairly.

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING BENEFIT CUTS:

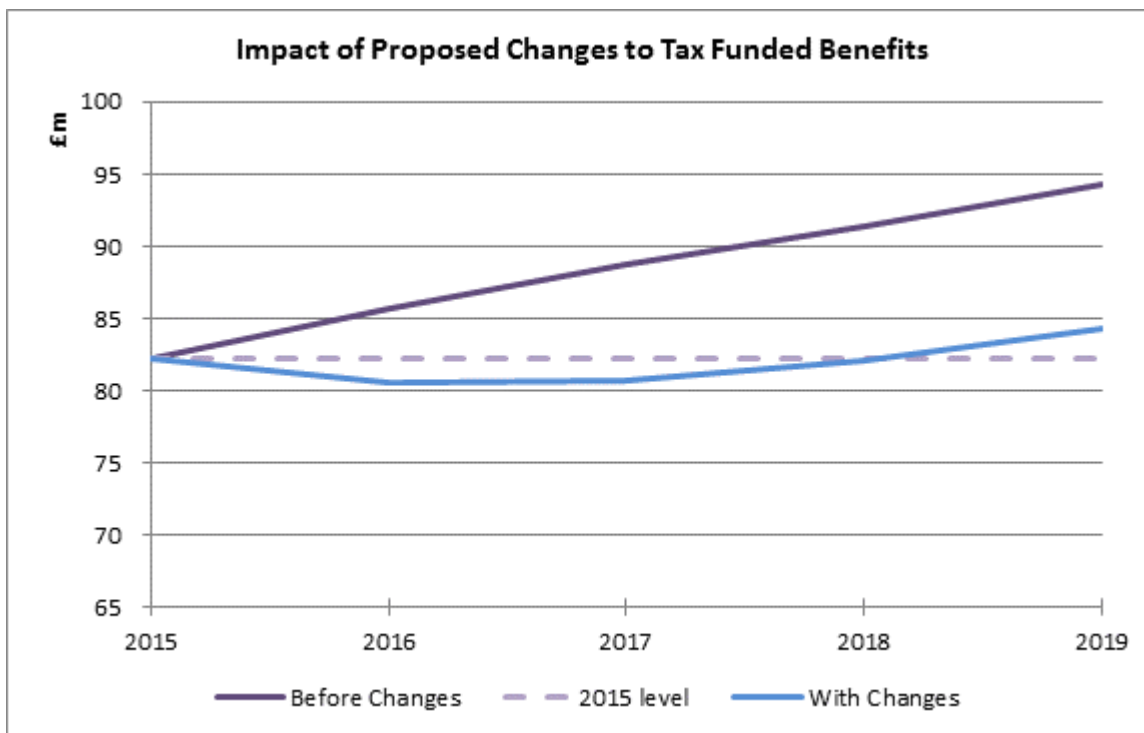
Question

Can the Minister advise whether attempts to cut benefits in an equitable manner by ‘spreading the cuts over large groups to minimise individual impact’ have failed because they have concentrated on the interaction between the benefits system and Income Support which only apply to a minority of recipients (1,700 out of 17,500 local pensioners and 1,500 of 4,500 who have an Long Term Incapacity Allowance claim)? Can targeting those on Income Support who are the least well-off be considered to comply with the intention to be ‘fair’?

Will the Minister also inform members how many recipients of Long Term Incapacity Allowance are also in receipt of personal care, clinical care and mobility components and are therefore protected from the full impact of the changes as per her previous answers?

Answer

My proposals, as agreed by the States Assembly, hold the benefit budget broadly flat over the next four years at about £83 million a year. Page 97 of the Annex to the Medium Term Financial Plan includes the following graph, which shows the growth in the original budget against the impact of the benefit changes.



I reiterate that the proposals were designed to improve the overall fairness and reduce complexity in the benefit system. In particular, we were guided by three criteria: to promote financial independence, to improve targeting and to minimise impact on individuals.

Specifically, the benefit changes minimise the impact on individuals by ensuring that a significant element (57%) of the £10 million target by 2019 will be achieved by:

1. Maintaining most of the Income Support component rates at 2015 levels for two years : £4.1 million saved by 2019
2. Closing the Christmas Bonus scheme from 2016 : £1.6 million saved by 2019

As a comparison, removing the 6% disregard for LTIA and certain other contributory benefits in the Income Support system contributes £0.6 million of the £10 million savings by 2019, i.e. just 6% of the total.

As at 30 September 2015 there were 1,221 Long Term Incapacity Allowance claimants who were also part of an Income Support household.

531 of these 1,221 individuals (43%) also had an award of one or more of the impairment components of Income Support. This breaks down as follows:

- 237 (19%) had a personal care component award
- 167 (14%) had a mobility component award
- 454 (37%) had a clinical cost component award

Individuals can receive more than one type of impairment component at the same time.

As I have previously stated, the impairment components are not subject to any reduction in the package of benefit proposals. It should be noted that all Income Support households will see the majority of component levels held at the 2015 level until October 2017.

2.12 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING ASSESSMENTS FOR THE RECEIPT OF LONG TERM INCAPACITY ALLOWANCE:

Question

Will the Minister:

- (a) complete the table below showing the number of people claiming long term incapacity benefit from the department according to their assessed degree of incapacity over the time period together with the cost of the benefit;
- (b) advise members how the degree of incapacity is calculated and by whom;
- (c) advise members how mental incapacity is calculated, by whom, and the qualifications of the assessors?

The degree of incapacity in percentage terms	Jan 2010	Jan 2011	Jan 2012	Jan 2013	Jan 2014	Jan 2015	April 2015	June 2015	Sept 2015
100									
95									
90									
85									
80									
75									
70									
65									
60									
55									
50									
45									
40									
35									
30									
25									
20									
Total number									
Total cost of benefit									

Answer

Please note that the dates used in the table have been slightly amended from the original request in order to align to annual accounts.

For the years 2012 onwards this information is publically available through the departmental Annual Report. See

<http://www.statesassembly.gov.je/AssemblyReports/2013/R.134-2013.pdf>

<http://www.statesassembly.gov.je/AssemblyReports/2014/R.123-2014.pdf>

<http://www.statesassembly.gov.je/AssemblyReports/2015/R.111-2015.PDF>

For 2010 and 2011 historic data has been analysed¹.

¹ This type of analysis may give very slightly different results compared to analysis undertaken at the time.

The degree of incapacity in percentage terms	31-Dec 2009	31-Dec 2010	31-Dec 2011	31-Dec 2012	31-Dec 2013	31-Dec 2014	31-Mar 2015	30-Jun 2015	30-Sep 2015
100	107	105	95	111	105	102	96	90	95
95	11	11	8	14	12	20	21	22	23
90	59	61	58	57	53	53	52	52	51
85	21	21	16	17	22	21	22	22	22
80	127	126	139	139	122	124	132	133	127
75	99	94	99	117	93	89	90	94	95
70	110	119	126	134	136	122	121	117	119
65	67	66	69	72	78	72	73	73	76
60	170	186	216	237	242	239	236	222	214
55	43	49	50	52	49	61	63	62	60
50	255	294	278	301	293	309	305	305	301
45	76	97	103	116	122	132	139	135	141
40	211	240	264	292	277	293	292	293	307
35	114	151	170	193	240	262	259	260	258
30	261	292	309	297	307	327	333	342	332
25	213	240	253	278	279	301	305	319	318
20	374	404	421	443	481	511	526	523	530
Total number (excludes 5-15% awards)	2,318	2,556	2,674	2,870	2,911	3,038	3,065	3,064	3,069
Total cost of benefit Full year £000 (includes 5-15% awards)	11,107	11,901	12,635	13,416	14,567	14,858	N/A	N/A	N/A

Long Term Incapacity Allowance is paid under Article 16 of the Social Security Law to people who have a loss of physical or mental faculty which is likely to be permanent. Decisions regarding the extent of a loss of faculty are made by a medical board comprising one or two qualified medical practitioners who are publically appointed by the Social Security Minister (these being registered doctors).

Details of individual appointments are provided in Ministerial decisions, available at

<http://www.gov.je/government/planningperformance/pages/ministerialdecisions.aspx>

The law requires that the loss of faculty should be expressed as a percentage and the principles governing how incapacitation is assessed are given in the Social Security (Assessment of Long Term Incapacity) (Jersey) Order 2004. The medical board doctors receive training in how these percentages should be discerned and their decisions are guided by examples set in law. For example absolute deafness has a degree of incapacitation of 100% and loss of two fingers on one hand has a degree of incapacitation of 20%. The law allows for circumstances where the percentage degree of incapacitation can be flexed considering the individual circumstances of the case.

In the course of an assessment the medical board will consider GP reports and other medical documents, will interview and, with the claimant's permission, conduct a physical examination if appropriate.

Mental incapacity is calculated in the same way, by the same pool of medical practitioners who serve on these medical boards.

The Law provides that a medical board may call for the opinion of an expert to assist them in their considerations where there are complex issues to be considered in making a determination.

2.13 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE HISTORIC ABUSE COMPENSATION SCHEME:

Question

With regard to the Historic Abuse Compensation Scheme, will the Chief Minister advise members:

- (a) how many claims were made;
- (b) how many have been settled;
- (c) how many remain outstanding;
- (d) how many claims were rejected;
- (e) how compensation payments were calculated and how many claims were made and settled within each category;
- (f) how much money has been paid out in total;
- (g) how much money has been paid to States lawyers to date; and
- (h) how much money has been paid to lawyers representing claimants to date?

Answer

The Historic Abuse Redress Scheme (the “**Scheme**”) has been established by the Council of Ministers to enable financial compensation to be assessed and paid to the victims of historic abuse suffered when in the full-time residential care of the States from 9 May 1945 to 31 December 1994. Claims under the Scheme that contained elements of abuse suffered in foster care were subsequently agreed by the COM to be admitted under the Scheme. Since the launch of the Jersey Care Inquiry, a number of new claims have been received. The COM has considered establishing a further compensation scheme for abuse suffered in foster care and intends to finalise its decision and treatment of the new claims once the Inquiry has issued its final report.

Responding to the questions in turn:

- (a) 132 individuals submitted claims to the Historical Abuse Redress Scheme.
- (b) To date, 116 individuals claims have been settled in their entirety
- (c) claims remain outstanding
- (d) 4 claims were rejected in their entirety and 3 were withdrawn by the claimants.
- (e) The Scheme Lawyers, together with representatives of the Health & Social Services Department, review and consider each claim and then make an assessment and recommendation of financial compensation with reference to:
 - i) the nature, severity and frequency of abuse suffered; and
 - ii) any physical and mental injuries and any medium or long-term effects.

With reference to the above-mentioned factors, a claim will fall into one of four “Compensation Bands” arrived at based upon specialist advice from leading UK barristers and the factors above will, taken together, also determine where within a Compensation Band a claim falls.

The table below sets out the Compensation Bands and the number of claims settled within each Band:

Band	Range	No. of Claims settled
1	Up to £10,000	53
2	£10,000-£20,000	18
3	£15,000-£35,000	30
4	£25,000-£60,000	15

- (f) To date, total spend in respect of the Scheme is £5.11m of an approved budget of £5.8m with a remaining balance of £0.69m. Of this, £2.0m has been paid to claimants and in addition £130,000 is held on account of the costs of therapy for certain claimants. The original budget was fixed on the basis of 100 claims being received and did not take into account claims received for abuse suffered in foster care.
- (g) To date, the Scheme Lawyers and counsel have been paid £2.2m in total for the years 2011 to 2015 in advising on the setting up and administration of the Scheme and related matters.
- (h) To date, lawyers representing claimants have submitted invoices for over £1m and interim payments on account have been made pending taxation by the Judicial Greffier. However, 30 claimants at various stages were unrepresented and required support and assistance from the Scheme Lawyers.
- (i) To date, professional and hired services, including Scheme psychiatrists who compiled reports to assist in the assessment of claims, have been paid a total of £250,000.

2.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING THE LOI (1804) AU SUJET DES ASSEMBLÉES PAROISSIALES:

Question

Will the Chairman advise members whether the Articles of the Loi (1804) au Sujet des Assemblées Paroissiales:

- (a) are still relevant in 2015 and whether consideration should be given as to whether they should or should not be repealed in part or in their entirety; and
- (b) whether there are any plans to amend or repeal Article 3, which allows Deputies in the States the right to attend Assemblies of the parish they represent, but not vote at them?

Answer

- (a) The Articles of the Loi (1804) au Sujet des Assemblées Paroissiales are still relevant as it is this law which sets out the rules for calling and conducting a Parish Assembly.
- (b) There are no plans to amend or repeal Article 3 of the Loi (1804) au Sujet des Assemblées Paroissiales which, in translation, reads:

Deputies of the States shall have the right to attend, but not to vote, in the Assembly of the Parish that they represent or in which the constituency that they represent is situated, as the case may be.

If this Article is repealed it will deprive a Deputy who does not live in a Parish but who is elected to represent the constituents of a parish, or district within a parish, of the right to attend and address the Parish Assembly. This would place the Deputy at a disadvantage compared to a Deputy who lives in the parish.

A Deputy who lives in the parish and who is registered as an elector in accordance with the Public Elections (Jersey) Law 2002 is entitled to attend and to vote at a Parish Assembly.

2.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING TELECOMMUNICATIONS LEGISLATION:

Question

Will H.M. Attorney General advise members whether the Telecommunications (Jersey) Law 1972 or the Telecommunications (Jersey) Law 2002 limited, or limits, the rights of employees of Jersey Telecoms to sue their employer for breach of contract or tort?

Answer

Both Laws include Articles which relate to the exclusion or limitation of liability.

The Telecommunications (Jersey) Law 1972 (now repealed) prohibited proceedings in contract or tort against the Board for a failure to provide services, delays in providing services, interruption or restriction of services or an error or omission from a directory for use in connexion with a service. No civil liability could arise, except at the suit of the Board, against officers or servants of the Board for any loss or damage in the case of which liability of the Board was excluded.

The Telecommunications (Jersey) Law 2002 provides that the States, the Minister for Economic Development, the Chief Minister and a person carrying out activities on behalf of one of the Ministers, are not liable for damages for anything done or omitted in the discharge of functions under the Law unless it is shown that the act or omission was in bad faith.

Neither of these limitations on liability limited or limits the rights of employees of Jersey Telecom to sue their employer for breach of contract or tort.

3. Oral Questions

3.1 Deputy J.A. Martin of St. Helier of the Chairman of the Comité des Connétables regarding welfare payments for vulnerable members of the community:

Will the Chairman advise what discussions, if any, have taken place with the Social Security Department following the suggestion by the Connétable of St. Peter in the States on 6th October 2015 that a welfare payment for vulnerable members of the community could be introduced in conjunction with the Parishes, and outline what consideration has been given to the assistance that would be provided and how people could apply?

Connétable L. Norman of St. Clement (Chairman, Comité des Connétables)

No discussions have taken place with Social Security, but the Comité des Connétables remain ready to offer assistance to that department, should they need it, to meet their obligations. I would like to point out that welfare is not simply about providing money and the real strength of the Parishes is in offering practical assistance, advice, guidance and support to the most vulnerable in our society and it is in this area that the Connétables, Parish staff and community support teams dispense such an invaluable service.

3.1.1 Deputy J.A. Martin:

So the Chairman is saying either before the M.T.F.P. (Medium Term Financial Plan) cuts or after there have been no discussions collectively between the Constables how to offer welfare assistance? Is he saying that he does not think that as the Constables do offer this or could offer some assistance, how many Constables does he know or has he himself called a Parish Assembly to discuss the effect of the cuts on the elderly?

The Connétable of St. Clement:

I am not aware of any such meetings.

3.1.2 Deputy J.A. Martin:

Just one more supplementary. If he cannot answer for anybody else, is he intending in his Parish to hold an assembly to discuss the cuts? Because the concern for the Constable of St. Peter was he knew that there would be 20 to 25 per cent of the elderly who would be affected by the cuts and he was hoping that this may help them. But obviously the Constable is now saying nothing has been done collectively, what is he intending to do himself?

The Connétable of St. Clement:

The Constable of St. Clement is going to continue working for and on behalf of all the residents of St. Clement and will be offering support through the community support teams for our charitable trust to the most vulnerable in our society. Where people need help and guidance with income support we will direct them to the appropriate department and people within that department. Where people need help in other areas, whether it be simply someone to talk to, someone to give them guidance, someone to give them advice, we will do that as well. We support the parishioners of St. Clement, and I am sure the other Parishes do, in a very practical and sympathetic way. As I said in my answer, welfare is not simply about doling out money. It is about doling out support, advice and guidance.

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

In light of that response, will the Constable table an issue for his next meeting of the Comité des Connétables to discuss any rise they may have detected in complaints of hardship because of the cuts to income support?

The Connétable of St. Clement:

Should that scenario arise of course we will.

3.1.4 Deputy M. Tadier of St. Brelade:

The Constable has said that welfare is not simply about doling out money but doling out support, advice and guidelines, so on the latter, what support, advice and guidelines will this Connétable and the Comité be doling out to their parishioners who are finding it particularly difficult with the barrage of often multiple cuts that they will be facing this Christmas and throughout the next few years?

The Connétable of St. Clement:

In the Parish Halls each parishioner is dealt with as an individual. Each family is dealt with and each have their own special circumstances and they will be guided by the community support team, by the Parish staff, or by the Connétable himself as is required to sort out their needs and requirements. Proper professional advice and guidance will be offered.

3.1.5 Deputy M. Tadier:

What specifically can the Comité des Connétables offer to perhaps individual, single parents who are facing a loss of £2,500 per year in their incomes or to disabled people who are facing in the

region of £600 a year loss of income in their particular situations? Will they be able to go to the Parish Hall and seek welfare in all its forms?

The Connétable of St. Clement:

I think that the Deputy must have forgotten, but in 2008 the financial side of welfare, the monetary side of welfare, was transferred to the Social Security Department, to the States, to the taxpayer, and that part of it named income support. It is up to the States to decide whether they wish to increase, decrease or change the income support criteria. What the Parishes will do in special circumstances or in circumstances which they consider appropriate will give guidance and support to their parishioners. But the financial side of income support is absolutely with the Social Security Department.

[9:45]

3.1.6 Deputy J.A. Martin:

In hindsight, would the Chairman not say that all the Constables - that at least this should have been put on the agenda? When the cuts were mooted in the M.T.F.P. the body of Constables could have acted like their House of Lords in the U.K. (United Kingdom) and they could have looked at maybe saying no - maybe looking at ... we do know that 20 or 25 per cent of our parishioners, elderly, will be affected. They could have asked them to maybe target it, maybe means test it. Does the Chairman of the Constables not say, in hindsight, next time cuts are brought by the Council at least they should be discussed on the agenda by the Comité?

The Connétable of St. Clement:

Certainly they were discussed and we were pleased to welcome a delegation from the Social Security Department and indeed the Minister and Assistant Minister to a meeting of the Comité and at the end of the day every Constable voted and spoke as he or she felt on the proposals that were being made in the Medium Term Financial Plan.

3.1.7 Deputy J.A. Martin:

Supplementary. The Chairman started his answer to the first question saying they have never discussed this. Now, which one is the truth? I am sorry, Constable.

The Connétable of St. Clement:

I answered the question absolutely truthfully. "Will the Chairman advise what discussions, if any, have taken place with Social Security following the suggestion of the Constable of St. Peter in the States on 6th October." We met the Minister and the team well before 6th October.

3.1.8 Deputy G.P. Southern:

Could the Constable give that date on which they received a delegation from Social Security?

The Connétable of St. Clement:

Not off the top of my head, no.

The Bailiff:

The final supplementary has taken some time and that is my excuse for saying that I overlooked Deputy Andrew Lewis. If he would like to ask a question he certainly may. He was already on my list.

3.1.9 Deputy A.D. Lewis of St. Helier:

My question to the Constable was: he mentioned 2008 changes and perhaps the urban Parishes are the most to benefit from the changes in centralising welfare. However, one of the big changes that

was talked about was the less consultation with parishioners and whether the Constables of the Parishes have had as much of a handle on what was happening in their Parishes with regard to welfare as they had before. Does the Constable feel that anything has changed significantly and does he fully understand his parishioners now that welfare and the benefit system has been centralised in the way that it has. Does he have a full handle on his parishioners needs for benefits?

The Connétable of St. Clement:

I would like to think I do and I like to think that we do. I came into office as Connétable in 2008 and I did recognise that contact had been lost undoubtedly with some members of the community who needed support. As I say, not just financial support. That is the easy bit in many ways. That is the easy bit. Just give them £50, £100, whatever it is. But it is the contact, the advice, the guidance, the warmth that a community can provide to each other, particularly to the most vulnerable in society. That is why at that time I set up the St. Clement community support team, which has been followed by other Parishes who probably felt the same thing. It is not just about money. It is about support, advice, guidance and practical assistance. Sometimes when a lady of a certain age is living by herself, changing a lightbulb can be major thing and that is where we have volunteers who will just go round and do that for them. But people are suffering from perhaps a temporary invalidity situation. They need to get to the hospital or to a doctor or even do some shopping in town. We have people who volunteer and take them in their own cars to do that or do the shopping for them. That help, it is immeasurable how valuable that is. It is not simply a matter of money. It is a matter of support and advice and I do think that we have got more of a handle now than we did perhaps when income support was first transferred on helping these people. Judging by the number that we are able to help I am very proud of our community support team.

The Bailiff:

Just for the sake of Hansard, a note that although he was out of the Island about 8 minutes ago Senator Ozouf has arrived, and I have no doubt by helicopter.

3.2 Deputy M. Tadier of the Minister for Health and Social Services regarding the impact of Income Support cuts upon the mental health of vulnerable residents:

Can the Minister advise whether the mental health of some of Jersey's most vulnerable residents has been exacerbated by the realisation that their income support is being cut, and if so, what steps, if any, does the Minister propose to take to alleviate this?

Senator A.K.F. Green (The Minister for Health and Social Services):

At the present time I am not aware of any adverse impact on mental health of people using our mental health services following the proposed changes to income support.

3.2.1 Deputy M. Tadier:

I can certainly vouch for the fact that people who are already in a vulnerable position for whatever reason facing challenges, whether that is Anne from St. Helier, Fiona from St. Lawrence, or Leslie from St. Martin - who was in the media the other day - who already does suffer from mental health issues, has had his problem and those have had their mental health issues exacerbated by the stress and the unclarity that has been caused by the letters that have gone out from the Social Security Department. So I would ask the Minister, given the fact that we can only expect that such people do exist and that their problems will be particularly felt at this time, to ask what mechanisms and what support he can offer to those individuals who may have particular issues caused by this particular government's austerity project.

The Bailiff:

And the question, Deputy?

Deputy M. Tadier:

I think I asked the question. Sorry, it may have been lost in the ... is to ask what support mechanisms the Minister could roll out for them.

Senator A.K.F. Green:

The names the Deputy reeled off, if they are known to the service, or if they are not known to the service, if they have got concerns I suggest that they make contact with us and we will help them. I think it is forgotten what these changes are about. It is not about austerity. This is about investing, allowing the investment, particularly in health, but in mental health. We have got £1.1 million gone into Talking Therapies. Because of the changes, £2.4 million next year going into delivering additional community-based mental health services and a further £2.1 million the year after. This is what this investment is about.

3.2.2 Deputy G.P. Southern:

The Minister said that he was not aware, which is very convenient, the question must be: has he asked whether? Has he asked and if not will he ask the practitioners at the chalk face, at the frontline, whether they have noticed an increase in anxiety and worries from those with mental health over the cuts to their benefits adding to the difficulties in leading a decent life?

Senator A.K.F. Green:

Does the Member think that I would come to this Assembly to answer that question without first asking the people on the coalface that very question; yes, I have asked.

3.2.3 Deputy J.A. Martin:

I think it goes further than asking the people on the coalface. What consultation has been done with the Social Security Department when they are coldly sending out these letters, and I do not mean in the word "coldly". They are just randomly sending them out. An issue of mental health, is it being discussed with the department? What scale on the mental health scale are they? Some of these letters could be sending people over the edge. Is there any discussion between the Minister for Health and Social Services and the Minister for Social Security?

Senator A.K.F. Green:

There are no discussions on a named basis, because the exchange of names would not be allowed under the data protection. But I am aware that some people, and a very small number, are seeing some change. Change is stressful. But what we are trying to do is support people in the community to allow them to be able to live in the community, to be supported by the new services that we are going to be providing. I will be taking Members through the Mental Health Strategy on Friday. Rather than just doling out money, we will be supporting people and helping them to recover.

3.2.4 Senator Z.A. Cameron:

I would like to also ask the Minister for Health and Social Services to discuss with frontline staff the impact of the changes. The link between poverty and mental health problems are well known and it is interesting to note a significant increase in the number of people needing to claim income support and long-term incapacity, and perhaps if he could guarantee that there was some further investigation into this. Certainly, as a frontline G.P. (general practitioner) working over there, I can vouch that in the last 2 or 3 years there has been a significant increase in distress caused in this way.

Senator A.K.F. Green:

The original question was: were the changes in social security causing more mental stress for some people? Change does cause stress in some people. I accept that. I am always prepared to go back and ask again, but the whole emphasis of the changes that we are making, not just in social security but throughout the States, is to allow the investment of £40 million a year by 2019 in health services. Much of that is to improve mental health services.

3.2.5 Deputy A.D. Lewis:

The Minister will be well aware that a lobby group in the U.K. made a lot of noise yesterday about increased services in mental health in the U.K. and the U.K. Government has pledged £3.5 billion into mental health, which is a sizeable part of the N.H.S. (National Health Service) budget. Is he satisfied that what is being proposed in the budgets going forward in Jersey is adequate enough, understanding fully more now the needs of the mental health requirements of Jersey and perhaps other jurisdictions? Is he satisfied that it is enough now and would he be looking to put more into this area when it is possible in the future?

Senator A.K.F. Green:

We have a mental health strategy that we are launching on Friday and Members are able to come along and take part in that discussion. But proportionately, if you look at the new investment that we have already planned for, proportionately it is very similar to that in the U.K. So I am satisfied we are moving in the right direction. Absolutely satisfied. £3.5 billion in the U.K. is roughly equivalent to £3.5 million over here.

3.2.6 Deputy S.Y. Mézec:

I think it was in response to a question from Deputy Martin, the Minister referred to this as affecting a small number of people. Could he give an indication to the Assembly exactly what he thinks the number of people there are out there with mental health problems, who will be facing cuts to their support?

Senator A.K.F. Green:

I am afraid I do not have that information.

3.2.7 Deputy S.Y. Mézec:

Therefore, how can he say it is a small number of people?

Senator A.K.F. Green:

Based on the information I have from Social Security, not about named individuals, a particular set of circumstances have to occur for this change in this particular area and I am told that is a small number.

3.2.8 Deputy L.M.C. Doublet of St. Saviour:

Would the Minister consider changing the system slightly so that there was a single point of contact, a named person within the Income Support Department that people could discuss their details with when they are going through changes like this or anything of income support? As I believe there is some evidence that having to share confidential and sensitive information with lots of different people within the department can be quite distressing and affect mental health.

Senator A.K.F. Green:

I understand where the Member is coming from and I am certainly happy to discuss that with the Minister for Social Security, but it would be under her remit. But certainly happy to do that.

3.2.9 Deputy M. Tadier:

I think the question has to be: does the Minister for Health and Social Services recognise not just the human cost that is being inflicted on thousands of individuals across the Island - who are receiving these letters being informed of a material cut in their income every month - but also the economic cost to us; because when people's mental health and other health deteriorates that becomes a false economy; and I say it is much better to make sure people do not have mental health issues in the first place - in this case caused directly by government policy - than to use some of their money to build a mental health service for them so that they can receive services for a problem that the Government has created. Does the Minister not agree with that point?

Senator A.K.F. Green:

I agree with much of what the Member has said. It is right to invest in mental health services to prevent the problem becoming a major problem in the first place. That is why we invested £1.6 million in Talking Therapies, for example. When you get in there early, you can sometimes prevent a problem. All these changes are about investing in the economy, about investing in health and about investing in education. If we carry on doing the same thing you always get the same outcome.

Deputy M. Tadier:

On the back of the poor.

3.3 Deputy P.D. McLinton of St. Saviour of the Minister for Transport and Technical Services regarding requirements for drivers to report accidents involving animals to the police:

Following recent publicity regarding the alleged cruel treatment of a cat which had been run over and euthanized at the side of the road by the driver, would the Minister consider extending the law to require drivers to report accidents involving cats to the police, putting cats on a parity with dogs, and if not, why not?

Deputy E.J. Noel of St. Lawrence (The Minister for Transport and Technical Services):

I understand the concerns of the Deputy and those supporting the petition about animal welfare, and in particular the current provisions in Jersey that protect cats against cruelty or unnecessary suffering. I can confirm that all domestic animals, including cats, are protected from cruelty under the Animal Welfare (Jersey) Law 2004. It is this law that makes it a criminal offence to cause unnecessary suffering to an animal without reasonable cause or excuse.

[10:00]

The police are using these powers to investigate the incident that has led to this oral question and to the petition. I would, therefore, like to invite the Deputy and the organisers of the petition to meet with myself, the Minister for Planning and Environment and the States Vet to consider how the laws relating to this might be strengthened.

3.3.1 Deputy P.D. McLinton:

Again, I thank the Minister for the invitation to meet with the people behind the petition, which has reached some 3,000 people now. However, in the Minister's answer I was hoping to hear the words "be made illegal not to call the police in the event of striking a cat with a motor vehicle". That was really the simple question and so can the Minister now state in this Assembly that he would see through legislation or would make it against the law to drive off having struck a cat?

Deputy E.J. Noel:

The provisions within the Road Traffic Law and the Highway Code relate to the duty of owners to prevent farm animals from straying onto the highway and to keep animals under control when being led or herded. In this instance, dogs are also included in that provision. The legislation relates to animals which are likely to stray and pose a risk to road users and the liability to their owners. The function of the requirement to report an accident is to allow the question of responsibility for damage or injury to be settled and permit the police to take action to bring the animal back under control of the owner; and for these purposes, I have already mentioned dogs are required to be registered and licenced. The reason cats are excluded, and not licenced, is that the owners are not expected to keep their cats under the same level of control. Cats are considered to be free agents and owners are not usually liable for their behaviour. Cats cannot realistically be fenced in. While it is not impossible to include cats in the Road Traffic Law, its benefits to animal welfare would be limited and indirect; and as a cat owner myself, if you could actually ever own a cat, I personally would like to be informed if they were involved in a road traffic accident, and the mechanism for that is something that we need to explore further. However, I do not currently think it is appropriate that that should be covered under the Road Traffic Law but something that we can extend the Animal Welfare Law to include.

3.3.2 Deputy M. Tadier:

Is the Minister not making heavy weather of this? The Road Traffic 1956 (Jersey) Law says that, basically, if you hit an animal or a person you have to stop and report it. The problem is that in part 3 of the Article it says an animal means a horse, cattle, ass, mule, sheep, pig, goat or dog. Can we not simply add “cat” to that list, see how that works and take it from there?

Deputy E.J. Noel:

In simple terms, that sounds like a solution. But in reality, those animals that are included in those laws are to trace the owner and to apportion responsibility for the accident and, therefore, farm animals are traceable and so are dogs. In this instance, I believe a better mechanism is for the law under the prevention of cruelty to animals to be the place where we put that condition in. I do believe that the people that should be reported to is the animal shelter or the vet fraternity in the Island and not the police. One of the reasons for that is that members of the public might be less inclined to contact the police if they have the misfortune of having an accident involving their vehicle and a cat, whereby they are more likely to contact the animal shelter and, therefore, either help given to the injured animal or at least the owners are informed of what has happened. So I believe that there is a gap currently in the legislation, but the appropriate law to amend, I believe, is the Animal Welfare Law and not the Road Traffic Law and I am happy to work with Deputy McLinton and the organisers of the petition, along with the Minister for Planning and Environment and the States Vet, to bring that about.

3.3.3 Deputy M. Tadier:

There is a gap in the law and it is a 3-letter word, it is called “cat”. **[Approbation]** That is what is missing from the law. To listen to the Minister speak: saying that if we put “cat” in the law then there might be fewer people phoning the police, if and when they do hit a cat, is frankly nonsensical. Does the Minister accept that this part of the law is not about the police’s response to the practicalities of finding the owners? It is about the responsibility of the driver to stop and inform the police in the event that they do hit what is a much-loved pet in this Island and what we would hope people would do anyway, but it does provide that back-up in law.

Deputy E.J. Noel:

As I said, the Road Traffic Law is probably not the place to put such a stipulation in. For example, in a road accident now the driver of the vehicle is not allowed to move that vehicle until the police give them permission to do so. It is the wrong tool to solve the problem. The problem is that the

public need to take responsibility when involved in such incidents and also the owners and the veterinary services need to be able to help that animal if it has been injured. The best way, I believe, to do that is not changing the Road Traffic Law but to change the Animal Cruelty Law.

3.3.4 Deputy D. Johnson of St. Mary:

Again, to revert to the basic question: a member of my family unfortunately hit a cat some years ago in the early morning; was quite distressed about it, stopped, no cat there, as often happens. When the Parish Hall was open he took the trouble, through me, to notify the Parish Hall of what had happened and they immediately were able to locate the owner. Is that not the nub of the problem? That too often we see in the *J.E.P. (Jersey Evening Post)* and hear on radio notices as to stray cats or whatever. It is the owners who want the comfort of knowing what might have happened and a simple amendment to the law, whether it is the Road Traffic Law or under the environmental legislation - I do not think anyone minds - but could at least the 2 Ministers liaise and get the word "cat" put in that law to avoid this problem?

The Bailiff:

Minister, could you liaise and ...

Deputy E.J. Noel:

I have already offered to work with the Deputy and the organisers of the petition, along with my colleague, the Minister for Planning and Environment, to bring this about into legislation. It is just that the appropriate legislation is the Animal Welfare Law and not the Road Traffic Law.

3.3.5 Deputy A.D. Lewis:

I have, unfortunately, lost 3 cats on Jersey's roads in recent years. On each occasion the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) were excellent and they notified us immediately, because the cats were chipped. Could it not be made mandatory that all cats are chipped? It is a very simple, painless process and as a result you have the satisfaction that you know what has happened to your cat, both for the driver and for the owner. The J.S.P.C.A. helps them as well because they often get a call and cannot identify the cat. So, simple legislation that would allow all cats to be chipped could have all sorts of benefits. Perhaps it is one for the Minister for Planning and Environment. Perhaps the Minister would be prepared to comment on it.

The Bailiff:

I was going to say, Deputy, it is not a matter for the Minister for Transport and Technical Services.

Deputy E.J. Noel:

I am quite happy to comment on it. I agree with much of what Deputy Lewis of St. Helier has said. The appropriate place for this is under the Animal Welfare Law, not under the Road Traffic Law and I am willing to work with the Minister for Planning and Environment to bring that about.

3.3.6 Deputy L.M.C. Doublet:

If the Minister does not feel the law needs to be changed, will he, at the very least, commit to some kind of road safety campaign, not just for cats but for dogs, children, all humans, because I think the real root cause of this issue is that we have big traffic issues in our Island and a road safety campaign could go some way towards helping that?

The Bailiff:

I do not think that arises out of the original question.

3.3.7 Deputy P.D. McLinton:

Our wonderful cat, Eddy, went walkabouts. A beautiful cat, we never saw him again. We spent a small fortune in the *Jersey Evening Post* and my wife went round banging a tin can for months on end shouting his name. My neighbours thought that she had gone quite mad. Had simply the Road Traffic Act put “cat” in there, then the simple requirement for a driver, who had likely hit our cat, to say: “Whoops” and phone the police, report the cat having been hit on the road, they contact the animal shelter, who contact us. Problem solved. Our cat is insured. If our cat causes an accident then absolutely our insurance should pay for any damage to the car as well. I do not mind that being in that law. I understand, as the Minister said, he said: “this is the wrong tool”. No, this is a tool combined with the Animal Welfare Law and ...

The Bailiff:

And the question, Deputy?

Deputy P.D. McLinton:

I beg your pardon. T.T.S. (Transport and Technical Services Department) and the Environment Department are like yin and yang at the moment. They work well together so I dare say we can settle down and do this. I do not want to have to bring the 3,000 name petition to this Assembly - that would be a bit embarrassing - so will the Minister absolutely guarantee this Assembly that this law will come into fruition and at the very least put the word “cats” in there and we will deal with it as it comes along?

Deputy E.J. Noel:

I cannot guarantee that we will bring it into the Road Traffic Law, but I can give a guarantee that I will work with the Minister for Planning and Environment to bring it into the equivalent provision into the Animal Welfare Law.

3.4 Deputy S.Y. Mézec of the Minister for Social Security regarding the information provided to benefits recipients by the Social Security Department:

What efforts, if any, has the Social Security Department made to inform benefits recipients of the full implications of the cuts to their benefits beginning on 1st January next year?

Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

I can confirm that individual letters have already been sent to virtually every income support household that will have a benefit adjustment from January next year following the decision of the States to approve both the M.T.F.P. and the associated benefit legislation changes. To accommodate the wide variety of households that claim income support, 17 different letters were used to ensure that each household received the correct information for their circumstances. In total, just under 3,000 letters were sent during the week beginning 19th October, giving households 10 weeks’ notice of the change from January 2016. The only outstanding issue relates to a very small number of claims that require individual attention and these will receive letters this week. Although the majority of letters identified a small reduction in benefit from January, some aspects of income support are being made more generous and claimants have also been advised of increases in benefit from the same time.

3.4.1 Deputy S.W. Mézec:

The Minister referred to there being 17 different types of letters, I believe. I cannot claim to have seen all of them. I have, however, seen some and on these letters, particularly when it is people who have benefits implications, not just of income support, but also invalidity benefit, single parent component, et cetera. These letters do not say how much money the recipient will get in their

pocket every week and I have had to go down to the Social Security personally with them to wrangle and find out exactly what is going on. Does the Minister consider it acceptable that when sending out letters to these people, many of them who are very vulnerable, that the letters should have the courtesy of being straight with these people and telling them exactly what the implications are, not leaving them to go on a wild goose chase to find out the information that they need?

Deputy S.J. Pinel:

As I have already explained, these letters were tailored to each individual's personal circumstances: detailing the money they would receive from January; breaking it down into the rental component and whichever other component that they were receiving. The majority of letters were issued over a period of a week and throughout this time a team were in place, checking responses and the levels on a daily basis to ensure that we could handle inquiries and, if necessary, adapt.

3.4.2 Deputy M. Tadier:

Has the Minister considered adding a personal touch to all of these letters that are going out? Perhaps quoting from her own election manifesto stating: "We must do more to support the estimated 18,000 Islanders with some form of disability and improve their quality of life"? "I have noticed that you are disabled; therefore, I wish to cut your income support."

Deputy S.J. Pinel:

I think that would be slightly impractical with 3,000 letters going out and, yes, I was in my manifesto very concerned, and still am, about disability. As soon as we have achieved age discrimination law which will hopefully be next year, we will be looking at disability discrimination.

3.4.3 Deputy M. Tadier:

I think therein lies the rub because the Minister says we are going to bring in age discrimination law and that is a time to tackle this holistically, yet we have not waited to implement the cuts that are going to affect the elderly until we have a discrimination law. We know that currently, for example, elderly people - who might need to work to supplement their income - cannot necessarily do that on an even playing field, because they are not given priority. There is no legislation in place. So the question is: why have we not waited to have a proper discrimination law, whether it be for gender, for disability or for age, before we implement these cuts, which particularly target either deliberately or, as a consequence, those 3 categories?

Deputy S.J. Pinel:

As the Deputy is very well aware, the whole reason for the adjustments to benefits and across the board is to make investments into health and education and it is a 4-year programme that Social Security have put forward and there is no reason to wait to implement these for legislation to come in.

[10:15]

3.4.4 Deputy G.P. Southern:

It is hard to know where to go with this area, since the Minister is being in denial. One of the problems with the letters that come out, that emanate from Social Security, is they are not very clear. Will the Minister release the 18, or whatever it is, pro-formas anonymised, so that we can study them and see if they are clear? Secondly, nowhere on the letter, I understand it, does it say: "This is what you were receiving, and this is what you will receive from 1st January." That is what people need to know. "How much less am I going to have to survive on under the new regime?" It does not say on the letters or does it? It never says: "That is what you had, this is what you are

going to have.” Will the Minister act to ensure that a comparison point is made on the letter so it is clear from one letter what has happened to the benefit?

Deputy S.J. Pinel:

I will discuss with the department whether the letters can be released and, of course, I have seen all 17 versions. As regards putting down what people receive, people are very well aware of what they receive. The letters indicate what they will receive from January 2016 in a breakdown of each component that they receive.

3.4.5 Deputy J.A. Martin:

Given the offer by the Chairman of the Constables this morning that when they get people coming to their Parish Halls, that they will sit down - and welfare is more than money - but often direct them to other departments, probably the Social Security Department, what steps has the Minister done to do this in reverse? Is the Minister teaching her frontline staff that if there is no help at Social that your staff will be directing them back to the Parishes for the practical offers that have been made this morning by the Chairman of the Comité?

Deputy S.J. Pinel:

I am not sure I quite understand the question. There is help from income support. That is what it is there for. The Parish community support schemes, several Parishes have now got them, will help top up that if people need it. But it is not necessarily financial help, as the Constable of St. Clement said. The community support schemes are there to give personal guidance and help in situations where people are perhaps alone and cannot help themselves. It is not necessarily financial help.

3.4.6 Deputy J.A. Martin:

May I help the Minister? There may be different practical helps in one Parish to another. What my question is: does the Minister for Social Security know this, do her staff know this, and when you say to somebody: “We cannot help you any further, but in your Parish there is X, Y and Z, go there”, are her staff being trained in this and does she know what the Parishes are backing her up on?

Deputy S.J. Pinel:

Yes, I know which Parishes have community support schemes. That is the name of the one in St. Clement. I am not quite sure what the names of the others are. I would not suggest necessarily that the staff prefer them to the Parish because we are, as a department, there to provide the statutory income support that the person is qualified to receive.

3.4.7 Deputy S.Y. Mézec:

In response to my second question and Deputy Southern’s question, the Minister said that she believed the letters were clear about what the implications to the cuts are for the recipients. This is only true if the only benefit the recipient is getting is income support. I am specifically talking now about people, who receive income support and another benefit, whether it is invalidity benefit, or what have you. If those people - particularly if they are living in social housing and income support pays for their rent - with income support now being reduced, because of the change in disregard, that means that the rest of their rent will have to come out of their other benefits, for example, invalidity benefit, which means at the end of the week these people end up with less in their pocket. One person I am speaking to at the moment, £625 a year worse off he will be; the letter does not say that on it. It only talks about income support. It does not say the implications for other benefits. How does the Minister justify this and how can she attempt to explain to the House that this is not going to leave some of our most vulnerable residents confused as to what the financial implications will be from 1st January; and will she endeavour to put out a new letter - set some

officers to task to go through each individual person and work out what their circumstances will be - instead of leaving these people in the dark as she is doing at the moment?

Deputy S.J. Pinel:

There is no change to invalidity benefit and that is no longer ... yes, there was no change to the benefit. There is no longer, anyway, an invalidity benefit; it was phased out in order to introduce long-term incapacity allowance. I understand where the Deputy is coming from and I will speak to the department to see if a further letter can go out to stipulate what the recipient receives at the moment and the change in what it will be in January.

3.5 Deputy J.A. Hilton of St. Helier of the Minister for Treasury and Resources regarding projected profits in respect of the Jersey International Finance Centre:

How does the Minister justify an increase of approximately £50 million in projected profits in relation to the Jersey International Finance Centre compared to earlier forecasts?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

The figures provided in my recent press release reflect the forecast gross development value of the Jersey International Finance Centre development on disposal, less the forecast gross development cost, as adjusted for inflation, over the development period. These figures are, therefore, not directly comparable with previously stated estimates of returns, but were produced on a current price basis. However, if inflation is removed from this latest valuation then the figures broadly support previous estimated returns and, for the avoidance of doubt, include contamination and remediation costs. This clearly demonstrates the Jersey International Finance Centre project is not only still viable, but that increasing levels of interest by prospective tenants demonstrate the ongoing demand and need for such quality grade A office accommodation. I should add that the Treasury and Resources Department commissioned this latest independent professional valuation earlier this year primarily for internal purposes as we track progress of the development from the perspective of shareholder of the States of Jersey Development Company. The valuation was only released publicly following ongoing concerns being raised about the viability of the project, specifically in light of uncertainty around the impact of contamination costs.

3.5.1 Deputy J.A. Hilton:

Gosh, I hope there is a Member in this Assembly with a far bigger brain than mine who can decipher that answer. Referring specifically to Building 4, the Deputy Chief Minister made a statement last week in response to the Scrutiny Report where, although not agreeing with the findings of the Scrutiny Report, welcomed the Ernst and Young submission. Does the Minister for Treasury and Resources therefore agree with their findings, which shows a profit of £3.04 million, i.e. 12.04 per cent profit on cost? If so, how does the Minister reconcile that figure with the one given earlier to Members in answer to a question I submitted on 20th October of £7.5 million net profit?

Senator A.J.H. Maclean:

I would thoroughly agree with the Deputy on one point; this is a complicated matter. There have been a number of valuations over a period of time and valuations undertaken on different basis, and that is confusing for Members. It is confusing for members of the public as well. As such, I have given this a great deal of thought. In order to clarify better, I am going to, first of all, invite States Members to a briefing on this particular development for an update. I think it would be very useful to allow Members to get more information, and the explanation of the different types of valuations in particular are laid out clearly for Members to understand. With regard to the report itself,

produced by EY, first of all, like the Deputy Chief Minister, I welcome that report. I think it was a very useful report to get. I think the assumptions that they have made with regard to the valuation of just over £3 million is a positive one. They have used some very conservative assumptions in their calculations and I think that is useful. Certainly, from our point of view, one might describe that as a worse-case scenario perhaps. I think that the rationale behind the other evaluations, one of which the Deputy has just mentioned, do vary quite considerably. The point of the EY report is that they are saying: “Go ahead with this particular building” and they are saying: “Go ahead with the next one as well, providing the circumstance does not materially change in the intervening period”.

3.5.2 Deputy J.A. Hilton:

The EY report is suggesting that we go ahead with the building because so much money has been invested in it now that to withdraw would cost the taxpayer so much money, and that is why they are saying that. The Minister did not answer my question. There is a big difference between £3.04 million and £7.5 million, and that does not even take into consideration all the other considerations around the value of the land, the cost of the contamination, the disposal of the contamination and I could go on. Will the Minister please answer that question?

Senator A.J.H. Maclean:

It is very difficult on the floor of this Assembly to answer in detail a question of that nature. Quite simply, factors are included. First of all, the £3.04 million contained within the EY report that the Deputy refers to does include costs for contamination. It does ...

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

Point of order, Sir, it does not. Absolutely, it is very clear in the Ernst and Young report that they have excluded decontamination costs.

The Bailiff:

It is not a point of order, but you are asked to clarify.

Senator A.J.H. Maclean:

The Deputy was so quick out of the chair I had not finished my sentence. What I was trying to say was that - and this explains some of the differences and difficulties with explaining values, particularly in relation to this matter - and that is that there were costs that were included by the EY report, contamination is one, but there are other areas of professional fees, and assessments that they put in at a certain level, which is proven to be much lower than the actual costs which have been met and seen by S.o.J.D.C. (States of Jersey Development Company). In real terms, the £3 million does appear to be realistic; conservative, as I said earlier on. It is produced by EY. Just for the avoidance of doubt, EY are not saying: “Go ahead because you have invested so much money to date”, they are actually saying that on their calculations at the current time this particular development and this particular building, in particular, is viable and there is no reason to stop. Why would you stop when you have already got a building that has been assessed to return more than the cost of construction - in other words a positive return - which is exactly what is contained within the EY report.

3.5.3 Deputy J.A.N. Le Fondré:

I will stick with a very simple question at this stage. On the written response to Deputy Hilton, in relation to the DTZ valuation, it cited that the valuation was prepared on the basis of special assumptions set out in the valuation report. Could the Minister simply elaborate what those special assumptions are?

Senator A.J.H. Maclean:

The special assumptions are something that a valuer would include when considering whether the value is done on a present-day basis. As I have said, there are 2 different elements in my opening answer. This particular one was on practical completion at the end of the development and after the first rent review, 3 years after the first rent review. So on that basis, and I think the Deputy therefore understands what I am saying, why there is a differential between the price that went out in the press release, which was largely for internal purposes, as I stated, but when you take out the inflation you come back to a very similar figure to the previous BNP valuation, for example, that has been previously publicised or the outcome.

3.5.4 Deputy J.A.N. Le Fondré:

I thank the Minister, because I had shed an element of light and he is right: this is not the place to be exchanging on detailed matters and I am sure he will be welcoming the opportunity at some point to be explaining it directly to ourselves on the panel. I think, and could he confirm, that my understanding is correct; what he is saying is that the DTZ report and valuation is done at a different period in time, takes account of inflation and therefore that is why the reported profit in the press release is basically double? So, therefore, his definition of “broadly support” the BNP valuation of £50 million means that as far as he is concerned the numbers at the moment are that the returns are around £50 million, in his view, if we are comparing BNP and DTZ?

Senator A.J.H. Maclean:

Yes, broadly. As I have said, the valuation that was undertaken was undertaken largely for internal purposes. It was published, as I stated in my answer, to try and quell some of the uncertainty and concern that existed. The basis that it was done on was the completion of not just building number 4 but all the buildings across the development at the end of the development period, and that is going out to 2026. It includes inflation through that period of time, as one would expect, and this is a typical way in which a valuation of this nature is undertaken. This is not something that has been dreamt up by Treasury. This is an independent valuation, undertaken by professional valuers, following a set criteria. So a red book valuation in other words under those particular terms. I would point out that not only this valuation, but also the valuation undertaken by the bank that made the loan, the private funding to S.o.J.D.C., they have also come out with a positive valuation for building number 4. There have been numerous valuations now to suggest that this is a viable project, and even the EY report, however you want to look at it, however conservative the assumptions that they have included in there in terms of costs may be, they still come out with a positive return. That is the fact of the matter.

[10:30]

3.5.5 Deputy S.M. Brée of St. Clement:

Reading the response from the Minister to the written question by Deputy Hilton, I am very pleased to see that the report will be provided to the Corporate Services Scrutiny Panel. One would ask when obviously, but, more importantly, can the Minister explain under exactly what circumstances it would not be in the public interest to publish the report in full more widely, bearing in mind that the public of this Island ultimately own the land on which the building is going to take place, and own the shares in the development company?

Senator A.J.H. Maclean:

The Deputy raises a really important point: the public of this Island do own the land, the public of this Island do own, effectively, S.o.J.D.C.; it is their company, which we are looking after, and ensuring that it performs in the best way that it possibly can. There is a board of directors that has responsibility under the law to do exactly that. The point is some details being released into the

public domain would give competitors a competitive advantage which could devalue the investment and the value of the land and the development which is owned by the public of this Island. Why would we want to do that? That is part of the consideration that I will have to give in terms of what is released and what is not, but what I can say, and was made clear in the written answer to Deputy Hilton, is that we will release to the Scrutiny Panel the details of the DTZ report.

3.5.6 Deputy M. Tadier:

Confidential information such as how long a rent-free period they are being given, I am sure, is something of interest to the public, which will not be released; so I will not ask that question, but the question I will ask relates to the sunken road, which I think can be seen to be tied to what future projected profit is made, depending on whether we do or do not sink the road. So the question is: are there still plans to sink the road? If not, why not?

Senator A.J.H. Maclean:

Just on the first part of the Deputy's question where he was talking about rent-free periods; effectively, he is talking about incentives. This is not something that is unusual for the States of Jersey Development Company; all developers give incentives to attract tenants into their buildings. The reason, as far as this valuation from DTZ has been undertaken on the basis that it has been undertaken, in other words, on practical completion and at the end of the first rent-free period when the building is fully let, is that the rent-free periods, or any incentives that may exist, will have been eroded through that period and you get a true value of the building. What we are seeing, therefore, is a fair reflection as to what this development can be worth at the end of the period. I just wanted to make that clear; there is no great mystery around these rent-free periods or any other incentive. This happens with development companies around the world; it is a typical and normal part of the commercial development world. With regard to the sunken road, which the Deputy raised in the second part of his question, he will be well aware that there are 2 phases to this particular masterplan and this particular project, and that is phase 1, which is the Jersey International Finance Centre, and those are the 6 buildings that we are referring to. Those are the 6 buildings that are contained within the majority of the valuations that have been undertaken and that is the area where the valuation and the returns that we are talking about are focused. Yes, there is a cost in the future for phase 2, and I have made it clear that, with regard to masterplans, they are not rigid documents, they are documents that planning authorities again globally use to give themselves guidance for future development. It is a living document that will evolve over time as circumstances evolve in due course. But that is something for the future; at the moment, we are dealing with phase 1, which is the 6 buildings on the Jersey International Finance Centre; what comes after that is something that we will need to consider as we move forward.

The Bailiff:

May I say to Members: this is not a debate, it is question time, and we have already spent more time than we normally would. On the other hand, there were fewer questions than usual and so I am just going to let this run a little bit longer. The Connétable of St. John?

3.5.7 Connétable C.H. Taylor of St. John:

Can the Minister give this House assurance that the rent-free period and the inducements given to the sole tenant, that has so far been found by S.o.J.D.C., and I say "sole tenant" because there is only one so far, are within market norms?

Senator A.J.H. Maclean:

First of all, Sir, thank you for letting this run on longer; it is very kind of you. [Laughter]

The Bailiff:

I knew you would appreciate it.

Senator A.J.H. Maclean:

You are obviously enjoying it as much as I am, Sir. To get back to the specific question: as far as I am aware, and I am not sure there is a particular norm, but I have no indications, or I have certainly been given no indications that this is outside of what one might expect in the commercial world; but I cannot give any more detail than that to the Connétable. The key to this is in the valuation, and the valuation looks at “on practical completion”, when all the incentives have been eroded through the system, the value of the buildings as they come up for review and are ultimately sold. Frankly, that is very positive and we should all be pleased that, at the moment, it seems to be on track and remains a viable project much needed by the Island.

The Bailiff:

Do you see what a wonderful opportunity, Minister, it is that when I say we will carry on, nobody wants to ask any more questions? Final supplementary.

3.5.8 Deputy J.A. Hilton:

Ernst and Young have raised serious doubts that office development alone will generate sufficient surpluses to generate even a small proportion of the public realm and highway improvements of the underground, or the underground car park, and the lowering of the road, which has a possible combined cost of £90 million. In this Ernst and Young report, which the Ministers have said that they welcome, they have used terms such as “commercially unrealistic”. Does the Minister agree with Ernst and Young that the States need to revisit the Waterfront masterplan to arrive at a more balanced and commercially-viable mix of uses and public realm improvements?

Senator A.J.H. Maclean:

The Deputy is talking about the overall scheme and, as I have said, the masterplan is not rigid; it will evolve over time as circumstances evolve. There is no doubt that it will continue to be looked at, and I would be very surprised if there were not, in due course, changes proposed at some point in the future. What I am pleased about with the Ernst and Young report, and I think it is a very good report, is that it highlights the fact that, first of all, building number 4 is viable; it says we should go on with that, it said go on with building number 5 because it forms part of the role and development, as you can see, and there are some very positive aspects. What I am surprised about, I have to say, is the Corporate Services Scrutiny Panel’s conclusions that have come out in findings and recommendations that have come out from the report. I thought, reading their findings and recommendations, when I read the Ernst and Young report, I was reading a different one. In some respects, I would ask, regarding the panel’s own conclusions, and I would be interested to know, they talk a lot about Ernst and Young but they do not refer to any other evidence that was gathered during the process. This is Scrutiny after all; an evidence-based exercise. I would be interested to know, apart from the Ernst and Young report, what other evidence is there that is being demonstrated that leads to the rather negative conclusions, findings and recommendations within the report of the panel. I would be interested in due course to hear those details, and I am sure I will.

3.5.9 Deputy J.A. Hilton:

A supplementary, please; I cannot leave that to go unchallenged. On page 53 of the Ernst and Young report, it says: “We have severe reservations as to whether there will be sufficient demand to enable development of the full Jersey International Finance Centre proposals, totalling 480,000 square feet of office accommodation, over the medium term of, say, 5 to 10 years.” They are referring, specifically, to the 6 buildings; not about any of the other infrastructure changes. So I

would like to make that point here and I would like the Minister to come back and answer that point.

Senator A.J.H. Maclean:

Yes. Again, as I said a moment ago, the Deputy is referring to the whole scheme which is going to roll out over a period to 2026, or so. It is a long-term basis. So there are 2 elements: one is the 2 buildings, the first one that has started, which has proven to date, from all the valuations that have occurred, to be viable. We can look at demand. There is a certain amount of work and evidence with regard to demand. There are, I can tell Members, 20 prospective tenants that S.o.J.D.C. are currently talking to; that accounts for about 325,000 square feet. Importantly, and I think this is really important because it is about confidence, since the development started with building number 4, since the construction work began, there have been 6 new inquiries because people in this Island and businesses in this Island, have begun to feel some confidence that it is going to happen. All the uncertainty is one of the reasons that it has been so difficult in the preceding period to get tenants to commit - with the considerable cost involved - in moving towards a lease agreement when uncertainty exists. We need to get behind this development; it is beginning to work and it is in the economic interests of this Island, I have no doubt. We heard on the radio, only the other day, that the Chief Executive of Jersey Finance was making some comments about the demand side, about the fact he had not had the opportunity to give his side of the story about how much demand there was in the marketplace as we see finance recover: profits up, new jobs being created. That is a good piece of news.

The Bailiff:

Minister, you have gone probably much more than a minute and a half. No, Deputy; this is not a debate. We have come to the end of question time. That was the final supplementary and that is final.

3.6 Deputy S.Y. Mézec of St. Helier of the Minister for Economic Development regarding mobile roaming charges:

Hopefully a little bit less controversial. Following the news that mobile roaming charges are being abolished across the European Union, could the Minister inform Members whether the Government has any intention of seeking to apply those new rules to Jersey?

Senator P.F.C. Ozouf (Assistant Minister for Economic Development - rapporteur)

The simple answer is I am afraid that, as the Deputy knows, we cannot apply E.U. (European Union) rules, because we are not a member of the E.U. However, I do welcome the Deputy's question, because it is an important one regarding E.U. developments and roaming charges, which could have unintended consequences for Jersey. I can say that officials, that are responsible for it, have been carefully monitoring the situation and it is important to know that, while these announcements have been made in the E.U., there is not yet enough detail, or sufficient detail, to explain how telecoms providers in the E.U. are going to respond to this. Perhaps there may be unintended consequences with E.U. citizens facing higher roaming charges from non-E.U. countries; and it is possible, and that is why we need to guard against this, that Jersey could be affected by that. Telecoms companies operating in the Channel Islands have to negotiate, as I am sure the Deputy will be aware, roaming rates on an individual basis with individual E.U. providers. I am certainly conscious that roaming charges can be a real issue for any Islanders travelling within the E.U. and certainly for businesses, who are toing and froing from the U.K. and other places. I can say that officials have been in discussion with the Regulator as to how we can improve services and value for money for not only this issue, but across the telecom sector. For example, I am sure

the Deputy is aware that there is now improved customer information, with alerts giving customers the amount of money that they have used. However, value for money on the whole telecoms area is something that is receiving a very high priority by me and I can also inform the Deputy that invitations are going out, I hope today, for the OXERA report on the whole review of the Regulator and the Competition Authority, and he can expect a number of recommendations which I think are going to be clarifying exactly the work we are going to be doing in this area. I cannot do anything directly, but indirectly I will be working with the Regulator and putting this as a priority.

3.6.1 Deputy S.Y. Mézec:

A supplementary. I am grateful for the answer from the Assistant Minister; he is certainly right that we are not part of the European Union but, at the end of the day, if you do not ask, you do not get. As he is well aware and as he is regularly saying, if Jersey provides value to the U.K. and to the European Union then it would seem only fair for consumers here to ask for a fairer deal, especially - not least because the Assistant Minister himself is regularly travelling across these countries - it would certainly benefit consumers and those seeking to do business. Could the Assistant Minister confirm, then, that this is something he will be looking into and, if the situation arises where it is appropriate and feasible for a better deal for Jersey consumers, that that will be something the Government pursues?

Senator P.F.C. Ozouf:

Absolutely. I do not think the Deputy was saying that it was wrong that this Assistant Minister or anybody is travelling; we are busy working, as the Chief Minister and others are working, in order to boost our economy, which is of course working, as we are seeing in the results. I absolutely understand the point the Deputy is making and the concern that Islanders have about this, and I think that while it is easy to simply point the finger at the telecom providers, the right way of doing this is to go directly to the Regulator. At the moment we have not got a telecom strategy for Jersey. I have said one of the things that we need coming out of this, as the Minister for Economic Development and I, when I was Minister for Treasury and Resources, said, is a joined up policy in relation to what we are trying to achieve with telecoms. We also need a prioritised list of things that we are going to ask the Regulator to tackle, and this one is right up there in terms of the issues that I want to do. If necessary, I will not hesitate in going with the Regulator to Ofcom to ask what they can do to assist us.

[10:45]

I absolutely fully understand the issue, and he can rest assured I will keep him informed, and any other Member informed, about the vigorous attempts that we will make to do it; I cannot promise, I have not got a magic wand on this issue, but we can certainly promise to try.

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

I am sure the Assistant Minister is aware, and we have all heard the horror stories of people leaving the Island incurring humungous roaming charges, which is of quite a shock when you get home. It would be tragic if we were now boosting our tourism industry for tourists to come from the European Union not realising we are not part of this roaming area, going home and having these horrendous charges. The chances of a return visit will be nil. Also, we obviously need to protect our local Islanders travelling abroad too. So will the Minister treat this as a priority?

Senator P.F.C. Ozouf:

Yes, and I will perhaps let Members into a little secret: I do have a U.K. mobile and I change my SIM card regularly on a pay-as-you-go basis so that I can get better value. I noticed when I landed after the fog this morning - and it was it not a helicopter, otherwise people would be no doubt questioning my expenses even more, which were overstated, but we will come back to that on

another occasion - that it is not so much of an issue, I am pleased to say, with inbound people, because I got a message from one provider which said: "E.U. pass available in Jersey." Now, that pass is the same pass that is available currently when people go into France, for example, so holding a U.K. mobile, you are told in Jersey. So I think that is an issue we will continue to keep under review, because the Deputy is absolutely right. The Deputy's point was more importantly focused on the outgoing Islanders who are subjected to these very high charges to which E.U. customers are not. I cannot say any more than that; this is one of those things where Government needs to prioritise what it is concerned about and this is a priority. I urge Members, if they have got the time, to attend the presentation by Oxera on the 16th and listen attentively, as I am sure they will, to the ministerial statement which I intend to make in terms of the action plan on the J.C.R.A. (Jersey Competition and Regulatory Authority) and the competition law that will follow the day after.

3.6.3 Connétable J. Gallichan of St. Mary:

I welcome the Minister's intervention, but I recently took out a mobile phone contract in the U.K. for my daughter when she moved to college there, and I was astounded at the number of destinations that she could roam free of charge, not only for voice but with data, not limited to the European Union, but Australia and New Zealand, Sri Lanka, Macau, that is just to name a few of them; all free of charge. I am astounded. I asked the provider there: "Why can we not have any liaison with Jersey?" because Jersey is one of the places you cannot use it. It is simply on a case-by-case basis there is individual negotiation. Now, I know there is probably a cost benefit to J.T. (Jersey Telecom), but we need to look at this because I certainly would not think twice about buying a second phone for the U.K. to have my roaming through that operator rather than through J.T., which ultimately will lose them money.

Senator P.F.C. Ozouf:

I am just a little bit confused by what the Connétable is saying because I think she was talking about her daughter getting a mobile phone in the U.K. and the fact that free roaming was available on that U.K. number. Then she asked about J.T. Well, as much as I would like to ask J.T. these 2 things, a number of things, I cannot ask J.T. to solve the problems of other places. What I can say to her is this: what we have noticed is there are a number of U.K. telecom providers which have put better deals in place for ... which is the answer to the question that Deputy Lewis raised, which was about U.K. companies giving better roaming rates to people coming to Jersey. They have been giving better value for that so, from a visitor point of view, it is better and there have been new countries added quite rapidly. In fact, I could name 2 companies, which I would not want to do, because I will give her some private advice about how to get best value on U.K. mobile phones in the coffee room. There are a number of companies that have added Jersey. The real point of this is the fact that we have got to try and do something, if we possibly can, to get Ofcom to assist us to the extent that we can to try and get better deals with these big U.K. companies. That is the problem: we are minnows in this area and we need to try hard. This is not a government decision, this is a commercial decision by these entities, and our local telecom providers are very small in relation to that, and that is the problem, but we can certainly be small but talk loudly.

3.6.4 Deputy M. Tadier:

We are hearing a lot of skirting around the issue here, and it is not to do with the fact that we are minnows, it is to do with the fact we are not part of the European Union and, therefore, this directive will not apply to Jersey. There will be other small jurisdictions, who are part of the European Union, who will not be able to charge roaming charges, but whose residents will also benefit from the fact that there are no roaming charges. I believe that Europeans will look back at this perhaps in 10 years' time and say: "Do you remember the time when we used to travel in

Europe and get ripped off and you would come back home and you would have a bill for hundreds of pounds, or you would get your data cut off because there was a ceiling?” “Yes, that was crazy, but they still do that in Jersey and Guernsey.” “Oh, well, you had better not go there for a holiday, or to do business, because they are really backwards.” I do not want that kind of message going out to the international or European community, either for tourism purposes or for business purposes, as I am sure the Assistant Minister does not want to. So does he agree that the action that needs to be taken is at government level to try and get access for this scheme to apply mutually to Jersey and within the European Union, so that our residents, our tourists, our business community and those coming in can benefit from this level playing field?

Senator P.F.C. Ozouf:

There were quite a number of issues there and I know you want me to be brief, so I will. No, we are not part of the E.U. and if we were, we would have a minimum rate 15 per cent V.A.T. (Value Added Tax) for a start. Let us not forget that. So there are some advantages of not being in the E.U. and there are some disadvantages. The Deputy says it is going to be lovely when you can travel around the E.U. and not have roaming charges. That may well be the case, but the unintended consequence of that fortress Europe single market may well be that E.U. citizens may face even higher roaming rates for countries that are outside of the E.U. These companies will attempt to raise those revenues that they are losing by roaming rates, which I fully agree is a good idea, in other ways. The Deputy is speaking as though I am not answering the question. I am saying to the Deputy that there is a real risk that, while it may be fine within the E.U., it may not be fine for E.U. citizens outside of the E.U. There are real concerns about this. Finally, I would say to the Deputy this: we are now prioritising activities around setting our stall out about Jersey being one of the most highly-connected and digital societies in the world with some of the best connectivity, with some of the best fibre, Wi-Fi and fixed line and mobile phones, and it is good value here. What we need to do, and I understand the point, is to try and make sure that the roaming rates available for Jersey citizens are good value, and we will try and do that. I cannot say more than that. Frankly, joining the European Union for getting free roaming rates would not be, I think, a binary choice which I would suddenly jump into bed with the E.U. for.

3.6.5 Deputy M. Tadier:

Sir, I need a supplementary. The Minister is obviously twisting my words. I did not say: “Join the European Union.” The question I asked is: “Will the Minister go and have direct discussions, or some Minister, with the people that are implementing this, so we can see if we can be part of it?”, rather than looking for reasons not to be part of the scheme. That was the question.

The Bailiff:

I understood the Minister to say that that was being looked into.

Senator P.F.C. Ozouf:

Absolutely. We will do that, but I am not going to stand here and raise expectations that we can deliver something which is not within our competence to do so. Will we put strenuous efforts to try and find solutions? Absolutely. I thank the Deputy for having raised this issue, which is clearly a matter of public importance, and I would hope Members are suitably aware that this is a big issue for which we will try our very best in order to find solutions.

3.6.6 Deputy S.M. Wickenden of St. Helier:

I was wondering if the Assistant Minister could answer whether he is aware of the 2 work streams that Jersey Telecom is currently undertaking to get free Wi-Fi around St. Helier and the Island in its 2 different projects. That should mitigate the roaming charges of anyone that comes into the Island

because if you are using Wi-Fi you are not roaming. Could you tell us if you are aware of it and, if you are not, would you endeavour to go and speak to the people? I can give their contacts?

The Bailiff:

Through the Chair.

Senator P.F.C. Ozouf:

I think the Deputy would be surprised if I was not aware of it. Absolutely, and that is one of the things that I have identified. Again, it is not easy: these things come at a cost, but certainly I have been personally attracted by the prospect of, for example, visitors being able to get free Wi-Fi in St. Helier. The Connétable of St. Helier is not here, but I know that is something that he would like to do. A connected, smart St. Helier is the aspiration that I have: plentiful data, accessible for tourists, getting information on all sorts of things by all sorts of fantastic technologies, saying to businesses about our history, coming up with messages on their phones about important historical issues, cultural events and the rest of it. Absolutely. More of it, lots of it and we are going to work very hard to do it.

The Bailiff:

So the answer is yes, then, Assistant Minister?

Senator P.F.C. Ozouf:

Yes, yes, yes, yes and yes, Sir.

The Bailiff:

Thank you very much. Deputy Andrew Lewis and then a final supplementary.

3.6.7 Deputy A.D. Lewis:

Speaking on something that Deputy Wickenden mentioned. I assume the Minister is well aware of Voice over IP, which may well be the next big thing, in which case roaming will become less of an issue, particularly with free Wi-Fi. However, the Telecommunications Law, my understanding is it is extended to Jersey. Does this have nothing to do with that law? In other words, is there nothing we can do within the Telecommunications Law, which is a U.K. law? I understand it is extended to Jersey. Also, does he have any concerns about the valuation or value of Jersey Telecom as a result of this? Is it likely to have much impact in the future, i.e., because of their SIM card business overseas and of course the roaming business that they enjoy here and from customers that travel?

The Bailiff:

I think 2 questions is enough, thank you.

Senator P.F.C. Ozouf:

Sir, you are being very unforgiving... at least thank you for stopping at 2; I counted 3. I can talk about telecoms all day, if the ...

The Bailiff:

Well, that is the worry, yes. [Laughter]

Senator P.F.C. Ozouf:

I do roam on, Sir, I know. But I am passionate about these issues because I know it really matters. First of all, by the way, I did not say to the Deputy: "If you have got a local SIM card, you can get free incoming calls in the U.K."; that is the first thing, and I am not aware that all U.K. operators allow that. So we can talk about roaming: you can get free incoming calls if you pay a modest

supplement for your bill every year. I did not say that, and I should have done. Absolutely, the issue of J.T.; this is at the heart of the dilemma that we have about imposing regulatory burdens. There is nothing free in life, unfortunately, apart from productivity and efficiency improvements. Now, we can impose those on this industry and this telecom sector, hence the Minister for Treasury and Resources is talking about that merger between 2 companies, which may or may not be something that is a good idea. We can deliver efficiencies to get customers with lower value and maintain the value of J.T. J.T. is a hugely valuable investment, but I do not think it would be impaired in any sense by any of the issues to do with roaming. The issue is not profitability for J.T. roaming, it is the costs that others are incurring on J.T. in order to provide those roamings. That is the problem and that is the thing that we are going to have to try and do something about. But these issues are all set out, I think well, in this Oxera report - which I very much hope Members are going to take close notice of; and to just show the importance that I am putting on energy issues and telecoms and making those markets work well and the competition regulator having an agenda which is going to deliver customers what they want. Make no mistake, we are seized upon these issues and spending a lot of time on them.

3.6.8 Deputy S.Y. Mézec:

I hope this is a relatively simple question following on from what Deputy Tadier was alluding to before. Given that this is an issue which will also affect lots of jurisdictions, which have a similar status to Jersey, or a status that is comparable in some ways, has the Assistant Minister, or anyone else in the Council of Ministers, spoken to their counterparts in Guernsey, in the Isle of Man and perhaps even other countries with an important relationship with the European Union but who are not a member of the European Union, like Switzerland, Iceland, Norway, or the other small jurisdictions, Andorra, Lichtenstein, San Marino, et cetera? Have those discussions taken place as yet and, if not, will he endeavour to be part of that so that one voice can be going to the European Union to say: "Well, hang on, we contribute to the European economy, so let us come up with an arrangement where our consumers can benefit as well as consumers in other E.U. countries when they visit our territories?"

Senator P.F.C. Ozouf:

It is a point very well made and the answer to that is again one of the things that I think that the Regulator could work better on in the future.

[11:00]

I think the Deputy has heard that I have certainly an aspiration to hold some sort of small state summit on how best to regulate small telecoms. That is why I think the Deputy is absolutely correct in terms of having good co-operation with other regulators who are facing the same issues. Yes, I do talk regularly to counterparts in other small states, I am constantly surveying that, and I was only talking to a representative from the Faroe Islands on this issue very recently. So the answer is yes, if we can do more we certainly will, and it is a very good suggestion and I thank the Deputy for his question.

4. Questions to Ministers without notice - The Minister for Social Security

The Bailiff:

We come to Questions without notice. The first question period is for the Minister for Social Security. Deputy Southern?

4.1 Deputy G.P. Southern:

Does the Minister agree with me that, when referring to the interaction between L.T.I.A. (long-term incapacity allowance) and income support and when she referred to the most common award of L.T.I.A. being 20 per cent, she risked misleading the House; and that a much better answer to get a picture of what her changes to benefits have done for those with a disability is that half of the people with a disability on L.T.I.A. will be between £5 and £12 a week worse off than they were before she brought in her measures? Does she accept that, in my book, this is not doing more to support the disabled, it is doing much less?

Deputy S.J. Pinel (The Minister for Social Security):

Removing the disregard at 6 per cent from L.T.I.A. will undoubtedly have an effect on some people. There are very few people at the 100 per cent level of receipt of L.T.I.A.: 28 in total, who will, yes, lose £12 in the disregard. The total number on invalidity and income support is 299. So 327 in total will have a reduction of £12 per week in their income support benefit. Benefit cuts were never going to be easy and, yes, people will be affected, but we have to bring L.T.I.A. in line with short-term incapacity allowance in order to make it fairer all round. The disregard is now fairer across the board with lone parent's allowance on maintenance up to 23 per cent.

4.1.1 Deputy G.P. Southern:

A supplementary, if I may? The fact is that L.T.I.A. is awarded for a loss of faculty and not as replacement income. In fact, what she has done is taken the worst off of those people with a disability, i.e. those who have to rely on income support to live properly, and made them worse off. That is the reality. Does she accept she has made the worst off of the disabled worse off?

Deputy S.J. Pinel:

I think I answered that question. Yes, people who are on a high percentage of long-term incapacity will be £12 a week worse off, but this is to bring the whole incapacity levels in line and to be fair across the board.

Deputy G.P. Southern:

May I ask of the Minister to release the figures that she mentioned to me, as I was not aware of them before?

The Bailiff:

Have you heard that request?

Deputy S.J. Pinel:

Yes.

4.2 Deputy R.J. Renouf of St. Ouen:

What action is the Minister taking over the long delays, often exceeding 6 months, in processing long-term care applications which cause distress to applicants at the time they are vulnerable and cause serious cash flow difficulties for nursing and residential homes?

Deputy S.J. Pinel:

Thank you to the Deputy for his question. The contract with care homes is with the clients or patients or persons who are clients, not with the Social Security Department. The release of the long-term care finance for people in care homes or nursing homes has to be assessed. First of all there is a medical assessment, which is done under Health and Social Services, and then the financial assessment which is Social Security Department's situation. When those 2 assessments have been done, which can take a long time; people on income support are not affected by this delay because we already know what their circumstances are and so they are processed quite

quickly, but when you have to do a health assessment which cannot be done in the hospital, it has to be afterwards, and when you have to do a financial assessment, this is a lengthy process. I am aware that some care homes are waiting for financial assistance, but this has always been the case, even before the introduction of long-term care it was still down to the client to pay the care home in those cases.

4.2.1 The Deputy of St. Ouen:

A supplementary please? My question was: is the Minister taking any action to relieve or mitigate those delays? In particular, is the Minister considering using third-party providers to play any part in the long-term care applications process and, if so, to what extent would they be used and would she confirm that the costs of this would never fall on applicants for the benefit?

Deputy S.J. Pinel:

No, we are not using third-party providers; we have a dedicated staff team to make these assessments, which of course has been in implementation since July 2014. The long-term care process of course is only just over a year old, so we are learning as we go, to coin a phrase, and there are going to be delays because the assessments are so difficult. Obviously the team is working on making them far quicker.

4.3 Deputy A.D. Lewis:

I have asked the Minister this on a couple of occasions already but it seems to have been lost somewhere. There have been many questions in this house in recent weeks and opposing views aired on whether there have been cuts to benefits or not, or whether it has been redirected or not. I pulled recently an article from the *Times* whereby a similar question was asked and a simple table exists which describes very clearly the winners and losers in the situation that has occurred in the U.K., similar to changes here. Would the Minister be prepared, and I ask again, to put out a simple matrix so that we can all understand exactly who are the winners, who are the losers, if indeed there are any losers because the Minister consistently says there are not losers there is just redistribution, if that is the case, could we all have something very simple to understand so when we are challenged by our constituents about these changes it is very easy to explain? We can then say who is right, who is wrong. We all know there are changes but we need to understand what they are. Can the Minister issue some clear ready-reckoner so we can explain it to our constituents?

Deputy S.J. Pinel:

The Deputy has a very good point. The whole benefit changes have taken a huge amount of time to assess what is required in order to meet the commitment of £10 million worth of savings, as requested by the Council of Ministers. It has not been easy at all and the whole idea is to improve financial independence across the board of recipients of income support and encourage people back into work. We have an extremely successful Back to Work team, but the actual changes that have been made are all very complicated. Yes, I will try to do what the Deputy asks and supply Members with a relatively simple form; as simple as it can be as we are discussing very complicated issues.

4.4 Senator Z.A. Cameron:

Would it be possible for the department to conduct some research to assess whether changes to benefits and/or going through the assessment process leads to a change of use in the health and social services? Having stability and adequate support and finances when going through periods of illness is an essential component to recovery. Would the Minister accept that it is possible that adding to people's stress during these times by providing inadequate support could be leading to prolonged illness, an increase in demand on services and the department and delay the eventual return to employment?

Deputy S.J. Pinel:

It is very difficult, as the Senator will know, to define “stress.” Yes, all these changes will inevitably cause some people stress; people do not like change. We have already made a significant change in order that people who are in hospital have their rent catered for for 28 days. This has now, 2 weeks ago, been extended to enable them to have time to adjust to either going into a care home or back to their own home. So this is being catered for because we realised that was missing and too difficult for people. So, while nothing is perfect, we are looking at things constantly to try and achieve a way forward that benefits people across the board not just particular areas.

4.4.1 Senator Z.A. Cameron:

I was possibly implying that it may cause stress, but what I asked was could we just look at research to see if there was a change of the use of services as a result?

Deputy S.J. Pinel:

Could the Senator please explain what services she is referring to?

Senator Z.A. Cameron:

I said the health and social services. It is my impression as a frontline practitioner that when I had patients going through these processes, it adversely affected their health and they sometimes ended up in hospital with a heart attack. It might just be an impression, but it is something that we could do research on.

The Bailiff:

Surely, Senator, forgive me, but this is not the responsibility of the Minister for Social Security, is it?

Senator Z.A. Cameron:

I think we could see whether there is a difference in use that is impacted at the time of an assessment or a change of benefit; whether there is a change then in demand. It would be useful to know that because, otherwise, we are paying more, possibly, for a cut. You think you are saving money by cutting benefits, but it could be that it is costing us more because it is causing people a delay in recovery and a greater use of expensive services.

Deputy S.J. Pinel:

The reason for a lot of these adjustments in the benefits and the other savings that have got to be made across the board, are to invest in health and education, and the whole reason is that this will be dealt with by that investment. So, yes, it is being looked at.

4.5 Deputy M. Tadier:

Is the Minister aware of individuals in Jersey who, because there are no limits on the number of hours that employees can be contracted to work in a day, and similarly, there are no statutory breaks under employment law, that these individuals are working long hours which are detrimental possibly to their health? If she is aware of that, would she consider bringing forward amendments so that similar legislation that exists in the E.U. already can apply to Jersey?

Deputy S.J. Pinel:

Yes. I think we are all aware that some people have 2 or even 3 jobs, some work very long hours; that is their choice, of course, and a zero-hours contract allows for 2 or 3 jobs, and we have zero-hours contracts.

4.5.1 Deputy M. Tadier:

I think specifically I am talking about people who work with one particular employer, and I have been contacted by somebody, for example, in the hospitality industry who might work a 12-hour shift without any break at all, or certainly no break to talk of, and there is very little she can do because there is not any fall back under employment law. Of course, because she might have been in that job for less than 12 months, she feels reluctant to take any action against her employer because she will not be covered by unfair dismissal. Is this perhaps something we could look at and legislate for if necessary?

Deputy S.J. Pinel:

Well, we have already extended the length of the unfair dismissal to a year and, really, there is plenty of action that one can take and go to the Employment Tribunal for an appeal. So there is a mechanism in place that can help deal with people who feel that they are being misused in their employment.

4.6 Deputy J.A. Martin:

It is a bit along the lines, I think, of Deputy Andrew Lewis of St. Helier, and it is something the Minister can monitor quite easily, but would she undertake to monitor? We cut the benefits to single parents in the Minister's words: "To help or persuade the absent parent to pay maintenance." Could the Minister start monitoring from the day these cuts are introduced and come back 6 months later to absolutely tell the House what absent parents are paying the maintenance? Because this is why we were persuaded to, or some Members were persuaded, to back her cuts.

Deputy S.J. Pinel:

It is about half of the people receiving the lone parent component at the moment are getting maintenance and, obviously, we have introduced the increase in the disregard, as the Deputy will know, from 10 per cent to 23 per cent, to encourage people to pursue their own maintenance payments. As a department, we simply cannot do that, we would turn into a nanny state. So it is down to the individual to pursue the absent partner and we take recognition of that by increasing the disregard. As regards numbers, it is very difficult to track that, but I will follow it up for the Deputy and let her know whether we can do that.

Deputy J.A. Martin:

Sorry, the numbers, the Minister ...

5. Questions to Ministers without notice - the Chief Minister

The Bailiff:

I am sorry, Deputy, time is now up and we come to the second question period which is of the Deputy Chief Minister. Deputy Doublet.

[11:15]

5.1 Deputy L.M.C. Doublet:

Now that there is a vacancy on the ministerial side - and it has been quite clear that perhaps Treasury does not need an Assistant Minister, given that the current Minister did not appear to use his Assistant Minister in any concrete way - will the Council of Ministers consider creating either a new ministerial role, a Minister for Children, or even perhaps a joint assistant ministerial role across some departments of Assistant Minister with responsibility for children?

Senator A.K.F. Green (Deputy Chief Minister - rapporteur):

Clearly, with the latter part of the question first: would we look at creating a Minister for Children - the Chief Minister has been very clear on this that we will look at that when we get the results of the abuse inquiry, together with the other reports that have been done by Andrew Williamson. So the answer to that is it is under review but not yet. The second part, whether there is a necessity to replace the Assistant Minister in Treasury, that is a matter for the Minister for Treasury and Resources.

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

The Chief Minister, the Lieutenant Governor and the Bailiff have recently visited the Archbishop of Canterbury regarding the release of the Steel report into the Dean's handling of an abuse complaint made against a church warden by a lady known as H.G. Can the Deputy Chief Minister advise Members whether they called for Dame Heather to also release the transcript of her interview with former Deputy Bob Hill - which she stated before the interview she would do, but has since refused to do so? Does he feel that the Steel report can have any credibility at all when Dame Heather did not interview a very key witness, a victim herself?

Senator A.K.F. Green:

I am afraid the Deputy has me at a complete disadvantage. I knew the visit had taken place and I knew that there were discussions around the release of the report, but whether the Steel report was discussed I have no idea. It is something I will have to ask the Chief Minister when he is available.

5.3 Deputy C.F. Labey of Grouville:

Could the Deputy Chief Minister state how far the doctrine of collective responsibility extends in this particular Government?

Senator A.K.F. Green:

I could take up the whole morning discussing that because it really does depend on the issue. There are some die-in-the-ditch issues for different Ministers at different times. I myself made one very clear to the Chief Minister, for example, on Sunday trading, that I would not want to see an extension of Sunday trading beyond the position that we are in. The Chief Minister understands that and if it came to push then either the Chief Minister has to accept that I will dissent, or I will have to offer my resignation. But we have robust discussion on all these matters and usually manage to reach a consensus that is acceptable to both the Assistant Ministers and the Ministers concerned. It is called "government".

5.3.1 The Deputy of Grouville:

A supplementary. Could he state if the doctrine of collective responsibility is extended to or expected from Assistant Ministers in this particular Council of Ministers?

Senator A.K.F. Green:

It is only extended to the Assistant Minister in relation to the department that they work in. So, if it was a health matter then my Assistant Ministers would be expected to be part of that collective responsibility, but not if it was a Treasury matter, for example. So the collective responsibility only applies to the department of which the Assistant Minister is an assistant.

5.4 Deputy G.P. Southern:

Can the Minister account for the fact that the Chief Minister could not put up a Minister this morning to debate the results of the transparency international report, which was in the media today, which suggested that if one were to include the Crown Dependencies with the U.K. we would be the least transparent jurisdiction in the world?

Senator A.K.F. Green:

The answer to this one is quite simple: that no member of the media asked for a person to speak on behalf of that issue. The obvious person to have done that would have been the Assistant Minister, Senator Ozouf, but we were not asked. But was it not good news that Jersey's position has improved? Improved to such a position that we are in a better position than the U.K., than Germany and Japan. I only got a chance to glance very quickly at the report but our position is so much better than 2 years ago.

5.5 Deputy S.Y. Mézec:

Following on from the question from Deputy Southern, on several occasions recently the BBC has asked for Ministers to appear live on air with various other States Members - in particular myself and Deputy Tadier - and not one Minister or Assistant Minister could come forward on to the media to discuss these incredibly important subjects. I do not know why I am asking the question when he is not listening. **[Interruption]** I had not finished; it helps to listen, okay? **[Laughter]** The question is, why is it that this Government clearly has no confidence whatsoever in the arguments that they are trying to put across to the Island; that at every opportunity they are not accepting invitations to come on to a public forum like the radio to debate with other States Members the effects that their austerity policies are having on the worst off in our community? A further question: will he accept a personal invitation to a public debate in the run-up to the Budget so that we can bring up some of these issues in a public forum where members of the public, as well as a States Member from the opposition side, have an opportunity to hold them to account, or will they chicken out as they have done on previous ones?

Senator A.K.F. Green:

The simple answer again to this is quite simply that I was not asked to appear on the radio. I listened **[Interruption]** ... there was no request from myself or other Ministers on many occasions to appear. But some of us have on occasions taken the invitation when we have had one. I spent an hour myself a few Fridays ago, a very enjoyable hour - it went very quickly - with Deputy Mézec, discussing the Medium Term Financial Plan. I know that my colleague, the Minister for Treasury and Resources, did something similar and my colleague, the Assistant Chief Minister has done that, but we can only respond when we are invited to do so. I listened to the comment, I think it came from Deputy Tadier on the radio, that no Minister was available. No Minister was asked that day.

5.6 Deputy M. Tadier:

I will follow on from that - such is the advantage of having a party. It is strange, because we were told by the BBC that they had asked Ministers and that they had either got no response or, in one case, there was a statement put out: "We are not going to come into the studio but we would like you to read out this statement" and I can see the BBC correspondent nodding upstairs, so somebody is not telling the full facts here. On this occasion I seem to be more ready to believe the BBC when they say they have asked Ministers and that none of the 10 or indeed 20 or so Assistant Ministers can find time; yet the 3 official opposition party members can find time in their busy schedules to come on the radio when asked to. So who is telling the truth? Is it the Minister or is it the BBC?

Senator A.K.F. Green:

I will leave that for the Member to decide. He seems to have made up his mind already.

5.7 Deputy J.A. Hilton:

It has been several weeks since the matter of whether Jersey should accept refugee families has been discussed. Can the Minister update Members on the current position and does the Chief Minister acknowledge there is a significant degree of concern being expressed by Islanders at the possibility of Jersey accepting refugees into the Island?

Senator A.K.F. Green:

I cannot update the Member any more than the written answer that was given by the Chief Minister to Deputy Mézec. All I can say is that we are in discussion at the moment with the U.K. Government and we will keep Members informed as and when we have news. I do acknowledge though that the Island, probably like the Assembly, is split on this issue. The media wrongly last time suggested that housing the refugees in social housing would not be a problem. That was not suggested. What was suggested last time was that if, and if is only after a States debate, if the U.K. Government agree that we have a useful role to play, if this Assembly then agrees that we should play that role, housing would be provided by offers that we have already had from high-net worths and others to provide accommodation within their private accommodation. I cannot really enlighten the Deputy any more but I do acknowledge that the Island is split down the middle on this.

5.7.1 Deputy J.A. Hilton:

A supplementary. The Chief Minister has just acknowledged that the Island is split down the middle on this. Is he able to tell us whether the Council of Ministers is speaking from one voice on this matter?

Senator A.K.F. Green:

The Council of Ministers is one voice that we should explore the issue.

5.8 Deputy J.A. Martin:

It has just been brought to my attention that as we do not have any age discrimination law that the majority, I would say, of even States employees' contracts expire when they are 65. Yet, we passed a law not that long ago moving pensionable age from the year if you were born in 1956, so in 6 years' time you would earn an extra year or so. Is the Council looking into this because if Social Security think that they are saving money with cuts when everybody is leaving work at 65 but cannot get their pensions until say 66, or 66 and a half, 67, whichever is the case, what is the Council doing about this? There must be thousands of people due to retire in the next 6 years that Social do not know about.

Senator A.K.F. Green:

I am a little bit confused by the question but I think the Deputy was asking me about our own employees?

Deputy J.A. Martin:

Well I will say, let us start with our own approximately 8,000 contracts that we have. Have we looked at any because they all say 65?

Senator A.K.F. Green:

Yes, this is in hand because next sitting we will be debating the Public Sector Pension Scheme which will put the retirement age up anyway. So it is in hand, it is just something that we are looking at at the moment. I do not think people are forced to retire at 65 even now, but their contract runs out at 65 and can be renewed. I believe that is the current situation, but if I am wrong I will get back to the Deputy.

5.9 Deputy G.P. Southern:

In referring to the 50 or so positions at Information Services, the Chief Executive of the States said that their jobs are not formally at risk yet. We are just market testing. Could the Deputy Chief Minister explain further what has been proposed for Information Services in this context?

Senator A.K.F. Green:

I think the Deputy almost answered his own question inasmuch as we are testing the market at the moment. Information Services is an important part of enabling reform across the public sector through eGovernment and other transformational work. Unions have been made fully aware of this project and are consulted with on a regular basis. There is work also to increase the engagement because we know it is a worrying time during this change with our staff. I cannot say much more than that, other than it is not unusual for I.T. (Information Technology) services to be contracted out and it is something we are looking at.

5.9.1 Deputy G.P. Southern:

The question is, the central part of the question is: are there jobs at risk yet?

Senator A.K.F. Green:

No, not yet.

5.10 Deputy M. Tadier:

I would like to pin the Deputy Chief Minister down on the refugee position of the Council of Ministers. Does the Council of Ministers agree that the refugee crisis facing the global community is not somebody else's problem but it is a problem for every human on the planet and every decent right-thinking person - wherever they come from - and that as an outward-looking Island, a relatively affluent Island and part of the international community, that we, and in particular this Council of Ministers leading this Assembly, have a moral duty to welcome refugees to the Island and to play our part as we can as an international co-ordinated response?

Senator A.K.F. Green:

I said last time that we were right to make an offer of help to the U.K. Government to help these poor people who are refugees from circumstances not of their making and the Council of Ministers is at one in exploring that. However, we cannot do this alone, so we have to fit in with what the U.K. advise us that we can do to help them. The Chief Minister is hoping or thinking that we may be able to accommodate our proportionate number of families, about 5 families. We are trying to help but we cannot do this alone.

5.11 Deputy K.C. Lewis:

I will be very brief. Just touching on something that the Deputy Chief Minister mentioned earlier just to clarify whether Members are for or against, will the Deputy Chief Minister clarify that no action will be taken with regard to bringing refugees or immigrants to the Island before a full debate in this Assembly?

Senator A.K.F. Green:

Sometimes I wonder if I speak a different language. I said last time the Deputy asked me this question; I said to Deputy Hilton earlier when she asked me this question, that if the U.K. Government think that we can help, and if we are able to find something that is useful, then we will bring that back to this Assembly for debate.

PERSONAL STATEMENTS

The Bailiff:

That brings questions without notice to an end. Then we come to J, Personal Statements, and there is a personal statement by the Deputy of St. John.

[11:30]

6. Personal Statement by Deputy T.A. Vallois of St. John regarding resignation as Assistant Minister for Treasury and Resources

6.1 Deputy T.A. Vallois of St. John:

It is with great sadness that I read this personal statement today. Last year I was offered the role of Assistant Minister for Treasury and Resources and due to my background and political experience I saw this as an opportunity to make a difference. Almost a year on I have had to evaluate my position and consider whether it is conducive to my skills and ability. My understanding of this role was to be part of a team, to challenge, to assist in reforming the States of Jersey and use my experience to make the changes needed. The reality has been somewhat different. Many Members will know me for my directness and honesty of a situation and that I try to provide solutions on how to solve a problem. I am a reasonable individual who tries to give people the benefit of the doubt. However, a year has passed and there is not a great deal of difference between my role of being an Assistant Minister and that of a Back-Bencher, albeit, I am somewhat gagged in the public domain and my challenges are behind closed doors unseen and unheard. On top of this, I have repeatedly tried to understand why, if I am seen as a valuable member of the team, that I have not been entrusted with the ability to lead a project or receive delegation which I have repeatedly asked about since February. I am still none the wiser but I know that I should not have to repeat myself on a regular basis if I am seen as the appropriate person for the job. With all due respect to the Council of Ministers, I recognise the difficult job they have to do and was hoping that I would play an active role in this, but I am not willing to continue waiting and believe that my skills are served better elsewhere, in particular, if Scrutiny would welcome me back, I will be looking to assist and challenge through this role instead. **[Approbation]** All Members who have worked with me will know the frustrations I have faced and the dilemma I have had with this decision. However, I hope you can all understand that this has not been easy and I hope that I can continue a good working relationship with the Council of Ministers going forward and continue to assist but in a different role. **[Approbation]**

The Bailiff:

There is nothing under K. Before we come on to Public Business can I just give notice ...

6.1.1 Senator A.J.H. Maclean:

If I may, I know it is not a moment because there are no questions or what have you, but I just wanted to publicly thank the Deputy of St. John for her considerable input and work at Treasury. She has been an invaluable member of the team and I am sad to lose her.

The Bailiff:

I give notice of the lodging of P.136 the Draft Social Security (Amendment of Law No. 10) (Jersey) Regulations 201- lodged by the Minister for Social Security.

PUBLIC BUSINESS

7. Ratification of the Agreement between the Government of Jersey and the Government of the Republic of Korea on the exchange of information relating to tax matters (P.93/2015)

The Bailiff:

We now come to Public Business. The first item is the Ratification of the Agreement between the Government of Jersey and the Government of the Republic of Korea on the exchange of information relating to tax matters, P.93, 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 to ratify the Agreement between the Government of Jersey and the Government of the Republic of Korea on the exchange of information relating to tax matters, as set out in Appendix 1 to the report of the Chief Minister dated 31st July 2015.

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

This is the latest of a number of tax information agreements of which the Government has signed with other countries. Members will be familiar with the format, I am sure. The tax information exchange agreements allow the exchange of tax information with the country concerned and it was useful I think that in the aftermath of the signature of this agreement the Ambassador in London was able to come to Jersey and to build up a relationship which had been begun with him. So I move the proposition and will be happy to answer any questions.

The Bailiff:

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

8. Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 13) (Jersey) Regulations 201- (P.108/2015)

The Bailiff:

We come to P.108 the Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 13) (Jersey) Regulations 201- and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 13) (Jersey) Regulations 201-. The States, in pursuance of Article 2(1) of the Taxation (Implementation) (Jersey) Law 2004 and following the decision of the States, taken on the day these Regulations are made, to adopt P.93 of 2015, have made the following Regulations.

The Bailiff:

Minister, do you wish to propose the principles?

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

These Regulations are the natural sequel to the ratification of the agreement which Members have just agreed and I move the principles to the Regulations.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the principles? All Members in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Brée, does your panel wish to scrutinise?

Deputy S.M. Brée (Vice-Chairman, Corporate Services Scrutiny Panel):

No, Sir, we do not.

The Bailiff:

Thank you. Minister.

8.2 Senator P.M. Bailhache:

I move Regulations 1 and 2 of the Regulations.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on Regulations 1 and 2? All Members in favour of adopting Regulations 1 and 2, kindly show. Those against? The Regulations are adopted. Do you move the Regulations in Third Reading?

Senator P.M. Bailhache:

I move them in Third Reading, Sir.

The Bailiff:

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

9. Ratification of the Agreement between the Government of Jersey and the Government of the Republic of Seychelles for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (P.95/2015)

The Bailiff:

We now come to P.95 the Ratification of the Agreement between the Government of Jersey and the Government of the Republic of Seychelles for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income 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 to ratify the Agreement between the Government of Jersey and the Government of the Republic of Seychelles for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, as set out in Appendix 1 to the report of the Minister for External Relations dated 31st July 2015.

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

The political commitment that the Government of Jersey has made to the O.E.C.D. (Organisation for Economic Co-operation and Development) is to negotiate either tax information exchange agreements or double taxation agreements with other countries. Both forms of agreement involve the exchange of tax information. It is our policy, so far as we can, to persuade other countries to enter double taxation agreements because that is in Jersey's interests and gives rise to the possibility of business exchanges which tax information exchange agreements of course do not. The latest D.T.A. (Double Taxation Agreement) which has been negotiated and signed is with the Republic of the Seychelles and I ask the Assembly to agree to the ratification of this agreement.

The Bailiff:

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

10. Draft Taxation (Double Taxation) (Amendment No. 4) (Jersey) Regulations 201-P.109/2015)

The Bailiff:

We come to the Draft Taxation (Double Taxation) (Amendment No. 4) (Jersey) Regulations 201-P.109 and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Taxation (Double Taxation) (Amendment No. 4) (Jersey) Regulations 201-. The States, in pursuance of Article 2(1) of the Taxation (Implementation) (Jersey) Law 2004 and following the decision of the States, taken on the day these Regulations are made, to adopt P.95 of 2015, have made the following Regulations.

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

These Regulations are the legislation which give effect to the Double Taxation Agreement which the States has just agreed to ratify and I move the principles of the Regulations.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show? Those against? The principles are adopted. Chairman, does your panel wish to scrutinise?

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Thank you. Do you wish to propose the Regulations?

10.2 Senator P.M. Bailhache:

I move the Regulations in Second Reading.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations in Second Reading? Those in favour of adopting the Regulations ... sorry?

10.2.1 Senator P.F.C. Ozouf:

I just wanted to say one thing: that I wanted to just draw Members' attention to the fact that there had been a couple of questions in the local media about why Seychelles, and the Minister for External Affairs explained very well why the international community and we are part of this. I would say one thing as having been the signatory of this agreement on the request of the Minister that this is quite important as it is a member of the East African community of which we are now doing a number of agreements with C.O.M.E.S.A. (Common Market for Eastern and Southern Africa) members which is part of our overall arrangements in terms of boosting our relationships, providing technical assistance, raising standards in that continent which is going to be in our business interests. So I just thought that point was well worth it because I think the Minister will be bringing some more, I hope, agreements with members of C.O.M.E.S.A. from African continent members.

The Bailiff:

Thank you. Does any other Member wish to speak? Minister, do you wish to reply?

10.2.2 Senator P.M. Bailhache:

I thank the Assistant Chief Minister for his comments which are extremely apt and I ask Members to approve the Regulations.

The Bailiff:

Members in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. Do you move them in Third Reading?

Senator P.M. Bailhache:

I do, Sir.

The Bailiff:

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Members in favour of adopting the Regulations in Third Reading, kindly show. Those against? The Regulations are adopted in Third Reading.

11. Draft Honorary Police (Amendment No. 3) (Jersey) Regulations 201- (P.110/2015)

The Bailiff:

We now come to the Draft Honorary Police (Amendment No. 3) (Jersey) Regulations 201- P.110 and I ask the Greffier to read the citation of the draft.

The Greffier of the States:

Draft Honorary Police (Amendment No. 3) (Jersey) Regulations 201-. The States, in pursuance of Article 4(4) of the Honorary Police (Jersey) Law 1974, have made the following Regulations.

11.1 The Connétable of St. Clement (Chairman, Comité des Connétables):

Currently one can join the Honorary Police between the ages of 20 and 69. If these Regulations are approved, that in fact will not change. What will change is if an officer is already in post, but past the age of 69 when his final term finishes, he will be able, if he or she wishes and if the Parish wishes, to stand for election for one more term. This proposed change recognises that people are living longer, staying fitter for longer and the pension age, for example, both the old-age pension and the retirement age for uniformed services is increasing. There is evidence of enforced retirements of officers, who were more than capable of serving their Parish, either as a C.O. (Constable's Officer) or Centenier, perhaps carrying out traffic control duties, escort duties and road checks, for example, or a Centenier carrying out administrative duties and court work. It seems to us wrong that if people are physically able and are willing to continue to serve their Parish in an honorary capacity that they should not be denied that opportunity. This proposition has the full support of the Honorary Police Association and indeed the Comité des Chefs de Police and I propose the principles.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? Yes, the Connétable of St. Martin.

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

The value of Hansard: I find it quite useful to refer back to Hansard, see the comments that are made by States Members during debates and especially those that relate to matters that come back before this Assembly. I suppose regular ones would be the Budget debate, minimum wage, and living wage keeps coming up; you can read it prior to the States debate. Unfortunately, the debate in 2000, when this same issue on the Honorary Police ages last came before the Assembly I do not

think it was recorded verbatim. I could not find it on Hansard; I do not think it was being used at that time. At that time it was increasing the upper-age limit from 66 to 69 for the Honorary Police, as it is today. I read the report that accompanied that proposition, P.66/2000, and it was lodged by the Home Affairs at the time. It was brought to help the recruitment process and the difficulties in recruiting officers. The A.G. (Attorney General) of the time suggested then that the request was somewhat unusual but he stated he would not oppose it. It really was not quite the ringing endorsement maybe that was expected at that time. The report in the 2000 amendment clearly identified the difficulties regarding finding sufficient candidates for those prepared to become Centeniers and I do not think anything has really changed. We are in the same position now; possibly we are in a worse position. The authorised strength of the Honorary Police of each Parish is set by legislation, and I stand to be corrected, but I suspect that most Parishes, if not all Parishes, are under their authorised strength at the moment. I know that my Parish is 4 officers short. Fortunately, Parishes are not fined for their lower ranks, and lower being Vingteniers and Constable's Officers. The Centenier issue, that we know recently faced by one Parish, has caused the most concern because it falls under the Public Elections Law: an election called by the Royal Court, the relevant Parish failing to find a candidate, being in contempt, given a chance or 2 by the Royal Court, and eventually facing a fine. I am not sure if the new proposition results from the contempt of court for failing to find a Centenier candidate or that wish to allow experienced officers to continue policing or a little bit of both. Although the proposition is being brought today by the Comité des Connétables, we are not bound by collective vote and the chairman is aware that for some time now that I would not be supporting the proposition. Some may suggest that my views come as a former States police officer, who may not, or does not, support the concept of honorary policing.

[11:45]

Some parishioners in my Parish still refer to me as a former member of the paid police, something that went many, many years ago but for that support nothing could be further from the mark. I have been a staunch supporter of the Honorary Police, I have had close members of my family who have been Honorary Police officers, both in St. Clement and in St. Helier. Very close members of my family. I spent much of my time in the police force supporting the Honorary Police while there. I have worked with them on my retirement for 9 years and now I am a strong supporter as a Connétable of a Parish. That support today is the very reason I am opposing the proposition because of the importance I have in the Honorary Police system that we have. If we look at it in relation to the scarcity of Centeniers, the Comité des Connétables already are working and looking at other avenues that might encourage more candidates to come forward: removing the role of Centenier from the Public Elections legislation or shortening the opening hours of the polling day and even changes to the nomination process. The Comité des Chefs de Police are looking at ways of changing some of the processes associated with their presentation of cases in the Magistrate's Court that would assist the Centeniers with their court responsibilities. St. Helier already have additional concessions for the recruitment through the qualifications of office legislation and we hope that finally St. Saviour has solved their problem. I am sure no one would vote for this proposition just to prevent a court fine. However, I suspect, like others, I have concerns on the proposition. The proposition states that the Comité are mindful of the role of the Honorary Police to provide community policing. Indeed, we are aware of that role. Community policing. When we think of the distant days when the Honorary Police of a Parish probably knew every parishioner; that dream has gone. Can I also remind Members today, whether they knew the parishioners or not, these elected officers, the volunteers, face the same people as members of the States Police? Some people are fine, some are angry, some are violent, some with mental health issues, some with illnesses, A.I.D.S. (Acquired Immune Deficiency Syndrome) and hepatitis. They do not carry a sign on them showing the members of the public that they should not be regarded as frontline

officers. I remember my first day as a P.C. (Police Constable) walking on the streets. Nobody knew it was my first day and you are expected to be a police officer from day one. We could say we have Memorandums of Understanding with the States Police as you like, we can have as many of those as we like, but we still encounter difficult, maybe dangerous, situations: knives, domestics and we even saw last winter a member of the St. Clement's Honorary Police washed across the road during the storms. The honorary officers, for health and safety reasons now, they turn up at an incident in near-full uniform. They have the same radios as the States Police, the jackets, the boots, utility belt, police star, caps and body-protection equipment, uniform that is little different to a frontline States Police officer. All credit to them for doing that and offering themselves in a voluntary post. But they will not be able to say to the first person they meet: "Hold it, old chum, take it easy, I am an honorary officer and I am just trying to do a little bit of community policing." I am not advocating the trilby and striped armband that may have been okay 60 or 70 years ago but what I am saying is a fact. Of course, those officers that turn up will turn up in a fully-marked police car and the violent offender is not going to look at the side of the car to see the crest on the door to make sure it is a States Police one or an Honorary Police one. Most importantly, the Honorary Police officers will have the same powers of arrest. Identical powers of arrest to a fully-trained States Police officer. It is clearly written into the States of Jersey Police Force Law for States Police officers and in the Honorary Police (Jersey) Law 1974 for Honorary Police officers. As we know, the Centenier has even more powers. Although they undertake the work in an honorary capacity, the Comité has spent much time in the last 2 years working on improving insurance cover for officers that remain, and that work is ongoing. It is hard to explain to an insurance company what the role entails for an Honorary Police officer. I had concerns with States Police officers retiring at 55 probably to increase to 60. Honorary Police are fit to carry on and continue policing in the same way. Maybe they might not have the same risks but they are exposed to them and now, if this is approved today, until their mid-70s. While accepting that support for the States Police for the close working relationship that exists between the States and the Honorary Police where the Minister for Home Affairs is having to save money, we find that our Honorary Police officers are having to do court curfew checks and H.M.P. (Her Majesty's Prison) early-release checks at the homes of people. That is the role they are undertaking. If the amendment is approved today then I think the comment that the proposed new Regulation, and the chairman has explained it today, is not intended for anyone standing for their first term. The amendment to the law says: "For re-election or anyone who has had a break in service." Either of those 2, I think that is quite unfair if someone is refused and I think they would feel aggrieved. It is some sort of a discrimination surely for a volunteer, but the more likely claims are going to be that the Parishes are keeping jobs for the Parish establishment, something which we wrongly hear about but I can understand why people think that. Even for those things I have just explained, if we could look at examples that I thought of, an honorary officer may have worked for a Parish for many, many years and he has lost his wife or husband, partner, and had to take a break and wants to come back. No, he will not be able to or she will not be able to. Likewise, a States Police officer could have worked for 30 years in the States Police but would not be able to join to assist and offer so much, so I think there is a fault there. It does not make sense. I believe the proposition is well-intentioned, as it may be; it needs to be considered carefully by every Member today. I think even I would struggle if the Honorary Police were just a civilian support group or street wardens but they are not. They are police officers with full policing powers: the Centeniers of which have even greater authority than the States Police in relation to the charging of defendants and bringing them before the courts. The Honorary Police officers cannot have it both ways and, like the States Police, they have no police authority to oversee them other than their relevant Connétable, yet they retain the same responsibility and powers as a States Police officer. They are exposed to the same dangers, and I think I recall media reports that pop up now and again reporting that we are the most policed Island per head of population or size of the Island that we could have because the Honorary Police

are counted in that number. We should remind the rest of the world that some of those officers would be in their mid-70s. So, in conclusion, the recruitment for the Honorary Police is a very serious issue. We are very fortunate to have an Honorary Police force to serve the community and my opposition is really to show how important I believe the Honorary Police are and the system is to the Island. Their great importance is now marked through the Royal Warrant from Her Majesty providing a medal for long and meritorious service and with a large number of officers who recently received their medals at Government House for that service. Even this week we will be remembering one of those officers for the service that he has given to this Island over such a long period of time. **[Approbation]** My deep concern is for the future of the Honorary Police and I do not think this is the way forward. What encouragement does it give to a young person to put themselves forward for a policing role if we approve the proposition today? I just wonder if we are delaying the inevitable. Do not let this be a sticking plaster to mend a broken arm. I think we are at a crossroads with the Honorary Police and the Honorary Police's future in policing of the Island. What I really do not want to see is the Chairman of the Comité, the Constable of St. Clement, coming back here to the Assembly in another 10 years to increase the age criteria again. Thank you. **[Approbation]**

11.1.2 Connétable J.M. Refault of St. Peter:

Unfortunately, gone are the halcyon days when Farmer Ecobichon used to come out with his Centenier's badge on his lapel in his mucky wellies straight from the farmyard to assist at not generally a road traffic accident, perhaps a runaway horse and cart, but probably more the tone of those sort of times, and unfortunately we move forward. Unfortunately, there is a big divide in Jersey between the north and the south. Although it is not very far between the north and south, there is a divide in the policing requirements between the north and the south. The southern Parishes have a much higher demand in policing, being the more populated areas, and that is where we get the more problems in recruiting staff. One of the other big issues we have today, equally gone are the halcyon days where our Centeniers were based in our Parish. Most of them now have got day jobs and they are working in town or elsewhere and these are the people that we require on a daily basis to attend in the Royal Court, particularly in my own Parish of St. Peter, the amount of cases which you also see in the courts coming through for, particularly, drug importations through mail coming through the airport and other things. It is quite a challenge to get officers in to be able to give that amount of time. We tend to rely more on the older officers to be Centeniers because they are close to retirement or are retired or semi-retired as they can give more daytime duties to the courts themselves in presenting the cases to the courts. This is one of the major difficulties that I have had in St. Peter, and other Parishes equally from time to time have the same problems, is finding people who would like to be Centeniers but cannot give time to do the court work. These are the reasons why now I am supporting this change to 75, not because I want them to be going down to the Watersplash, the only out-of-town nightclub, to do Friday and Saturday night policing: we rely on our younger officers to do that, our Vingteniers and our C.O.s. They go down there to assist the States Police in that role. Yes, they are fully tooled up, if that is the right word, with all the right clothing so they will be recognised. Also, going back to the time when I was first Constable 7 years ago, when they wanted to bring stab jackets into the Parish of St. Peter and I said: "I do not see why you want stab jackets. You know, you should not be going into an environment where you could be stabbed." One of the Centeniers said to me: "Well if we get a disturbance in the pub we will go and somebody might come at me with a glass, therefore, a stab jacket would be useful" and I had to give way because he was absolutely right. But generally speaking, to a point, the Constable of St. Martin is quite correct: are we doing a sticking plaster? Perhaps we are, but we have got to do something because if we do not start trying to adapt, the Honorary Police it is going to unfortunately die because there will be less people able to give the time to be able to do the role and that is a big concern that I have, is finding the right people. Unfortunately, every complaint I

get nowadays and they want an Honorary Policeman down their road to manage the speeding down their road, I invite them to become a member and they mostly say no. People say they just do not have the time. Older people who have the skills, the experience, hence the link to previous service and ongoing service, part of this proposition is important. I hope Members will value, equally value, our Honorary Police and the work they do and maintain it, even if it is only, as the Constable of St. Martin says, the next 10 years because without them the cost of policing will be significantly higher and demands on the public purse to service that would be significantly higher as well. It is an institution which I see as the foundation of our honorary service throughout this Island in many different ways. It is the backbone, it is the spine which sets the culture of the people of Jersey, and I want to see that maintained as long as possible. If I have to stick one or 1,000 sticking plasters on to keep it there then that is what I will do. Thank you.

11.1.3 Senator L.J. Farnham:

I think we need to consider the experience, the ability, the suitability, the aptitude and the experience. This is not about age. If I understood the Constable of St. Martin right, he was concerned about Honorary Police officers into their 70s not being physically able to do certain aspects of the job but that is not an age thing. I know many 30, 40 or 50 year-olds that simply are not physically able to deal with those sort of tasks. My uncle Ken who lives in California is 88, he is still a member of the voluntary community police out there. I am not saying we go quite that far at this stage. Even the rapporteur himself is a prime example of how people can improve with age and experience. **[Laughter]** I will leave it at that. Thank you very much.

11.1.4 Senator Z.A. Cameron:

As Senator Farnham says, this issue deals with whether someone is any less able to perform policing duties at 70 compared to 65. Life expectancy has changed dramatically since the system was first established. It is a reality that many individuals are fit and able in their 70s compared to others in their 50s. Whether or not someone can perform the duties nowadays should be based on ability rather than age. Continuing to play an active part in one's community can be of great benefit to those individuals in retirement age as well as society. **[Approbation]**

[12:00]

11.1.5 Deputy S.Y. Mézec:

The Constable of St. Martin said, I think at the beginning of his speech, how useful a tool he considered Hansard to be. It would certainly be useful for his speech, because it is one of those that I will want to go back on and read again, because I think he mentions some really important points that I hope Members were paying attention to. On the whole, I welcome this change. Quite recently I had a pint with a former Honorary Police officer in one of the Parishes which I do not often venture into. I will not say which one that is, for obvious reasons. He was explaining to me that he was quite sad that he could not continue in the Honorary Police because he had exceeded the age at which he was allowed to. He was still clearly more than capable to carry on if he wanted to. It was quite sad that someone that had given so many years' service to his Parish was being prevented, despite the fact that not only was he capable, but I am sure his parishioners would probably have also been very grateful to have had him carry on in that role. On that basis I support this. I accept the comments made by the Constable of St. Martin. I think he made the point that we perhaps maybe need to think in the future that it would be worrying if this did just keep going up and up. I think maybe the answer there is either have no limit or pick a limit and stick with it and then that is it. But that is not really a point I want to dwell upon really. This has been proposed with the obvious backdrop that we know St. Saviour has had problems recent with, which thankfully look like they are over. I saw the fantastic picture in the *Evening Post* at the weekend with a big smile on the Constable of St. Saviour's face, which I am sure we are all happy to see.

My view is that what led to that happening is part of a wider problem that I think we need to be talking about more often when talking about, not just the future of the honorary system in the Island, but the future of the Island for a whole host of things. We know that it is something that makes a community special, when we have lots of people who are prepared to give up their time for free, not just for the Honorary Police, but for charities and for all sorts of volunteer work that can help improve the lives of ordinary people around them and something that makes communities stronger. That is something we always need to be considering, how we can enhance and what role the State can have in providing an environment in which people are able to do that. As a 24 year-old most of my friends are at the beginnings of their careers and I look at some of them. Not a huge amount of them devote much of their time to volunteering in other things. They are mostly focused on starting their careers, getting on their feet. Many of them are still waiting to move out of their parents' homes, things like that. The fact is that the things that will count for people and whether they are able to volunteer for something or sign up to the Honorary Police is that these people need to know that they have a decent work-life balance, so that they know they have the security, they know they have the time to be able to be dedicating to these. In particular I look at people who I know from socialising with them are frankly in jobs which are so mind-numbingly dull when they do get spare moments many of them just end up every weekend going out to the pub and nightclubs and binge drinking. If you said: "Well, you know, how about doing something a bit different?" It is just not on the agenda for them, because of the way their work-life balance is at the moment. We know that poverty is a problem in Jersey. It will not be even slightly surprising that somebody who is struggling to pay their rent, somebody who is struggling to afford to help their kids through university, for example, is probably not somebody who is also going to have the time to take part in the Honorary Police, because they would be more concerned about making ends meet and perhaps thinking about taking on a second job or doing more hours to be able to do that. So I do not think it is at all clutching straws to say that the real problem is austerity. It is as simple as that. When people's lives become harder they are less able and less likely to want to be able to volunteer and to want to sign up to the Honorary Police. If you are somebody who knows in the next few years you are going to be seeing new taxes raised on you, you are going to be more focused about how you can pay your bills than perhaps what you could be doing elsewhere and considering perhaps taking on more hours to meet those needs. That is why I say that I find it incredibly frustrating, and I have the voting records in front of me that many of the Constables, the majority in fact, have persistently backed the Council of Ministers when they have been putting in proposals that some of us in this Assembly believe will make life harder for people and therefore make them less able to take part in things like the Honorary Police. I would urge Members, in particular the Constables ... one Constable, the Constable of St. Saviour in particular, I saw her voting record and she, I think, has a very admirable record over the past year of supporting things which I believe are looking out very much for the best interests of people particularly facing vulnerable situations at the moment. I personally do not believe that that is a coincidence, given the experience she will have had in St. Saviour. So I am urging all Constables here. Let us back this. This is an important change. This is something I think is necessary at this time. Let us look at the wider implications. It is austerity. It is challenging circumstances in people's lives that makes it difficult for them to volunteer. If we can have a community where people have security, have decent jobs, are able to pay their bills, then we will have more people who are able to come forward for these roles and contribute to our communities and we will all be the better because of it.

11.1.6 Deputy J.A. Martin:

I was really interested to listen to the Constable of St. Martin, because I had written down against paragraph 6 on page 4: is this prohibitive or permissive? He went on to explain. I read the law in 2 different ways. Under 2(b) it is either for election or re-election. It sets me on a quandary, because many months ago I heard this mooted on the radio. It was explained by the Constable of St.

Clement, who is the Chair of the Comité, and it seemed reasonable and why not. But this is very discriminatory and it is not equal. Why cannot somebody who retires, in our new world, at 67 or 68 - finds their feet, wants to join the honoraries - but is going to be 70, cannot do it under this law. That is the way I think the Constable of St. Martin explained it. So what I am looking at here is neither fish nor fowl. It is about: let us keep possibly some very good trained officers in post. Nothing wrong with that, I agree. But there may be some really, really good talent moving out of town or moving into town that we are now ... if this is just a sticking plaster, which I doubt, but it is a piece of legislation. I do not want to support something that is so discriminatory and not equal. I leave that to the Constable of St. Clement in his summing up. I did come today fully prepared, but listening to the Constable of St. Martin and other comments I am now quite worried about this piece of tweaking, which I do not think goes far enough. Thank you.

11.1.7 Deputy P.D. McLinton:

Firstly I would like to join the Constable of St. Saviour's fan club. I am always happy to see her smiling face and relieved that the situation has been sorted out in our Parish. Looking at this, I thought this goes a bit beyond simply the matter at hand here. This is about not throwing away a person when they reach a certain age. Not saying: "Okay, you have hit a number, you are now no longer useful to us." I do not do age so much. I do people. I value people. I think that it makes complete sense that we continue to allow capable people to continue in the role and bear in mind that the retired have a lot more time on their hands to be able to do the work that is required by the Parish than younger people. Of course we would like them to come along, but it is a changing world. I am of the view that 69 is the new 59. So let us get on with it and allow these people to carry on.

11.1.8 Senator P.F.C. Ozouf:

I would like to join the fan club of the Constable of St. Saviour. I am sure she will recall a previous Constable of St. Saviour who, when Procureur, stood for the Constable of St. Saviour. He was incensed when Parish posters went up and a certain candidate put 52 and working for you. He was 70 at the time. He decided that he was going to take this straight up and he basically plastered the Parish, with a little bit of help from his children, with 70 and raring to go. He served for 9 years. I do not think that anybody, who knew the former Constable of St. Saviour, would have doubted that there was an example that could have probably chased the members of a number of Parishes down the street and up again, dug a field of potatoes and more. I do not think there is any case whatsoever for discrimination or judging people in terms of an age. In fact, I looked at the U.K. ... I know they are not special constables. I know Honorary Police are different. I looked to see whether or not you would qualify for a special constable. It said there was no age limit. You should be judged physically and mentally fit to undertake the duty. That is the assessment it should be. I do not think there should be any limit at all. Make no doubt I will be voting in favour of it. It is a step in the right direction. We should not have any sort of discrimination where effectively you are faced with a cliff edge. Everybody is different and everybody is living a lot longer, thanks to the huge investments being made by the health service. It is not austerity. We are putting massive investment in the health service in order to get these long-living Islanders to be able to do all sorts of exciting things like serving in the Honorary Police and all the other charitable bodies that we have and all the other fine traditions of honorary service. That is all I have to say, Sir, and that took 2 minutes.

11.1.9 Connétable C.H. Taylor of St. John:

As someone who has served in the Honorary Police for a time I hardly dare recite in here, but to say longer than some people in this Assembly have been alive. It has been a fantastic and extremely enjoyable period of time for me. Anyone who has not served in the Honorary Police has lost a part

of their lives that could have been so fulfilling. I ask Members to support this change, very much along the lines of what Senator Ozouf has said and other previous speakers: you are as old as you feel. If there are people in their late 60s earlier 70s who wish to continue, and I emphasise “wish to continue”, why should we put an obstruction in their way? We are not forcing anybody to do anything. We are just broadening the horizons for those who wish to volunteer to do so. Thank you.

11.1.10 Connétable S.A. Le Sueur-Rennard of St. Saviour:

As the oldest Member in this House ... yes, yes, definitely ... I would like to say that at 70 I feel I have still got a lot more to give. I do not wish to pack up. I will retire, but my mind is still active, thank goodness. I would also like to say that the honorary system has been a good grounding for quite a few of the States officers. We in St. Saviour have lost 3 officers to join the States Police and the States Police were glad to receive them, because they had had a good grounding with us. There are for and against, but if you are active enough and your mind is active and you feel good I do not see why you should be put out to grass and forgotten about. Thank you.

11.1.11 Deputy M. Tadier:

I think this is one of the debates where essentially everyone is arguing at least from the same sentiment, in the fact that we all love the community that we live in and it is close to our hearts. We also appreciate the good work that the honorary service, not simply specifically the Honorary Police, but the many demonstrations of honorary service and charitable work, that exist in the Island. That does not mean, of course, that we might not have different opinions about changes that might at some point be made. I think it is quite heart-warming that we all come from that same angle. We want to get a system that works. I think there is much agreement about what the system might look like and that somebody who has served quite well should not be asked to retire too early when they still have a lot to give, even if they numerically find themselves with an age attached to them that might seem surprising to some, given the fact that their physical and mental capacity still seem to be there. I think there are some questions to be asked. It is clear that there are synergies with what the States Police do and what the Honorary Police do. Some of the roles overlap. I think the key difference perhaps is that one is elected and the others are not. They are part of a States service as public servants and the others are honorary Parish servants. I think therein is the key point to remember. They are accountable to parishioners via the ballot, if you like. We know that in many cases it might not come to a full contested election. Ultimately, parishioners can decide whether they have before them somebody who is competent and who they consider can exercise that office to the best of their ability and for the best of their parishioners and ultimately the Island. As far as I can see it, there already is an inbuilt safeguard.

[12:15]

I hope that one day we can move to a point where there is no upper age limit, something which has already been said, so I would like to echo that. Ultimately, the safeguard is the parishioners. You either say this individual served quite well. He or she will get a tap on the shoulder or more likely will be quite aware that he or she is not up to the job anymore in some ways and decides it is time to retire. If that is the case that somebody is putting themselves up, who is perhaps no longer fit for the job, then it is up to anybody else in the Parish to contest that. We know that, of course; that is something which is always said and it is perhaps easier said than done in practice, because there is a recruitment issue. Ultimately, there is that democratic safeguard. Something I think does need to be looked at is the lower age limit. I do not know if anyone has raised that. It is strange that we are trying to encourage people to join the Honorary Police. We want to get new people in, presumably, to get involved in their communities. Not simply the same old faces who have that kind of service ethic and who may be approaching their later years. Maybe some people who would like to retire

do not because there are no new people coming through. That is something we also need to bear in mind. Why is it that a young person of 18½ can join the States Police and get trained up there and find a career for themselves, but they cannot do it in the Honorary Police until they are 20? We have already heard the Chairman say previously, and I think it is entirely sensible, that they would like the States police sometimes and often think it is valuable for people to have experience in the Honorary Police before applying to the States police. But how can you do that if you are 18½ years-old or perhaps even 20 years-old? You cannot get the experience in the Honorary Police, but you can in the States Police. It seems almost the wrong way round. I think there is perhaps at least a discussion that needs to be had about equalising those ages. There may well be young people out there of 18 years old who would like to join the Honorary Police, who have free time on a Friday or Saturday night, who may not be working full-time and so are very well placed. They may be part of that group of under-25s who we have been saying have been targeted, but might wish to get involved in the community in an honorary capacity and who have the time. I think all of these things need to be looked at. It may even be that people on Social Security Job Seekers, who cannot find work - because jobs are being cut back all over the place, including in the public sector, rather than them having looked for jobs which do not exist, which can be quite demoralising - they could be encouraged to join the Honorary Police and therefore fulfil their requirement to the Social Security Department by doing that. I mean, these are all just ideas. It does not mean that, of course, they should not be looking for paid work and we should not be tackling the broader issues. But it seems that there is a potential for a lot more joined up thinking here, which, of course, this single proposition does not do. But it does move us in the right direction, which I think has already been said. It is something we should support, notwithstanding the fact that we do need to have an on-going and more holistic debate about this particular issue and the underlying issues of recruitment to the Honorary Police.

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

I have not got Standing Orders in front of me, so I cannot absolutely be sure that it is now compulsory to start a speech with: "I would like to join the fan club of the Constable of St. Saviour." It probably should be. Having just worked with her on appointing a new rector to that august Parish, I can certainly testify to the ease and rewarding fruitfulness of working with her. It has been interesting to hear Members discuss why it is that we do not have as many honorary folks as we would like. Is it the battle between austerity and quantity of easing? Is it something about the different values of age? From my point of view, is it anything to do with a more secular society and its failure to deliver some of the ethical norms that we have had in the past? What I do think is this: we are all incredibly individual. We are special. We are different. No 2 of us are the same. Certainly in my profession, not in this Island, but I can think of Ministers who are 35 and who have one and a half feet already in their pension. I can think of those who are being asked to retire at 72 and who look as if they could quite happily go on doing a useful job for years to come. It seems to me that this proposal allows us to take that individuality seriously. It may well not go far enough. I think Deputy Martin made some excellent points. But it does seem to me that anything that promotes - and this is the big moral choice that I want to set before the Assembly - the people of our Island continuing in that tradition that chooses service above selfishness and community above individuality, has to be a good thing. I am privileged to be a company director and trustee of St. John's Ambulance in our Island. If you simply imagine the number of events that would cease were the first aid cover not provided by that wonderful body, you can see what a difference, a sad difference, to Island life would take place. That is all volunteers. Now it is not the Honorary Police, it is a different thing, but it is the same spirit of service. It seems to me that that is one of the values that has built our Island. Anything this Assembly can do to promote service not selfishness and community not simply what suits me has to be in the best traditions of the Island represented in this Assembly. Thank you.

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

I stand to support my Constable. I would ask other Members to reflect on what he has said. I suspect that a lot of his fine words have been glossed over. I have not ever been a member of the Honorary Police. I chose in my 20s to join the Royal National Lifeboat Institution. When I got to 45, as I knew would happen, I was asked to retire from the boat because that is the age that you retired. I was not happy about it. I felt at the time that the experience that one gains as you stay at sea longer was valuable and something that should not be lost. But standing back now and looking at it there were 2 reasons for that. I think the same reasons apply here in this case. The first one is that there is a physical challenge involved and asking people to carry on doing physically challenging jobs into their 70s is not something that should apply *carte blanche*. Secondly, I think the institution in this case has responsibility to safeguard people from themselves. It is very easy to keep volunteering to do jobs and as much as one might like to do that, I think we, in this instance, have to think about our responsibility to people and maybe almost safeguard them from themselves. This is also about recruitment and encouraging young people and younger people to come into an institution where they may feel as if they are seeing those people at the head of the institution getting older and older. I would just leave it there, but I would ask Members to reflect on what my Constable has said. These honorary officers do a very similar job to those of the paid police and yet we are expecting them to work 20 plus years longer. Thank you.

11.1.14 Deputy K.C. Lewis:

I do have a lot of sympathy with everything the Constable of St. Martin has said and he does make some very valid points. But people are living longer. They are, hopefully, staying fitter. Hopefully I am going to go on for a few years yet. Also I think Deputy Mézec made some very good points regarding the lower end coming in. I think we should lower the age that people may join the Honorary Police. I think the bottom line here is this is voluntary. It is not compulsory that people stay on. They would have that option if they feel they are fit enough and so wish to carry on. Of course, we have to be very sensible about this. We are not expecting a 75 year-old to wrestle a giant drunk to the ground. You have to be sensible about this. I would also encourage more and more women to join the Honorary Police. As you are aware, not only do I have to behave myself in this Assembly, I now have to behave myself at home, because my wife Isabella is the new Chef de Police of St. Saviour, [Approbation] in fact in the Magistrate's Court as we speak. I do have sympathy for the comments made by the Constable of St. Martin, but I will be supporting this. If people feel they are able to carry on, they should be allowed to do so. Thank you.

11.1.15 Deputy G.P. Southern:

Briefly, yes, we are an ageing society. But what I think is demanded here is that we get our recruitment policies right. If you get that right, from the bottom, you can build up. You can have a vibrant, effective, honorary force which suits the needs of the modern society. To say that what we should start doing is to increase the age people can continue to be honorary is to risk bringing that sector into disrepute. What we have to do is get our recruitment right at the young end, at the female end, at whatever, in order ... just as in any other trade or profession. I have seen society getting ... we cannot accept that it is okay to carry on teaching until you are 70, that you can be a nurse when you are 70, that you can be a road mender when you are 70. Why do we accept that then you can be a policeman when you are 70? I do not think it is appropriate. I cannot support this motion.

The Bailiff:

Does any other Member wish to speak? If not, I call the Chairman of the Comité to reply.

11.1.16 The Connétable of St. Clement:

Clearly I was disappointed with the comments of my colleague, my good friend, the Constable of St. Martin, but in view of the way the debate seems to have gone I am not going to attack him as much as I was going to, **[Laughter]** verbally, of course. Really he needs to think about it, because he was negative, to a degree, about the Honorary Police. He certainly was very negative about people who are over 70. They are not necessarily ready for the scrap heap; I can assure him of that. I can also tell him, but I do not need to tell him, because he knows, he is a little bit naughty, this has nothing to do with the situation that happened in St. Saviour a few months ago. If these Regulations had been in place when St. Saviour had their problems, it would have made no difference whatsoever to what happened there, because this was not about retirement due to the age. This, of course, is not about assisting with recruitment. It will have some impact on retention, of course. That is what it is about. It is about retaining the expertise, the knowledge, the skills and the experience of officers who want to carry on. Not in a full-time job, I would say to Deputy Southern, like a nurse or a teacher or whatever, but in a very much a part-time job, a part-time service to the Parish. They will do what they can when they can. That really is what it is about. I do not know what goes on in St. Martin, but the Honorary Police are not, and I insist, are not, front-line officers. They are community policemen, elected by their own Parishes, to serve the parishioners within the boundaries of their Parish. They carry out patrols within the Parishes, yes. They visit the youth clubs, to communicate and relate with the young people. They attend funerals and weddings where traffic control is needed. They attend fetes where traffic control and support is needed. They do escort duties. As someone mentioned earlier, they do curfew checks. They do not carry out drugs raids. They do not carry out hot pursuit situations. Yes, they do have protective equipment. Of course, they do, because you never know when a situation might arise. But all honorary officers if there is any risk of danger to themselves they back away immediately and call in the professionals. It is 15 years ago since the age limit was last looked at. Since then, of course, the pension age has increased, both, as I said, the O.A.P. (old-age pensioners) and the uniformed services. Life expectancy has increased and levels of fitness have increased. I think Senator Cameron said some individuals might not be fit at the age of 40 where others can be well into their 70s. This change would not be a disincentive to young people. Why should it be? It could be an encouragement to them. I am pleased to say that in my Parish within the next few weeks we should have a young man of 20 and another of 28 being sworn in as constable's officers and I look forward to that.

[12:30]

It is up to the individual whether they wish to offer themselves for re-election after the age of 69, but it is not only their decision, of course. It is a matter for the Parish as well. If the Parish wish them to be re-elected, they will re-elect them. If they do not, then they will not. One or 2 Members mentioned perhaps no age limit or a younger age limit at the bottom end and I have a lot of sympathy for that. Of course, I have to take advice from my fellow Constables, some of whom have experience in the Honorary Police, the Honorary Police Association and, indeed, the Comité des Chefs, but it is something that we can continue to look at. I would say to Deputy Martin that people can still stand for their first time at the age of 69. After that, if these Regulations are adopted, no, they cannot, and that was on advice, really, from the Comité des Chefs and the Honorary Police Association, who felt that doing a 3-year term at that age, bearing in mind the costs of training, uniform and equipment, might not be the best idea. Certainly, it is something that we can continue to look at and consider and keep thinking about. I welcome Deputy Tadier's suggestion about people who are finding it difficult to find work should be encouraged perhaps to go into the Honorary Police, and this is certainly something we would welcome. Of course, there are many other voluntary situations where they could be encouraged to go and make a positive impact in the community. We certainly have been losing people who are perfectly competent, perfectly able, and it is a shame if we allow that to continue. I maintain the principles.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the principles of the Draft Honorary Police (Amendment No. 3) (Jersey) Regulations and I ask the Greffier to open the voting.

POUR: 38		CONTRE: 4		ABSTAIN: 0
Senator P.F. Routier		Connétable of St. Martin		
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator L.J. Farnham		Deputy of St. Martin		
Senator P.M. Bailhache		Deputy R. Labey (H)		
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Bailiff:

Chairman, do you wish to scrutinise?

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):

No, thanks, Sir.

The Bailiff:

Chairman, do you propose the Regulations *en bloc*?

The Connétable of St. Clement:

Yes, please, Sir, I propose them.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on the detail of the Regulations? All those in favour of adopting them kindly show? Those against? The Regulations are adopted. Do you propose them in Third Reading, Connétable?

The Connétable of St. Clement:

Yes.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting them in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

We now come to arrangements for public business for the future. I just give notice to the Assembly that this morning there is lodged by the Deputy of St. John P.137/2015, Chief Executive to the Council of Ministers: open competition. Now, Chairman, do you wish to propose the arrangements?

12. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

Yes. I understand the Assistant Minister for Economic Development wishes to make a proposition on the future business, so I think it would be easier if that were debated first.

12.1 Deputy M.J. Norton of St. Brelade:

P.132/2015 proposing the allocation of 100 per cent or, should I say, £701,802 to the Association of Jersey Charities is currently tabled for debate in the States on 15th December of this year. I would request under Standing Order 26(7) ... and for a reminder for those that may wish to know, the States may reduce the minimum lodging period for a proposition if they are of the opinion that it is in the public interest to do so. I would ask if we could bring that proposition forward as early as, assuming the proposition receives support, it will allow the Association of Jersey Charities, who are the conduit, if you like, to issuing out to hundreds of good causes, to distribute the funds before the end of the year during its funding cycle. I believe to do so would certainly be in the interest of the public of Jersey as they would be the beneficiaries of this lottery profit, which is from 2014. P.132/2015 continues the policy of distributing 100 per cent of the Jersey profits from the lottery to the Association, which has always received strong support from the Assembly so hopefully Members will see this is a commonsense approach to bringing it forward so they can distribute these funds before the end of the year. Some Members may be asking why this was not presented earlier. Since presenting the Public Lotteries Report for 2014, officers have been working with the Association of Jersey Charities on 2 interlinked issues: the impact of the Charities Law on the Association and a desire to open up the beneficiaries of increasing lottery profits to a wider section of our local community. This is complex but very important work and it has been delayed over the summer period while discussions have been taking place. But I am pleased to inform Members that an exciting way forward has now been identified and will be presented to the States in early 2016

by the Public Lotteries Report for 2015 and the allocation of those profits. There is a lot of hard work yet to do but I would ask Members if they could see this as an opportunity to make sure that the beneficiaries of lottery profits get this before the end of the year and during the funding cycle.

The Bailiff:

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

Deputy J.A. Martin:

Sorry, Sir, the Assistant Minister never said which day. Is he going for the 1st because it makes a difference?

Deputy M.J. Norton:

My apologies if I did not mention that. I was proposing that we move to the next sitting of 17th November for this.

The Bailiff:

Can I just ask the Chairman of the Privileges and Procedures Committee does the committee have any view to help Members with on this?

12.1.1 The Connétable of St. Clement:

Well, the committee have not discussed it. The criteria is that it is in the public interest so to do. I am personally not convinced it is going to make a lot of difference to the Association of Jersey Charities, or the beneficiaries, if this is not debated within the normal timescale of 6 weeks and I think there should really be quite a strong reason for the change, which, quite honestly, I have not heard. The reason is that it is more convenient for the Assistant Minister.

The Bailiff:

Well, I hope that we are not going to have a full debate on this. Deputy Southern, do you have a question to ask?

12.1.2 Deputy G.P. Southern:

Do I have a question? No, a statement, if I may: just to say that I, too, have not heard a clear reason as to why. There must have been a date in the diary. We should be lodging then in order to deliver then. It just seems to me that they are working on some other issues which will come later anyway and we miss the date. It does not seem good enough for me to say this goes against house rules.

12.1.3 Deputy M. Tadier:

It seems to me that the default position is that the public interest is with the lodging period being for the period that it should be. That is where the default position is and the case needs to be made by the proposer that the public interest in this case lies with his proposition, which is to bring it forward. It concerns me when we hear from the Constable of St. Clement. If he is not convinced, it is not simply the usual Back-Benchers popping up and saying that this is not in form. We have not been told what the consequences would be if this were just allowed to be debated in the normal timescale - if that allows all the provisions to be set up so that the funds can be administered in time for Christmas, because it seems to me that preparation can already happen - but it is for the proposer when he sums up to make the case for that and I do not think we have had the case yet.

12.1.4 Senator L.J. Farnham:

If I may, to be quite clear, I do believe Deputy Norton covered it but it is quite simply to ensure that the Association of Jersey Charities, who will be making the decision on granting the funds during the first week in December, obviously they are reluctant to do that without having the States'

support saying they have the money. They want to make the decisions in the first week. They are making the decisions in the first week of December and we are asking that the States allocate the 2014 profits to them at the next sitting.

12.1.5 Deputy J.A. Martin:

Could I make then a helpful suggestion? I have heard what the Minister has said and the Assistant Minister and I think they would both get a lot more sympathy if I could make a counter proposition that this is debated on 1st September. It is nearly 6 weeks ... **[Interruption]**. Sorry, December. Sorry, when did I say? September, well, we could all go back in time. Yes, I am trying to be helpful here because I am feeling the mood of the House. I do not really have a problem on the 1st. I am listening to the Minister or the rapporteur to sum up.

The Bailiff:

If no other Member wishes to speak, then perhaps you would like to sum up in reply, Deputy Norton.

12.1.6 Deputy M.J. Norton:

It is slightly unexpected that the mood of the House would be not to move this forward. This does seem really an administrative issue here in moving this forward. This is quite clear and I do understand Standing Orders do have the 6-week lead-up time for this, but it is quite important to the Association of Jersey Charities and, indeed, to the charities and the good causes concerned that they will get this money in time for the end of this financial cycle, which will be before the end of this year. They are deciding on that at the beginning of December. They would not wish to do so without having the sanction of the States Assembly in approving that money going to them. That is clearly what it is but I am open to it being moved, at the excellent suggestion, to the ... **[Interruption]**. Yes, I am getting to that, thank you very much indeed.

The Bailiff:

Can we please have discussion through the Chair rather than between yourselves?

Deputy M.J. Norton:

I do apologise. I am getting prompted from the side here. We are very happy to move this to the 1st if that is the will of the Assembly to do so. That will be most helpful. It was just our assumption that it would be a quieter day on the 17th.

The Bailiff:

Very well, the revised proposition is it should be taken on 1st December. All those Members in favour ...

Deputy G.P. Southern:

The appel, please.

The Bailiff:

The appel is called for. I ask Members to return to their seats. The vote is on whether to take P.132/2015, Channel Island Lottery: allocation of profits for 2014 ...

Deputy M. Tadier:

Sorry, I do not mean to interrupt unnecessarily but can we confirm that 1st December it will be in time anyway? My calculation is if it were lodged on ... is it lodged on 19th October or was that ...

The Bailiff:

It was lodged on 23rd October.

Deputy M. Tadier:

Okay, my mistake.

The Bailiff:

So the vote is on whether to take P.132/2015, Channel Island Lottery: allocation of profits for 2014 on 1st December, the sitting on 1st December. I ask the Greffier to open the voting.

POUR: 37	CONTRE: 1	ABSTAIN: 1
Senator P.F. Routier	Deputy G.P. Southern (H)	Deputy L.M.C. Doublet (S)
Senator P.F.C. Ozouf		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Senator A.K.F. Green		
Senator Z.A. Cameron		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy J.A.N. Le Fondré (L)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy of St. John		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy S.Y. Mézec (H)		
Deputy A.D. Lewis (H)		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy S.M. Brée (C)		
Deputy M.J. Norton (B)		
Deputy T.A. McDonald (S)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy P.D. McLinton (S)		

12.2 The Connétable of St. Clement:

The arrangements for public business is proposed as per item M on the Consolidated Order Paper with the change that we have just made, Projet 132 moving to 1st December. Also, this morning there was lodged Projet 136/2015, Draft Social Security (Amendment of Law No. 10) Regulations.

That will be down for debate on 15th December. I have been advised that there is a further proposition to be lodged today in the name of the Deputy of St. John called Chief Executive Officer of Council of Ministers: open competition, and it is requested that this be debated on 1st December. So with those amendments to the Consolidated Order Paper I make the proposition. The business on 17th November, next sitting, should last no more than one day.

The Bailiff:

Thank you very much.

Senator P.F.C. Ozouf:

May I just inform Members that there is an eGovernment briefing, a working lunch, at the Société Jersiaise starting at 1.00 p.m. and I would ask as many Members to attend as possible.

The Bailiff:

That sounds good. **[Laughter]** The States will now stand adjourned until 9.30 a.m. on 17th November 2015.

ADJOURNMENT

[12:43]