

STATES OF JERSEY

SCRUTINY COMMITTEE
BLAMPIED ROOM, STATES BUILDING

Present: Deputy Rob Duhamel (Chairman)
Senator Ted Vibert
Deputy Phil Rondel
Deputy Bob Hill
Deputy Gerard Baudains
Dr Janet Dwyer (Consultant)

REVISED EVIDENCE FROM:

DEPUTY M. DUBRAS
(Previous President, Environment and
Public Services Committee)

In attendance: Mr C. Newton (Director of Environment)

on

Monday, 20th September 2004

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DEPUTY DUHAMEL: Before we start, I have to read you out the convening notice. Although you may well be familiar with it, we have to do what we have to do. It is important that you fully understand the conditions under which you are appearing at this hearing. You will find a printed copy of the statement I am about to read to you on the table in front of you.

DEPUTY DUBRAS: I have already read it.

DEPUTY DUHAMEL: You have, good. Shadow Scrutiny Panels have been established by the States to create opportunities for training States Members and Officers in developing new skills in advance of the proposed changes of government. During the shadow period, the Panel has no statutory powers and the proceedings at public hearings are not covered by Parliamentary privilege. This means that anyone participating, whether a Panel Member or a person giving evidence, is not protected from being sued or prosecuted for anything said during hearings. The Panel would like you to bear this in mind when answering questions and to ensure that you understand that you are fully responsible for any comments you make.

DEPUTY DUBRAS: Thank you, Chairman.

DEPUTY DUHAMEL: I would like to start by asking a similar question to one I have asked other persons appearing before this Panel. In noting, Deputy, that you did in actual fact vote against the proposition for the policy and indeed for the financing, could you outline for this Panel your reason for doing so on both counts?

DEPUTY DUBRAS: I can summarise that by saying that, at the time -- we are talking about over two years ago -- I was operating both as a Member

of the Industries Committee and as a member of Policy & Resources Committee and, based on all the information that I had as a Member of those two Committees, I wasn't supportive of the package as it was proposed. I felt that it wasn't necessarily going to address the needs of the industry.

DEPUTY DUHAMEL: Hmm hmm. Specifically, were there elements within it that you did support?

DEPUTY DUBRAS: Not as per the proposition, but of course there were aspects that I was supportive of, but when it came to the vote on each of the items, I voted as I felt was appropriate.

DEPUTY DUHAMEL: Right. And, since that time, could I ask you to outline any involvement you have had in any capacity as a States Member, with any of the hats that we wear from time to time, in the writing or the production of the new policy statement as part of the Strategic Policy 2005-2010, which does, under 4.1, outline similar issues to those that were espoused in B115?

DEPUTY DUBRAS: I have had a number of rôles. I will try and summarise those for you. The first rôle that I took on was as President of the Committee of which you were a Member, so you are well informed on that aspect. The Committee, at the beginning of 2003, inherited the submissions to the FSR process of the previous Public Services Committee and the previous Planning & Environment Committee and we were required, in short order, to consider them and to present them to that process, which we did. Subsequently, as the Committee met in April of that year, as it was part of a two stage process in developing its priorities

for the forthcoming year, it talked about some of the issues that are covered by the original proposals of the Agriculture & Fisheries Committee that was.

Subsequent to that, or in parallel to that, we took on board the recommendation of the Director of Environment, Chris Newton, who is here this afternoon, to set up an Environmental Forum, and that process got under way and we launched it. I attended the first meeting as a way of launching it. It was then given some tasks to do and it got on with it. One aspect of it was looking into this scheme.

If my recollection is correct, the next contact we would have had with it would have been the drafting of the FSR documents towards the end of 2003 for the 2004 process, which has now been completed, with the Resource Plan having been debated. I did not personally take it to the Committee of Presidents because I was forced into being delayed returning from holiday and the Vice President took it through. In fact, I believe the Vice President has presented to this Panel with the details and subsequently it was taken on by the new committee. So my involvement was limited in that regard.

As a Member of the Policy & Resources Committee, during 2003, I was asked to chair, as a Member of P&R, a group that looked at ... I cannot remember its exact title, but it certainly looked at quality of life, it looked at the environment and contributions came from a number of sources, some States Members and some non-States Members, and, as a result, we went through the whole process of the Strategic Plan being formed. I believe the specific content in the Strategic Plan would have

come from the Environment & Public Services Committee that I was not a member of. But, as a Member of P&R, I would have noted some of the details during its final production, but not having had a direct hand in it, though I did contribute to one of the amendments that Senator Routier brought, because I felt that, when you stand back and someone else introduces a new idea, you realise there is a missing ingredient, so I did contribute to that.

DEPUTY DUHAMEL: One final one, do you actually perceive there being fundamental differences in this new strategic document compared to the previous position of the Agriculture & Environment Committee?

DEPUTY DUBRAS: Sitting here today, looking backwards, I can't say that there are fundamental differences, no. I haven't read the original submission that came out of the 2001 process, so I have not refreshed myself on that. I think it will be for others to discern that. It is not something I have caught up on.

DEPUTY DUHAMEL: But, broadly speaking, you think the two documents are fairly similar?

DEPUTY DUBRAS: No. You can't say ... you won't put two documents side by side and say they are the same. I think the broad thrust, the intentions behind the current approach, are similar to the original approach, but time has moved on and new people have had an involvement in them and have been able to respond to the feedback that has happened over that three year process.

DEPUTY DUHAMEL: I was just interested, in line with my first comments, as to how the previous policies weren't acceptable and yet, if there is a

large measure of overlap between this new set, to what extent, bearing in mind that you actually voted for these particular Strategic Policy aims, how these could be acceptable and yet the others weren't.

DEPUTY DUBRAS: I haven't ... I don't ... I didn't feel I needed to do a detailed analysis of what was and what is and how my views had changed, but I didn't, from the information I have been provided with for today's meeting, think that was necessary on my part, so I haven't done the work.

DEPUTY DUHAMEL: Okay. Right, thanks. Deputy Rondel?

DEPUTY RONDEL: Yes. Do you believe that the Vice President was up to speed on the Environmental Forum issues to carry this forward to the Strategic Plan?

DEPUTY DUBRAS: To the FSR meeting, do you mean, the meeting of Presidents? I think she was as likely to have been up to speed as I would have been had I been there, yes.

DEPUTY DUHAMEL: Senator Vibert?

SENATOR VIBERT: Yes. I wonder if I could go back to the decision that was made in the States, which was when you discussed paragraph B(4.1) of the proposition, and I know you won't remember what that is, so I will explain it to you.

DEPUTY DUBRAS: I could dig it out if you feel I need to.

SENATOR VIBERT: No, I will explain it to you. Basically ----

DEPUTY DUBRAS: You weren't in the States at the time.

SENATOR VIBERT: I wasn't, no, but I am reading from minutes of the States.

DEPUTY DUBRAS: Right.

SENATOR VIBERT: And the recommendation of the Committee was that Additional funding, additional to the 2002 funding, amounting to 700,000, should be granted to Year 1 of a three year funding programme, as set out in Annex 1 of the report. That was a proposition that you then voted upon. Looking at that, I see that you actually opposed that and voted against it.

DEPUTY DUBRAS: I opposed all of them.

SENATOR VIBERT: Could you explain to the Panel your actual understanding of what this Agri-Environment Scheme actually was?

DEPUTY DUBRAS: You are asking me to try and remember what I understood two years ago?

SENATOR VIBERT: Hmm.

DEPUTY DUBRAS: I'm not sure I can. I would have to do, as I said earlier, some reading up of the documents that were available to me at the time. It is not something I have tried to do over the last seven days since I was able to confirm that I could come here today. The broad brush I can give you is that it was a scheme that was intended to help the industry overcome some of its difficulties with regard to pollution, with regard to managing the oversupply side on the dairy side, if you like, for example, and to try and integrate the needs of the community and the needs of the industry with regard to the appropriate use of the land asset that we have. There were details of that which I don't recall, but I think the intention (and that is set out to some extent in the new Strategic Plan)

is to enable the community at large to benefit from the asset that we have, knowing full well that the industry is going through a very difficult time.

The demands on the industry are different even than they were two years ago. One of the interventions of Chris Newton with the then committee was to produce a paper, which I think subsequently has probably gone to the Environmental Forum, to try and tease out some fresh approaches to use of our fields. Obviously there are some that are laying fallow, and it is all linked in with the other part of the policy, although obviously I can't point to it in specifics, where there was a general feeling that one of the outcomes of the broad policy approach should be, I think, de-intensification or, going back to my school days, crop rotation so that you allow more land in rotation to go fallow. Now, I am harking back to my memory bank, which is a bit dull in that regard, but I think it was a question, looking at all of the sectors of the agriculture industry and identifying a plan for action which was appropriate to each of them.

Now, the one thing I do recall -- you asked me my views earlier and this is coming back as we talk -- is there were some meetings to which we were invited of various component parts of the industry itself, some more private than others, but nevertheless I think the broad thrust that I took, which seemed to find favour from some of the people around the table, was that the approach being proposed -- I am sorry that Senator Le Maistre isn't here this afternoon -- some of the approaches being proposed by the then Agriculture & Fisheries Committee was that it was possible to have one, sort of over-arching plan that fitted everybody's

needs. I think the point that I made was that we really ought to have a package that was sector specific, because the needs of the “tomato sector”, for want of a better phrase -- the “protected crops”, I think they are called officially -- compared to the outdoor crops, compared to the dairy industry, compared to, if you like, separating horticulture from other types of outdoor or indoor crop, were different. The marketplace was different and, therefore, the proposals should be different.

SENATOR VIBERT: Yes. To save time, in fact, we really want to deal with the specific Agri-Environment Scheme which was the particular area, not the whole of the funding arrangements or the help and subsidy. We are trying to hone in and concentrate simply on the Agri-Environment Scheme. The question I would like to put to you is what was there in that Agri-Environment Scheme which you personally felt was not acceptable to the States and, therefore, you voted against it?

DEPUTY DUBRAS: I’m not sure I was reflecting what was not acceptable to the States. I think what I voted against across the board was my sense, from all of the exchanges I had either been involved in directly or had received through written material, that the proposals in broad terms were not going to be acceptable to the community, which is both the agricultural community and others who were involved. I just sensed, and it was partly a personal feeling, but it was also based on all the inputs that I got, that what was being offered to the States as a set of policies was not going to be acceptable across the board.

SENATOR VIBERT: But that was on the question of funding various things

DEPUTY DUBRAS: No, no.

SENATOR VIBERT: I really want to concentrate on what in the Agri-Environment Scheme specifically, which is the sector you specifically voted on, about allowing 700,000 to be granted, that you took exception to.

DEPUTY DUBRAS: Can I refer to another document, please?

SENATOR VIBERT: Sure. **(Pause)**

DEPUTY DUBRAS: We are talking about P115?

SENATOR VIBERT: We are talking about the paragraph B(4.1) of the proposition that was debated, whatever that B one was.

DEPUTY DUBRAS: What I have marked on there is the way in which the States voted on all of them, and the only one that voted on the safeguarding agreeing the 700,000 you are referring to, I voted against that as I voted against all of them.

SENATOR VIBERT: I mean, that was the idea of putting the motion forward as separate parts.

DEPUTY DUBRAS: Yes.

SENATOR VIBERT: So that you had the opportunity to vote on each part of the proposition.

DEPUTY DUBRAS: To be quite frank with you, Senator, right at this moment, as I said earlier, I haven't gone back to all the documents that I had at my disposal then. I kept **this** one purely for reference, but I have not analysed what was offered and why I voted against. I gave you a general sense of why I voted against everything.

SENATOR VIBERT: I understand that. Can I just move you forward now to when you when you became President of Environment & Planning and then in fact ----

DEPUTY DUBRAS: Environment & Public Services.

SENATOR VIBERT: Environment & Public Services. In fact, at that stage, the Environmental Director actually put forward, having discussed it with the Environmental Forum, a significantly new proposal to the Fundamental Spending Review, because it removed a totally different section that made it apply in a totally different way. First of all, can I ask you whether you are aware that that was the situation?

DEPUTY DUBRAS: You have jumped over something which I just want to put in perspective. When I took up the presidency, there was a submission to the then FSR process, which was handled entirely by -- and he was here this morning because I sat in -- the President of Economic Development. That is the way it was agreed that was most appropriate, because he took on the mantle of Ag & Fish. So, in that regard, I did not have any more involvement other than to be one of the Presidents sitting round the table, listening to the presentations and deliberating on all of the presentations.

Leaping forward, as you did, to the 2004 process, my recollection today would be that, during the second ... sorry during the last quarter of 2003, we would have received draft documents from all of the officers on the various growth bids and the various savings bids which were available to the Committee. I have got a copy of the one that was actually submitted finally, but I didn't actually take it through the process. This

was between the middle of December and the second half of January. I wasn't around, so I didn't get involved in that.

Now, my general feeling is that, although some of the terminology changed because we changed the title to Country Renewal (if I remember correctly), the approach that was recommended to us by the officers was based on the input from the outcome of the first part of the Environmental Forum deliberations. We did not participate in that. That was done as an advisory group, if you like, an information group. So the very detailed differences, I can't answer the question, but I got the impression the broad thrust was very similar but some of the make up of it was different.

SENATOR VIBERT: Right. In fact, the evidence before us is that it was substantially different, and I want to put this question to you.

DEPUTY DUBRAS: You have that evidence, I don't.

SENATOR VIBERT: First of all, do you accept ... Well, I will take the word "*substantially*" out and say that it was different, so that we don't have an argument about whether it was substantial.

DEPUTY DUBRAS: I am sure it was. It evolved over a period of 12-18 months.

SENATOR VIBERT: Can I put this question to you? Do you think it is right that a decision made by the States and carried by a majority in the House then goes forward to the Fundamental Spending Review and then gets rejected and then comes back to the Committee, who then make some changes, without actually bringing those changes to the States to be debated before it goes to the Fundamental Spending Review, because the two proposals were different?

DEPUTY DUBRAS: Well, we have to be clear what the differences are, and I don't have them at my fingertips. But, as far as ----

SENATOR VIBERT: But just as a statement of general principle?

DEPUTY DUBRAS: Listening into your discussion this morning with the President of Economic Development, I felt ... I have two observations to make, and some of them of them are feelings. First of all, it seemed to me this morning, and with respect to you all, but it seemed to me this morning that you were having a Scrutiny Panel discussion on the Fundamental Spending Review process rather than the Agri-Environment Scheme.

SENATOR VIBERT: That is in our remit, I have to say.

DEPUTY DUBRAS: Well, it wasn't clear to me from the ... only in support of the scheme, but it seemed to me that you got into generalities that I would have thought you would be, sitting as a Panel, talking about the Fundamental Spending Review and you would have the President of Finance here rather than have some of us.

SENATOR VIBERT: He has been here and he has given his views.

DEPUTY DUBRAS: Right. Now, with regard to the specifics, my understanding of what the whole process has been, the sequence of events has been, is dramatically different and, as interesting as I would have loved to have jumped up this morning and said something, when Senator Le Maistre asked his questions of Deputy Voisin, my immediate recollection went back to the days when (and I may not have got it right, that is why I wished he was here), but I seem to remember Senator Le Maistre brought forward to the States a proposition to do with a Sailing

Trust, where an amount of money was asked of the States. My colleagues might remember.

DEPUTY HILL: I think it was Senator Walker.

DEPUTY DUHAMEL: It was Senator Walker

DEPUTY DUBRAS: Was it Senator Walker? I don't recall, but somebody produced a request for ----

DEPUTY HILL: I believe it was him.

DEPUTY DUBRAS: It was a significant chunk of money, about 750K or something of that order, for the Disabled Trust ----

DEPUTY HILL: A sailing scheme.

DEPUTY DUBRAS: To agree to a hull being built.

DEPUTY HILL: Yes.

DEPUTY DUBRAS: Now, at the time, in those days (and we are going back about five or six years) that was almost normal, that there was sort of sufficient cash in the general reserve that if the States felt that there was a special project that somebody came forward with, whether it was a committee or whether it was an individual, and they got agreement, then the money was earmarked and it happened. But, I think in the last two years, certainly since the FSR process for 2002, everybody realised that we could not go on doing that. In fact, the F&E Committee and the P&R Committee of the day came to a conclusion, put it to the States and the States, I think, tacitly accepted that from a certain period on -- there was bound to be a transitional change -- even though the States might agree to something during the year, it would get banked and dealt everything

together at a certain time of year. I think that is an ideal and an appropriate way of managing our business.

Now, the example was made this morning, working backwards on the school milk -- I overheard that -- that was at the tail end of the process, it having gone through the FSR. It then got changed post-FSR as part of the Resource Plan. What I sense the States was dealing with in 2002 was at the front end of the process, which said, albeit six months or a year late, depending how one measures these things, but the Committee of the States was saying "These are the policies that we believe the States should take on" -- it was a vote on the policies -- "and we believe these are the sorts of orders of magnitude of money that are likely to be needed." As you say, rightfully, only one element of that was agreed to. Now, my recollection (and again, unfortunately Senator Le Maistre isn't here) is that he persuaded the States, and I don't think it is in the minutes -- we don't have the actual debate words here ----

SENATOR VIBERT: We have the transcripts of the debate.

DEPUTY DUBRAS: But let me just try and reflect. My sense is that he persuaded the States to take a straw poll on whether or not a majority would be in favour and, on that one item, a majority said "We think this is something worth implementing." But I didn't read it at the time as an approved stamp, saying "This money must be spent", and I think you used the word this morning, or he used the word this morning, a "*must do*". It was saying "Yes, taken today, this group of Members of the States, we think on balance this is worth pursuing and setting some money aside for." Then that goes into the FSR process and then gets ... you know the

rest of the story. We have all been part of it. So I certainly would use the word the States “*agreed*” rather than the States “*approved*”.

SENATOR VIBERT: A lot of Members who have come before us have made this particular point, but that wasn’t the issue that I was pursuing. The issue I was pursuing was that this didn’t just carry forward as a proposition from the Committee, it was changed by your Committee; and the thrust of it was changed by your Committee and then went before the Fundamental Spending Review. But it never ever went to the States to approve the changes that you made, that your Committee made, to that recommendation.

DEPUTY DUBRAS: I am not going to challenge you specifically on words because I don’t have the documents in front of me and I haven’t got a comparison between what one set of words said and another set of words said. My understanding of the changes that were made was not in the principle of the policy of what an agri-environment scheme is about, but some of the manner in which it might be delivered and delivered in an acceptable way in order to ensure that we got best value for the money that would have to be expended. So it may be a difference of perception, but I am not going to argue with you, Senator. I honestly can’t say one way or another.

SENATOR VIBERT: If I could just ----

DEPUTY DUBRAS: I don’t think you are right.

SENATOR VIBERT: If I can just help. I wonder if you have seen the response from the Director of Environment on the basis for changing that scheme, because in fact much of it is about the need to sell it to the

farming community and also to the States, and the best way to do it is to change its emphasis in an important area. In fact, I don't know what time you left this morning, but the President of Economic Development admitted that he didn't even know a change had taken place.

DEPUTY DUBRAS: I wasn't here for that this morning.

SENATOR VIBERT: Well, that is the fact that was put to the Panel this morning. So the question I want to ask on that is, in view of the fact that we then have this cross running between Planning and Environment & Public Services and Economic Development on agriculture was as a cross -- as Mr Newton explained to us this morning there is this cross section -- it is extraordinary that one side knows that that is what they are going to do, but the other side that represents the agricultural industry has not been part of that discussion and does not even know it has happened.

DEPUTY DUBRAS: I can't answer. You are drawing some conclusions based on the evidence you have seen and heard. I don't have the benefit of that, so I'm not going to agree or disagree. What I can say to you is that most of my personal involvement during 2003 was related to the organisational arrangements. As I think you will recall, I made a statement a couple of times during the year, once around Easter time and once just after the summer, on behalf not only of myself, but also of the President of Economic Development and the President of Finance. The changes, the organisational changes, that were being made were to move parts of former Agriculture & Fisheries departments, those that were appropriate to public services to Public Services and those appropriate to the environment to Environment and so on.

It was also clear (and I am sure Deputy Duhamel will confirm this) that the Committee was focused predominantly on that, leaving the content of the work still in Economic Development. In September, a meeting was held, which was subsequently reported, with the documentation, to the E&PS Committee, where I sat in on a meeting of the EDC and it was agreed that from September the Budget changes would take place in the New Year, at some date to be decided -- we were aiming for January, but I think it had to be April -- but the work continued to be the responsibility of Economic Development, that Mr Newton would start acting as the manager over a period of the next three months gradually working with the other chief officers and department heads to make it effective and get people in the right places at the right time and that the detail, the content, of the policies and the action plans were remaining with Economic Development. So we did not as a committee in any way get involved in that. Because the intention was that the work would be done in the New Year by the Environment & Public Services and Department of Environment, it appeared in our FSR package, but all of the background work was done by the Economic Development team, if you like. Can I verify whether my interpretation is correct or not?

MR NEWTON: I think that is a very fair analysis.

SENATOR VIBERT: Could I just put a question, a broad question to you, on environmental matters or agri-environmental matters? We actually heard from a witness this morning that he felt that, whilst agri-environment schemes were nice, they were "*nice to have*", when it came up against the other matters of priority at Fundamental Spending Reviews, it fell by the

wayside, because they were “*nice to have*” components, rather than the urgent components of health, education and all of the others. I wondered what your view was on that as a former President of the Committee responsible for environment, as to whether you think this agri-environmental scheme was something that was just “*nice to have*”, or something that really was essential for the people of Jersey to protect the environment?

DEPUTY DUBRAS: Well, I am not sure I am going to respond as a former President. I think I am going to respond as a member of the community and as a States Member and as a Member of the P&R Committee that I happen to be on at the moment. I believe that there were some quite critical issues around pollution, because it certainly was effective in St Lawrence, as it is in St John and it is in some of the other parishes, and that we needed to take action, constructive action, with the industry that was going to reduce and eventually minimise the risks of or actual pollution around the Island, where the farming community was immediately adjacent to human habitations, if you like. So, from my point of view, that is not a “*nice to have*” thing, that is something we were all aware of needed paying attention to. I learned that before I entered the States. That is number one.

Number two, I appreciate the fact that over the last 10 years the use of the fields of the Island or the land that is -- I'm looking for the right word -- tilled, cultivated, the amount of land that is actively cultivated is totally different. Similarly with that which is in dairy production, so that the whole nature of things has changed. So, as a community, I would expect

that we need to be putting our thinking caps on and how creatively we can help the industry to adapt to that still in the best interests of the community. There were some things mentioned this morning that were components of that.

Now, I am not an agriculturalist and I have not been on Ag & Fish Committees, so I don't have all the details, but it is just a general feeling that I have that most of what was being suggested was a constructive way of addressing the transition that we are part of. I have never supported the view that agriculture is in decline. I have always put the view that agriculture is in transition, just as tourism is in transition. The products are going to change and I know that some of the efforts of the last two years, whether they are economic development efforts looking after the industry, or whether they are environmental efforts in order to try and safeguard the community and our assets, but things are changing. People are trying new things and that is what we would all hope, that the practitioners will see that, in order to make ends meet and make a profit, we are going to try various new things. But that is about as much detail as I have, to be honest.

SENATOR VIBERT: Just one final point about European Codes of Conduct and/or Directives. Do you think it is incumbent upon the Island to make sure and ensure that whatever we do fits environmental standards that are brought out by Europe?

DEPUTY DUBRAS: The Island itself has taken on a whole raft of adopted international conventions, which I believe we have to uphold and implement to the best of our ability within our limited resources, number

one. Number two, the European dictats don't necessarily apply to us, and they don't in fact, but they may not be appropriate to us, given our scale and given our particular mix of industry. Those ----

SENATOR VIBERT: We are talking about a matter of principle. In other words, my understanding of the previous Environmental Committee and the current one is that they want to uphold as much as possible Directives on the environment that Jersey needs to carry out.

DEPUTY DUBRAS: They can't twist our arm and make us do things.

SENATOR VIBERT: No. I accept that.

DEPUTY DUBRAS: But my hunch is that we will adopt some of these. We might even be ahead of the game in some places because of the imperative for us to market the products. So our farmers, our agriculturalists, our growers, I would have thought, are adopting best practice because of the relationships they have with the end product sales people, whether it is the supermarkets or the other markets, because they are driving change perhaps more than the governmental drive.

(To Dr Dwyer): Did you want to ask a question?

DR DWYER: Just on that point actually, I was thinking over lunch, there is a lot been said in these hearings about the way in which, because growers are growing for an international market or an export market that is UK orientated, the protocols are pushing up environmental standards. I wondered to what extent that would apply to the dairy sector in Jersey.

DEPUTY DUBRAS: I honestly don't know. It is not something I've studied.

DR DWYER: It is not in your area of expertise.

DEPUTY DUBRAS: No. I've never been directly involved in this. I attend meetings and I listen in and try and grasp and I talk to parishioners who are in the business, but in dairy in St Lawrence I think the last of the farms has virtually gone out. There are cows, but I don't think they are in ----

MR NEWTON: Just to raise one obvious point of fact, the dairy industry in Jersey isn't trying to enter into an export market, so it clearly isn't going to be subject to protocols relating to dairy production elsewhere, unlike the arable sector, which is very much trying to export and, therefore, needs to meet the challenges set by the market it is selling into.

DR DWYER: One of the terms of reference for the enquiry is to consider what has been lost by not implementing this scheme and obviously, therefore, land which is just in dairy and which is not affected by crop production presumably is not going through this raising of environmental standards necessarily in the same way that the crop sector would be.

DEPUTY DUBRAS: I may have misinterpreted what you said and, if I did, please correct me, but my impression was that one of the intentions of the whole package was to revisit policies in the Island, to make it more cost effective, more viable, for the agricultural industry to continue in the Island, whether it is dairy or growing.

DR DWYER: With respect, I don't think that was the aim of the Agri-Environment Scheme.

DEPUTY DUBRAS: No, I am sorry, I said the whole package.

DR DWYER: Right, okay.

DEPUTY DUBRAS: The whole package, and to make us more self-sustainable in that regard. Now, in terms of the Agri-Environment

Scheme, to focus on that, my impression is that it was intended as somewhat of a ... I hate to use the word "carrot", but it was intended, I thought, to encourage best practice or better practice. I did mention particularly just now reducing contamination pollution in the community. So if the scheme enables the landowners and the people who use the land (because I know a lot of people rent land) to operate better, in a better way, to minimise the costs to the Island through pollution and the damage to health through pollution, then, as I said earlier, I think that is a pretty high priority. If at the same time we are able to persuade the farmers to just steward better the community asset without making their commercial viability less, then I would say that is a positive move. Excuse me. **(Deputy Dubras and Mr Newton conferred)**

DEPUTY DUHAMEL: Deputy Rondel?

DEPUTY DUBRAS: Chris would like to help me with that.

MR NEWTON: Just because I think Dr Dwyer has made an important illustration, which is the difference between a protocol led scheme and an agri-environment scheme. Very much on the point of dairy, dairy was never going to be driven by supermarket protocols because of the market it is selling into. So if we want to make progress in dairying and the use of that sort of land, that is one of the reasons why we need an agri-environment scheme, both because it lifts above the line of basic compliance and because it targets sectors which would otherwise not be caught by that sort of protocol driven approach.

DEPUTY DUBRAS: My understanding is that agri-environment covers all of the sectors.

MR NEWTON: Absolutely, yes.

SENATOR VIBERT: But really the situation is also that the savings would be there for the community in, for instance, slurry and ----

DEPUTY DUBRAS: Absolutely.

SENATOR VIBERT: And nitrates in water, and the ability to reduce the amount of nitrates in the water has an effect on the waterworks not having to use the desalination plant to balance the matter off.

DEPUTY DUBRAS: This is an holistic issue.

SENATOR VIBERT: Yes.

DEPUTY DUBRAS: As we are on the other panel dealing with a piece of it, you are dealing with a piece of it, and you have got to look at the big picture as well.

SENATOR VIBERT: Well, we have to deal with it piece by piece so that we can put that together as a picture.

DEPUTY DUBRAS: That is the only practical way of doing it.

SENATOR VIBERT: It is necessary for us to do that. I think the Panel is having some difficulty in understanding where one can go for the future, bearing in mind that anything to do with the environment is going to be almost impossible under the FSR process to get the priority to the point that it deserves.

DEPUTY DUBRAS: Well, I have to say you have just echoed some of the points that I believe I would have made or did make both at 2003 and 2004, except that I wasn't there for 2004, but I would have.

SENATOR VIBERT: You would have made that point if you had been there.

DEPUTY DUBRAS: I would have made, absolutely. Deputy Rondel?

DEPUTY RONDEL: Protocols. Would you agree that in fact protocols have pushed up standards?

DEPUTY DUBRAS: I can't answer that. I've not being directly involved in the industry, but I can only surmise that, in the main, the protocols have pushed up standards. But I also know they have raised costs. I have had ... I recall at the time of some of the meetings at the RJ&HS some of the growers were making it very clear how much demand was being made of them in terms of their costs in order to meet the protocols, but that was the price we as a community are having to pay to stay in the business. I mean, the tomato industry in particular, it seems to me, what they could or could not do with their waste, what they could or could not do in terms of marketing ... not marketing, spraying and stuff like that.

SENATOR VIBERT: Fertilising.

DEPUTY DUBRAS: Yes, weed killing and all that, yes. Whether or not we used environmentally acceptable methods for getting the flowers to turn themselves into tomatoes, whether you introduce a hive of bees or whether you add CO₂ and all of those things. I mean CO₂ environmentally is highly undesirable and, if we are pumping out lots of CO₂, we are contributing to an undesirable emission, and I think we have got to be very thoughtful about that. This is where the protocols, I think, maybe take us ahead of, as I said earlier, governmental conventions and directives.

DEPUTY RONDEL: Would you be surprised to hear that some of the protocols in fact are pushing the industry so hard that in fact they are

damaging the environment, whereby you actually see tractors digging potatoes in sodden ground and the tractors are actually disappearing into the ground three feet, doing damage to the soil structure ----

DEPUTY DUBRAS: I am not going to even answer that, because I don't have knowledge or experience of that.

DEPUTY DUHAMEL: Deputy Hill?

DEPUTY HILL: Just to expand a little bit about the protocols, etc, do you think that, whilst the protocols etc coming from the supermarkets is one angle, one area of concern, the other one of course is that there is an increased amount of marginal land or land which is now becoming, because of its location and size etc, no longer of any value or is seen to be of any value to bigger operators because of the machinery and things? Deputy Rondel was concerned about this. But don't you think the agri-environment policy itself really was to implement or to safeguard the interests of agriculture or of the environment as a whole rather than just looking after (for want of a better word) the bigger operators?

DEPUTY DUBRAS: I don't know. I can't answer that from recollection, but I could draw on a particular example, which you are familiar with, and that is the former Agriculture & Fisheries (Committee) had a land group, and you will remember that one of my constituents wanted to turn what had been a potato field (and not a very good one at that) into grazing for horses and we had the devil's own job to get agreement to develop the land. Your land subcommittee ----

DEPUTY HILL: We saw the light.

DEPUTY DUBRAS: You saw the light. But that is an example of an old policy of the States which was sort of rigidly stuck to, but the situation was dramatically changing and to actually persuade the Committee to change its mind on something like that was very hard, but we succeeded and it was linked in with the planning application and we had lost the side of the field and so on and it was not that simple.

MR NEWTON: I would just like to contribute to the point Deputy Hill has raised.

DEPUTY DUBRAS: Please.

MR NEWTON: I think it helps explain one of the issues to do with conditionality, and I believe you heard a similar argument from the National Trust representatives when they came here, which is that one of the constraints, if you like, of the Agri-Environment Scheme, as it was first proposed within a suite of policies for the agricultural industry, was that it essentially left outside of the package those other people who have land, those other people who own land but are not bona fide agriculturalists, where there is still scope for improvement in terms of woodland, or access, or wet meadows, or whatever. One of the difficulties of the conditionality approach was that those people are not in receipt of direct aid to start off with and so there is no prospect of applying conditionality to somebody to whom you haven't got a direct aid payment to withhold. So that was one of the other reasons for considering a broader approach.

DEPUTY DUBRAS: Can I ask ... can I just come back to ... I wanted to answer one of the earlier questions by ----

DEPUTY DUHAMEL: I have just been passed a note to say that Dr Dwyer has to leave by 3.15, so if she has a few questions, it would be a good idea to fit them in before she has to go.

DEPUTY DUBRAS: Well, I understood I was just about to run out of time.

DEPUTY DUHAMEL: Yes.

DEPUTY DUBRAS: There was just one reference document that I recall our Committee receiving, Deputy, from you[Referring to Mr Newton)], which the Committee endorsed and it went on, this package, through its evolution and it was on how we can use land more effectively and it was part of the process that led into the Environmental Forum taking hold of it and turning it into something else. I seem to remember seeing recently an output from the Environmental Forum inviting comments.

Now, that is the sort of piece of work we did and I think, within that document, were suggestions too that the changing nature of our countryside, the changing nature of land use was not all linked to the direct aid system. I am just drawing on that. So I hope that document has been used in evidence, as it were.

DEPUTY DUHAMEL: Dr Dwyer?

DEPUTY DUBRAS: Sorry.

DR DWYER: It is all right. I want to ask this question because I want to get some comment on it on record. So far I have only discussed it informally with other ----

DEPUTY DUBRAS: I may not be the right person to ask the question to.

DR DWYER: No, but we will see how we get on, if that is all right.

DEPUTY DUBRAS: Yes.

DR DWYER: The decision to split off the Agri-Environment Scheme and to give that to Environmental & Public Services, while the remainder of the agricultural sort of support stayed with Economic Development, do you think that has weakened the case for the Agri-Environment Scheme in a sort of wider strategy of the States?

DEPUTY DUBRAS: No, I don't think it has actually, and I was going to answer another question earlier along those lines, when we got sidetracked. I have made the point as a Member of the Planning Committee under Nigel Queree and on P&R and on E&PS and on P&R again that the environment has not been given sufficient emphasis by the States of Jersey, period. The vast majority of the Members, when push comes to shove (if you will excuse the colloquialism) gave the environment second or third place on the priority list. If, as a result of this Panel's doing its work, more emphasis is placed on the environment as being of importance to the community, then you will have succeeded where collectively perhaps others haven't.

If I can answer your specific question, I don't think the organisational arrangement is in any way deleterious. I believe it is placing the emphasis on environment and, within the States, we need champions for the environment, just as we have champions for tourism and agriculture and you name it. So I believe that the proposed rearrangements and the agreed ... **(Child talking loudly outside hearing room.)** Somebody is starting their career early! I would like to think that the very act of setting up a separate Minister for the Environment with a Department for the Environment, with all the right bits

put together and all of them drawn together, and I would include health protection as well, I think would make a dramatic inroad into getting the right resources associated with it. I think that is critical.

DR DWYER: I accept the thrust of that argument and I understand it, I think, very well. I think my only point is that, by thinking of the parallel in other countries, the way in which large amounts of resource have been gained for agri-environment scheme funding has meant that there has been a very close link with agricultural support and, in fact, when mechanisms have been found ----

DEPUTY DUBRAS: That raises the whole issue of whether or not we should have agricultural support.

DR DWYER: ---- to switch the money from one to the other. It does, but -- --

DEPUTY DUBRAS: I happen not to believe in subsidisation and I think Jersey has a wonderful opportunity -- and this is a debate for another day -- but I think we have got a wonderful opportunity to actually reduce dramatically our subsidisation of that industry, along with some of the other places in the Island community where money goes into subsidy. I think we have got to be very, very selective in that regard. I think we ought to be able to demonstrate ... because my understanding, reading something like *The Economist* is that everybody signs up to the principle, but nobody is prepared to go first. I can understand that. I think we have an opportunity to go first.

DEPUTY DUHAMEL: Senator Vibert?

SENATOR VIBERT: Can I just ask you one question on the matter you raised about the ----

DEPUTY DUBRAS: That is a personal opinion, by the way.

SENATOR VIBERT: Sorry, yes. If I can just ask you one question that you raised, which is this question of considering how land is going to be used in the future in Jersey in the light of what is happening to our agricultural industry?

DEPUTY DUBRAS: Yes.

SENATOR VIBERT: How important do you think that issue is for the Committee who has to deal with it? Where do you rate it as a matter of importance on a list of priorities that Planning & Environment has to handle?

DEPUTY DUBRAS: I am going to look ahead, Senator, to ministerial government and to a Minister of the Environment, who has also got the planning land use and planning functions all linked together and integrated. I would place it very highly and if the Island community doesn't, then it doesn't need a Department of the Environment, if you like. You know, I think the organisational framework that was proposed in P70 of 2002, I think, made it very clear as to what functions would go together and why. The Strategic Plan, I think, is very clear on that. The thrust of the *Imagine Jersey* process, together with the working group that Chris was a member of and why we have Chris here, I think, really emphasises that point.

SENATOR VIBERT: Would you agree that the great difficulty is going to be getting the money to be able to do it, in the light of all our pressures that are on us?

DEPUTY DUBRAS: I would say it is going to be no less difficult than Health & Social Services deciding how much money should be applied to Health. We have got to only put what we can afford or money that has to go into first lines of defence in the Home Affairs community. So it is a prioritisation process and sometimes ----

SENATOR VIBERT: But so far it has fallen off the tree, hasn't it?

DEPUTY DUBRAS: Not entirely, not entirely. It got short shrift two years in a row because of other priorities. (**Sound of child again**) I hope this microphone manages to feed out some of this background.

SENATOR VIBERT: But those priorities are still there, aren't they -- that is the problem -- and getting worse.

DEPUTY DUBRAS: But the amount of money available to us as a States of Jersey on behalf of the community is getting smaller, so we have to cut back and we can't buy a new suit every year. We have to, you know, just expand the pants we have already got.

SENATOR VIBERT: Can I ask you to look to the future and see when you think it will be that enough money will be able to be found to actually put an agri-environment scheme into practice?

DEPUTY DUBRAS: I couldn't even begin to guess. What I would say to you is, with people like Chris and his lay advisers through the Environmental Forum, with the Agricultural Advisory Board, those sorts of people working together with others of us who are lay people in the details

of the industry and the detailed knowledge, should be able to be creative enough to come up with a scheme which starts the process. It is not a question that you have got to have it all at once and if you don't have it all at once you don't start it. I would guess that already some improvements have been made just by the dairy industry on the one hand having to change some of its ways and some of the growers having started to rethink some of the ways and some of the products they are going to produce. I would have thought some of the elements of the Agri-Environment Scheme are already working, but only Chris or people like him up at Howard Davies Farm could tell you that.

SENATOR VIBERT: Thank you.

DEPUTY DUHAMEL: Okay, any further questions?

SENATOR VIBERT: No, Chairman.

DEPUTY DUBRAS: Thank you very much.

DEPUTY DUHAMEL: Right, thank you.

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