

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 23rd OCTOBER 2007**

<b>QUESTIONS.....</b>	<b>7</b>
<b>1. Written Questions .....</b>	<b>7</b>
1.1 TO THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY DEPUTY S.C. FERGUSON OF ST. BRELADE REGARDING SCHOOL EXAMINATION RESULTS OVER THE LAST FIVE YEARS:.....	7
1.2 TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY S.S.P.A. POWER OF ST. BRELADE REGARDING THE REPLACEMENT OF A CRANE ON THE NEW NORTH QUAY:.....	10
1.3 TO THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE WAY IN WHICH THE IMPACT OF TEACHING CHILDREN WHOSE FIRST LANGUAGE IS NOT ENGLISH IS MONITORED IN SCHOOLS: .....	11
1.4 TO THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING ACCESS TO LANDLINE AND MOBILE TELEPHONE INFORMATION: .....	12
1.5 TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING EXPENDITURE AT THE AIRPORT AND HARBOURS DETAILED IN THE ANNUAL BUSINESS PLAN 2008:.....	13
1.6 TO THE MINISTER FOR HOUSING BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE CONTENT OF ARREARS LETTERS SENT TO TENANTS: .....	13
1.7 TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY S.C. FERGUSON OF ST. BRELADE REGARDING FREE COMPETITION BETWEEN LOCAL AND OVERSEAS COMPANIES:.....	17
1.8 TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE OPERATIONAL LIMITATIONS OF WAVEPIERCER VESSELS: .....	17
<b>2. Oral Questions.....</b>	<b>18</b>
2.1 Deputy R.G. Le Hérisier of St. Saviour of the Chief Minister regarding the plans for the States Property Company and the appointment of a Chairman of the Waterfront Enterprise Board (W.E.B.), or its successor, for the long-term: .....	18
Senator F.H. Walker (The Chief Minister): .....	18
2.1.1 Deputy R.G. Le Hérisier: .....	18
2.1.2 Deputy A. Breckon of St. Saviour:.....	18
2.1.3 Deputy J.A. Martin of St. Helier: .....	19
2.1.4 Deputy R.G. Le Hérisier: .....	19

2.2 Deputy S.C. Ferguson of St. Brelade of the Minister for Education, Sport and Culture regarding the allocation of a carry forward of £1,289,000 to the Education, Sport and Culture Department: .....	19
Senator M.E. Vibert (The Minister for Education, Sport and Culture): .....	19
2.2.1 Deputy R.G. Le Hérisier: .....	20
2.2.2 Deputy R.G. Le Hérisier: .....	20
2.3 Deputy J.A. Martin of the Minister for Housing regarding what he meant by ‘zero tolerance’ on rent arrears: .....	20
Senator T.J. Le Main (The Minister for Housing): .....	20
2.3.1 Deputy J.A. Martin: .....	20
2.3.2 Deputy J.A. Martin: .....	21
2.3.3 Deputy P.V.F. Le Claire of St. Helier: .....	21
2.4 Connétable A.S. Crowcroft of St. Helier of the Chief Minister regarding progress made towards the development of youth facilities, including a skateboard park, on the Waterfront: .....	21
Senator F.H. Walker (The Chief Minister): .....	21
2.4.1 The Connétable of St. Helier: .....	22
2.4.2 Deputy P.V.F. Le Claire: .....	22
2.4.3 Senator J.L. Perchard: .....	22
2.5 Deputy S. Power of St. Brelade of the Minister for Planning and Environment regarding the future usage of the former Tourism Office at the Weighbridge and Liberation Square: .....	22
Senator F.E. Cohen (The Minister for Planning and Environment): .....	22
2.5.1 Deputy S. Power: .....	23
2.5.2 The Connétable of St. Helier: .....	23
2.6 Deputy G.C.L. Baudains of St. Clement of the Minister for Education, Sport and Culture regarding the replacement of cladding at Le Rocquier School: .....	23
Senator M.E. Vibert (The Minister for Education, Sport and Culture): .....	23
2.6.1 Deputy G.C.L. Baudains: .....	23
2.6.2 The Connétable of St. Helier: .....	24
2.7 Deputy S. Power of the Minister for Economic Development regarding the monitoring of fares for cars and passengers on the St. Helier-St. Malo route by the Jersey Competition Regulatory Authority: .....	24
Deputy A.J.H. Maclean of St. Helier (Assistant Minister for Economic Development - rapporteur): .....	24
2.7.1 Deputy S. Power: .....	25
2.7.2 Deputy R.G. Le Hérisier: .....	25
2.7.3 Deputy R.G. Le Hérisier: .....	25
2.7.4 Deputy J.B. Fox of St. Helier: .....	25
2.8 Deputy J.A. Martin of the Minister for Health and Social Services regarding how many children in Jersey were estimated by his Department to be obese or receiving treatment for eating disorders: .....	26
Senator B.E. Shenton (The Minister for Health and Social Services): .....	26
2.8.1 Deputy J.A. Martin: .....	26
2.8.2 Deputy J.A. Martin: .....	26
2.8.3 Deputy C.F. Labey of Grouville: .....	27
2.8.4 Deputy A.D. Lewis of St. John: .....	27
2.8.5 The Very Reverend R.F. Key, B.A., The Dean of Jersey: .....	27
2.8.6 The Deputy of Grouville: .....	28
2.8.7 Deputy R.G. Le Hérisier: .....	28
2.8.8 Deputy J.A. Martin: .....	28

2.9	Deputy R.G. Le Hérisier of the Minister for Planning and Environment regarding the commencement of the consultation period for the plans for sheltered/lifelong homes:...	29
	Senator F.E. Cohen (The Minister for Planning and Environment):.....	29
2.9.1	Deputy R.G. Le Hérisier: .....	29
2.9.2	Deputy R.G. Le Hérisier: .....	30
2.10	Deputy G.C.L. Baudains of the Minister for Home Affairs regarding the processing of firearm licence applications: .....	30
	Deputy A.D. Lewis (Assistant Minister for Home Affairs - rapporteur): .....	30
2.10.1	Deputy G.C.L. Baudains: .....	30
2.10.2	Deputy G.C.L. Baudains: .....	31
2.10.3	Deputy K.C. Lewis of St. Saviour: .....	31
2.10.4	Deputy G.C.L. Baudains: .....	32
2.10.5	Connétable M.K. Jackson of St. Brelade: .....	32
2.10.6	Connétable T.J. du Feu of St. Peter: .....	33
2.11	Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the necessary legislation required to establish a Police Consultative Group in line with Paragraph 3.2.1 of the States Strategic Plan 2006-2011:.....	33
	Senator W. Kinnard (The Minister for Home Affairs):.....	33
2.11.1	The Deputy of St. Martin: .....	33
2.11.2	The Deputy of St. Martin: .....	34
2.11.3	The Deputy of St. Martin: .....	34
2.11.4	The Deputy of St. Martin: .....	34
2.11.5	Connétable G.W. Fisher of St. Lawrence:.....	35
2.12	The Deputy of St. Martin of the Minister for Economic Development regarding the Human Rights compliance of the Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200- (P.160/2007):.....	35
	Senator P.F.C. Ozouf (The Minister for Economic Development):.....	35
2.12.1	The Deputy of St. Martin: .....	35
2.12.2	The Deputy of St. Martin: .....	35
<b>3.</b>	<b>Questions to Ministers Without Notice - The Minister for Economic Development:..</b>	<b>36</b>
3.1	Deputy K.C. Lewis: .....	36
	Senator P.F.C. Ozouf (The Minister for Economic Development):.....	36
3.1.1	Deputy K.C. Lewis: .....	36
3.2	Deputy R.G. Le Hérisier: .....	36
3.3	The Connétable of St. Helier:.....	37
3.3.1	The Connétable of St. Helier:.....	37
3.4	Senator L. Norman: .....	37
3.4.1	Senator L. Norman: .....	38
3.5	Deputy S. Power:.....	38
3.6	Deputy J.B. Fox:.....	38
3.7	Senator L. Norman: .....	38
3.8	Deputy R.G. Le Hérisier: .....	39
3.9	The Connétable of St. Brelade: .....	39
3.10	Deputy J.A. Martin: .....	39
3.11	Deputy K.C. Lewis: .....	39
3.12	Deputy R.G. Le Hérisier: .....	40
3.12.1	Deputy R.G. Le Hérisier: .....	40
<b>4.</b>	<b>Questions to Ministers Without Notice - The Minister for Transport and Technical Services .....</b>	<b>40</b>
4.1	Deputy K.C. Lewis: .....	40

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):	40
4.2 Senator L. Norman:	40
4.3 The Connétable of St. Helier:	41
4.4 Deputy R.C. Duhamel of St. Saviour:	41
4.5 Deputy R.G. Le Hérisier:	41
4.6 Deputy J.B. Fox:	42
4.7 Deputy S. Power:	42
4.8 The Connétable of St. Peter:	42
4.9 The Connétable of St. Brelade:	43
4.10 The Deputy of St. Martin:	43
4.11 Senator F.H. Walker:	43
4.12 Deputy K.C. Lewis:	43
4.13 Deputy R.G. Le Hérisier:	44

## **STATEMENTS ON A MATTER OF OFFICAL RESPONSIBILITY .....44**

### **5. Statement by the Vice Chairman of the Economic Affairs Scrutiny Panel regarding the proposed sale of Jersey Telecom.....44**

5.1 Deputy J.A. Martin (Vice-Chairman, Economic Affairs Scrutiny Panel):	44
5.1.1 Senator T.A. Le Sueur:	45
5.1.2 Senator T.A. Le Sueur:	45

## **PUBLIC BUSINESS .....46**

### **6. Island Plan 2002: H4 Site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan (P.95/2007) .....46**

6.1 Deputy I.J. Gorst of St. Clement:	46
---------------------------------------	----

### **7. Draft Police (Complaints and Discipline) (Amendment) (Jersey) Law 200-(P.116/2007) .....46**

7.1 Senator W. Kinnard (The Minister for Home Affairs):	46
The Deputy Bailiff:	47
Deputy D.W. Mezbourian of St. Lawrence (Chairman, Education and Home Affairs Scrutiny Panel):	47

### **8. Draft Police (Honorary Police Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Regulations (P.112/2007) .....48**

8.1 Senator W. Kinnard (The Minister for Home Affairs):	48
The Deputy Bailiff:	48

### **9. The Draft Goods and Services Tax (Jersey) Regulations 200- (P.122/2007) .....48**

9.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources):	49
The Deputy Bailiff:	50
9.1.1 Deputy A. Breckon:	50
9.1.2 Deputy G.C.L. Baudains:	51
9.1.3 The Connétable of St. Helier:	51
9.1.4 Deputy P.J.D. Ryan of St. Helier:	51
9.1.5 The Deputy of St. John:	54
9.1.6 Deputy J.A. Martin:	54
9.1.7 Senator T.A. Le Sueur:	55
The Deputy Bailiff:	56
Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel):	56
9.2 Senator T.A. Le Sueur:	56

The Deputy Bailiff:.....	56
9.3 Senator T.A. Le Sueur:.....	57
The Deputy Bailiff:.....	57
9.3.1 Deputy R.G. Le Hérissier:.....	57
9.3.2 Senator T.A. Le Sueur:.....	57
The Deputy Bailiff:.....	57
9.4 Senator T.A. Le Sueur:.....	57
9.4.1 Deputy A. Breckon:.....	57
9.4.2 Senator T.A. Le Sueur:.....	58
The Deputy Bailiff:.....	58
9.5 Senator T.A. Le Sueur:.....	58
The Deputy Bailiff:.....	58
9.5.1 Deputy A. Breckon:.....	58
9.5.2 Senator T.A. Le Sueur:.....	58
The Deputy Bailiff:.....	58
9.6 Senator T.A. Le Sueur:.....	58
9.6.1 Deputy A. Breckon:.....	59
9.6.2 Senator T.A. Le Sueur:.....	59
The Deputy Bailiff:.....	59
9.7 Senator T.A. Le Sueur:.....	59
9.7.1 Deputy A. Breckon:.....	59
9.7.2 Deputy R.G. Le Hérissier:.....	59
9.7.3 Senator T.A. Le Sueur:.....	59
The Deputy Bailiff:.....	60
9.8 Senator T.A. Le Sueur:.....	60
9.8.1 Deputy P.J.D. Ryan:.....	61
9.8.2 Deputy A. Breckon:.....	61
9.8.3 Senator M.E. Vibert:.....	61
9.8.4 Senator T.A. Le Sueur:.....	61
The Deputy Bailiff:.....	62
<b>10. Fields 848, 851 and 853 Bel Royal St. Lawrence: Committee of Inquiry - appointment of member (P.147/2007) .....</b>	<b>62</b>
10.1 The Connétable of St. Lawrence:.....	62
10.1.1 Senator F.H. Walker:.....	63
10.1.2 Deputy J.G. Reed of St. Ouen:.....	63
10.1.3 The Connétable of St. Lawrence:.....	63
The Deputy Bailiff:.....	63
<b>11. Draft Employment Relations (Jersey) Law (Appointed Day) Act 200- (P.154/2007) ..</b>	<b>63</b>
11.1 Senator P.F. Routier (The Minister for Social Security):.....	63
11.1.1 Deputy A. Breckon:.....	64
11.1.2 Deputy I.J. Gorst:.....	64
11.1.3 Senator P.F. Routier:.....	64
The Deputy Bailiff:.....	64
<b>12. Draft Employment Relations (Amendment No. 2) (Jersey) Law 2007 (Appointed Day) Act 200- (P.155/2007) .....</b>	<b>64</b>
12.1 Senator P.F. Routier (The Minister for Social Security):.....	65
The Deputy Bailiff:.....	65
<b>13. Jersey Financial Services Commission: appointment of Commissioner (P.150/2007)..</b>	<b>65</b>

The Deputy Bailiff:.....	65
<b>[Debate proceeded in camera] .....</b>	<b>65</b>
<b>ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS .....</b>	<b>65</b>
The Deputy Bailiff:.....	65
14. Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):	
.....	66
14.1 Deputy J.A. Martin:.....	66
14.1.1 Senator T.A. Le Sueur:.....	66
14.2 Deputy A. Breckon:.....	67
14.2.1 Senator L. Norman:.....	67
14.3 The Deputy of St. Martin:.....	68
14.3.1 Senator W. Kinnard:.....	68
14.4 Senator T.A. Le Sueur:.....	68
14.5 Deputy J.A. Martin:.....	68
14.5.1 Senator T.A. Le Sueur:.....	68
The Deputy Bailiff:.....	68
14.6 Senator M.E. Vibert:.....	69
The Deputy Bailiff:.....	69
<b>ADJOURNMENT.....</b>	<b>69</b>

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

**QUESTIONS**

**1. Written Questions**

**1.1 TO THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY DEPUTY S.C. FERGUSON OF ST. BRELADE REGARDING SCHOOL EXAMINATION RESULTS OVER THE LAST FIVE YEARS:**

**Question**

Whilst agreeing that the G.C.S.E. and 'A' level results in Jersey are excellent, would the Minister provide details of examination results for all school leavers for the last five years; setting out the total numbers of students and the number of G.C.S.E.s obtained by each, with a similar breakdown for 'A' levels and any other qualifications such as N.V.Q.s? Would the Minister also provide details of the number of students leaving school with no qualifications at all?

**Answer**

To provide the data as requested would require significant officer time because of the large number of students involved, approximately 7000. The summary below illustrates trends in G.C.S.E. and 'A' level examination results over the past five years relative to the United Kingdom. It also shows the number and percentage of students in each cohort who have achieved no qualifications.

<b>A Level results</b>					
<b>Year</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
No of Students	361	405	433	467	450
No of entries	1020	1122	1265	1322	1314
Mean entries per student	2.8	2.8	2.9	2.8	2.9
<b>% Entries achieving A-B</b>					
Jersey	60.1%	56.8%	58.0%	54.5%	61.2%
U.K.	44.5%	43.4%	49.7%	46.6%	49.7%
Difference	15.6%	13.4%	8.3%	7.9%	11.5%
<b>% Entries achieving A-C</b>					
Jersey	82.5%	80.7%	80.6%	82.50%	85.3%
U.K.	67.5%	69.0%	69.8%	71.30%	72.8%
Difference	15.0%	11.7%	10.8%	11.2%	12.5%

<b>% Entries achieving A-E</b>					
Jersey	99.1%	99.6%	99.3%	99.6%	99.7%
U.K.	95.4%	97.8%	96.9%	96.2%	96.9%
Difference	3.7%	1.8%	2.4%	3.4%	2.8%

<b>GCSE Results</b>					
<b>Year</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
No of Students	893	957	990	986	1125
No of entries	7425	7948	8512	8314	9418
Mean entries per student	8.3	8.3	8.6	8.4	8.4
<b>% Entries achieving A*-A</b>					
Jersey	24.3%	24.4%	25.5%	29.0%	23.7%
U.K.	14.3%	16.4%	15.4%	16.4%	19.5%
Difference	10.0%	8.0%	10.1%	12.6%	4.2%
<b>% Entries achieving A*-C</b>					
Jersey	71.4%	72.9%	71.2%	71.8%	69.9%
U.K.	58.1%	55.9%	58.2%	59.9%	63.3%
Difference	13.3%	17.0%	13.0%	13.0%	13.0%
<b>% Entries achieving A*-G</b>					
Jersey	99.0%	99.3%	98.8%	99.3%	99.0%
U.K.	97.9%	97.6%	97.4%	98.0%	98.0%
Difference	1.1%	1.7%	1.4%	1.3%	1.0%

**% Students achieving five or more  
A\*-C**

Jersey	66.5%	66.7%	62.7%	66.0%	68.2%
U.K.	50.4%	51.3%	54.3%	57.1%	*
Difference	16.1%	15.4%	8.4%	8.9%	*

**% Students achieving one or more  
A\*-C**

Jersey	86.2%	90.3%	84.4%	87.3%	88.7%
U.K.	79.6%	74.8%	77.1%	78.8%	*
Difference	6.6%	15.5%	7.3%	8.5%	*

**% Students achieving one or more  
A\*-G**

Jersey	96.5%	100.0%	97.1%	99.8%	99.6%
U.K.	94.8%	95.1%	96.1%	96.3%	*
Difference	1.7%	4.9%	1.0%	3.5%	*

**Students leaving school with no  
qualifications**

Jersey	*	10	6	7	5
Jersey (%)		1.0%	0.6%	0.7%	0.4%
U.K. (%)	5.1%	4.8%	3.7%	3.5%	*

\* Not available

All 2007 results subject to confirmation from NCER

All NVQ and similar results incorporated with equivalent GCSE and A level results

**1.2 TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY S.S.P.A. POWER OF ST. BRELADE REGARDING THE REPLACEMENT OF A CRANE ON THE NEW NORTH QUAY:**

**Question**

1. Would the Minister confirm that Jersey Harbours has ordered a new large mobile crane for use on the New North Quay to replace the existing fixed tripod crane and, if so, would the Minister inform members –
  - (a) what the lift capacity and reach of the new mobile crane will be and whether the cable drum will have sufficient capacity to load or unload ships at low spring tides?
  - (b) whether any strengthening or reinforcement will be necessary on the New North Quay to accommodate the weight and size of this large machine and, if so –
    - (i) what works will be needed and what the anticipated costs will be?
    - (ii) whether the New North Quay will be closed for shipping purposes during the period of any required works?
    - (iii) when the works will commence at the New North Quay and what will be their duration?
    - (iv) whether the Victoria Quay will be used for any period of time to unload ships while works are carried out at the New North Quay, and, if so, where the existing vessels that moor on the Victoria Quay will be accommodated?

**Answer**

Jersey Harbours has placed an order for a Liebherr LHM 250 Harbour Mobile Crane, to replace the scotch derrick on the New North Quay. This derrick is in excess of 30 years old.

- (a) The crane has a safe working load of 64 tonnes in heavy lift mode and 44 tonnes in normal mode. By comparison the existing scotch derrick has a safe working load of 35 tonnes. Part of the design specification included provision for the crane to be fitted with sufficient purchase cable to reach the lower hold of a ship at extreme low water.
- (b) The New North Quay has been surveyed prior to placing the order for the new harbour mobile. No strengthening or reinforcement is required for the existing structure. The working areas of the crane pads will be marked out to coincide with the strengthening members that support the surface of the quay.
  - (i) No strengthening works will be required, although clearing the quay will afford the opportunity to repair some working surfaces.
  - (ii) The New North Quay may have to be closed briefly for the unloading of and erection of the new crane. A maximum of 2 weeks is envisaged for this purpose.
  - (iii) The crane is scheduled to leave the factory on 19th January. The Liebherr Logistics Manager is still working on a plan for delivery to Jersey. Approximate arrival in Jersey is expected mid February.
  - (iv) The Victoria Quay will be used for a period to unload liner service vessels whilst work is carried out on the New North Quay. This is already a working berth for other services

and as such is kept available for commercial bookings made. The west cross area will be kept clear during this period. There are no permanent berths allocated in this area. Vessels moored there are allowed to do so on the understanding that they must move for operational vessels.

### **Question**

2. Would the Minister inform members whether the crane that was inadvertently dragged up the Victoria Quay by the Logos II is still in a usable state to unload freight?

### **Answer**

During the berthing incident involving Logos II one of the harbour cranes was contacted by the bow and pushed a short distance down the quay. Damage sustained was superficial and repaired within 24 hours. The crane was subsequently inspected and has been in use ever since.

### **Question**

3. Would the Minister inform members what improvements, if any, have been carried out on the Victoria Quay to ensure the safe boarding of vessels on that quay, particularly adjacent to that part of the quay near the ice-machine?

### **Answer**

There is a half-tide ladder provided for boarding vessels on the London Berth. Previously fishermen had attached an unsafe appliance to the bottom of this, which has now been removed. Following consultation with HSI signage has been placed by this ladder giving warning of its limitations. Jersey Harbours is in the process of placing additional pontoons along this berth for use by fishermen. This project is underway now. Access to these pontoons will be via the stems in the corner of the berth.

## **1.3 TO THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE WAY IN WHICH THE IMPACT OF TEACHING CHILDREN WHOSE FIRST LANGUAGE IS NOT ENGLISH IS MONITORED IN SCHOOLS:**

### **Question**

Would the Minister advise what monitoring, if any, exists to ensure that local schoolchildren are not disadvantaged as a result of classes progressing more slowly than otherwise would be the case due to allowances being made for students who struggle with the English language? Would he further give details of the extent of this situation and state whether he has any plans to alleviate the problem?

### **Answer**

The Department for Education, Sport and Culture has a statutory duty to educate every child of compulsory school age who has a legal right to be in the Island.

Teachers are responsible for continually monitoring the progress of children through a formal Teacher Assessment process. The Department for Education, Sport and Culture monitors pupil progress at the end of each Key Stage 1 (Year 2), Key Stage 2 (Year 6), Key Stage 3 (Year 9) and

Key Stage 4 (G.C.S.E.). The results of this monitoring and subsequent G.C.S.E. and 'A' level results indicate that pupils in Jersey achieve at a higher level than their U.K. counterparts.

The Jersey curriculum is differentiated to meet the range of educational needs in a class. Inclusive teaching methods are used to ensure that all pupils are catered for appropriately.

Students for whom English is an additional language are provided with extra support which is resourced centrally. The Department for Education, Sport and Culture retains an 'English as an Additional Language' (E.A.L.) team. This team was extended following a review in 2006 and now consists of two specialist teachers and four teaching assistants who work across the Island's schools.

The E.A.L. Team currently supports 146 children in 22 schools across the Island. The Department will continue to monitor the effectiveness of this provision and the impact of an increasing number of students with English as an additional language on schools.

#### **1.4 TO THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING ACCESS TO LANDLINE AND MOBILE TELEPHONE INFORMATION:**

##### **Question**

Following the decision of the U.K. Home Secretary to grant a right of access from 1st October 2007 to all landline and mobile phone call information to many hundreds of U.K. public bodies and quangos (including local councils), without the checks and balances applied in other European countries, and an intention to extend this to internet use from 2009 as well, would the Minister advise whether this will apply to telephone users in Jersey and, if so, how and what safeguards, if any, are in place for local residents?

##### **Answer**

The question relates to the recent enactment of the Data Retention (EC Directive) Regulations 2007 (SI 2007 No. 2199) ("the regulations") in the U.K., which are intended to implement in the U.K., in relation to telephone calls on public landline and mobile telephone networks, Directive 2006/24 of the European Council and Parliament. This Directive is concerned with the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks. The U.K. regulations were made under the European Communities Act 1972.

The Regulations do not, however, 'grant a right of access' to phone call information referred to at the beginning of the question; they require such information to be retained for a period of 12 months. I understand that, under previous arrangements, communication service providers were required to retain information for six months. Access to the information by public authorities will remain subject to the controls in the Regulation of Investigatory Powers Act 2000.

The Regulations will require public telecommunications service providers to retain communications data relating to phone calls - note that this does not include the content of calls, but such information relating to the calls as the number from which a call was made, the time it was made and the destination called. A full description of the data concerned is set out in Regulation 5 of the Regulations.

It appears that the U.K. has taken a decision not to implement the Directive in relation to internet communications, for the time being. Jersey is not obliged to implement the E.C. Directive but, as it will become the European standard, it is possible that consideration may be given to it in due course.

**1.5 TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING EXPENDITURE AT THE AIRPORT AND HARBOURS DETAILED IN THE ANNUAL BUSINESS PLAN 2008:**

**Question**

With reference to the recent Annual Business Plan 2008, and specifically Summary Table 'E' –

- (a) would the Minister explain what the 'Telebag' system at the Airport entails and justify the £1,640,000 cost?
- (b) would the Minister advise why a new Pilots Vessel at a cost of £600,000 is necessary, given the age of one of the two current pilot vessels, and would he further advise whether it is proposed to sell either or both of the existing craft? If so, will the Minister undertake to advertise the sale to a wider audience than was the case with the sale of the 'Duchess of Normandy' and state whether the funds that will be obtained have been taken into account in the proposed cost of £600,000 for the new vessel, or be in addition?

**Answer**

- (a) The sum to which the Deputy refers is part of the overall cost of replacing the existing hold baggage system at the airport, which was installed in 1997. The estimate of £1.64M is to replace the baggage conveyor system with its associated electrical, mechanical and software systems to ensure continued compliance with U.K. Department for Transport security protocols.

The airport is working with its partner airlines and ground handling agents to design an uncomplicated, cost efficient system that will meet exacting performance standards and threat analysis and resolution.

The system will be replaced during the winter season of 2008.

- (b) Pilotage Law requires for the provision and maintenance of two pilot cutters. The newer vessel referred to in the question was purchased in 1997. It does not have all weather capability and its engines are not commercially rated. It is proposed to sell this craft on procurement of a more suitable vessel. The vessel would be advertised for sale through professional pilot boat brokers and through the United Kingdom Harbourmasters Association. Funds obtained from the sale would be offset against the cost of any new vessel. It is essential to obtain a new vessel before disposing of the old one.

**1.6 TO THE MINISTER FOR HOUSING BY DEPUTY G.P. SOUTHERN OF ST. HELIER REGARDING THE CONTENT OF ARREARS LETTERS SENT TO TENANTS:**

**QUESTION**

1. Following an oral question without notice on 9th October 2007, has the Minister made himself aware of the content of the “zero tolerance” letters on rent arrears sent out by the Housing Department and, in particular, does the Minister accept that the terms of the letter, containing words to the effect that failure to bring the rental account to a nil balance within one week “will result in action which will include the withdrawal of services such as (...)disconnection of TV aerial and/or heating and hot water services where these are elements in your rent” are likely to cause unnecessary anxiety to those who receive these letters?

### **Answer**

I am aware of the letters and have previously endorsed the zero tolerance approach in the Department’s Policy in respect of this matter. This policy has been in place since January 2007. The policy is based upon a principle of early intervention and is in accord with best practice in the U.K. by Social Rented Landlords.

In its 2003 investigation into the Management of Rent Arrears by U.K. Housing Associations, entitled ‘Housing Association Rent Income, Rent Collection and Arrears Management by Housing Associations in England’, the Audit Commission opined that –

*‘Good practice guidance in managing rent arrears is widely available and most Associations recognise the benefits of prevention, of early intervention and of firm but fair policies for further action. However, application of good practice is very patchy, with management resources focused on high-value arrears cases at the expense of prevention.’*

This professional advice has been heeded. The Housing Department focuses as much of its resources as possible on early intervention and prevention, thus keeping those on low incomes from getting into unmanageable levels of debt in the first place. In the past 10 months this approach has reduced the outstanding arrears figure by over £300,000. this is a real success story. Let us not forget that this recovered money can be spent where it is most needed, maintaining homes.

Whilst firm action is advocated; that action must be fair. It is important to state that the letter which Deputy Southern has circulated, is the second letter, in a series of letters sent to advise Tenants who fall into arrears that the matter requires their immediate attention. Tenants who address their arrears have nothing to be concerned about. However if such correspondence is ignored, then the letter to which Deputy Southern refers will be sent. Given that the first letter has been ignored it is necessary to emphasise as strongly as possible the importance of addressing rent arrears and therefore the consequences of failing to contact the Department and make some arrangement to pay rent regularly and repay any debt. Any form of action is always carefully considered and is always the last resort. Indeed it is important to protect the position of the vast majority of States tenants who pay their rent and understand their responsibilities under their Tenancy Agreement.

2. Would the Minister state what consultation, if any, has taken place over the content of this letter with representatives of the elderly and vulnerable prior to sending the letters?

### **Answer**

Although these letters are generated electronically, each letter is examined by the Officer responsible for the individual account to confirm that it is appropriate that the letter be sent. Only those who continue to fail to address their arrears after receipt of the first letter will receive the letter in question. Where the Department is aware of personal circumstances which might affect an individual’s ability to pay, such as, hospitalisation, second letters will simply not be sent. In all cases where the Tenant is identified as ‘vulnerable’, consultation will be undertaken with the

Housing Department's Assisted Living Team who in turn has access to local support agencies through the Supported Housing Group.

3. What measures, if any, does the Housing Department have in place to contact social services to protect the vulnerable in the case of actual disconnection?

**Answer**

The Department co-ordinates the Supported Housing Group which seeks to house vulnerable people who are then assisted to live independently with the support of agencies such as Probation or Health and Social Services. In some cases tenants do provide authority for the full disclosure of personal information to their referring agencies and in such cases rent arrears can be addressed through that medium. However, the constraints of the Data Protection Law apply equally to the Housing Department as they do to any other organisation and therefore the Housing Department is simply not at liberty to divulge financial information about clients to third parties without such authorisation. If actual disconnection ever became necessary, (and to-date it has not), all appropriate measures would be put in place to secure the health, safety and welfare of any vulnerable person. Were there ever any suggestion that disconnection might be prejudicial to health it quite simply would not happen.

4. Would the Minister inform members –
- (a) when the Department started to send these letters;
  - (b) how many such letters have been sent in total, and
  - (c) how many have been sent to the elderly and vulnerable?

**Answer**

- (a) When the department started to send these letters;

letters as a means of alerting tenants that their rent account is in arrears have been used for many, many years. The present letters have been in use since January 2007.

- (b) How many such letters have been sent in total, and

Only those tenants who fail to respond or otherwise act upon the initial letter will receive the second letter setting out the consequences of continuing to ignore the issue. Approximately 10 to 15 such letters are sent each week. No more than 600 of these letters have been sent in total.

- (c) How many have been sent to the elderly and vulnerable?

These letters are not sent to clients of the supported housing group and who are therefore considered vulnerable.

5. Will the Minister inform members whether any such letters have been sent to tenants with rent arrears of under two months, and of under £350 in total and, if so, does he consider this action is appropriate?

**Answer**

An initial letter is generated after the first missed rent payment. i.e. after a week for weekly payers and after a month for those paying monthly. The particular letter in question is the second letter and is sent out a week later if no communication has been received or payments made.

Letters of this type have certainly been sent out to tenants with arrears of less than £350.00, although Members must consider that for a tenant on a very basic income paying minimum rent, £350.00 could equate to as much as 15 weeks rent. As I have already said early intervention is vital to prevent tenants accruing levels of arrears which they would simply find unmanageable to address.

6. Will the Minister agree to stop this practice forthwith, and apologise to those tenants in receipt of this letter for any distress which may have been caused, and will he further assure members that no States tenants will have heating cut off during the coming winter months?

#### **Answer**

No. Any tenant who pays their rent as set out in their lease has nothing to concern themselves about. Further, I and my Department fully accept that tenants do, for a multitude of reasons, sometimes experience financial difficulties which might result in rent not being paid. The initial letter firmly points out that failing to pay rent is unacceptable and requires that the tenant rectify the matter immediately. That letter provides contact details for the Department so that the tenant can discuss the matter and if there are genuine difficulties, officers will assist with advice and where appropriate, establish repayment schedules to see debts cleared as quickly and as affordably for the tenant as possible. The Housing Department treats tenants in such situations compassionately but on the understanding that rent arrears cannot be ignored but addressed. The introduction of the zero tolerance approach has reduced the arrears figure by more than £300,000 since January 2007. Central to this has been the early intervention measures which have prevented many tenants from getting into unmanageable debt. Further evidence of the success of this approach is that no tenant has actually had their heating or hot water cut off. Such measures have not had to be employed.

7. Would the Minister agree to take steps to ensure that letters relating to rent arrears are amended so that they meet criteria similar to those set out in the Code of Practice on Payment of Bills and Guidance for Dealing with Customers in Difficulty, applied to utility suppliers in the U.K., especially with respect to elderly and vulnerable tenants (in particular paragraphs 2 and 4 of Condition 35)?

#### **Answer**

No. The Codes of Practice referred to are those which govern the activities of utility providers, specifically gas suppliers in the United Kingdom. The Housing Department is not a utility provider. For 40% of its tenants it does pay for energy (electricity, oil or gas) to generate heating and hot water which is then made available to tenants. Discounts generated from bulk buying in this way are passed on to the tenants in their entirety. Those tenants benefiting from this service are charged a fee alongside their rent. Therefore, when a tenant ceases paying rent or declines to enter into a repayment plan for their arrears they are refusing to pay for the discounted receipt of heating and hot water. Services they would normally have to pay for direct to an energy supplier. Any disconnection of heating and hot water by the Department would not interrupt or otherwise affect the supply of normal mains electricity, water and gas to the property.

The infirm and the elderly have nothing to concern themselves with regarding this Policy. They will be looked after. As Housing Minister I take great pride in doing just that. No, it is those that simply do not care about their rent and see the States as a soft option. Those days are over. The public of this Island would expect nothing less.

**1.7 TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY S.C. FERGUSON OF ST. BRELADE REGARDING FREE COMPETITION BETWEEN LOCAL AND OVERSEAS COMPANIES:**

**Question**

Would the Minister confirm that the Economic Development Department is insisting that free competition for contracts between local and overseas companies represents a level playing field, given the fact that after zero/10 it is probable that local companies will be taxed more heavily and also in light of the need to build up the skills base in the Island?

**Answer**

The Economic Development Department supports the need for free competition between local and overseas companies as this is an important element of the States Economic Growth Plan and is also an important factor in controlling inflation in our Island economy. Lower inflation helps all businesses in the Island to compete and you only have to look at the Island's recent inflation performance (with inflation currently below the States target) to see how increased competition can help to keep inflation down.

However, the Economic Development Department does not agree with the statement that 'after zero/10 it is probable that local companies will be taxed more heavily'. In fact, both before and after 0/10 local companies will continue to be taxed more lightly than U.K. based companies and their subsidiaries in the Island. The Department has yet to see any real evidence to the contrary and would be interested in any examples the Deputy has to show that local companies will be at a disadvantage.

Another key component of the States Economic Growth Plan is to improve the skills base through the Skills Strategy and this is being supported by the development of a Skills Executive. The Department is therefore fully focused on this task and opportunities for skills development will also be improved by sustained economic growth with low inflation.

**1.8 TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE OPERATIONAL LIMITATIONS OF WAVEPIERCER VESSELS:**

**Question**

Following the sailing on Monday 24th September 2007 of a wavepiercer to and from the United Kingdom, when the shipping forecast was of a wave height of 8ft locally and 12ft to the north, would the Minister advise whether such seas are within the operating limits of the vessel, and further advise what monitoring, if any, takes place to ensure that vessels do not exceed their approved operational limits?

**Answer**

There were eight channel crossings undertaken by wavepiercers on Monday 24th September 2007. Two crossings were made between Poole and Cherbourg in the morning. Two crossings were also made between Weymouth, Guernsey, Jersey and Poole in the morning and a further two made from Poole, Guernsey, Jersey and Weymouth in the evening. The final two crossings were made between Poole, Guernsey, St. Malo and Poole in the evening.

Whilst the local forecast gave seas of 8ft (2.4m) locally and 12 ft (3.65m) in the north this service does not operate on local forecasts alone. Actual central channel conditions forecast for that day indicated 3.0m by midday rising to 3.4m by 1800 and then decreasing again to below 3.0m by 2400. These vessels are operated to a 3.5m significant wave height limit and were within limits on each occasion on that date. Strongest winds recorded in Jersey occurred between 0400 and 0600 indicating that a cold front passed through the Channel Islands area before either wavepiercer embarked on its first channel crossing of the day

The significant wave height limit placed on high speed craft is contained in their Permit to Operate, as issued by the flag authority. An operator who knowingly embarks on a voyage when wave heights are forecast in excess of a vessel's limitation risks committing a criminal offence.

## **2. Oral Questions**

### **2.1 Deputy R.G. Le Hérisssier of St. Saviour of the Chief Minister regarding the plans for the States Property Company and the appointment of a Chairman of the Waterfront Enterprise Board (W.E.B.), or its successor, for the long-term:**

Would the Chief Minister explain why the assurances he gave on 19th July 2006 to bring forward the plans for the States' property company to the States in September 2006 have not come to fruition and will he outline his plans for the appointment for a chairman of W.E.B (Waterfront Enterprise Board) or its successor for the long term?

#### **Senator F.H. Walker (The Chief Minister):**

Deputy Hérisssier is quite correct. I did give assurances to bring a proposal to the States in September and I apologise for the fact that this has been delayed. I do now intend to lodge a proposition before the end of the year, hopefully before the end of November, but if the States agree to the proposal, I will then initiate the process to appoint the chairman of the new company and I hope that the appointments process could start in January 2008.

#### **2.1.1 Deputy R.G. Le Hérisssier:**

Given the various statements the Chief Minister did make on 19th July, for example: "Following States approval, we will engage in a full advertising and properly constructed recruitment process to find the long-term chairman", would he acknowledge, Sir, that the current incumbent, given he was appointed in a situation of great consternation to certain States Members... would he agree that the current incumbent - highly esteemed though he is - was an interim appointment only and that there will be a full and open process for the long-term?

#### **Senator F.H. Walker:**

Yes, Sir.

#### **2.1.2 Deputy A. Breckon of St. Saviour:**

In reply, the Chief Minister mentioned a new company. I wonder if he could give the House some indication of what he means by that because I understand originally there was some discussion about W.E.B. being a body that would manage all States property. I wonder if he could give the House some indication of his line of thought.

#### **Senator F.H. Walker:**

This has all been put to the States previously but the bottom line is that there will be a proposition - as I said in my reply - coming to this House, hopefully in January, the main purpose of which will be to set up the new property company which I have referred to in this House on a number of occasions and which will take over the duties of W.E.B. and have an extended brief beyond that for

the management of property on behalf of the States. That is well known to the House and will all be included in the report and proposition to be debated in - as I said - I hope, January.

**2.1.3 Deputy J.A. Martin of St. Helier:**

It is just for the Chief Minister to clarify. He was guarded in his answer. Can he confirm to the House that he did not bring a proposition in September 2007 but it was promised in 2006? It was not just 2 months late. It was a year and 2 months late or will be more than that.

**Senator F.H. Walker:**

Yes, Sir, I can confirm that and no one regrets the delay more than I but we have come up hard and fast against the resource issue here, not least in the Law Officers' Department because there is a great deal of legal work to be done here on Articles of Association, et cetera, and we come up against a blockage. There are no 2 ways about it. I have apologised in my original answer to the House. I do so again but I am pushing to bring this forward with the utmost haste.

**2.1.4 Deputy R.G. Le Hérisier:**

Would the Chief Minister confirm that the interim nature of the current appointment has hindered development at W.E.B. and it will only be when a clear picture is put forward of the respective powers of the Planning Minister, for example, that we will have a clear picture of the future of this company and of the role of the future chairman?

**Senator F.H. Walker:**

I do not accept that the interim chairman has hindered the development of W.E.B. - anything but. I believe that the chairman - former Deputy Gerald Voisin - has done an excellent job in that position, and the Council of Ministers is delighted with the progress that has been made in this respect. Nevertheless, I acknowledge the fact that it is an interim appointment and it has to be resolved at the earliest possible opportunity and I have already given every possible assurance that I can give at this time in response to previous questions.

**2.2 Deputy S.C. Ferguson of St. Brelade of the Minister for Education, Sport and Culture regarding the allocation of a carry forward of £1,289,000 to the Education, Sport and Culture Department:**

The recent report on allocation of underspends, entitled Financial Planning Disclosures for the 6-month Period Ended 30th June 2007 R98/2007, showed that £1.289 million has been allocated to the Education, Sport and Culture Department. Would the Minister please outline for what purposes this will be used?

**Senator M.E. Vibert (The Minister for Education, Sport and Culture):**

It is difficult to give great detail in response to this question, given the time allowed in oral reply, but briefly, the sum represents the approved funds that were carried forward from unspent budget balances in 2006 covering all provided schools and Highlands College as well as the Instrumental Music Service and the Community Fund. Schools and Highlands College, which accounts for the majority of the carry forwards over £1 million, are generally permitted to carry forward positive balances in order to support expenditure items such as future contracts and school development plans. This is particularly important as the school and financial years differ and allowing carry forwards in this way allows schools to manage their budgets to reflect the differing periods. Community Fund, which was established with lottery funding, is permitted to carry forward its full amount, which currently stands at £123,000, until it is fully utilised. The funding can only be allocated to community sports initiatives according to the original conditions relating to lottery funding. A number of requests for support from the balance of available funding are currently being processed. The Instrumental Music Service has been permitted to carry forward a balance of just over £6,000. If the questioner or any other States Member wants more detailed information

relating to these figures, my Finance Department will provide them with any further breakdowns required.

**2.2.1 Deputy R.G. Le Hérissier:**

I wondered, Sir, if the Minister could indicate where the largest underspends were and were these underspends the result of judicious management of money or were they pure accidents?

**Senator M.E. Vibert:**

The largest underspends relate to the fee paying colleges and that is partly to do with the fact that some years ago, it was thought that the new Teachers' Pension Scheme was going to be part of P.E.C.R.S. (Public Employees' Contributory Retirement Scheme) and backdated to 2002 and the colleges prudently put aside extra funds for their portion of what would be the backdating of the pension funds. That has led to considerable carry forwards in the colleges about which I am in discussion with the Treasury as to how they can be used to help the colleges, particularly in some minor capital improvements.

**2.2.2 Deputy R.G. Le Hérissier:**

I thank the Minister for that answer but why was the money ascribed to the pension funds not needed for that particular purpose?

**Senator M.E. Vibert:**

The money ascribed for the pension funds was not needed for that purpose because it was discovered that the Teachers' Pension Fund could not be integrated with P.E.C.R.S. and not backdated to 2002 so, in this House last year, there was approval given to a new Teachers' Pension Fund which came in from a later date so that the backdated fundings were not required for their original purpose.

**2.3 Deputy J.A. Martin of the Minister for Housing regarding what he meant by 'zero tolerance' on rent arrears:**

Will the Minister explain what he means when he talks of zero tolerance on rent arrears?

**Senator T.J. Le Main (The Minister for Housing):**

This zero tolerance policy applies only to those tenants who ignore the fact that the department has corresponded with them by letter or by telephone and that they have failed to respond to making repayment plans or arrangements suitable to the department.

**2.3.1 Deputy J.A. Martin:**

Would the Minister accept that it is totally unfair that there is only 40 per cent of tenants that he can affect in this way; 60 per cent do not have their gas, their oil or their T.V. aerial included in their rent. They have a terrestrial aerial and so if a tenant owes the same money, the Housing Department are carrying out a lot harder sanctions on one tenant than they are the other.

**Senator T.J. Le Main:**

You have to remember, Sir, that the arrangements were made by the 40 per cent of the tenants who have utilities included in their rent that when they fail to pay their rent, they fail to pay their utility and their gas or electricity. Might I add, Sir, that no one has been cut-off from the mains electricity or gas if it is needed. Nothing has happened on that point. The point is that people have got to recognise that if they go into arrears through their fault - or not on their fault sometimes - they are at liberty to come and talk to the department to make arrangements to repay. It is ignoring the fact that they will encounter problems.

### **2.3.2 Deputy J.A. Martin:**

Sorry, Sir, he did not really answer the question. This is not equitable across the board. When he said the Housing Department cannot cut-off mains electricity or gas, that is correct. Would he ensure to look at the utility policies of cutting-off elderly people and people with young children and at least see if their policies are the same because, Sir, I would suggest Housings are much harder and I would say not fair.

### **Senator T.J. Le Main:**

No, Sir, the issue is we would not cut-off elderly people or families with children. That would have to be the absolute last resort and that would come to the Assistant Minister and myself to make a decision. No one will be cut-off until we have a look at it and we would make sure that it is in the best interests.

### **2.3.3 Deputy P.V.F. Le Claire of St. Helier:**

Does the Minister know if his department will have guidelines for people who are in this position to go for a meeting with income support officers if they find that they are perhaps in a difficult position? Many people find even the attempt to pick up a phone a daunting task. Will the department be, in the future, helping these people who might be facing a difficulty in addressing their problems by introducing them to the income support mechanism?

### **Senator T.J. Le Main:**

The department has been totally rearranged and, in fact, officers now deal with a very small number of clients and the officers are well known to the clients they deal with. I would rather hope that the message goes out again. Although we correspond on a regular basis, at least 4 times a year with newsletters and notes and meetings on a regular basis with all our clients... that they are able to pick up the phone and speak to their housing officer, who is a highly professional, well trained individual with customer care number one in their vocabulary.

## **2.4 Connétable A.S. Crowcroft of St. Helier of the Chief Minister regarding progress made towards the development of youth facilities, including a skateboard park, on the Waterfront:**

Would the Minister provide an update on what progress has been made towards the development of youth facilities, including a skateboard park on the waterfront and when these facilities are likely to be completed?

### **The Deputy Bailiff:**

You have been asked a question, Chief Minister.

### **Senator F.H. Walker (The Chief Minister):**

I do apologise for that. That was a necessary natural break **[Laughter]** and when Members get to my age, they will understand. **[Laughter]** Sir, the Education, Sport and Culture Department is currently carrying out a study in consultation with the Waterfront Enterprise Board into how to establish a youth facility on the Waterfront. An area of land on the southern end of the Waterfront car park has been identified as a location for a multi-purpose indoor youth facility, including a skateboard facility, and it is envisaged that this facility would be funded by a private developer as a planning gain arising from one or more Waterfront development projects. The E.S.C. (Education, Sport and Culture) study is due to be completed by December 2007 and will make recommendations to me and the Council of Ministers on how to take the project forward. I wish to... **[Laughter]** Sir, Members may laugh but this is not very funny at all. **[Laughter]** I wish to stress that I am committed to ensuring that youth facilities are developed on the Waterfront and that these facilities are available as soon as possible.

#### **2.4.1 The Connétable of St. Helier:**

I apologise to the Chief Minister for making him rush his call of nature. Would he agree with me that it is vital that young people are involved in this process and are given certainty about the future of their facilities before the master plan for the rest of the Waterfront is unveiled?

#### **Senator F.H. Walker:**

Yes, Sir, I absolutely do.

#### **2.4.2 Deputy P.V.F. Le Claire:**

Will the Minister be able to tell us whether or not the children will be able to access the facility free of charge as they can in other areas of the world where skateboarding facilities are provided?

#### **Senator F.H. Walker:**

I do not know the answer to that at this juncture. There clearly has to be much further consultation with the users and we will have to agree on how the facility is used into the future but clearly, pricing should not be a deterrent to the young people who will wish to use it.

#### **2.4.3 Senator J.L. Perchard:**

Would the Chief Minister agree that it is important that we are not too prescriptive at this stage about whether it is a skateboard park or a youth facility and that we are endeavouring to provide a place where young people, *inter alia* and on the new waterfront development, will be able to go and feel comfortable? Would it be a mistake for States Members or the press to assume that it is going to be a particular type of youth facility?

#### **Senator F.H. Walker:**

I would agree with that but commitments have been made, not least by myself and others, in the past that the facility would at least include a skateboard facility and I do not think there is any justification for moving away from that commitment, but it will not necessarily certainly be merely a skateboard facility. It is a youth facility that we are looking create.

#### **2.5 Deputy S. Power of St. Brelade of the Minister for Planning and Environment regarding the future usage of the former Tourism Office at the Weighbridge and Liberation Square:**

Would the Minister advise Members whether the future use of the former Tourism Office at the Weighbridge in Liberation Square will uphold the historical significance of that building and will he give assurances that business identification and signage will not occlude or diminish its historical uniqueness and that the use of the building on Liberation Day will not be compromised?

#### **Senator F.E. Cohen (The Minister for Planning and Environment):**

The former Tourism Building at Liberation Square is part of a designated Site of Special Interest and, as such, is subject to stringent controls. Planning permission was properly granted some time ago to remove the 1980s additions made to the rear of the building to enable Liberation Station to be constructed but most of the original building remains. I fully support my predecessor's decision in this respect. I am happy to give assurances to Deputy Power that neither the historical significance, nor the appearance of the building, will be materially diminished or compromised by the physical alterations or advertising and signage, all of which still have to be finalised through the planning process. I further undertake to ensure that no external illuminated signs will be placed on the building. I will do everything I can to ensure that the new use for the building does not in any way compromise the part this building plays in future Liberation Day celebrations. Indeed, I will write to the developers this week to notify them of this important issue and I thank the Deputy for identifying this important matter. It should be noted that the recently approved plans for the

Weighbridge will significantly improve the opportunity to extend the Liberation Day celebrations because the area available to the public has now been hugely increased.

**2.5.1 Deputy S. Power:**

Can the Minister ensure through his role on the Council of Ministers that the building, while it remains vacant, remains in a presentable and clean state and that the frontage of the building, particularly the glass, is kept in a satisfactory condition?

**Senator F.E. Cohen:**

I will certainly do my best to ensure that the building is kept in good condition. It is a very significant building, both for the Island and, I presume, for the developers, as it is a key part of the site and I will certainly do everything I possibly can to ensure that it is kept in good order with the glass clean and looking in a presentable state.

**2.5.2 The Connétable of St. Helier:**

Could I ask the Minister for Planning whether he regards the new premises being occupied by the Tourism Department as an improvement on the old ones?

**The Deputy Bailiff:**

I think that that is a question too far in relation to the question, Connétable. Very well. We will come to question 6, which Deputy Baudains will ask of the Minister for Education, Sport and Culture.

**2.6 Deputy G.C.L. Baudains of St. Clement of the Minister for Education, Sport and Culture regarding the replacement of cladding at Le Rocquier School:**

Members will note this question has been redirected. I had originally directed it to the Treasury Minister, Sir, as it was he who had made the application. Would the Minister inform Members whether the recent planning application for replacement of cladding at Le Rocquier School relates to the newly built parts and, if so, why the work is necessary, who will be paying for it, and what the cost will be?

**Senator M.E. Vibert (The Minister for Education, Sport and Culture):**

Perhaps I can explain why I am answering rather than the Treasury Minister. It is because Education, Sport and Culture is the principal funder for Le Rocquier School. Property Holdings, which come under the Treasury, were acting as the agent and project manager for E.S.C. Of course, the majority of capital budgets are now directly managed by Property Holdings but in the case of Le Rocquier, the budget still remains with my department as the project was initiated before the establishment of Property Holdings. That said, in reply to Deputy Baudain's question as to whether the cladding relates to the newly built parts, the answer is no. The recent planning application does not relate to the newly built parts of Le Rocquier School. The application relates to the existing sports hall where it is planned to refurbish the entrance and stairwell, replace cladding on the front elevation to improve heat retention, replace the existing boilers and install a multi-fitness room to meet the curriculum requirement for a fitness facility. The work will be paid for by Education, Sport and Culture from the project budget for the redevelopment of Le Rocquier School. The cost of carrying out all this work is estimated at £335,000 and it is provided for within the project budget.

**2.6.1 Deputy G.C.L. Baudains:**

Is there any particular reason why this work was not carried out at the time that the rebuild was undertaken? Would it not have been more economical to have done it at the same time while workmen were on site?

**Senator M.E. Vibert:**

No, Sir, we had to use the sports hall and keep using it for a multitude of purposes while the new build was going on and therefore this had to be carried out at this time.

**2.6.2 The Connétable of St. Helier:**

Is it the Minister's intention to bring to States Members a post-completion report of any kind assessing the out-turn cost and the various other costs that have been involved in the project?

**Senator M.E. Vibert:**

Sorry, Sir, I was distracted. Could the Constable repeat the question, please?

**The Connétable of St. Helier:**

Yes, Sir, I was asking the Minister whether he plans to bring to the attention of States Members' and the public, a report into the Le Rocquier School project, complete with the costings and other add-ons that have been required?

**Senator M.E. Vibert:**

I am uncertain about what report the Constable is referring to. All capital projects have a report done on them and I am quite happy for any States Member to look at that report when it is completed.

**2.7 Deputy S. Power of the Minister for Economic Development regarding the monitoring of fares for cars and passengers on the St. Helier-St. Malo route by the Jersey Competition Regulatory Authority:**

Will the Minister inform Members whether the J.C.R.A. (Jersey Competition Regulatory Authority) will be instructed to pay particular attention to the fare structures being charged by both Condor and HD Ferries and to investigate any new or unusual sharp increases in fares for cars and passengers on this route while HD Ferries are not operating the St. Malo route for the approximate 4-month period that they indicated they would not operate?

**Senator P.F.C. Ozouf (The Minister for Economic Development):**

I have asked my Assistant Minister to be rapporteur, Deputy Maclean.

**Deputy A.J.H. Maclean of St. Helier (Assistant Minister for Economic Development - rapporteur):**

I appreciate the Deputy's longstanding interest in ferry matters and his understandable concern for consumer interests. The Minister and I are also very disappointed at the loss of HD Ferries' service this winter but can assure Members that Economic Development and Jersey Harbours will continue to work with the company to assist it to return to service as quickly as possible. There have been many occasions over the years when Jersey has been served by just one ferry operator and so this winter will not be unique in that respect. The fact that we have had just one operator in the past is one reason why ferry companies using the ramps are required to commit to a Service Level Agreement. Among other things, the Service Level Agreement is intended to provide some protection to consumer interests. The Service Level Agreement with Condor contains a clear requirement to seek Ministerial approval for increases to maximum public fares. However, there are currently no proportional methods of sanction against ferry operators who breach any terms of an S.L.A. (Service Level Agreement). However, Members will be reassured to know that the new Harbours Administration Law, that will be brought before this House in December, will seek to address this shortcoming. The J.C.R.A. reserves the right in law to conduct investigations into any suspected abuse of a dominant position. It can act whenever it has reasonable cause to do so in accordance with its powers under Article 26 of the Competition Law 2005. However, it is not appropriate for the Minister to instruct the J.C.R.A. how to exercise its powers. If there is any

evidence of abuse, the J.C.R.A. is perfectly entitled to take such action as it considers is appropriate.

**2.7.1 Deputy S. Power:**

I would like to ask one supplementary question. The Assistant Minister will be aware that there is one Service Level Agreement in evidence at the moment and that one relates to a monopoly. Does the Minister really think that a Service Level Agreement is effective, based on what he has just said?

**Deputy A.J.H. Maclean:**

Service Level Agreements are effective as far as they go and there are clear limitations which will be addressed with the Harbour Administration Law which will be brought to this House in December. We are hopeful that, at that point, any additional concerns that the Deputy or other Members may have will be taken care of.

**2.7.2 Deputy R.G. Le Hérisier:**

I wonder if the Assistant Minister could define what is meant by abuse of a dominant position and could he state whether the Minister has come near, or, indeed, has acted on information that he has received about abuse of a dominant position?

**Deputy A.J.H. Maclean:**

Abuse of a dominant position. When one operator should take advantage of its position in a marketplace, clearly the J.C.R.A. has a role to play in this regard. No information has been brought to the department which would lead us to believe that there is an abuse in place. If we are led to believe there is an abuse in place, I am more than confident that the J.C.R.A. would choose to investigate such circumstances.

**2.7.3 Deputy R.G. Le Hérisier:**

Am I right, Sir, in inferring that an abuse is not a consistently higher level of fares with one operator as opposed to another, for example, and fares that remain consistently high when there is only one operator on the route?

**Deputy A.J.H. Maclean:**

All operators or the majority of operators running ferry services between France or the U.K. and the Channel Islands operate what is described as or is similar to a fluid pricing system. It is clearly difficult to define precisely where different pricing points are because prices change. The nearer to the time of departure that one reaches, the price becomes more expensive. It is clearly contained within the Service Level Agreement that the Minister has control with regard to maximum prices and, indeed, any change to the maximum price needs to be notified by the operator to the Minister in advance. There are 2 issues. It is not just about dominant position. There is also, of course, an issue of predatory pricing which can occur where there is competition on the route. That is another area which is clearly of concern and something that is watched very closely. We do not want a position where a market should become unsustainable and we lose all services altogether and clearly, with predatory pricing, where prices become uneconomic and it drives unfair advantage to one operator and possibly pushing another operator out of service is not a position that we want either.

**2.7.4 Deputy J.B. Fox of St. Helier:**

I wonder if the Assistant Minister could clarify or enlighten us as to a procedure to draw any complaint or any attention of complaint to the J.C.R.A. Clearly, this is not one that the Economic Development Department or the Harbour Department seems to have responsibility for and therefore I would seek an assurance that there is a method in order to bring such complaint or queries to the attention of the J.C.R.A. for them to examine it in more detail.

**Deputy A.J.H. Maclean:**

Yes, it would be clearly open for, for example, another operator should they feel that there was a situation of either dominant position or predatory pricing to bring the matter to the attention of the J.C.R.A. and, in such circumstances, the J.C.R.A. would be bound to investigate. That would be the course of action I would expect to see evolve.

**2.8 Deputy J.A. Martin of the Minister for Health and Social Services regarding how many children in Jersey were estimated by his Department to be obese or receiving treatment for eating disorders:**

Would the Minister inform the Assembly how many children in Jersey are estimated by his department to be obese and how many are receiving treatment for eating disorders?

**Senator B.E. Shenton (The Minister for Health and Social Services):**

Well, this is certainly a subject that has been in the news of late and it is a very important subject with regard to the future costs to the Health Service. How many children are obese in Jersey? The Health Department is currently endeavouring to build-up its database so that we can anticipate spends in health quicker than we can at the moment. We do not have the data for all Jersey children. However, we do have figures for a number of different age groups. For example, 5 year-olds, 144 children are obese, which represents 12 per cent of the population at that age group and 266 overweight, which represents 28 per cent; 14 year-olds, 41 obese, which represents 4 per cent and 193 overweight, which represents 19 per cent. How many children are being treated for eating disorders? Approximately 10 children are currently being treated by the Children and Adolescent Mental Health Services this year for eating disorders. Eight children presented with anorexic symptoms while a further 2 had other eating disorders. Approximately 47 children were treated for obesity in the previous year. The treatment rates, according to dieticians, are rising annually.

**2.8.1 Deputy J.A. Martin:**

Yes, I asked this question because of the reports in ages 14 to 15. I do understand there is a problem with obesity but I would ask the Minister to make sure that his department is not taking the eye off the ball of all eating disorders because they say, in the age group he has just commented on here, ages 14 to 15, obesity 4 per cent, overweight 15 per cent, 81 per cent normal. But the figures show, Sir, that between the ages of 14 and 15, we have 25 per cent of children who weigh between 4 and 7 stone. Now, obviously they may not all have eating disorders but what I am trying to ensure from the Minister, Sir, is that there is a problem at both ends and there is pressure on all our children, and especially teenagers, and I would say girls in particular that what they eat and do not to eat is very, very peer-pressured. So I seek assurance from the Minister that he would keep this in sight when his department keeps on about obesity which even leads to other Ministers saying that primary school children should not have a quart of milk, Sir, because that will lead to obesity. There are very worrying statements and there are very serious issues on both ends of our children's eating problems.

**Senator B.E. Shenton:**

I would agree with everything the Deputy has said. Eating disorders work both ways, obesity and under-eating. As a father of 2 teenage daughters, I am well aware of the different peer pressures and media pressures that young people are under these days and certainly with the examination pressures and the other pressures of life, it can have a very large impact on life, not just for them as teenagers but this can be carried on through the rest of their life. It is something that the Health Department, as I say, is very, very aware of and we will be bringing out new strategies and new directions with regard to the health of the public and, as I say, all I can confirm is that we do take it exceedingly seriously.

**2.8.2 Deputy J.A. Martin:**

In his answer to the obese children he said were being treated, he also said, Sir, the children with problems of anorexia and eating disorders were being treated by the Adolescent and Mental Health Department. Does this not send out a stigma to one side of the... There are problems - over-eating and under-eating - but one is directed to the Adolescent and Mental Health Department. Does he think this is correct, Sir?

**Senator B.E. Shenton:**

I think the Deputy does have a point there. I think it does send out a bit of a stigma. I think part of the problem with people suffering from anorexia is getting them to take any treatment in the first place. It is certainly something I will take on board and I will have a word with the department about it.

**2.8.3 Deputy C.F. Labey of Grouville:**

I would like to take up from Deputy Martin's point that there are people suffering at both ends of the scale, especially young girls with anorexia and I felt that the press headlines were unfortunate to say the least. Could I have the Minister's assurance that his department and he will do all they can to ensure that the press use terminology in a more sensitive way and maybe aim this campaign at healthy eating and better exercise, rather than obesity?

**Senator B.E. Shenton:**

Certainly the feedback I have had from members of the public from the recent campaign is that perhaps the message has not been put across as well as it could have been. I think, as every Member of this Chamber will know, that what you pass to the press and what is reported does not always weigh-up. It is a case of healthy eating and healthy lifestyle. It is not just about obesity or anorexia. It is about making sure you get the balance right and this is the message that we do have to get across to everyone and it is the message that we will be getting across to everyone.

**2.8.4 Deputy A.D. Lewis of St. John:**

The Senator may or may not care to answer this question but I was just intrigued as to what is classified as obesity and what is overweight. If he does have the answer to that today, perhaps he could tell us. If not, later. The other thing was is he satisfied that enough is being done - both by his department and perhaps by the Education Department - in informing and advising, particularly young people, of this issue. I understand it is quite extensively treated in schools as public information. Is he satisfied that enough public information is being presented at the moment to deter people from coming up against this problem?

**Senator B.E. Shenton:**

We do have a number of healthy eating initiatives going forward and we are working on quite a few at the moment which will be released in 2008. I think, as with most things, we are doing very well but perhaps we could do a little bit better. In terms of what is obese, it is something to do with the body mass index. Over 30 is that you are technically obese but I am told that there is morbidly obese and other definitions to do with it. As I said before, it is about educating people about looking after themselves and making sure that they are the right weight for their height and they do enjoy a healthy lifestyle.

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

I hesitate to rise when the subject is being overweight but would the Minister agree with me that there are so many pressures on young people, not least the obsession with parts of the fashion industry of regarding the ideal shape of the female human body to be not unlike the Planning Minister's preferred style of a mobile telephone mast? Can he also assure us that as well as the healthy eating programme, in conjunction with his colleague for Education, Sport and Culture, young people may be taught that their own sense of self-worth does not rest on their physical shape?

**Senator B.E. Shenton:**

My answer is obviously of course we will. The pressure from the media of losing too much weight is something that we are well aware of as is the genuine acceptance that being overweight is okay and I am just a bit more cuddly. We have to get the message across that there is a proper healthy weight and lifestyle that people should be leading. Just to give you some figures, an obese person dies, on average, 9 years earlier than someone of normal weight while a very obese person's life is cut short by an average of 13 years.

**2.8.6 The Deputy of Grouville:**

Would the Minister not agree that it is not just Education, Sport and Culture he should be working with about educating people but also to put over more practical initiatives and work with Transport and Technical Services and Environment and Planning so we can have safe routes to school and cycle tracks?

**Senator B.E. Shenton:**

I must admit I had a meeting with the Medical Officer of Health, the other day and she was berating me for the fact that we have been so slow in getting safer cycle routes for schools in place - safer routes for schools - because we have to encourage young people to cycle and to walk more. But I think it is also more to do with working with the retailers and the people in the restaurants and so on and so forth that sell the food to try and make sure that they direct mums or dads towards the more healthy lines and also in restaurants, that they serve more healthy foods to both the young and the old.

**2.8.7 Deputy R.G. Le Hérisier:**

Would the Minister not acknowledge that it is perhaps time for a much more radical approach and rather than preaching at people what is the best lifestyle more and more and thereby turning people off more and more, would he not accept that he ought to take the lessons, for example, from the failure of the school meal campaign in Britain - the Jamie Oliver campaign - and that he ought to get young people much more involved in structuring his campaign rather than trying to preach even more at people?

**Senator B.E. Shenton:**

What we are trying to do is very much not preach at people. We want people to buy-in to the healthy eating campaign and we can get them to buy-in by proving to them how advantageous it is to them to follow a more acceptable lifestyle from a health viewpoint. The Deputy tends to use the word "radical" in almost every speech he makes. I think what we have to ensure is that the policy we take works.

**2.8.8 Deputy J.A. Martin:**

I would firstly take issue with the remarks of Deputy Le Hérisier. I do not think it is a failed campaign. It is in early days in the U.K. and a lot of effort has been put into it and I would like to see that in our schools but to the Minister of Health, I would say - and following on from the Deputy of Grouville - it is not a one-way street. Do Education and Health talk to each other, because you find somebody - a child of about 13 or 14 - who is maybe slightly overweight will not be picked for the school football or netball team or whatever team. Where do they go to exercise? Fort Regent gym, which is a reasonably-priced gym, you cannot join until you are 14 and private gyms, 16. So I think if you are preaching, Sir - or if Ministers are preaching - healthy eating and exercise, it must be available and it must be reasonably priced. That goes with school canteen meals as well. So I want assurances that the Ministers of Health and Education get down and find some solutions and let these children have access to both the eating and the exercise, at least under at the age of 12 and over.

**Senator B.E. Shenton:**

The Health Schools Programme is an important initiative which we have included in the New Directions document. So far, 2 primary schools have achieved health school status, 5 primary schools are working towards this as are 2 secondary schools. Secondary schools have been slightly slower to take up the initiative as they have small catering subcontractors who are struggling to make the contracts pay and are therefore profiting from chocolates, crisps, fizzy drinks, and so on. We do work very closely with the Education Department within this initiative and certainly I would like to see more youth facilities available on the Island, and I am very keen that we push forward with things like the Millennium Town Park and the skateboard park and anything else that we can do to just give the youth of this Island the facilities to undertake healthy exercise.

## **2.9 Deputy R.G. Le Hérissier of the Minister for Planning and Environment regarding the commencement of the consultation period for the plans for sheltered/lifelong homes:**

When will the consultation period for the plans for sheltered/lifelong homes commence?

### **Senator F.E. Cohen (The Minister for Planning and Environment):**

I am pleased to inform the Deputy that the consultation paper is nearing completion and will be out for consultation within the next few weeks. This will be an extensive consultation period of 12 weeks. After this, the consultation responses will be taken back to the Council of Ministers and then a report and proposition lodged. I appreciate this matter has taken a long time to reach this stage. However, it is important to recognise that the sites recommended for sheltered housing are those specifically recommended by the Connétable of each Parish. Each new site has required careful analysis to ensure its suitability. I would like to express my sincere gratitude to the Connétales for the care and time they have spent in bringing forward the most suitable sites within their parishes. The provision of retirement housing project has been managed by my Assistant Minister, the Deputy of Trinity, in close co-operation with the Assistant Minister for Housing, Deputy Hilton. Together they have thoroughly researched the issue of retirement housing. Their work has included researching the design requirements for lifelong homes and in doing so they have sought expert advice from the Joseph Roundtree Foundation. The proposals will include a requirement to build new retirement houses to the highest environmental standards. Measures such as geothermal heating systems are being examined, together with high insulation and taking advantage of passive solar heating. There has been a delay but this time has been very usefully used to ensure further analysis of the recommended sites, improving the specification of the homes and setting out the principles of an appropriate method of applying planning obligations.

### **2.9.1 Deputy R.G. Le Hérissier:**

Would the Planning Minister confirm he now has a very clear picture of what the need is and would he also confirm, Sir, that the solution of using green fields is one that he will only approach with the greatest of caution?

### **Senator F.E. Cohen:**

The demand issue is not a precise science. What I am satisfied with is that the demand for social retirement housing units will exceed those provided by this proposition when it comes forward because we already know the number of sites. I can assure the Deputy that I am entirely satisfied that the numbers being provided are the numbers that are required, but remember that these sites will be built-out over a period of time. Even if we approve this tomorrow morning, these sites would not deliver retirement housing, in some cases, for some years. As far as the rezoning of countryside sites in order to provide these homes is concerned, the rezoning proposition, of course, is a matter for the House to decide. I believe that we have an obligation to house Islanders properly in their property and I believe that it may be that some countryside sites justifiably should be rezoned for the provision of retirement houses but, as I have said, this is a matter that rests with the House.

### **2.9.2 Deputy R.G. Le Hérissier:**

I am in the unusual position of asking, Sir, have any developers expressed to the Minister the sentiment that because of the delays they are starting to become very worried about whether this project will ever get off the ground?

### **Senator F.E. Cohen:**

Developers will always press and it is not just in relation to sheltered housing. They press in relation to all matters and that is part of the job of the Planning Minister to deal with those pressures and to ensure that we are not pressured to unreasonably give consent for things that, with time, we may wish to carefully consider. This proposition will come forward, and it will come forward shortly, but it is important to get it right. I do not believe that anyone has lost hope but the final decision rests with this House.

### **2.10 Deputy G.C.L. Baudains of the Minister for Home Affairs regarding the processing of firearm licence applications:**

Would the Minister advise what initiatives she has introduced or what progress has been made, if any, in reducing potential delays by the States of Jersey Police in processing the firearm licence applications?

### **Senator W. Kinnard (The Minister for Home Affairs):**

With your permission, my Assistant Minister deals with all firearms matters.

### **Deputy A.D. Lewis (Assistant Minister for Home Affairs - rapporteur):**

On 11th September 2007, in answer to questions from Deputy Baudains on the processing of firearms certificates, I advised Members that we had analysed the most recent batch of 34 certificates that were currently awaiting issue and it was found that the average time taken for completed applications to reach the Central Firearms Index from the applicant was 12.3 days. The slowest 20 per cent took an average of 6 weeks to arrive at Police Headquarters from the date the form was completed by the applicant. On average, police national computer checks have been completed on applicants just 8 days after the form was received by the C.F.I. (Central Firearms Index). The slowest 20 per cent took an average of 17 days before the P.N.C. (Police National Computer) checks were completed. On average, processed applications are returned to the relevant Parish Halls in about 18 days following the completion of the police checks. This gives a complete turnaround time within the Central Firearms Index for firearms certificate applications of about 26 days. This remains the case. I also advised that there were a large volume of applicants, renewals and variations being processed through the Central Firearms Index at that time. This was mainly because of a number of shotguns all coming up for renewal at the same time. They were prioritised in order of expiry date to try and ensure seamless renewal. I am content that that part of the process being undertaken by the States of Jersey Police is being done as soon as is reasonably possible and allows for some prioritisation of urgent applications when required.

### **2.10.1 Deputy G.C.L. Baudains:**

It was interesting listening to the averages from the Assistant Minister. We had 12.5, 8 days, 17 days for various matters. Can we have an assurance - which is why I would have preferred the Minister to answer the question - can we have an assurance that, in future, all applications will be dealt with in a timely manner? And would the Assistant Minister agree with me that a situation whereby members of the public are made criminals by virtue of delays created by others is a wholly unacceptable situation?

### **The Deputy of St. John:**

All applicants are processed speedily. If the Deputy would like to bring a proposition to vote a larger budget for Home Affairs, we could throw a lot more resource at this and produce these certificates very, very quickly. We have one person working on the C.F.I. and, at times, we have an awful lot of applicants at one time. That is why we have had a delay in recent times. I am quite satisfied that we are now up to speed and are processing them in a more than acceptable manner and I firmly believe that the 12 and 24 days I had suggested is more than acceptable. There are certain times when investigations take a bit longer and there are certain times when the Connétables wish to take a bit more time over processing their part of it. Those 2 things added together may sometimes look like it has taken a long time. It is important to get it right and we are not going to rush it and get it wrong. That is what the C.F.I. are currently doing. I can say, Sir, I am perfectly satisfied that the service that is provided is perfectly adequate. If I can also just pick up on the criminality aspect, there is no intention to press charges on somebody that has made a positive step to renew their licence in good time. If they happen to go out of date, I very much doubt that a magistrate would wish to see him in their court, wasting court time because he is a couple of days over on his certificate. If that process is in train, he has made every attempt to renew his licence, I very much doubt that your court, Sir, would want to deal with such a case. Technically, the Deputy is quite right. He would be committing an offence.

#### **2.10.2 Deputy G.C.L. Baudains:**

It does seem that the Assistant Minister is misinformed, Sir, because while he is at pains to tell us about the speed with which the firearms certificates are currently being processed, it is the case that a number are still taking months to process. I believe that is unacceptable. It seems also that he is unaware of utterances made by the States of Jersey Police that people who have made an application to have their firearms certificate varied or renewed, and then find it has expired because it is being dealt with by the States Police, will be prosecuted. Would he confirm that, Sir, that in fact the States Police have said that any firearms certificate owner, who has an expired certificate, even though it is with the States of Jersey Police, will be prosecuted.

#### **The Deputy of St. John:**

That is not the case at all. In fact, that may have been the way it came across to some of the firearms user groups. I met with them all during the firearms liaison law group meetings and have given them assurances that if they have made every effort to renew their licences, in good time, they are advised 3 months before the expiry date that they have to renew it, and if they have gone through that process a prosecution is highly unlikely. But, technically, they would be in breach of the law and I would advise all firearms users to make sure that they get their applications in in good time so when we do have rushes of applications at the same time, they can be processed. What the police are doing is when there is a situation whereby somebody's certificate is coming up for renewal, they will prioritise and those that have come in much later, that have a lot more time before they expire, will be put at the bottom of the pile. Consequently, it may appear, even though they put their application in in good time, it has taken some time to process. That is because the police are prioritising so very few people go out of date. If the Deputy has some specific examples whereby this has happened, please call me and let me know and I will investigate them. I am not aware of any specific cases, other than but a handful, that this has occurred to and there have been some good reasons for that, which I am not prepared to go into in this House. If he has some specific examples, please contact me and I am very happy to look at them. At the moment, I am quite satisfied that we are processing them in reasonable time.

#### **2.10.3 Deputy K.C. Lewis of St. Saviour:**

I have been informed by firearms users that if, through no fault of their own, their firearms certificate does in fact expire and has not been sent back to them, that they must surrender their firearms to the States of Jersey Police or face prosecution. Can the Assistant Minister confirm this is correct?

**The Deputy of St. John:**

Technically it is quite correct. Like I say, they have a 3-month warning to renew their licence. If they fail to do so, the Deputy is quite right that technically the firearm is in breach of the law. You do not have a licence, you should not therefore be in possession. The Licensing Authority though is not the police, it is the Connétables. That is a matter for the Connétables. If a Connétable decides to request that firearm be surrendered, that is a matter for the Connétable, not for the police. The police will simply inform the Connétable that that licence is now expired and if no reasonable attempt has been made to renew it in good time, it is a matter for the Connétable to decide whether to revoke that licence for any longer and, of course, to recall the firearm. Other than that, the police are simply processing the certificates on behalf of the Connétable.

**2.10.4 Deputy G.C.L. Baudains:**

Just to seek clarification because obviously the message we are getting from the Assistant Minister this morning is at variance with the message that we have had from the States of Jersey Police previously. Can he give us an assurance that those members of the public who have firearms certificates and who apply for renewal in good time, will not be prosecuted by the States of Jersey Police if it does happen that the States of Jersey Police are still processing that at the time that the licence expires?

**The Deputy of St. John:**

Like I say, it is a matter for the Connétables, if they want to make a prosecution if somebody's licence has expired, but the fact is that the police will inform the Connétable if that is the case. I would not like to see court time wasted by somebody that is one or 2 days overdue on their firearms licence and I am sure you, Sir, would not like to see that either. I have informed the firearms groups, I have met with them, that we will do everything possible to avoid that situation, but if they have blatantly failed to follow the process in good time, yes, there is every chance they could be prosecuted because that is not observing the licence that they currently hold. They know what the law is and the vast majority renew them in good time, the Connétables are very efficient in sending out reminders and they have plenty of time to renew them. If somebody does not observe that effectively enough then, yes, they do face possible prosecution. But if it is but a few days, I very much doubt the Connétables are going to do that and I would very much doubt that a court would wish to see them in court, Sir.

**2.10.5 Connétable M.K. Jackson of St. Brelade:**

Could I ask the Assistant Minister to confirm that every case with firearms is different and perhaps, would he agree with me, that Jersey has probably the best filtered system than anywhere in the world? Would he also confirm that the present situation, whereby applicants are in breach of the law by not having a licence, is being remedied by an amendment to the Firearms Law, which will allow discretion on the part of the Connétables when it comes to applications not being renewed in time due to information not coming through from police headquarters or the Central Firearms Index?

**The Deputy of St. John:**

The Connétable is quite correct. The process is very thorough, both on the part of the Connétables and the States of Jersey Police. We have an excellent situation whereby the Connétables will often know the applicant well, but sometimes they do not, therefore they quite rightly make much more thorough checks before it even gets to the C.F.I.. Then the C.F.I. do something similar, so the whole process is extremely thorough. That is not something that should be rushed, Sir, and it will not be. We do have enough resource to deal with it at the moment and the laws are being re-looked at, at the moment, and the Connétable is quite correct that that is an aspect that we are looking at. The Connétable sits on the Firearms Liaison Group and we have a very good relationship with the Connétable on this matter and it is an area of the law that we are looking to review, Sir.

### **2.10.6 Connétable T.J. du Feu of St. Peter:**

Could I remind the Assistant Minister that the Connétables are in possession of correspondence from his department, in which they committed to turn the C.R.O. (Criminal Records Office) checks around in approximately 10 days and I do not know where he gets his 18 days from because it is certainly not very clear to us. Nevertheless, having said that, I think that they are getting certainly less and less at quite a rapid state insofar as any problems or difficulties occurring and I would like to think that he - through his department and through his officers - will be doing everything possible to work along with the Parishes and not appear to be holding-out just waving big sticks on this 18 days or else you are in breach of the law.

### **The Deputy of St. John:**

The 18 days that the Constable refers to is an average that we take. In fact, quite often the States of Jersey Police do it much quicker than that. It is only on occasions when there is a major rush on, which occurred earlier on this year, that it would be much longer. The ones that do take longer are because more investigation perhaps is required, not just by the police, but by the Connétable as well. It is certainly not saying that it will take 18 days. That is roughly what it has been taking in recent times and the C.F.I. will do everything they can to make sure these are processed quickly and absolutely everything they can to make sure nobody goes out of date. That is why they are prioritised. That is why some applicants end up taking 3 months because a number of other applicants have not been as... perhaps this is unfair, but they have not been quite as diligent, have not got their application forms in quite as quick as they should have done, therefore, unfortunately, they are being processed first, so that, wherever possible, nobody goes out of date. There have been very few occasions that has occurred. If Members feel that that is not the case, please let me know and I would be very happy to investigate it further. At the moment, I am satisfied that it is working as well as can be expected with the resource we currently have available.

### **2.11 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the necessary legislation required to establish a Police Consultative Group in line with Paragraph 3.2.1 of the States Strategic Plan 2006-2011:**

Will the Minister give an update on the progress, if any, of drafting the necessary legislation to establish a police consultative group in line with paragraph 3(2.1) of the States Strategic Plan 2006-2011?

### **Senator W. Kinnard (The Minister for Home Affairs):**

The Police Force (States) (Jersey) Law is at final drafting stage. Some initial consultation has taken place with stakeholders, such as the States of Jersey Police, the Jersey Police Complaints Authority, Connétables and Chefs de Police and some consultation with Scrutiny. Further consultation will take place with States Members and interested parties and, again with Scrutiny, in the next few weeks and the Law will be ready to lodge at the end of the year for debate in the first part of 2008.

### **2.11.1 The Deputy of St. Martin:**

Will the Minister accept that in P.118 - the Criminal Justice Policy - much emphasis is placed on the establishment of a police authority, but there does not appear to be anything about a police consultative group? Will the Minister care to comment?

### **Senator W. Kinnard:**

The Deputy, Sir, is quite aware that during the ramifications of what was going to happen with the Connétables that at one point we were looking at putting forward a police consultative group, and that is the wording that went into the original Strategic Plan that he looked at when he was the chairman of the Scrutiny Committee. But, in fact, Sir, that did get changed to the idea of a police

authority, on consultation with Her Majesty's Inspector of Police who asked us to have a look at the Gibraltar model. It is the Jersey Police Authority that is the title that will be used going forward.

**2.11.2 The Deputy of St. Martin:**

Yes, Sir, that is the very point I am trying to get at. Will the Minister then accept that, in fact, what we are going to have is a police authority which will not embrace all of the police and the army, it will only embrace the States Police, but will not include the Honorary Police?

**Senator W. Kinnard:**

The Honorary Police will still be covered for the time being under the 1974 Law and that is because of the outstanding question that has been going on for some time, about the future of the Connétables. That could have affected the rate of progress towards establishing a police authority. So the model that has been taken forward in our new Police Force Law will not, for the time being, cover the Honorary Police. However, the intention is to allow for their inclusion at a later date, by which time the Island would have had first-hand experience of operating within a police authority framework. So initial consultation on this very issue has taken place with the Connétables and the Chefs de Police.

**2.11.3 The Deputy of St. Martin:**

The Minister will be aware that the States passed, in 1999, a proposition to establish a police authority and it was the Minister whose department rejected that about 2 or 3 years ago when it came by with an R.C. Will the Minister inform the House when she envisages to take on board the issue about the Connétables retaining their ownership or possession of the title of police officer? Obviously, the sooner that is established, the sooner we can get on and establish a proper police authority, which will encompass Honorary Police as well.

**Senator W. Kinnard:**

My department did not reject the idea of a police authority. For those members who have read the report that was presented to the States, it gave very detailed consideration to the difficulties that had been experienced in establishing a police authority, as decided in 1999 by this House and, indeed, the Deputy himself has agreed that it is not appropriate to establish an authority as was first envisaged in 1999. Indeed, it was the very person who was going to be the chairman of the proposed authority in 1999 who undertook some work on this issue and said that he too felt that the model there was not appropriate. That is why we have, at this point, taken the advice of the H.M.I. (Her Majesty's Inspectorate) and we think we have a model now that is appropriate to Jersey and we want to take that forward, working with the States of Jersey Police and then working with our honorary colleagues, and they will obviously advise us at what point they are ready to join within this particular framework. I think we need to get some experience under our belt, given the difficulties in forming this authority in the first place, we need some experience of running a police authority - I think with the States of Jersey Police in the initial period - before we decide to take on the quite difficult part of including the Honorary Police because we know that there is a huge amount of legislative change that is necessary in any case.

**2.11.4 The Deputy of St. Martin:**

Just to clarify one piece of information the Minister gave us. Will the Minister confirm that the reason I agreed the police authority in its present state could not carry on was because, as it would have been established, it would have encompassed the police or the Defence Committee, as it was, so therefore there is no longer a Police Committee? You can still have a police authority but you could not have it with the Defence Committee, as it was.

**Senator W. Kinnard:**

I do not live inside the Deputy's brain. I do not know what his reasons were.

**2.11.5 Connétable G.W. Fisher of St. Lawrence:**

I wonder if I could ask a supplementary? The Minister referred to consultation with the Connétables and that may well have taken place in 1999 or whenever it was, but I have been a Connétable for a number of years now and I do not recall such consultation. I just make the point that there are in fact a significant number of Connétables who have recently come into the States and therefore I suggest that such consultation should take place again along the lines that apparently it took place before.

**Senator W. Kinnard:**

I was very careful to say “some initial consultation”. We did have a meeting - at least one meeting, it may have 2, I think it was certainly one meeting - with the Connétables and the Chefs de Police around this particular issue and I made it very clear in my answer earlier on that that was just an initial form of consultation and that our intention now is to go into further, more detailed consultation with interested parties and, of course, those interested parties include the Connétables.

**The Deputy Bailiff:**

We come then to the final question which the Deputy of St. Martin will ask of the Minister for Economic Development.

**2.12 The Deputy of St. Martin of the Minister for Economic Development regarding the Human Rights compliance of the Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200- (P.160/2007):**

Would the Minister advise Members what advice, if any, he received to enable him to make the statement in P.18 of 2007 that the provisions of the Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200- (P.160 of 2007) are compatible with the convention rights of the Human Rights (Jersey) Law 2000.

**Senator P.F.C. Ozouf (The Minister for Economic Development):**

As I am sure the Deputy knows, all *projets de loi* are vetted for Human Rights compliance by the Law Officers prior to lodging. It is only after considering that specific advice, that I, or indeed any Ministerial colleague I believe, would sign the compatibility statement. If there are any convention rights that the Deputy believes are challenged by these law amendments, I would be grateful if he would draw them to my attention.

**2.12.1 The Deputy of St. Martin:**

I can assure the Minister I am not aware of any. The purpose of asking the question was to find out what advice, if any, the Minister received. Could I ask the Minister, is it in written form, the advice that he received, and if so, is that available to States Members?

**Senator P.F.C. Ozouf:**

I think the Deputy well knows the situation regarding Ministers taking legal advice. It is not normally confirmed. It is a matter for the Minister to make decisions and certainly any legal advice that any Minister would receive on this or any other matter is confidential between the Minister and the Law Officers. So I am afraid I have gone as far as I wish to in saying that all Ministers, I imagine, ask for legal advice or review from the Law Officers before signing a compatibility statement. But he can rest assured the Ministers take their responsibility in signing that certificate extremely seriously.

**2.12.2 The Deputy of St. Martin:**

Could I just ask then, if the Minister cannot give us what advice he received, would he give us his reasons as to why he believes that the present law that he is proposing is compatible with the Human Rights Law?

**Senator P.F.C. Ozouf:**

I am not going to answer that question in such an open-ended way. If the Deputy has specific human rights considerations that he believes are relevant to this law, and indeed for the future regulations that will be coming up before it, then I am happy to discuss with him. I am not going to answer an open question. The fact is I have considered advice, discussed with my department, both Harbours and Economic Development, and I am satisfied. Hence the signature.

**3. Questions to Ministers Without Notice - The Minister for Economic Development:  
The Deputy Bailiff:**

That concludes the oral questions. We come then to questions to Ministers without notice. The first question period is of the Minister for Economic Development.

**3.1 Deputy K.C. Lewis:**

As much as I welcome low-cost airlines coming to Jersey, I am very disturbed by reports of people being stranded at U.K. airports for anything from 5 hours to 5 days, with excuses from technical faults to operational reasons. People are then left to their own devices to try and organise their own way home. Will the Minister be taking the airlines to task over this totally unsatisfactory state of affairs?

**Senator P.F.C. Ozouf (The Minister for Economic Development):**

Low-cost airlines operate and give passengers lower fares because they have lower operating costs. Different low-cost airlines organise themselves in different routing patterns and the patterns of the ones that have been particularly in the media recently are the so-called W patterns, which effectively start one day, move around and if there is a problem earlier on then it is very difficult for them to catch up, hence the very, very long delays. There is a debate to be had about the service levels of low-cost airlines. However, what I would say is that those low-cost operators are reducing fares and that is a benefit to the tourism economy and passengers. We note the issues, particularly in relation to one airline, and I am happy to have discussions with the airports authority on that particular issue.

**3.1.1 Deputy K.C. Lewis:**

The case I have in mind, Sir, is one that was recently in the local media, plus anyone who does seem to complain, the service they get is quite shoddy. They are given a leaflet with a telephone number circled, saying if they have any complaints, ring this number. Do you think we should come back to the old days where there is *esprit de corps* and service to the customer are paramount.

**Senator P.F.C. Ozouf:**

I would just repeat the fact that low-cost operators operate low fares because they have lowered their costs and that sometimes has a commensurate dropping in the standards of the back-up facilities that are available. But I think the travelling public are well aware of that before they make their travelling choices. If they choose to take a seat at a very low fare with a low-cost operator, then there is going to be a commensurate level of service. A full-service airline, with full back-up, then you are going to have a different level of service. I think passengers are well aware of the service that they get.

**3.2 Deputy R.G. Le Hérissier:**

I wonder, Sir, if the Minister could confirm the rental being paid for the new Jersey Tourism site, and could he also confirm that this rental is in contrast to the rent-free premises occupied by the previous Jersey Tourism Information?

**Senator P.F.C. Ozouf:**

I have not got the precise rental figure to mind, but this was a matter that was discussed by this Assembly - by the former Economic Development Committee - and, as far as my understanding is concerned is Economic Development is no worse off as a result of the move. What has been spent out of our budget is some of the refurbishment costs and indeed the Constable of St. Helier asked whether or not people were happy with the new Tourism Building and indeed the new Tourism Building is working very well, in my opinion.

### **3.3 The Connétable of St. Helier:**

I wonder what the tourists thought of it. Could I ask the Minister, he was present at the Jersey Hospitality Association dinner last week - the 50th anniversary - and he would have heard the chairman appeal to politicians: "Do not forget tourism." Does the Minister not agree with me that it is time to review the allocation of Assistant Ministerial posts and consider the creation of an Assistant Minister with responsibility for the portfolio of Tourism?

#### **Senator P.F.C. Ozouf:**

Tourism matters so much, I have kept the responsibility for myself. I did not want to send a message out that somehow, because I kept also the responsibility of the financial services, which I share with my Assistant Ministers, that suddenly Tourism was second class. Nothing could be further from the case. Indeed, my entire Ministerial team, with Harbours and Airports, regard the tourism industry as a priority and what I would do is I would ask the Constable to judge by our record - 4.4 per cent increase in passenger arrivals and a 1.9 increase year-to-date of tourist arrivals until the period to the end of August. Tourism matters. It is working. We are turning the corner.

#### **3.3.1 The Connétable of St. Helier:**

Just a supplementary, Sir, if I could ask what the Minister is going to do to get that message across to the leaders of the tourism industry, some of whom, I believe, do not share that confidence that their industry matters as much to the Economic Development Department as the Minister seems to think it does?

#### **Senator P.F.C. Ozouf:**

It was very interesting because at the dinner there was a potted history of the Jersey Hospitality Association and indeed they are set up to be a lobby group, and it would be curious if they did not lobby and have problems with the way the government deals with things. As of the responsibilities to my Assistant Ministers, it is a shared responsibility and I regard Tourism as a shared responsibility with my Assistant Minister Maclean at Harbours and Airport. If I need to get the message across again to the J.H.A. (Jersey Hospitality Association) I happily am. I would also ask them to judge by results.

### **3.4 Senator L. Norman:**

There is something like, I think, 8 months since the Privy Council found in favour of Jersey fishermen in their claim to continue to be allowed to operate in Guernsey waters. At the time, the Minister expressed the wish to enter into a fisheries management agreement with the Guernsey authorities. I am wondering if the Minister could say what progress has been made in the last 8 months and what results he expects to achieve at the meeting he has with his opposite number from Guernsey this coming Monday?

#### **Senator P.F.C. Ozouf:**

I am afraid that I have bad news for the Senator. The current situation is that the U.K. is in discussions with Guernsey to extend their territorial waters out to 12 miles. In parallel to those discussions, we have been trying to reach agreement with Guernsey for access in Guernsey waters. Of course, since the Privy Council determination, Jersey fishermen have had access to Guernsey waters. Unfortunately, a meeting that he correctly points out that was scheduled for Monday, I

received notice yesterday has been cancelled by Guernsey. I am immediately writing to my opposite number in Guernsey to establish the reasons why. There does not appear to be any indication that there is a further meeting in the offing. I am very disappointed with that. I am going to be in communication with Guernsey hopefully later today and tomorrow to find out what the situation is. The fact is that we will also be keeping the U.K. informed of these developments.

#### **3.4.1 Senator L. Norman:**

I am wondering if the Minister has any indication as to why Guernsey should cancel this very important meeting and what comfort he can offer to Jersey fishermen that they will continue to be able to fish in waters they have been fishing for many generations?

#### **Senator P.F.C. Ozouf:**

First of all, the fishermen in Jersey can rest assured that we continue to vigorously, as I know that the Senator did when he was part of Economic Development... we will vigorously defend the interests of Jersey fishermen. They currently have access to those waters and it is only going to be a situation if the U.K. extends those territorial waters out to 12 miles that there would indeed be an issue. I can also say that the reason that Guernsey has given for cancelling this meeting was that they are in discussions with the United Kingdom. My view is that we need to agree a way forward with Guernsey so that the U.K. can extend the territorial waters out to 12 miles. I am afraid I have not got a magic wand on this issue, all I can do is continue to work hard and get my department to work hard to seek resolution. I repeat, there is no issue at the moment with Jersey fishermen being excluded from Guernsey waters.

#### **3.5 Deputy S. Power:**

The Minister will be aware of the difference between the operational side and the regulatory side of Jersey aviation. I think the Minister will be able to confirm that a senior electronics engineer at the States of Jersey Airport has now been appointed liaison for the Civil Aviation Authority for the Island of Jersey. Can the Minister confirm that, as this is a regulatory role, this position cannot be based at the Economic Development Department because of the nature of the position and will he confirm where this officer will be based?

#### **Senator P.F.C. Ozouf:**

I am afraid I am not going to answer that question at the moment. I am not familiar enough with the recent issues on that. I will inform the Deputy about his question later on if he does not mind.

#### **3.6 Deputy J.B. Fox:**

Referring back to Deputy Lewis' question on low-cost airlines and the Minister's answer; would the Minister also bear in mind that many people on these low-cost airlines - and I had experience myself - pay full fare and on one occasion, on the last flight into Gatwick, a 75 year-old lady, who was one of 50, was stranded at the airport with no one to receive them or give them support and advice. She had paid a full fare, I forget, it was £200 or £250 and not even had a cup of tea. I think that, if the Minister would be so kind, when he is reviewing procedures of low-cost airlines, to bear in mind that not all the passengers are low-cost and sometimes do not have an option on methods of travel as it is the only airline that operates at that moment in time. I will just leave that one if I may by asking the Minister will he take it on board and come back to the House with a response please?

#### **Senator P.F.C. Ozouf:**

I do take that issue on board. As regards Gatwick, the advantage for people booking any seats on Gatwick is that there are so many services available and if one of the services on either airline falls or there is a problem with it, then the likelihood is there is going to be another service very soon thereafter. The Deputy's point is well made in respect of high level fares on low-cost airlines.

#### **3.7 Senator L. Norman:**

Following up from that, Sir, would the Minister accept that there is a significant difference between a low-cost airline and a low-fare airline?

**Senator P.F.C. Ozouf:**

I think that the boundaries are getting merged and indeed of our full service airlines there are some cracking fares that are available on them too. Effectively, the fluid pricing model is being used and that is, I think, helping our tourism numbers and our passenger numbers. I welcome the vigorous competition that exists on all of our routes.

**3.8 Deputy R.G. Le Hérisssier:**

Would the Minister confirm that on his visits to Rue des Prés Trading Estate he believes it projects the image of a dynamic, forward-looking and well organised entrepreneurial community?

**Senator P.F.C. Ozouf:**

I am familiar with Rue des Prés and I am familiar with the difficulties of my friend, the Minister for Transport and Technical Services and the resources that are there. I am also familiar with the aspirations of the Parish in having a clean-up of Rue des Prés. I do not think I am prepared to say whether or not I think Rue des Prés is a symbol of the entrepreneurial enterprise activities of Jersey but clearly there is a job of work to be done at Rue des Prés, and because of some of the ongoing issues of maintenance costs and the shared responsibility, I think, at Rue des Prés, we have not seen that. He cannot lay blame at my door for this particular issue.

**3.9 The Connétable of St. Brelade:**

In conjunction with the points brought up by Senator Norman with regard to the fishermen fishing off the coast of Guernsey, would the Minister confirm that he supports the insignia I notice painted on one of the local fishing boats yesterday, which has a large B with a donkey in the middle of it painted on its wheelhouse? **[Laughter]**

**Senator P.F.C. Ozouf:**

I am afraid I have not seen that and I would not support that at all. I believe in friendly discussions with Guernsey and I believe that we should treat people in the respect that one wishes to be treated oneself and in that spirit I attempt to negotiate peacefully with Guernsey.

**3.10 Deputy J.A. Martin:**

As the Minister has brought up Rue des Prés, could he update the House on the lease on Jackson's Garage and is it still costing the States money and, if so, how much each year?

**Senator P.F.C. Ozouf:**

The fact is, Sir, as the Deputy will know, it is a matter for Jersey Post that the lease was taken and the responsibilities of Jersey Post were moved from Economic Development into a limited liability company and that is now under the careful watch of the Treasury Minister. I am not ducking the issue, but I do not exactly know of that because it is now no longer part of E.D. (Economic Development).

**3.11 Deputy K.C. Lewis:**

Further to questions regarding the former Tourism Offices, would the Minister inform the Assembly whether contracts have been passed for the restaurant or coffee bar there, whether it is a U.K. franchise and who is the successful applicant?

**Senator P.F.C. Ozouf:**

I am not in the habit of ducking questions, but that is again not an issue for myself. The only administrative procedure that one would have to deal with Economic Development on that issue is a Reg. of Uns. licence. I am not aware of what the exact position is in relation to the former

Tourism Building. I am aware that it is going to be the subject of development and a restaurant of some description has been agreed between W.E.B. and the tenant.

**3.12 Deputy R.G. Le Hérissier:**

Would the Minister, in the light of his written answer to me at the last session, not agree, after a period of calm reflection, that the premature termination of his department's activities at Bath Street has resulted in a considerable misuse of public money insofar as the lease has several years left to run?

**Senator P.F.C. Ozouf:**

Not in the slightest. The fact is that Bath Street was taken by a former Committee when they did not have a home. They needed a home and Bath Street has served Economic Development well in those intervening periods, as it does now. There are still people in Bath Street and we are in discussions in order to use those facilities for the remaining period of the lease that still exists.

**3.12.1 Deputy R.G. Le Hérissier:**

If I can follow on, does that therefore mean, Sir, that an office that was leased in order to accommodate the administration of the department is no longer being used for that purpose and you are essentially having to come up with fill-space activities?

**Senator P.F.C. Ozouf:**

I think that all Members, and the Deputy would agree, that the previous ways in which the States managed and occupied property was unwise and inefficient. Economic Development running out of numerous sites is not conducive to teamworking and efficient working. However, from the transition to centralised facilities that we are having, there will be periods of time where buildings will be empty and that is something that we have to accept. The long-term is to make the States' occupation of property more efficient and that is what Economic Development are doing as part of the overall corporate plan.

**The Deputy Bailiff:**

I think that completes the time for the Minister of Economic Development. We come then to the second period, which are questions to the Minister for Transport and Technical Services.

**4. Questions to Ministers Without Notice - The Minister for Transport and Technical Services**

**4.1 Deputy K.C. Lewis:**

Now that we have a purpose-built bus station and the former station at the Weighbridge is closed down, does the Minister have any intention to relocate the covered bus shelters from the former Weighbridge area to other sites in the Island?

**Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):**

Yes, Sir. It has always been my intention to want to see those bus shelters reused as best we can. Regrettably, the situation is out of my hands. The Weighbridge site is in fact the property of W.E.B. but I am led to believe that a number of the Weighbridge bus shelters have now been seen in various locations around the Island, primarily, I understand, in various Parish yards and I understand that there must therefore be some process of likely planning application, site assessment going on in order that the bus shelters can be reused, which I am very pleased about indeed.

**4.2 Senator L. Norman:**

I wonder if the Minister could tell me, is Liberation Station a bus station or is it a transportation centre and what is the difference between the 2? **[Laughter]**

**Deputy G.W.J. de Faye:**

It is more like an airport departure lounge, Sir. It is, of course, primarily a bus station, although I understand that in the original propositions brought to the States the site was, on early plans, described as a transportation centre. Indeed, Liberation Station is a transportation centre though I am sure Members will all have their own interesting and subjective views as to what constitutes a transportation centre, but I am personally satisfied that Liberation Station fulfils that criteria.

**The Deputy Bailiff:**

Does any other Member have any questions?

**4.3 The Connétable of St. Helier:**

Would the Minister advise the House when he expects the new Transport Policy to be lodged in draft form for Members' and the public's attention?

**Deputy G.W.J. de Faye:**

I am currently reading the final draft, Sir, and subject to any amendments that I wish to make and clearly any views that my senior officers care to make on the amendments I have been making to the plan, I expect the draft to be available to Members very shortly.

**4.4 Deputy R.C. Duhamel of St. Saviour:**

Would the Minister give an undertaking to this House to accept the invitation to personally visit the kindling wood plant in the west of the Island?

**Deputy G.W.J. de Faye:**

I think the kindling wood plant is based at a farmer's premises, and I am aware of it, I have had a look at it, and would be very happy to go and see it again.

**4.5 Deputy R.G. Le Hérisier:**

Is it the intention of the Minister to press Connex to install proper luggage racks on the airport buses?

**Deputy G.W.J. de Faye:**

The Deputy raises an interesting point and it is a source that has exercised the Minister's mind at some length. The difficulty with simply installing luggage racks, clearly for buses on the airport route, which would be of convenience to passengers alighting the bus at the airport with luggage, is that clearly luggage takes up space on buses that would otherwise be used for passengers to have the comfort of seating. So, one is faced with a difficult problem here as to what extent there should be luggage racks at the expense of comfortable seating for passengers. There is a secondary issue and that is that buses do not necessarily run on the same route, therefore, by installing luggage racks on buses that perhaps generally service the route 15, for example, it may be they will be taken to serve a different route at different times. There is a problem in terms of redeployment of the rolling stock. I have considered this at some length. It does seem to me that it is a matter for commonsense, both to be exercised by passengers, the holders of luggage, and the individual driver. The current state of affairs is that normally passengers alighting at the airport with luggage are effectively first on the bus and, in some cases, although I am glad to say it is very rare cases, they have been rather selfish in taking up a number of seats with their own personal belongings.

**The Deputy Bailiff:**

If I may, Minister, we have probably had a fairly full answer on that question.

**Deputy G.W.J. de Faye:**

I think the point may be made, Sir, yes.

#### **4.6 Deputy J.B. Fox:**

I wonder if the Minister could clarify in relation to the question asked by Senator Norman originally. I understand that the proposition brought to the States was that this was going to be a transport centre, which includes the picking up and the setting down of passengers, that were buses, that were coaches on Island tours and also for taxis. Clearly, at some point in time, this policy changed to become a bus station and only that used predominantly during the day and early evening. I wonder if the Minister could advise subsequently - he may not have the information to hand - when this policy was changed and if this was brought back to the States for their consideration?

#### **Deputy G.W.J. de Faye:**

I am not aware that the concept of a transportation centre constituted a policy but, Sir, Deputy Fox is a politician of some veterancy compared to me and I am sure I do not have to remind him that politicians make promises and sometimes those promises do not pan-out. Quite what the promises were relating to the transportation centre, it is a matter that is rather before my time, but it would seem that as far as Deputy Fox is concerned, those political promises certainly did not pan-out. In respect of what might be seen as the obvious linkage between buses and taxis, I have to say that in the generality people who are taking a bus to town do not normally alight and then catch a taxi from the taxi rank, and vice versa. Similarly, I want to remind Members that the reason that the taxi rank has not moved is because it has got a good position on what is the remains of the Weighbridge and that because of security issues indicated to us by the police, including the installation of C.C.T.V. (closed-circuit television) cameras, they and indeed the rank drivers, would prefer to stay where they are.

#### **4.7 Deputy S. Power:**

The Minister made reference to the fact that buses are not exclusive on any one route. Can the Minister undertake to look at this because if a dedicated bus was available on the 15 route, it may be easier to consider perhaps a luggage trailer to be towed by a bus, and I have seen this is many airports. Can the Minister undertake to look at the possibility of a luggage trailer to be coupled to the No. 15 bus? Finally, Sir, it is my belief that bicycle racks could also be fitted to the front and rear of other buses on Island routes to enable people to cycle to town and to take a bus to go up the hill afterwards.

#### **Deputy G.W.J. de Faye:**

My experience of luggage trailers attached to the rear of buses is that normally those are dedicated to vehicles that operate around airports themselves. However, I will undertake to have a look at that possibility. In respect of bicycle racks, I have been pursuing the question of bicycle racks and their attachment or not to the front or backs of buses now for some years with, so far, no resolution and that again is a matter that I will be continuing to pursue.

#### **4.8 The Connétable of St. Peter:**

Now that the major road works running through St. Peter have been completed, could I ask the Minister to take back my thanks to his management team responsible for the work that has gone into the organisation of the re-routing and all the requirements while the contract was in progress because, while there have been one or 2 little difficult moments, on balance I think it has been a very well organised effort and I would like to accordingly show one's appreciation towards it.

#### **Deputy G.W.J. de Faye:**

I am very grateful to the Connétable of St. Peter for those kind words and I certainly will pass on his thanks and appreciation to the appropriate members of the department. We did encounter some unexpected difficulties ...

#### **The Deputy Bailiff:**

I think, Minister, that was a very benign question, but there are others waiting to ask questions so I think if I could persuade you to shorten that if I may.

#### **4.9 The Connétable of St. Brelade:**

Not wishing to extend the Minister's agony on the buses, but he will be aware that the first flights out of the Island tend to leave at 7.00 a.m. and check-in time tends to be an hour before at 6.00 a.m. The first number 15 arrives at the airport at about 6.45 a.m. Would the Minister consider asking the operators to bring that service forward to enable Islanders to jump on the bus from town to get the first flights out in the morning?

#### **Deputy G.W.J. de Faye:**

I am happy to consider that proposal, Sir, although I should warn the Connétable that I am a little concerned as to quite what the demand will be for an early bus. I am not sure whether the business community, who normally catch the 'red-eye', is up for bus travel yet but, if they are, so be it.

#### **4.10 The Deputy of St. Martin:**

Could I ask the Minister to confirm whether or not he has recently made a Ministerial decision to introduce a gate charge for particular waste delivered to La Collette and, if so, what particular waste this is and what are the reasons for doing so?

#### **Deputy G.W.J. de Faye:**

My recollection is that I have put a number of increases on the variety of charges that apply. These are nothing new and have been going for some time. If the Deputy would like to tell me which particular charge he is concerned about, I will look into the detail.

#### **4.11 Senator F.H. Walker:**

It is now I think nearly 3 weeks since Liberation Station began operations. Would the Minister inform the House, after such a period of operation, the feedback that he and his department are getting from both users, i.e. passengers, and the operator?

#### **Deputy G.W.J. de Faye:**

The feedback has been extremely positive indeed, certainly from the operator. There obviously are one or 2 minor teething troubles, as with any brand new operation, but my understanding is everything is now working extremely smoothly. For those who do use it, there has been also a very positive reaction. Indeed, it has been mooted to me that in the early days, following the opening of Liberation Station, I should perhaps have been at the door selling tickets for people who wanted to come in and have a look round because the response from the public has been quite phenomenal. We have had very large audiences down there, not all of them travellers.

#### **4.12 Deputy K.C. Lewis:**

During evening performances at the Arts Centre at St. Helier, Sir, people with mobility problems cannot utilise the upper floors of Minden Street car park if the lower ones are full because the lifts are shut down at around 10.00 p.m. I am aware of the Minister's fears regarding the lifts, of some people, shall we say, indulging in antisocial behaviour, but if the conveniences were left unlocked on the premises and the lifts were left on for an extra hour, this would improve the quality of life of theatre goers with mobility problems. Does the Minister not agree?

#### **Deputy G.W.J. de Faye:**

There are always 2 sides to every coin. While I agree with Deputy Lewis, it is quite clear, from advice received from my department, that there are particular issues relating to the use of lifts in multi-storey car parks late at night. The Deputy referred to antisocial behaviour. Frankly, he is really touching the tip of the iceberg here. The experience of my department is that when we left the lifts open later than 10.00 p.m., they were very badly vandalised and in many cases put out of

operation. It is a difficult balance. I regret that one or 2 people who suffer from mobility problems have been compromised and I would simply suggest that there are other places to park around town at that time of night for people with those types of difficulty.

#### **4.13 Deputy R.G. Le Hérissier:**

Will the Minister state whether or not the new and excellent recycling centre on the Bellozanne site has led to an increase and, if so, does he have percentages to give us and can he offer us the hope that it will ultimately become self-financing and, if so, at what point?

#### **Deputy G.W.J. de Faye:**

I am afraid I do not have any up-to-date figures. The site is relatively new in operation, although the anecdotal evidence is that it is very popular with the public so I am anticipating that we will see some enhanced recycling figures in due course. I do not have any information on that at the moment. In terms of whether it will ever become self-financing, I, like Deputy Le Hérissier, live in hope but I think it is something of a hope. The site cost £150,000 to set up and we will have to do an awful lot of reuse and recycling and somehow find some charging element within that if that money is to be recouped. I do remind Members that recycling and reuse is not necessarily a pot of gold by any stretch of the imagination. Recycling costs money. It is an expensive exercise.

#### **The Deputy Bailiff:**

That concludes the period for questions to the Minister for Transport and Technical Services. There are no matters under J but under K the Vice Chairman of the Economic Affairs Scrutiny Panel will make a statement regarding the proposed sale of Jersey Telecom.

### **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

#### **5. Statement by the Vice Chairman of the Economic Affairs Scrutiny Panel regarding the proposed sale of Jersey Telecom**

##### **5.1 Deputy J.A. Martin (Vice-Chairman, Economic Affairs Scrutiny Panel):**

On 9th October the Minister for Treasury and Resources lodged P.153/2007 - JT Group Limited ("Jersey Telecom"): proposed sale - for debate on 20th November. Members will be aware that as a consequence of Scrutiny Report S.R.5/2007, the Minister for Treasury and Resources agreed to set up a joint review steering group to address a number of issues raised by the panel. These included the conditions to be placed on the sale to ensure that J.T. (Jersey Telecom) does not become highly-g geared; the conditions to be placed on the sale to ensure that the level of competition is not reduced; the need to place conditions on future onward sales of the company; the retention of an appropriate skill base on the Island; the protection of the employees' terms and conditions; and a review of the effective regulation of the J.C.R.A. and resource requirements. The joint steering group attempted to deal with these points within the Oxera (Oxford Economic Research Associates) report of 20th July 2007. The agreed conclusions issued by the steering group contained a range of recommendations to be considered prior to a sale. Consequently, the Minister for Treasury and Resources has given a large number of assurances about the principles and the process of the sale within P.153/2007 and its accompanying report. However, what is not clear, is how the Minister intends to deliver the assurances made. In order to have a proper debate on this proposition, these assurances need to be tested. The sub-panel is currently seeking legal and other advice to ascertain how robust these assurances are on gearing and contracts, in order that the debate is better informed. In addition, further clarification needs to be obtained on whether the Regulation of Undertakings and Development Law or other conditions can indeed ensure the maintenance of an appropriate skill base and employment opportunities that exist at present. In addition, on 6th March 2007, the panel's report to the States on the privatisation of Jersey Telecom clearly recommended that there should be an immediate review of the J.C.R.A.'s skill base, resources and legal powers. Such a review should be part of any privatisation planning and be completed before the States is asked to decide whether to sell. However, to date, the terms of

reference for the review - to be commissioned by the Chief Minister and the Minister for Economic Development - are still in draft form and can be seen on page 292 of P.153/2007. The panel are concerned that the draft terms of reference do not specifically address the effectiveness of the J.C.R.A. as a regulator of telecoms; nor does it address the level of resources required in the case of potential litigation. The panel does not consider that the statutory minimum 6-week lodging period allows sufficient time for Members and Scrutiny to do justice to the 292 page document, nor does it feel that it is wise to debate the sale of such a fundamental utility prior to the completion of a full review into the skills base, resources and legal powers available to regulators to ensure that a privatised telecom communications can be effective and efficiently regulated. The panel has requested the Minister for Treasury and Resources to defer the debate to allow time for these issues to be addressed but, so far, he has indicated that he will not do so. The panel therefore feels it must ask the States to defer this debate to allow it to analyse the proposals, to address the concerns expressed above and to allow the Minister to receive the panel's work. At the appropriate time, Sir, in the arrangement of business, I will be asking for a deferral of the debate until at least January 2008.

**The Deputy Bailiff:**

Does anyone wish to ask a question?

**5.1.1 Senator T.A. Le Sueur:**

I take note of what the vice-chairman and the panel has said and I think the time to decide on the debate of the meeting would be in 2 weeks' time when we meet to fix business for the subsequent meeting. I have a question for the vice-chairman because this looks to me suspiciously like delaying tactics. I would ask whether the vice-chairman would confirm that the concerns of the panel over the J.C.R.A. are now the only outstanding matter concerning the panel? It strikes me there is a danger that having resolved this one they will then come up with another excuse to delay, so can the chairman confirm that this is the only matter now outstanding?

**Deputy J.A. Martin:**

No, Sir. For those who sit on the panel, we all have different varying concerns. My one is about the J.C.R.A. I would put that at the top of my list. But, as I said, there were many assurances in P.153 and I sent a letter around yesterday, for all people who had not noticed, to even read page 46 and 47, which is referred to in the proposition. We have assurances about maintaining skill bases in the Island, used in the Regulation of Undertakings. I need to know how it will be done, or the panel needs to know. In fact, the Island needs to know, Sir. Then we have the rights of the employees and the other assurance is the best possible basis is provided for long-term growth and development of Jersey Telecom. Once all these 3 are achieved, the Minister will get the best price obtained for Jersey Telecom. Well, we find, on the panel, if the first 3 are arrived at and are do-able, that 4 will be a very high price, if at all. So this is why we are asking for the delay, that we can test some of the assurances given, outlined by the Minister, and it is certainly not just the powers of the J.C.R.A. But I will add, Sir, on that, that there is a review. The terms of reference are on the back - 9 terms of reference and none of them cover the resources needed for the J.C.R.A. if they have to fight limiting competition because the money for that does not come under regulatory powers, it comes from the States. These are very real concerns and I do not think it is a matter of business for 2 weeks' time. I think that the States and the panel who are doing the work on looking at these assurances need not to know now that we have more than 4 weeks to carry out this work.

**5.1.2 Senator T.A. Le Sueur:**

Would the vice-chairman like to confirm that she understands the proposition is a sale process in 2 stages and it is at the second stage of the process, later next year, that the decision will finally be made?

**Deputy J.A. Martin:**

Yes, Sir, I do understand. I think I have been in the States long enough to see that when a proposition says: "To agree in principle", that the States... then I have to read 292 pages. I will say, Sir, and being on the sub-panel, I have obviously seen a lot of this document before. But I am thinking of other Members and I am thinking of the questions we need to ask. We need to interview the Minister for Economic Development. I need to know how he is going to work the Regulation of Undertakings and Development Law to make sure we maintain a skill base for Jersey Telecom - or Telecom's work as part of a Jersey workforce. From my knowledge when one of the incumbent mobile operators came to Jersey, no local skills were used; they imported all their skill bases from wherever, and they were put up in hotels and guest houses to erect all the telephone masts and everything else. There are a lot of questions that need to be asked. I say again, the Minister for Treasury gives us assurance it is an in principle sale, and he will come back after he has the answer to a lot of these questions. Basically, the J.C.R.A. one is, the U.K. National Audit Office is carrying out a review that will be ready by the end of January, supposedly, and then the Minister will then come back to the States and consider this review before we have a sale. Again, Sir, I say this is putting the cart before the horse. It is not putting off the sale, it is definitely not delaying tactics; it is assurances. This is not just Telecom; this is strategic to our finance industry. We need to know, Sir, that everything that is promised in this 292 pages is deliverable before we as a States can sell-off one of these main utilities that is essential to the Island.

**The Deputy Bailiff:**

Any other questions of the vice-chairman? Then we come to Public Business.

**PUBLIC BUSINESS**

**6. Island Plan 2002: H4 Site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan (P.95/2007)**

**The Deputy Bailiff:**

The first item on the agenda is the Island Plan 2002: H4 Site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan. Projet 95 lodged by Deputy Gorst.

**6.1 Deputy I.J. Gorst of St. Clement:**

If I could just beg your indulgence. I would apologise to Members but if they will grant me leave I would prefer to defer this debate to a later date. I thank the Minister for his comments but I feel that I would need more reassurance to consider those comments and therefore ask that it be deferred to a later date, which I will consider with the chairman of P.P.C. (Privileges and Procedures Committee).

**The Deputy Bailiff:**

Very well, agreed to defer it? Yes.

**7. Draft Police (Complaints and Discipline) (Amendment) (Jersey) Law 200- (P.116/2007)**

**The Deputy Bailiff:**

In which case we come then to Draft Police (Complaints and Discipline) (Amendment) (Jersey) Law - projet 116 - lodged by the Minister for Home Affairs. The Greffier will read the citation.

**The Greffier of the States:**

Draft Police (Complaints and Discipline) (Amendment) (Jersey) Law 200-. A Law to amend the Police (Complaints and Discipline) (Jersey) Law 1999. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law:

**7.1 Senator W. Kinnard (The Minister for Home Affairs):**

This draft law clarifies how a complaint made against an honorary police officer is to be dealt with where the complaint is minor and does not warrant either a criminal or disciplinary charge. The

amendment to the Police (Complaints and Discipline) (Jersey) Law 1999 was requested by the Attorney General, who had identified an issue in respect of Article 21 of the Law. Under Article 21(3): “Complaints against a member of the honorary police may be informally resolved with the consent of the complainant and the approval of the Attorney General. That the conduct complained of, even if proved, would not justify a criminal charge or a disciplinary hearing.” The proposed law amendment would remove the absolute requirement in Article 21(5) for the Attorney General to direct the Connétable to request the Chief Officer to carry out an investigation where informal resolution of a complaint is impossible. If the purpose of an investigation is to determine whether a charge should be laid and a disciplinary hearing held this becomes redundant if the Attorney General has already decided under Article 21(3) that the conduct does not warrant either. Also it is felt to be inappropriate to require the use of valuable police resources to investigate a matter which is not even sufficiently serious to justify a disciplinary hearing. By way of illustration; if, for example, a member of the public complained that they had been moved on by an honorary police officer at an event without proper authority when clearly the honorary officer was authorised to act, this should be resolved informally. If the complainant remained intransigent and yet the principle of the honorary police authority in the situation is sound, this amendment would remove the requirement for the Attorney General to instruct an investigation when this would tie-up the time and resources of both the Connétable and the Chief Officer of Police on an inconsequential matter which would not even justify a disciplinary hearing. However, the provision that a Connétable must notify the Attorney General of the outcome of an attempt at informal resolution would be retained. Thus providing a monitoring mechanism by which further steps may be taken if appropriate. Also the provision for a formal route of investigation is retained where the Attorney General is satisfied that the complaint may not be dealt with informally. I propose the draft Law, Sir.

**The Deputy Bailiff:**

Is the principle seconded? **[Seconded]** Any Member wish to speak on the principles of the Law? All those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Deputy Mezbourian as chairman of the relevant Scrutiny Panel do you wish to have this matter referred to your panel?

**Deputy D.W. Mezbourian of St. Lawrence (Chairman, Education and Home Affairs Scrutiny Panel):**

No, thank you, Sir.

**The Deputy Bailiff:**

Very well. Minister, do you wish to propose the 2 Articles *en bloc*?

**Senator W. Kinnard:**

Yes, Sir, I propose the Articles 1 and 2 *en bloc*.

**The Deputy Bailiff:**

Are they seconded? **[Seconded]** Anyone wish to speak on either of the Articles? All those in favour of adopting Articles 1 and 2 kindly show. Those against? Articles 1 and 2 are adopted. Do you propose the Bill in Third Reading, Minister?

**Senator W. Kinnard:**

Yes, Sir.

**The Deputy Bailiff:**

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

**8. Draft Police (Honorary Police Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Regulations (P.112/2007)**

**The Deputy Bailiff:**

We come next to the Draft Police (Honorary Police Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Regulations - projet 112 - in the name of the Minister for Home Affairs. I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Police (Honorary Police Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Regulations 200-. The States, in pursuance to Article 28 of the Police (Complaints and Discipline) (Jersey) Law 1999, have made the following Regulations:

**8.1 Senator W. Kinnard (The Minister for Home Affairs):**

This proposition obviously is related to the previous one that we have just passed, Sir. This amendment to the Regulations is obviously required as a consequence of that proposition. It will bring the procedures for dealing with minor complaints against honorary officers into line with what has just been set out in the newly amended Law. The Regulations will come into force on the same day as the Law. I propose the Regulations.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Any Member wish to speak on the principles of the Regulations? All those in favour of adopting principles kindly show. Those against? The principles of the Regulations are adopted. Deputy Mezbourian, do you wish to have this matter referred to your panel?

**Deputy D.W. Mezbourian (Chairman, Education and Home Affairs Scrutiny Panel):**

No, thank you, Sir. May I say though, Sir, that we have given consideration to them previously.

**The Deputy Bailiff:**

How do you wish to propose the Regulations, Minister, *en bloc*?

**Senator W. Kinnard:**

I do, Sir, if I may propose the Regulations 1 to 4 *en bloc*, Sir.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Any Member wish to speak on any of the Regulations? All those in favour of adopting Regulations 1 to 4 kindly show. Those against? Regulations 1 to 4 are adopted. Do you propose the Regulations in the Third Reading, Minister?

**Senator W. Kinnard:**

I do, Sir.

**The Deputy Bailiff:**

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

**9. The Draft Goods and Services Tax (Jersey) Regulations 200- (P.122/2007)**

**The Deputy Bailiff:**

We come then to the Draft Goods and Services Tax Jersey Regulations - projet 122 - lodged by the Minister for Treasury and Resources. The Greffier will read the citation.

### **The Greffier of the States:**

Draft Goods and Services Tax (Jersey) Regulations 200-. The States, in pursuance of Article 16, 17, 20, 21, 29, 36, 37, 41, 42, 43, 52, 53, 56, 57, 61 62, 97, 100, 101 and Schedule 9 of the Goods and Services Tax (Jersey) Law 2007, have made the following Regulations.

#### **9.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources):**

I will start maybe by explaining the timetable to Members. We passed the Law early this year in April and that Law was registered in the Court in August of this year. Much of the detail of G.S.T. (Goods and Services Tax) will be contained within Regulations. What I am bringing forward today is the first of 2 sets of Regulations dealing with the Goods and Services Tax. These deal with the generality of things. I will be lodging a separate set of Regulations dealing with the financial services industry. Recognising the problems we had earlier this year when I brought amendments at short notice - and the Scrutiny Panel did not have time to review it - these financial services Regulations are being discussed with the Scrutiny Panel in order to ensure they are fully in the picture. I come back to what is before the House today. The Regulations that we are considering were in fact first issued in draft form back last year at the time that the Law was also put out for consultation in draft form. They were revised and a further set of draft Regulations were put out for consultation in August this year. Perhaps not unsurprisingly the Regulations did not provoke a huge response, they are not the sort of things that may automatically appeal to a large number of people. I think from what responses we have got we have been able to refine and improve on the draft that we have. These Regulations do give some important detail in respect of particular areas of business. An example of that is in the treatment of second hand vehicle sales. They also contain some important Regulations, surprisingly, in the concluding part but I will talk about the individual articles more later on in the proceedings, after we have agreed the principles. I am well aware that some Members of the House and some people outside would like to see G.S.T. delayed for one reason or another. I remind Members that we will have the chance to do that in 2 weeks' time when we discuss the position and the proposition lodged by the Constable of St. Helier and the draft Law on Price Marking. While I shall be opposing the proposition of the Constable of St. Helier, that is an issue for another day. Irrespective of when G.S.T. comes in, it is important - it is very vital - that Regulations are in place to deal with the application of G.S.T. Whatever the outcome in 2 weeks' time we still need to debate these Regulations. Clearly I will not be proposing an Appointed Day Act until after we have agreed both the price marking and the response to the proposition of the Constable of St. Helier. I am also aware that there is one other outstanding issue not before us today and that is the issue of a *de minimis* limit for imports. That issue is, strictly speaking, not one for the G.S.T. Regulations, it is a Customs and Excise Regulation which I shall be bringing forward separately. I, in fact, have the power to make that figure by Order but I have confirmed to the Scrutiny Panel, and I confirm to the House, that given the interest of many Members in the nature of a *de minimis* provision I feel it is only right that Members as a whole have the right to debate that issue. I will bring that forward for debate in the near future. Again the point I want to make, it is not an issue for debate today. I therefore revert to what is before us today. What we have today is a relatively mundane, perhaps, but important piece of legislation - necessary legislation - to flesh-out the details of the Law which we passed earlier this year. It provides the framework within which the Law can be put into practice and gives more detail in areas which the Law dealt with only in general terms. Those Regulations have been considered by the Corporate Affairs Scrutiny Panel - and I hope Members had a chance to read S.R.19 which the panel presented in October this year. I will certainly let the panel members speak for themselves but I would like to paraphrase what they say or what they appear to say to me. They are broadly supportive of these Regulations and the enhancements we have made to the Law. Sir, with those relatively brief comments by way of introduction I propose the principles of these Regulations.

**The Deputy Bailiff:**

The principle seconded? **[Seconded]** Does any Member wish to speak on the principles of the Regulations?

**9.1.1 Deputy A. Breckon:**

I just have some questions about the process. It is probably pretty sad but I have a set of these things from over the years. This one is from 31st August 2006. The reason I say that is that what it says as an introduction is that: "A 6-week public consultation begins today on the proposed Regulations that will govern the administrative and technical procedures of Jersey's Goods and Services Tax." Also in the narrative it says: "The proposed Regulations are available for inspection from today at Parish Halls, the States' bookshop, customer service centre at Cyril Le Marquand House in St. Helier, the public library and on the States website", blah, blah, blah. It also mentions further down, Sir, that in part of the consultation: "The current consultations on the proposed Regulations and the treatment of the financial services industry both end on 31st August this year", that is to say 2006. Of course, that is still ongoing and as the Minister has just said in the preamble, Sir, will be decided at some time later, the treatment of the financial services industry. I would ask Members to contrast that with what has happened this year. With these other ones, Sir, which were available... the deadline for comments was 31st August 2007; this was a 4-week public consultation on the revised Regulations. I did check, Sir, where they were available, it does not say in these Regulations that they are available anywhere and in fact they were not. A press release was made, they are available on the website, somebody contacted me and said: "I have had to print these off, they are in colour, they are a nightmare, it is fairly useless." I checked with Parish Halls, they did not go to Parish Halls. They were not available in Cyril Le Marquand House and they were available through the States Greffe bookshop on the third time of asking, which was 4 days before the consultation period ended. The period of consultation was from 3rd August to 31st August which included a period when many people, including States Members, were on holiday. It was the Battle of Flowers and it was indeed a bank holiday. The reason I say that... as the Minister said how many people responded, and he said not many or it was a poor response - I do not remember exactly what he said - I checked the terms of reference of the Scrutiny Panel on the Goods and Services Tax and one of their terms of reference was to review the responses received by the Treasury and Resources Minister in respect of public consultation both on the primary Law and the Regulations. Perhaps Deputy Ryan, as chairman of the panel could respond to find out if he knows of any responses, if he was informed of any responses and if so, if he could inform the House. I believe it is important, Sir, that if we are to engage with the public on whatever subject then there is no point saying we are doing it when in fact we are not. I did take it upon myself when I had seen what was in the Regulations to send them to a number of people who might be directly affected by what was in here, particularly one auction house, which I will not mention but will be familiar to many people. They did tell me they had absolutely no knowledge of this and although it would have an affect on them they were not consulted whatsoever. It is, of course, up to Members how they wish to proceed and I hear what the Minister said, but it seems to me there seems to be a bit of a hurry-up here which for me is becoming a bit unwieldy in that it is "let us get on with this and get it out of the way." If you are going to have laws you need to have regulations behind it, that is not the issue. The question perhaps, Sir, is how you do this; and if this complies with any standards that we have when we try to engage the public. I would ask Members to bear that in mind as we proceed because it seems to be that this seems to be... the G.S.T. man now is becoming the V.A.T. (Value Added Tax) man and sometimes that does not necessarily bring with it friendliness and harmony with whom they deal. I would ask Members just to bear that in mind because for me I think this process is flawed and I would ask the Minister if he is doing anything else to make sure that it is transparent and it is doing what it is supposed to do.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles?

### **9.1.2 Deputy G.C.L. Baudains:**

I think Members have all realised having read this proposition that the idea that it was going to be a simple tax of 3 per cent and minimal administration was somewhat wide of the mark. I recall a situation last year when I was considering importing a vehicle from the United Kingdom. I was utterly amazed at the dozens of different V.A.T. schemes that existed for claw-back and how you could claim it back and what you had to do in order to get the... what stage you had to apply for the various documents before you brought it out and after you had brought it out and all the rest of it. Hundreds and hundreds of pages of material I read, Sir. I then realised that I was looking at bureaucracy at its best. I fear that we are going the same way with the Goods and Services Tax. As I say, this proposition today I think gives an insight into the resource requirement. I truly believe we are sleepwalking into an administrative nightmare because I do not believe that the resources required to administer this tax have been properly estimated. I would say that they have been grossly underestimated. My concerns are that if we are not careful we will do 2 things. The extra cost on business of complying with this tax will mean that prices will go up, so to the 3 per cent you can add another 2, 3 or 5 per cent for administration. It means that prices in Jersey will continue to rise, as if they are not already expensive enough. The backlash of that will be that more people buy from outside of the Island under the *de minimis* level. So our tax take will actually fall. It becomes a self-defeating tax unless of course it is raised to 15 or 20 per cent in that area, in which case we will further price ourselves out of business. We are looking at diminishing returns on this if we are not careful, Sir. I was fundamentally opposed to the tax in the first place but I had hoped that if it did come in it would be simple. As I have said when I started, what I see here is something that is getting increasingly complex by the day and I am not sure that I can support it.

### **The Deputy Bailiff:**

Does any other Member wish to speak on the principles?

### **9.1.3 The Connétable of St. Helier:**

I do not want to repeat what the previous speaker has made but it does seem to me that remembering the early slogan of the Council of Ministers: "Better, Simpler, Cheaper", it is very hard to reconcile what we have before us today with that slogan. As the Minister said in his opening remarks, we are not here to debate the issues that will be debated in 2 weeks' time but I do want to draw Members' attention to the financial and manpower implications which are clearly very much predicated on the fact that 3 per cent G.S.T. is what is being looked at here. It is clear to the public that 3 per cent will not be there for long, it will be the minimum period required before it goes up. Once this particular animal is allowed to be created we know it is going to get bigger and it is going to get hungrier. I think I would also remind Members that I have certainly heard concerns that if the petition is unsuccessful in 2 weeks' time there may yet be a further attempt to protect the public from a sales tax being imposed on food and other essential items. If that were to be successful clearly the 3 per cent figure would have to rise. I do not think the use of that figure here is helpful. It masks the fact that it certainly could go up in order to compensate. The other issue is, of course, the reference to 10 staff at an approximate operating cost of £1 million a year raises certainly eyebrows among those who consider that for any length of time. No one is happy about this administrative burden. Clearly the more points of detail and problems and anomalies that are raised by the public - and particularly by businesses as they try to cope with the idea of a G.S.T. - increase my personal scepticism about whether the number of staff being offered here will be adequate to bring these Regulations through. Clearly much depends on what happens in 2 weeks' time and it might have been more sensible to have had that debate before we debated the Regulations. But we have these in front of us. I do not believe I can give them my support but it remains to be seen whether the Minister in his summing-up can somehow allay the concerns that I know so many members of the public share with me about this tax.

### **9.1.4 Deputy P.J.D. Ryan of St. Helier:**

We seem to have a conflict. We seem to have a debate reopening all over again. Members seem to want to have it both ways in some respects. There are sections of the Members - there are lobby groups - that want to soften the blow of G.S.T. and to include protections for consumers, perhaps older people, through zero-ratings or exemptions. Then there are other Members of the Assembly who say: "Yes, but if you do that you just make it more complicated." I think I have to say to Members that they really cannot have it both ways. We do have a situation where there are a number of zero-ratings and exemptions being proposed in these Regulations and that Members want. So for those that say; let us keep it simple but at the same time let us zero-rate education, but we have to have health, we cannot possibly be taxing wheelchairs and things; I would ask those Members that are saying they want to keep it simple: "Do they really mean that?" Because they really cannot have it both ways. They really cannot have it both ways. We have argued as a Scrutiny Panel and we have lobbied and put forward good cases and researched the evidence. To be fair to the Treasury Minister, I am reminded of the list of exemptions and zero-ratings that Senator Syvret proposed: I do not know when, but it was quite a long time ago now, we had a massive debate, I do not know how long it lasted, but it certainly must have been 2 days, I think. I am just going to read through them. Education: Tick, we have the exemptions and the zero-ratings on education. Health care: tick, we have that one. Childcare: tick. Charities: tick. Domestic housing and the cost of housing: tick. We are just really left with 3 items that I can think of off the top of my head: books and newspapers, children's clothing, and of course the big one, that certain Members have already referred to, the big one, is the question of food. The thing about food is it is probably... were it to be a zero-rating would probably be worth in the region of £12 million a year. The other 2 that are not included would be worth less than £1 million, probably in the region of £500,000 a year if they were to be zero-rated. So the big one undoubtedly is the question of food. I have a problem because I think Members will be aware that my panel has a particular view on this which verges towards the keeping it simple problem.

**The Deputy Bailiff:**

Deputy, I am sorry to interrupt. I allowed a little bit of leeway for Deputy Baudains and the Connétable of St. Helier, but this is a debate about these Regulations.

**Deputy P.J.D. Ryan:**

Yes, Sir, but it is not also a debate about the absence of certain Regulations?

**The Deputy Bailiff:**

No, it is a debate [**Laughter**] about these Regulations, whether to pass these Regulations.

**Deputy P.J.D. Ryan:**

I was going to stop there anyway. As it happens I was not going to go on for very much longer with regard to the absence of possible zero-ratings in these Regulations. I was merely going to conclude by saying that I think Members will be aware that I have a personal position which is in favour of zero-rating food, and therefore the absence of a zero-rating. Whereas my panel's position is supportive, at the moment, is supportive of not zero-rating food. I will leave it there, Sir, there will be an opportunity, I feel sure, and opportunities in the future for debating again in detail the question of the zero-rating of food. So I will cease there. Can I come back then to my panel's report on these Regulations. Basically, I would like to very quickly run through the key findings. The question of the margin scheme for second hand vehicles has rightly been addressed. There were dangers that this was going to cause a major problem within the market for vehicles locally. Page 6 of our report covers it in more detail but basically we are glad to see that the Treasury Minister has accepted that there is a need to stabilise that particular area of local industry. Regulation 28 is to do with charities. Again, there was a commitment from the Minister, following a public meeting that we had quite a long time ago now, I do not remember the date, and these Regulations reflect the statements that the Minister made during that public meeting and we are

fully supportive and we are very pleased to see these particular Regulations. It is on page 7 of our report. There are some caveats. We did recommend in our previous report that there would be a review of the definition of charities. I think the Minister has committed to carrying out that review by the Income Tax Department. I would like to know where he is on this because we believe that if we are not very careful here, unless there is a requirement for a charity to be of public benefit, and those are the key words I think, to qualify for the exemption from G.S.T. then this is a recipe for all sorts of possible shenanigans or attempts at shenanigans going on. It is just an open book there if we are not very careful. We would recommend that this review be undertaken. We would recommend, in fact, that it be undertaken before the start of G.S.T. I wonder if the Minister could confirm that that would in fact be the case. We also note that the Jersey Law Commission has made a proposal which would seek to set up a non-governmental charities commission. This is a recommendation in our report and I would like the Minister's comment on that, please. So that is charities. I think that there would be many charities and people involved in charities all over the Island that are probably feeling happy now; they were probably happy before because the commitments were being made, but there is nothing like seeing it in black and white. That is now the case and I am sure that they can rest assured and sleep easy at night. I would like to move on to the exemptions for childcare and private schools and burial services, cremation services. **[Interruption]** I was talking about the exemptions for childcare and private schools, et cetera. Page 9 of our report covers this. There is not much for us to add. There was a slight problem with childcare, we all know that there are problems, I am sure that the Education Minister is only too aware of the problems with the inequalities in childcare. Had we been applying G.S.T. to the private supply of childcare it would have only exacerbated that problem, so at least the Treasury and Resources Minister has avoided that particular problem and complication, which we think is right. Burial and cremation services; we accept the reasons being given for zero-rating that. It is one that we had not really thought about ourselves but overall we accept it. The question of private schools and the charitable private schools that would have received the exemptions or zero-ratings via that side of the Regulations have now been... the non-charitable schools have been taken into consideration so that has addressed that particular problem, and again we support it. We finally go now...

**Senator M.E. Vibert:**

Sir, I thought we were addressing the principles, not all the individual Regulations?

**The Deputy Bailiff:**

We are, but the Deputy is giving an overview, I think, of his panel's views.

**Deputy P.J.D. Ryan:**

It will mean, Minister, through you, Sir, that I would then not need to speak on the individuals and we can get the whole thing done in one go. Finally - I think I am very close to the end on the zero-ratings - is the conversion of non-domestic buildings. This was something that we highlighted and we attempted an amendment, I do not know if Members recall? That amendment was rejected by the House but then subsequent to that the Minister has in fact accepted that there does need to be something done about the zero-rating of conversions of non-domestic buildings to domestic buildings and, in fact, that is in the Regulations. Again, we appreciate that. As the Minister has already referred to, and I will try and answer the question here from Deputy Breckon, about our terms of reference, we have provided a series of reports. Some of the reports address certain parts of our terms of reference and others do not. This is such a large task, this scrutiny of G.S.T. At times it is boring and it is boring for particularly those that are not particularly interested in tax matters, but it is a very necessary task and it is something that we needed to do very carefully. It means that we have to do about 3 or 4 different reports. There are 2 or 3 more to come, 2 that I can think of. As the Minister has said, one is on financial services and the other main issue that we will need to look at is this question of the import *de minimis* and how that might affect local business.

Those will form 2 further reports in the future. I do not intend to talk about them any more at the moment. But to just address Deputy Breckon's concerns. This report does cover various sections of local industry. It covers the motor trade, for instance. That is one section of local industry. It covers charities, it covers education, various other things. There may well be sections of industry that have not responded fully and we have not addressed in this particular report. We will endeavour to cover those in these next 2 future reports if we have missed anything. We are not aware though of any major consultation with the Treasury that we have not covered. That does not mean to say that we cannot cover it in the future. If there are particular sections of local industry that are unhappy then we will be very interested to talk to them forthwith. The last one on here then is this question of the zero-rating of hotel accommodation and the transitional arrangements. I had hoped, but I may be out of time, because I expected that we would not get onto this debate until this afternoon. I had hoped to be able to put a letter in front of Members... it is there. Unfortunately Senator Le Sueur has a little bit taken us for granted in that we were fully supportive. The letter there corrects that situation. I am not sure if the Senator wants to comment further on it, but I do not particularly like being misrepresented and unfortunately his letter did do that. We are more worried, I think, at this stage... as we get more information it is becoming a little clearer to us as to the other side of the argument on these transitional arrangements. I would not say we are yet fully convinced that it is the right thing to have done, but we are beginning to see the other side of the argument. It is just a shame that we did not have an opportunity to do that at an earlier stage. I would be very interested to hear the comments of the Economic Development Minister as to whether he feels in fact this was a necessary zero-rating; and in fact if he feels that it is a hidden industry subsidy. I have no idea. But I would be interested to hear what he has to say. That is something we would need to look at in the future. So with those few comments, Sir, I think there is not much more I can add. We are generally supportive. There will still be some debates to come. Some of the rates still need to be followed by the Treasury Minister, I am sure he is aware of that. In 2 weeks' time the debate on the question of the petition and whether G.S.T. should be delayed. There are still things to be decided. But generally these Regulations, to us, seem fit for purpose and we are generally supportive, Sir, of that.

#### **9.1.5 The Deputy of St. John:**

I just wanted to stand in support of the Treasury Minister for standing by his guns, really, and not allowing lots of exemptions to creep in. It would have been very easy to do so, in fact it would be very advantageous perhaps for him to do so. I was a body of people that was concerned about G.S.T. from a point of view of its harmful effect on the less well-off; by having a low rate obviously they are slightly better off. But with a higher rate, of course, everybody suffers. I would like to congratulate the Treasury Minister for sticking to his guns and not going down the route of exemptions and the few that are effectively in P.122 are sensible and I would urge Members to support them and get on with the implementations of the sales tax as soon as possible so that all the public services we currently deliver at an exceptional standard can be fully supported. I would like to congratulate the Minister on sticking to his guns and I hope that the projet sails through.

#### **9.1.6 Deputy J.A. Martin:**

I do not know which debate the last Deputy was listening to but I think Deputy Ryan had already summed-up, it was a one gun I think he stuck to, and that was mainly food. My problem with these Regulations... I think the Minister had a vague mention of the exemptions from the finance industry. I know we also have the Appointed Day Act to come and the debate on the petition. What I would like to know is when I will see a complete package of Regulations and the one, the biggest one, being on what exemptions are under what conditions - I am not saying I am in support or not, I want to see them - that will be given to the finance industry. Considering they need a 6-week lodging period that is really the question I am asking, because until I have some sort of idea how this ... we seem to be a bit here, we were not going to have any exemptions, now we have lots of exemptions for all different reasons. Again I can feel a 'let us exempt food' proposition coming

back. If perhaps nobody else wants to bring it, maybe I will, Sir. What I am saying is I want an orderly... I want to know from the Minister where we are, the order of this debate is going because we have part Regulations here and three quarters of it is here and the massive bit - as they say the elephant in the room - on finance industries and paying G.S.T. we have no idea what is going to happen. I want to know, Sir, before I pass any of these Regulations.

**The Deputy Bailiff:**

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

**9.1.7 Senator T.A. Le Sueur:**

I thank those Members who have spoken. I suspect that some of the reactions were fairly predictable, certainly for people like Deputy Baudains, and Deputy Martin whose views on G.S.T. have not changed very much, any more than mine have. Picking up Deputy Breckon's point about consultation and communications; I would hold up the G.S.T. proposals as a model of good consultation and good communications. This draft Law and draft Regulations were first put out for consultation well over a year ago. They have been refined 2 or 3 times since then. We have been back and forth to the Corporate Affairs Scrutiny Panel, we have had a good working relationship with that panel. We have been able to learn from what we have picked up on the consultation and from the feedback from the panel. That has enabled us to refine these Regulations to the state where they are in today. I am sorry if he feels that our communications are less than perfect. I think we can stand up and be very proud of them. Deputy Baudains suggests that these Regulations are no longer making the Law simple. I can only suggest to him that if he wants to see a really complicated law he could look at the U.K. V.A.T. Law and that would be quite a lot thicker than this lot. [Laughter] Certainly he picks up and cites those things, as an example the complications in the motor trade. We did recognise that and so did the Scrutiny Panel, as a result of which the margin scheme which we are proposing with these Regulations is, I think, the most practical way through some of those difficulties. He fears for inflation and the rate of G.S.T.; in fact so does the Constable of St. Helier, he thinks that the rate of 3 per cent will not stay for very long. It is a shame, perhaps he was not at the budget presentation I made yesterday when I said looking at the financial forecast, I have every confidence that G.S.T. can stay at 3 per cent until 2015 and beyond. I think that one is clearly just scaremongering. As for the comments about the number of staff and the cost of implementation; the whole purpose of these Regulations is to keep the Law simple, keep the staff costs down, keep the cost of government down. I am restricted, just like any other Minister, to living within my budget allocation. If I need any more money I cannot have it. We then move to Deputy Ryan, the Chairman of the Corporate Affairs Scrutiny Panel. As I say we continue to have a good working relationship with that panel on these Regulations. Without going over all the things he said I would just sum up his final comments, these Regulations are fit for purpose, says the panel. I think that is all I needed to say. I thank the panel for their comment and their detailed reports, which do come out at the right times and I think they are easily readable. If I have misinterpreted what the panel suggested about the hospitality industry, I am sorry, but that is I think something we will talk about when we deal with that Regulation. I thank the Deputy of St. John for his comments on G.S.T. and the way we have approached this. Finally, in respect of the financial services industry, I aim to bring those Regulations to the House some time next month. I would have liked to have brought them already but equally I would like to make sure that the Scrutiny Panel are fully satisfied with their content and in trying to balance those 2 we have this delay. I just point out that the contributions from the finance industry is expected to be between £5 million and £10 million a year from G.S.T. It is, I suppose, maybe 15 per cent of the total revenue from G.S.T. and it is a reasonably small and self-contained area and a fairly specialist area at that. Those Regulations will come before the House only after the Scrutiny Panel is satisfied and they have also presented their report on them. I think that probably, Sir, concludes all I need to say about the preamble. I maintain the principles.

**The Deputy Bailiff:**

The appel is asked for in relation to the principles of the Regulations. I invite Members to return to their seats. The Greffier will now open the voting. **[Interruption]** Very well, we will have to revert to the time-honoured fashion of an appel. The Greffier will call the roll.

<b>POUR: 28</b>		<b>CONTRE: 13</b>		<b>ABSTAIN: 0</b>
Senator F.H. Walker		Senator L. Norman		
Senator W. Kinnard		Connétable of St. Helier		
Senator T.A. Le Sueur		Deputy R.C. Duhamel (S)		
Senator P.F. Routier		Deputy A. Breckon (S)		
Senator M.E. Vibert		Deputy of St. Martin		
Senator T.J. Le Main		Deputy G.C.L. Baudains (C)		
Senator B.E. Shenton		Deputy R.G. Le Hérisssier (S)		
Senator J.L. Perchard		Deputy J.A. Martin (H)		
Connétable of St. Mary		Deputy P.V.F. Le Claire (H)		
Connétable of St. Clement		Deputy D.W. Mezbourian (L)		
Connétable of Trinity		Deputy S.S.P.A. Power (B)		
Connétable of St. Lawrence		Deputy S. Pitman (H)		
Connétable of Grouville		Deputy K.C. Lewis (S)		
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy J.B. Fox (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy A.J.H. Maclean (H)				
Deputy of St. John				
Deputy I.J. Gorst (C)				

**The Deputy Bailiff:**

Deputy Ryan, I think it has already been referred to your panel, is that right? You do not want it referred again?

**Deputy P.J.D. Ryan (Chairman, Corporate Services Scrutiny Panel):**

No, Sir, thank you.

**The Deputy Bailiff:**

Minister, how would you wish to take the Regulations?

**9.2 Senator T.A. Le Sueur:**

I think they fall into 7 parts, Sir, and I would propose to take each part in turn. Part One being a very simple one, it just identifies the Law under which we are making these Regulations. I move Part One.

**The Deputy Bailiff:**

Seconded? **[Seconded]** Does anyone want to speak on Part One? All those in favour of adopting Regulation One kindly show? Those against. Regulation One is adopted.

### **9.3 Senator T.A. Le Sueur:**

Part 2 contains Regulations 2 to 6. These deal with the public sector. They set out the way in which the public sector is to be treated. Article 5 deals with the treatment of Parishes. Parishes will each need to be registered for G.S.T. and taxed as taxable persons, but supplies they make to themselves will not be treated as taxable supplies. Article 6 deals with quasi-States bodies and how they be treated as though they were the same as the States. They include groups like the Committee of Management of the Public Employees Pension Fund, the Overseas Aid Commission and the Consumer Council. Supplies made by the public sector are not chargeable to G.S.T. unless made in the course of a business which G.S.T. would normally apply. I move Regulations 2 to 6.

#### **The Deputy Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on any of the Regulations 2 to 6?

#### **9.3.1 Deputy R.G. Le Hérissier:**

Just to clarify, Sir, under 6 for example, the Family Nursing and Home Care would be exempt. Is that correct?

#### **9.3.2 Senator T.A. Le Sueur:**

As far as I am aware Family Nursing is a registered charity which gets funding from the States rather than being a States body.

#### **The Deputy Bailiff:**

All those in favour of adopting Regulations 2 to 6 kindly show. Those against? Regulations 2 to 6 are adopted.

### **9.4 Senator T.A. Le Sueur:**

Part 3, Regulations 7 to 13 are somewhat technical in nature and deal with particular cases. They include matters like personal consumption, free goods and samples, sales where there is reservation of title, stage payments, retentions and royalties. The reality is that these are going to be the exemption rather than the rule but nonetheless the Regulations have to be there to provide for them. They also address the matter of building contracts and other cases where you may make a down payment before the goods are delivered. Sir, I move Regulations 7 to 13 and ask for any questions.

#### **The Deputy Bailiff:**

Does any Member wish to speak on any of Regulations 7 to 13?

#### **9.4.1 Deputy A. Breckon:**

If I just maybe make an observation to the Minister. I know it has happened because the G.S.T. team when contacted are going individually to meet businesses and people to explain that. I think that is valuable because in the main if you are a small business this lot is mumbo-jumbo and people do not understand it and they have a fear of it. I would ask if the Minister could produce a plain English version for people who might be affected by it because to be honest, Sir, when some people look at this they just have a fear of it and the fear is, what the Dickens does it mean, and what do we do about it? That is a genuine fear, Sir, because of their understanding and they have a fear, Sir, of compliance and what should I do, do I need professional advice, do I need an accountant, do I need a lawyer? Perhaps if there was a user guide that was available it would help people to get through that process.

#### **The Deputy Bailiff:**

Perhaps I can just mention. I noticed on a few occasions recently the odd fairly minor swear words slipping out from Members. It is not parliamentary. Does any other Member wish to speak on Regulations 7 to 13? Do you wish to reply, Minister?

#### **9.4.2 Senator T.A. Le Sueur:**

Yes, Sir, I think I do. I appreciate that this Law is somewhat technical and not easy to understand to the layman. Tax regulations tend to be like that, I am afraid. That is why - picking up Deputy Breckon's point about the need for some user guide - we are producing a series of guides such as these here; *A Layman's Guide to Goods and Services Tax for Business*. I do urge any businesses that need these sort of documents they are available and more will be produced over the course of time. We do appreciate the need for good communications, we do deliver good communications. I move Part 3, Regulations 7 to 13.

#### **The Deputy Bailiff:**

All those in favour of adopting Regulations 7 to 13 kindly show. Those against? Regulations 7 to 13 are adopted. We come to Part 4, Minister.

#### **9.5 Senator T.A. Le Sueur:**

Regulations 14 to 19 deal with input tax, which is another technical section dealing with the procedures given entirely over to payments and recovery of tax, the details needed to support any claim for recovery and other miscellaneous details relating to Part 10 of the main Law. It also deals with a situation where a trader is about to commence trading or when they cease trading. Article 18 deals with the form of paperwork for accounting records to be kept and how long those records are to be kept for. I move Part 4, Regulations 14 to 19.

#### **The Deputy Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on any of Regulations 14 to 19?

#### **9.5.1 Deputy A. Breckon:**

Again, Sir, just for the layman's guide, it would be useful again, Sir, especially where there are some compliance issues like keeping records for 6 years. It is not something that everybody does. I think people out there that would be affected by this would need to know that. Also, Sir, a question was asked of me if a trader has to certify something and they are not competent to do that, on say an accountancy opinion, do they need to employ somebody if they do not know? I know in a former life the Treasury Minister might like to declare that. At the same time, Sir, it is a fear that is out there on the streets about people, how do we do this, how do we comply with it? Again it is the red tape they see associated with it. Perhaps the Minister could give an assurance that that is not the case?

#### **The Deputy Bailiff:**

Does any other Member wish to speak on those Regulations?

#### **9.5.2 Senator T.A. Le Sueur:**

To pick-up on the one time television cook: "Here is one we produced earlier", called *Books and Records to be kept*. I urge the Deputy to read that. That is the layman's guide. I maintain Part 4.

#### **The Deputy Bailiff:**

All those in favour of adopting Regulations 14 to 19 kindly show. Those against? Regulations 14 to 19 are adopted.

#### **9.6 Senator T.A. Le Sueur:**

Part 5 contains 2 Regulations, 20 and 21. These deal with G.S.T. invoices. Although G.S.T. invoices would normally be in a standard form appropriate to any particular registered entity, there will be instances which do not fit the norm. These Regulations declare what documents can or cannot be used as invoices and will allow practical solutions for what otherwise might be a technical difficulty. I move Regulations 20 and 21.

**The Deputy Bailiff:**

Seconded? [Seconded] Does any Member wish to speak on those Regulations?

**9.6.1 Deputy A. Breckon:**

Again, Sir, perhaps the Attorney might not like to get involved with this, but could he just say that there is a difference between an invoice and a receipt in that some people understand that something might be on a receipt, and an invoice for this purpose is different from a receipt. The invoice perhaps would be a trade thing where a receipt would be more in the public domain.

**The Deputy Bailiff:**

Does any Member wish to speak?

**9.6.2 Senator T.A. Le Sueur:**

I do not think it needs legal advice. There is a clear difference between an invoice and a receipt. Certainly the G.S.T. Office knows that and I am sure most businesses and retailers know that. A receipt is simply recognition that a payment has been made. The invoice details what was in there. So I maintain Part 5.

**The Deputy Bailiff:**

All those in favour of adopting Regulations 20 and 21, kindly show. Those against? Regulations 20 and 21 are adopted. Part 6, Minister?

**9.7 Senator T.A. Le Sueur:**

Yes, Sir. Part 6 deals with the motor trade and accoutrement of second-hand motor vehicles. I mentioned this earlier in the debate on the principles as did Deputy Ryan, the chairman of the panel. I am pleased to say that this is a good example of how the consultation process together with the help of Scrutiny has enabled us to come up with what seems to be the best way of dealing with the particular circumstances of used vehicles. It also deals with the way in which cars and other used vehicles which are bought at local auction sales will be dealt with. That maybe addresses the concerns of Deputy Breckon he mentioned in the preamble. I believe we have come up with a solution here which is fair and which meets with the approval of the parties concerned. It is very similar to the margin scheme which is applied in the U.K. and elsewhere. I propose Regulations 22 to 27.

**The Deputy Bailiff:**

Seconded? [Seconded]

**9.7.1 Deputy A. Breckon:**

I would ask the Minister if he would take the word of a second-hand car dealer.

**9.7.2 Deputy R.G. Le Hérissier:**

The Minister kept saying how good it was and how it emulated the U.K. system, but I do not think we quite know the principle. Presumably where a car is in a transient state, so to speak, or held by a transient owner, there is no G.S.T. chargeable. Can he also confirm, Sir, that the trade which was quite popular in Jersey of parking cars here en-route to the U.K. - the re-importation - although much reduced, I take it that is going to continue under this particular system?

**The Deputy Bailiff:**

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

**9.7.3 Senator T.A. Le Sueur:**

It is not a question of taking the word of second-hand car dealers. We rely on the invoices that they have to generate in order to demonstrate what they have been doing. Taking up Deputy Le

Hérissier's point, this is really dealing with second hand vehicle sales in Jersey. It is purely on second hand vehicle sales and as the margin implies, it is on the dealer's margin between what they take a car in for and what they sell it for. This has to be done in a fairly discreet way. The purchaser of a car maybe does want to know but he will not be told by the car trader what the car trader took it in for. The car trader keeps records which show what he purchased it for and what he sold it for. We will apply G.S.T. on the margin of that arrangement. That is an arrangement which the car dealer does not want to disclose to the purchaser for obvious reasons. So we do need to have Regulations which may look a little bit complicated on the face of them, but that, combined with the record-keeping that second hand car dealers would have to keep, is, to my way, the most effective, the most efficient, the most pragmatic and the fairest way for the trade to deal with this issue. So I maintain Regulations 22 to 27 of Part 6.

**The Deputy Bailiff:**

All those in favour of adopting Regulations 22 to 27, kindly show. Those against? Those Regulations are adopted. Part 7, Minister?

**9.8 Senator T.A. Le Sueur:**

Part 7 is headed "Miscellaneous" and is normally a relatively simple section, but in this case it contains most of the areas of practical significance and therefore I will go into a bit more detail on Part 7. Regulation 28 deals with charities and they confirm the pledge I made last year, again supported by the Corporate Affairs Scrutiny Panel and which followed a meeting which that panel has organised at Trinity Parish Hall. Article 28 enables the Comptroller to make refunds to charitable organisations and any G.S.T. they suffer on purchases on a paying-claim basis, so long as they keep proper accounting records and are registered as a charity. The discretion of registration as a charity is defined in Schedule 5, paragraph 5 of the Law. This is in addition to the exclusion by exemption already provided to the main G.S.T. Law on supplies. It recognises, and I think Members in the House recognise, the valuable contribution which charities make to the ongoing life of this Island. I think we can be proud that we have in this G.S.T. Law here arrangements which are better than virtually any other jurisdiction in the world. Article 29 deals with price marking and display and touches on the price marking debate we will have in 2 weeks' time, but this Regulation is necessary if there is going to be an interim period before inclusive pricing becomes mandatory. It will ensure that customers are made aware before purchasing whether the prices displayed include or do not include G.S.T. This notification has to be sufficiently prominent that the customer has no room for doubt. Articles 30 and 31 deal with exclusions, exemptions and zero-rating and although, as I say, we tried to keep the Law as simple as possible, the consultation process has highlighted a couple of areas of potential difficulty where we have taken a pragmatic approach. The exemption of schools which were run by charities highlight one area there; that created an anomaly between those schools and other private schools. That we have resolved, as we have with registered childcare providers. We also propose to exclude certain supplies and services of funeral directors. Not a very large area of revenue, I hasten to add, for G.S.T., but one which would cause problems out of all proportion to the very small revenue it would collect in what is a very sensitive area. There is also charity in respect of hotel accommodation, and I repeat, just for the year 2008 only, and that is simply because of a long-term contractual relationship which may have been entered into before the Law was registered. It would be unfair to distinguish between those contracts which were entered into before the Law was registered and those which were not. So for the year 2008 only we have taken this pragmatic approach. From 2009, the normal G.S.T. rules will apply and G.S.T. will be levied on all that accommodation. There is also a small but important proviso in respect of businesses sold as a going concern, to remove any possible ambiguity. Finally, again with the input of the Corporate Affairs Scrutiny Panel, we are proposing to zero-rate building conversions for which certain conditions are met. Basically we expect there to be another unit of accommodation provided in order to get that benefit. Article 32 deals with long-term contracts and states there that a prescribed contract is one where there are pre-existing terms in

a contract and no provision to vary those terms. This article is common to any consumption tax anywhere else in the world as a transitional provision and will apply in Jersey mainly for the construction industry. Finally, Article 33 deals with the commencement of citation and needs to be dealt really in conjunction with Article 102 of the main Law and also Article 1 of the Appointed Day Act will be debated in a fortnight's time. Without going into details, Sir, certain parts of the G.S.T. Law will need to come into operation from 5th January in order for things like registration to commence, but the main G.S.T. appointed day will be on 1st May 2008. However, Sir, that is to debate for a fortnight's time. Today we are just debating Part 7 of the Regulations, and I move them.

**The Deputy Bailiff:**

Are they seconded? [**Seconded**] Does any Member wish to speak?

**9.8.1 Deputy P.J.D. Ryan:**

Could the Minister please respond to whether he will be carrying out a review of the definition of charities before G.S.T. comes in, and could he give me his view on the concept of a non-governmental charities commission for Jersey?

**9.8.2 Deputy A. Breckon:**

Just a couple of comments. Again on the charities, there has been a concern expressed to me about the compliance issues for charities, so if the Minister does have another booklet to produce out of his hat, that would be, I think, useful for those. Price inclusive or exclusive under Article 29, I think, is a debate for another day, Sir. On exemptions, there is some commonsense in that, Sir. There was a surprise perhaps on burial and cremation and, as said by somebody, 2 things are certain in life and that is taxes and death. Perhaps we have some conflict there, but questions were asked, like: "Do directors' fees attract G.S.T. or not? Flowers, J.E.P. (Jersey Evening Post) advertisements?" So when it says: "Any approved service or in connection with burial and cremation", perhaps there are some grey areas there. I do not know if there is a booklet for that, Sir, as well, but again these questions were asked. So is it a case of we pay them for one service but not for another, and again is this perhaps too much red tape? Perhaps if the Minister cannot address these now, Sir, he can produce another booklet.

**9.8.3 Senator M.E. Vibert:**

Can I thank the Treasury Minister for the exemptions, particularly with childcare and education. It shows that consultation is an important process and, if conducted correctly, can lead to necessary changes. I am glad the Minister listened to the entreaties that were there because childcare is expensive enough on the Island as it is and this does not make it any worse and it certainly does not make the inequity existing in childcare between provided nurseries and the private and charitable sector any worse, so I thank him for that. Also in education it was vital that we had a level playing field between the church schools which are charities and the other fee-paying schools, and this achieves that. So I think there is good news for education in these Regulations and it does not make it too complicated. It still keeps the Law fairly simple.

**The Deputy Bailiff:**

Very well, I call upon the Minister to reply.

**9.8.4 Senator T.A. Le Sueur:**

I thank Senator Vibert for his comments on the consultation process. Yes, this is a good example of where consultation does pay off. It arose out of the way we began giving very favourable treatment to charities. As a result of that, it just seemed to have snowballed through from that, perhaps to the benefit of those educational establishments. I think the commentary mainly relates to charities. The definition of a charity is contained in the Law itself. It is Article 5 of Schedule 5, 5(2), and for this Law, charity means: "A corporation, association or trust, the income from

property of which is exempt of income tax by virtue of Article 115A, A(a) or A(b) of the Income Tax Law 1961.” There. Who said tax law was complicated? Basically what it will require is a review of the Income Tax Law, now Article 115, to decide the extent to which the Comptroller of Income Tax will exercise his powers to register a charity. That is something which the Jersey Law Commission has certainly had response on and I am aware of the comments of the Corporate Affairs Scrutiny Panel. My objective in G.S.T. is to ensure that charities can continue to provide a good service to the people in the Island in the varied ways which charities do that, and I am anxious to put as few obstacles as possible in the way of those charities who are finding it increasingly difficult to provide their services at a time of increasing pressure financially and on people’s time. We will keep charities under review and if there are any obvious signs of misuse of G.S.T. in an effort to try to work around the system, I will bring forward further amendments, but at this stage I want to approach charities in a very positive and open manner to support the good work that they do. So I thank the Ministers for their comments on charities. I thank Members for their comments on the Regulations generally, Sir, and I move Part 7.

**The Deputy Bailiff:**

All those in favour of adopting Regulations 28 to 33, kindly show. Those against? Those Regulations are adopted. Do you propose the Regulations in Third Reading, Minister?

**Senator T.A. Le Sueur:**

I do, Sir.

**The Deputy Bailiff:**

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

**10. Fields 848, 851 and 853 Bel Royal St. Lawrence: Committee of Inquiry - appointment of member (P.147/2007)**

**The Deputy Bailiff:**

We come next to Fields 848, 851 and 853 Bel Royal St. Lawrence: Committee of Inquiry - Projet 147 - in the name of the Connétable of St. Lawrence. I will ask the Greffier to read the proposition. Connétable, the Greffier has pointed out that because of the malfunction where you are, it will not be recorded. Would you mind perhaps moving to another seat? In the meantime, the Greffier will read the proposition.

**The Greffier of the States:**

The States are asked to decide whether of opinion to refer to their Act dated 2nd May 2007 in which they agreed to approve the appointment of a Committee of Inquiry to investigate fully the circumstances relating to the development of Fields 848, 851 and 853 Bel Royal and to appoint Mr. Reginald Peter Campbell as a member of the Committee of Inquiry.

**10.1 The Connétable of St. Lawrence:**

On 2nd May 2007, the States agreed to establish a Committee of Inquiry to look into the development at what is commonly known as Goose Green Marsh, Bel Royal - Fields 848, 851 and 853. On 4th July, the Members agreed to appoint 3 members to the Committee of Inquiry. Two of those members, Mrs. Canavan and Mr. Watkins, have since been sworn-in and have started work. However, unfortunately, the third member proposed at that time and approved was unable to continue for health reasons and that was reported to the States on 11th September. I am now coming forward with a proposition that Mr. Peter Campbell should be elected as the third member of the Committee of Inquiry. He is very happy to act. He is a retired architect with many years’

experience. He was in partnership for 30 years and he has been a sole practitioner for 10 years after that. So there are not that many people who can claim to have had as much experience as Mr. Campbell. So I am very grateful to him having come forward, and I propose that he be elected as the third member of the Committee of Inquiry.

**The Deputy Bailiff:**

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

**10.1.1 Senator F.H. Walker:**

I am sure I know the answer; I will just double-check. I have a great deal of regard for Mr. Campbell. We would just like to double-check with the Connétable that he has absolutely no interest, direct or indirect, in this development or the developers.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**10.1.2 Deputy J.G. Reed of St. Ouen:**

I would just like perhaps, in partly responding to Senator Walker, say that I can personally vouch for Mr. Campbell. Not only is he a parishioner in St. Ouen but equally he has certainly supported me in a number of different issues within the Parish and for the Parish and I have certainly found him to be an extremely upstanding gentleman, and I firmly believe that he is perfect for this position. Thank you.

**The Deputy Bailiff:**

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

**10.1.3 The Connétable of St. Lawrence:**

Yes, I can confirm that Mr. Campbell has no interest, direct or indirect, in this development. In fact, he is now totally retired. We will not hold it against him that he lives in St. Ouen and not in St. Lawrence but thank you to the Deputy of St. Ouen for those comments. I have every confidence in Mr. Campbell and I thoroughly recommend him, Sir.

**The Deputy Bailiff:**

All those in favour of adopting the proposition, kindly show. Those against? The proposition is adopted. If Members agree, may I suggest that we deal with the 2 Appointed Day Acts first which are not *in camera* and then deal lastly with the Jersey Financial Services matter which is *in camera*.

**11. Draft Employment Relations (Jersey) Law (Appointed Day) Act 200- (P.154/2007)**

**The Deputy Bailiff:**

Very well, I will ask the Greffier then to read the Act in relation to the Draft Employment Relations (Jersey) Law (Appointed Day) Act - Projet 154 - lodged by the Minister for Social Security.

**The Greffier of the States:**

Draft Employment Relations (Jersey) Law 2007, (Appointed Day) Act 200-: the States, in pursuance of Article 29(2) of the Employment Relations (Jersey) Law 2007, have made the following Act.

**11.1 Senator P.F. Routier (The Minister for Social Security):**

I am pleased to be able to propose the Appointed Day Act for the Employment Relations Law as being 21st January 2008. I am sure Members will recall the contents of that Law, and I make the proposition, Sir.

**The Deputy Bailiff:**

Is it seconded? [**Seconded**] Does any Member wish to speak on the Act?

**11.1.1 Deputy A. Breckon:**

I would like to ask a question of the Minister, and the reason is, in 1995, I was appointed Industrial Disputes Officer. As far as I knew, that post had partly expired with the introduction of the new Law, but apparently until this Appointed Day Act is approved it is not the case. The reason I say that, and Deputy Maclean dealt with it quite ably, there was a dispute not long ago and I was contacted by somebody from the U.K. and they asked me if I was the Industrial Disputes Officer. Well, my immediate answer was: "No, Sir" but I did not say that and I did not say yes either. I just said: "Why do you want to know?" So I just wonder if the Minister could confirm, if I have a position that I have not been active in, that this will expire with this Law and if, in fact, it is the case. If that is the case, Sir, then if any employment terms apply to that, I would gratefully receive them on the expiry of the contract. Thank you, Sir.

**The Deputy Bailiff:**

Does any other Member wish to speak?

**Senator F.H. Walker:**

Before the Minister replies, can I just ask on behalf certainly of those of us in a group here if Deputy Breckon could speak up somewhat when he is speaking? We really are struggling to hear much of what he is saying. That may be an advantage in my case, Sir, but I think that the Deputy should be aware of it.

**The Deputy Bailiff:**

Do I see anyone else who wants to speak?

**11.1.2 Deputy I.J. Gorst:**

Yes, I just want to take this opportunity to thank the Minister for bringing forward this long-awaited piece of legislation and wholeheartedly welcome it and thank his department for the hard work they have put into bringing it forward.

**The Deputy Bailiff:**

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

**11.1.3 Senator P.F. Routier:**

For the benefit of Senator Walker and the people who could not quite hear Deputy Breckon, he was asking about his role of Industrial Disputes Officer, whether, with the Appointed Day Act this would do away with that position. Certainly the Appointed Day Act will do away with that position and, at the same time as that happening, it is appropriate that I should thank the Deputy for his work and his assistant who has been helping him with those duties over the years. They have carried out those functions particularly well and I would like to thank them for that. I maintain the proposition, Sir.

**The Deputy Bailiff:**

All those in favour of adopting the Act, kindly show. Those against? The Act is adopted.

**12. Draft Employment Relations (Amendment No. 2) (Jersey) Law 2007 (Appointed Day) Act 200- (P.155/2007)**

**The Deputy Bailiff:**

We come next to P.155 - Draft Employment Relations (Amendment No. 2) (Jersey) Law 2007 (Appointed Day) Act - lodged also by the Minister for Social Security.

**The Greffier of the States:**

Draft Employment Relations (Amendment No. 2) (Jersey) Law 2007 (Appointed Day) Act 200-: the States, in pursuance of Article 62 of the Employment Relations (Amendment No. 2) (Jersey) Law 2007, have made the following Act.

**12.1 Senator P.F. Routier (The Minister for Social Security):**

The Members have just approved the Appointed Day Act for the main Law. We have had an amendment. Members will see it is No. 2. The reason for that is a bit complicated. There was another amendment which was put forward by another Member which was never debated, so this is the only amendment although it is No. 2. It brings into place something which Deputy Southern and I had reached a compromise on. It was something which we both supported which is to restrict the availability of this Law to employees and employers with people of 21 or more. I propose the Appointed Day for 21st January, Sir.

**The Deputy Bailiff:**

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

**13. Jersey Financial Services Commission: appointment of Commissioner (P.150/2007)**

**The Deputy Bailiff:**

The final item on Public Business therefore is P.150 - Jersey Financial Services Commission: appointment of Commissioner - lodged by the Minister for Economic Development. I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether of opinion, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, to appoint Mr. Clive Jones as a Commissioner for Jersey Financial Services Commission for a period of 3 years.

**The Deputy Bailiff:**

Under the Law, this is a matter which has to be dealt with *in camera*, and accordingly I must ask all those in the public gallery to leave, please, and the media.

**[Debate proceeded in camera]**

**The Deputy Bailiff:**

Very well. I think the gallery has been reopened, so all those in favour of adopting the proposition, kindly show. All those against? The proposition is adopted.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Deputy Bailiff:**

We come finally to arrangement of public business on future occasions. Chairman, do you wish to put these matters forward?

**14. Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):**

I would like to propose the list of public business on the pink sheets with the addition on 15th January 2008 ...

**Deputy G.W.J. de Faye:**

With respect to the Connétable on a point of information, it appears from the radio media section that nothing is getting out. We may be still switched-off.

**The Deputy Bailiff:**

I see. Greffier, what mechanical magic can you work?

**Senator M.E. Vibert:**

I suggest as it is arrangement of business that we continue and hopefully it can be reported afterwards as to what has been decided if the reporter comes out of the box and listens to it.

**The Deputy Bailiff:**

It was clearly working earlier. There is nothing we have to switch on, Greffier, is that right? I see. There appears to be a technical problem. Well, I hope that the media will forgive us, but I think, if the Assembly agrees, we should continue to arrange the business. Very well.

**The Connétable of St. Clement:**

I would like to propose, as I said before, Sir, that the items listed on the pink sheet under "M" with the addition on 15th January 2008 of the delayed proposition P.95/2007 - the "Island Plan 2002: H4 site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan." As I said, that is for 15th January 2008 and that is the only amendment, Sir.

**The Deputy Bailiff:**

That is the matter which Deputy Gorst deferred this morning, yes. Very well. Do Members agree then to take the matters on the list? Deputy Martin.

**14.1 Deputy J.A. Martin:**

Yes, Sir, as I did give warning this morning, I would like to propose that P.153 is not taken on 20th November and it is moved to late in January. I think I have given all my reasons and I hope that everybody would agree to this. We do have a very, very lot of work on these dates and I feel that, as I said earlier, we have a lot of questions that need answering from a few Ministers. So I make a proposition that it is not debated on the 20th and moved to January. Thank you, Sir.

**14.1.1 Senator T.A. Le Sueur:**

Can I request that we discuss that matter in 2 weeks' time when we will be debating matters for 20th November, by which time I will have been able to consider the comments of the Scrutiny sub-panel and make a report to Members accordingly as to which way I wish to proceed. We have not had much notice of that request until the statement this morning. I think it can wait for 2 weeks and we can decide in 2 weeks' time whether we do or do not take it.

**The Deputy Bailiff:**

Are you content with that, Deputy? In other words, it will be dealt with in 2 weeks' time.

**Deputy J.A. Martin:**

Well, Sir, the Minister says he only read the statement this morning. My Chairman phoned the Minister over a week ago with a very polite request to move it, and the Minister was adamant. The statement was basically sent round to all Members yesterday and, if we are supposed to do work, I

need more certainty than 2 weeks. If we wait 2 weeks and do not put this off, it will give the Scrutiny Panel 2 weeks to look into 292 pages of assurances. So, Sir, no, I maintain my proposition. I would like the appel if it is open to discussion that we make a decision now. This was put on our desks 2 weeks ago, 292 pages. The Minister is probably right; not many Members have had a chance to read it and he may not have had much time to consider deferring it, but I would like it put to the House today, Sir. So I do not accept the Minister's argument. Thank you.

**The Deputy Bailiff:**

Very well. First of all, I think we will take this logically if we may. Do Members agree to the items to be taken on 6th November, the next sitting?

**14.2 Deputy A. Breckon:**

Could I ask that P.158 is taken as the first item? That is my vote of censuring the Chief Minister, taking it as the first item. I do not know if there is a protocol for that.

**The Deputy Bailiff:**

Do Members agree to take that matter as the first item?

**14.2.1 Senator L. Norman:**

I wonder if I could ask the Deputy, after mature reflection, if he really intends to go ahead with this proposition.

**Deputy A. Breckon:**

I am considering corresponding with Members in the next week or so, Sir, but for the moment I would like it left on the agenda. **[Members: Oh!]**.

**The Deputy Bailiff:**

Well, do Members agree to take it as the first item? Well, we had better have a vote. Are you pressing to have it taken as the first item, Deputy?

**Deputy A. Breckon:**

I am content if it stays on the agenda, Sir. I thought the first item, but if Members are not in favour...

**The Deputy Bailiff:**

Well, it is on the agenda. It stays where it is then.

**The Deputy of St. Martin:**

Could I just speak on P.161 for 20th November?

**The Deputy Bailiff:**

No, because we are dealing at the moment with 6th November. So do Members agree to the items for 6th November as listed?

**Mr. W.J. Bailhache Q.C., H.M. Attorney General:**

I think when the Deputy referred to P.161, it is listed on 6th November, and I think he wants to talk about moving it perhaps.

**The Deputy Bailiff:**

I do beg your pardon, Deputy.

**The Attorney General:**

Put it this way. I want to talk about moving it.

### **14.3 The Deputy of St. Martin:**

Yes, if I could speak about that, Sir. As Members will know, it is tied up really with P.118, and I am quite relaxed. I was taking guidance and it was felt that possibly if we dealt with P.161 the week before or 2 weeks before, we would then have a straight run for P.118. However, I am quite relaxed about it, Sir, if it is more convenient for both Home Affairs and for the Attorney General for it to be debated on the 20th. I am quite happy, Sir, to ask for it to be debated on the 20th.

#### **14.3.1 Senator W. Kinnard:**

Yes, I am very grateful to the Deputy because it will give me more time to give a response to the Scrutiny Report which I am obviously intending to respond to earlier than the statutory time available to me so that Members can be fully informed for the debate.

#### **The Deputy Bailiff:**

I understand, and it can be taken the same day but it must be listed before the Criminal Justice Policy debate. Very well. Do Members agree that? Yes.

### **14.4 Senator T.A. Le Sueur:**

The Constable of St. Helier does not seem to be here at the moment. In discussions with me earlier this morning, he suggested that he would quite like to deal with this proposition, P.125, early in the States sitting. As he is not here, Sir, I cannot make the request for him, but perhaps he could communicate that with the Greffier between now and 2 weeks' time.

#### **The Deputy Bailiff:**

Very well. So that completes 6th November, so then we come on to 20th November. Deputy Martin, I think that was where you wished to propose taking P.153 out of the list, is that right?

### **14.5 Deputy J.A. Martin:**

Yes, Sir, I would like to formally make that proposition. I think I have said enough on why. The Minister feels he has not had time, but he was asked, as I say, politely. I do not think we are asking for too much time, but we need assurances on Scrutiny today where we need to go and what work we have to do, either in 2 weeks or after Christmas.

#### **The Deputy Bailiff:**

Right. Is that proposition seconded? **[Seconded]** Senator, do you wish to reply?

#### **14.5.1 Senator T.A. Le Sueur:**

Only briefly, Sir, but I think I made the point that we have time to debate it in 2 weeks' time. The Deputy makes much play of the 200-odd pages that are in this report and proposition and I would remind her and Members of the House that most of those 200 pages were in the previous report and proposition which I lodged with this House over 6 months ago. So there is not very much new in there. What is new in there are matters which have been debated and discussed as a result of the Scrutiny Panel's comments on my original proposition. The new proposition reflects those changes and the Scrutiny Panel above all should be aware of the nature of those changes. They are relatively small and I do not think any Member can complain that the proposition on the sale of Jersey Telecom has taken them unawares. If they do claim that, I would suggest that they had not been reading very much in the last 12 months. So I would, Sir, at this stage, oppose withdrawing the proposition from the 20th, but I might be prepared to consider it again in 2 weeks' time.

#### **The Deputy Bailiff:**

Very well. Does any other Member wish to say anything on that? So then the matter is for or against the proposition of Deputy Martin to remove it from 20th November. The appel is called for. We do not have the mechanical appel, so we will do it in the old-fashioned way. So it is for or against the proposition of Deputy Martin. The Greffier will call the roll.

<b>POUR: 15</b>		<b>CONTRE: 20</b>		<b>ABSTAIN: 0</b>
Connétable of St. Mary		Senator L. Norman		
Connétable of Grouville		Senator F.H. Walker		
Connétable of St. Brelade		Senator W. Kinnard		
Connétable of St. Martin		Senator T.A. Le Sueur		
Connétable of St. John		Senator P.F. Routier		
Deputy R.C. Duhamel (S)		Senator M.E. Vibert		
Deputy A. Breckon (S)		Senator P.F.C. Ozouf		
Deputy of St. Martin		Senator T.J. Le Main		
Deputy J.A. Martin (H)		Senator F.E. Cohen		
Deputy of St. Ouen		Connétable of St. Clement		
Deputy of St. Peter		Connétable of St. Lawrence		
Deputy P.V.F. Le Claire (H)		Connétable of St. Saviour		
Deputy D.W. Mezbourian (L)		Deputy R.G. Le Hérissier (S)		
Deputy S.S.P.A. Power (B)		Deputy J.B. Fox (H)		
Deputy K.C. Lewis (S)		Deputy P.J.D. Ryan (H)		
		Deputy of Grouville		
		Deputy G.W.J. de Faye (H)		
		Deputy J.A.N. Le Fondré (L)		
		Deputy A.J.H. Maclean (H)		
		Deputy I.J. Gorst (C)		

**The Deputy Bailiff:**

So that projet stays on the list for 20th November for the time being. Any other matter, Chairman, to raise?

**14.6 Senator M.E. Vibert:**

Can I just ask, on 6th December - P.162 - could I ask it be referred to the Privileges and Procedures Committee for comment, please?

**The Deputy Bailiff:**

Very well. So subject to that, Members adopt the programme. That concludes the business of the Assembly and therefore stands adjourned until 6th November.

**ADJOURNMENT**