STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd OCTOBER 2013

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

May I begin by welcoming His Excellency to this sitting of the Assembly? [Approbation]

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of member for Economic Affairs Scrutiny Panel

The Bailiff:

Hopefully, Members will have received a short supplementary Order Paper. Apparently inadvertently something that the Chairman of the Economic Affairs Scrutiny Panel wished to mention has been omitted so, Chairman.

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

I would just like to notify the Assembly of my wish to increase the size of the Economic Affairs Scrutiny Panel from 3 members to 4. This would not affect the quorum of the panel, which would remain at 2 and further to that, it would be my wish to nominate the Constable of Grouville for this new position.

The Bailiff:

Is the nomination seconded? [Seconded] Does any other Member wish to make any other nomination? Very well, then. I have great pleasure in declaring the Connétable of Grouville elected to the Scrutiny Panel. [Approbation]

QUESTIONS

3. Written Questions

3.1 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE LEGAL STATUS OF THE WATERFRONT PLANNING OBLIGATION AGREEMENT:

Question

Will the Minister for Planning and Environment advise whether the Planning Obligation Agreement, signed by the States, Harcourt and States of Jersey Development Company in respect of the Esplanade Development, is still binding on the parties?

Answer

It is assumed that the Deputy is referring to the Planning Obligation Agreement (POA) in respect of The Esplanade Quarter dated 30th July 2010 and registered in the Royal Court. The POA is between The Minister for Planning and Environment, The Minister for Transport and Technical Services, The Public of the Island of Jersey and the Waterfront Enterprise Board Limited.

The POA remains a binding legal document should the outline permission granted under Planning Application P/2008/1680 be subject to a detailed permission and work on that permission commenced.

3.2 SENATOR A. BRECKON OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING INCOME AND EXPENDITURE ACCOUNTS FOR THE COMMUNITY SAFETY FUND:

Ouestion

Will the Minister provide the Income and Expenditure accounts for the Community Safety Fund since responsibility for the fund moved from the Home Affairs Department to the Transport and Technical Services Department in 2007?

Answer

In 2007, £250,865 remaining in the Community Safety Fund was transferred from Home Affairs to Transport and Technical Services.

No further income was received into the fund.

The totals of grants awarded in the following years from the fund (Expenditure) were:-

2007	£6225
2008	£45039
2009	£153129
2010	£45409
Total	£249802

The Fund was closed at the end of 2010.

3.3 SENATOR A. BRECKON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE USE OF THE SWIMMING POOL AT LANGFORD:

Question

Which schools have used the swimming pool at the Langford Centre during the school day in each of the last 5 years and in what proportion?

Answer

The statistics for 2008 and 2009 are not available but for 2010, 2011 and 2012 the users of the pool during the school day have been as follows:

School	2010	2011	2012

Jersey College for Girls	21%	22%	26%
Victoria College	27%	23%	27%
Jersey College for Girls Prep	7%	7%	5%
Victoria College Prep	5%	4%	4%
Le Rocquier	1%	1%	1%
Beaulieu	1%	-	-
St Saviour	1%	-	-
Mont a L'Abbe	2%	-	-
St James	1%	-	-
Plat Douet	2%	2%	2%
Grands Vaux	1%	1%	1%
Highlands	-	1%	1%
Hautlieu	-	2%	2%
St Clement	-	1%	1%
St Martin	-	2%	2%
Day Care services	-	2%	2%
Intensive Learn-to-Swim	8%	1%	1%
(various primary schools)			

In addition to the figures above, time is allocated for cleaning and the pool is not in use at these times.

There is also a further proportion of time when the pool is unused. This available time accounted for approximately 12% in 2010, 14% in 2011 and 14% in 2012.

3.4 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING STAFF TURNOVER AT THE CHANNEL ISLANDS COMPETITION REGULATORY AUTHORITY:

Question

What has been the staff turnover at the Channel Islands Competition Regulatory Authority in the last year to date and will the Minister cite the specific vacancies that have arisen with the reasons?

Answer

The Channel Islands Competition and Regulatory Authorities (C.I.C.R.A.) comprise the Jersey Competition Regulatory Authority (J.C.R.A.) and the Guernsey Competition and Regulatory Authority (formerly known as the Office of Utility Regulation).

Both authorities are led by a joint Board, which is independent of the States of Jersey (and the States of Guernsey). Whilst there is a Service Level Agreement in place in respect of the grant payable to the J.C.R.A. to enforce the Competition (Jersey) Law 2005 and to advise the States on competition policy, it would not be appropriate or indeed possible to get involved in operational matters such as staffing. C.I.C.R.A. has however provided the following information in answer to the question.

There are eleven permanent posts within C.I.C.R.A: four based in Guernsey and seven based in Jersey. In the past 12 months, four staff members have left the organisation.

Recruitment to replace the departing staff members has not been undertaken on a like-for-like basis, given the changing requirements of the organisation (such as the reduction in postal regulation activities in both Jersey and Guernsey). C.I.C.R.A. has recruited to one position and the individual is now in post. Recruitment for a second position - Telecoms Regulation Manager in Jersey - is currently underway. Taking account of both its functions and budgetary constraints, C.I.C.R.A. may consider further recruitment activities in future.

Given the statutory and contractual obligations applying to C.I.C.R.A., it would be considered inappropriate to disclose the reasons for the individual staff vacancies that have arisen.

The Deputy may also recall that he asked questions of the Minister for Treasury and Resources on the 8th October regarding C.I.C.R.A. During this dialogue the Deputy stated that there are no telecommunication officers at the J.C.R.A. at the moment.

I would reiterate that the Minister for Treasury and Resources said that C.I.C.R.A. does have staff with telecommunications experience and even if that were not the case the Authority would bring in experts with the necessary experience when required.

3.5 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE ACCEPTANCE DATE OF THE INCINERATOR FROM THE SUPPLIER:

Ouestion

Would the Minister advise the date the incinerator was accepted from the suppliers and what criteria, if any, were used to confirm it was fit to be accepted?

Answer

The Energy from Waste plant achieved Take-Over on 29th July 2011. Take-Over is when the plant is handed over from the contractor CSBC (Jersey) limited to the purchaser the Transport and Technical Services Department.

Prior to Take-Over the plant is tested and checked to ensure that it is fit for purpose and operational. These checks and tests are independently verified and the plant officially achieves Take-Over when the Project Manager issues the Take-Over Certificate.

To achieve Take-Over the contractor must undertake Take-Over and Operability tests to demonstrate that the plant works in the manner specified in the contract. The Take-Over

tests and Operability tests are undertaken following the issue of the Completion of Construction Certificate.

The Take-Over and operability tests include the following:-

Functional Tests including:

- Operation of all systems by functional groups.
- Successful switch-over between all duty/standby systems at over 90% Maximum Continuous Rating (MCR).
- Operation of each boiler up to 110% thermal load.
- Start-up of the plant using the supervisory control system and following the operating instructions, within the indicated start-up time.
- Start-up and shutdown of each boiler with other boilers in operation, without affecting the operation of the other boilers or the steam turbine.
- Safe shutdown of the Plant according to the operating instructions.
- Emergency shutdown of the complete plant.
- Demonstration of flue gas cleaning systems, including loading consumables and emptying residues in a safe and environmentally acceptable manner.
- Safe operation of bottom ash system, including metal separation.
- Testing of the fire alarm systems, fire pumps and fire prevention systems to demonstrate their adequacy.
- Continuous operation of the turbine bypass with all boilers at MCR.
- Steam turbine generator temperatures stabilise at acceptable levels with all boilers operating at MCR.

Operability Tests including:

The Contractor shall demonstrate over a period that the Plant is capable of safe and reliable operation under all specified conditions and within the emission limits of the Waste Incineration Directive. During this period all operations and control functions shall be demonstrated to the Purchaser for the purpose of training the Purchaser's shift personnel. These shall include but not be restricted to:

- 1) Operation at or above 90 per cent. All boilers shall operate at a minimum of 90% of MCR with the turbine in operation with no bypass for a period of not less than fourteen days. A maximum of one stop per boiler is allowed during this period with any stop time being added on to the duration of the test.
- 2) On-line maintenance tasks of the Plant.
- *3) Cold start-up of all plant and systems.*
- *4) Operation of each boiler up to MCR independently.*
- 5) Normal shut-down and restart of each boiler independently and with the other boiler(s) at MCR.
- 6) Emergency procedures and emergency shut-down.
- 7) Operation at or above 90 per cent. (MCR) of each boiler, including software tests that demonstrate that the Operator is prevented by the software from running the plant at conditions adverse to the plant life (e.g. too little oxygen or firing rate too high).

- 8) Operation at maximum turn-down to demonstrate Guaranteed Performance Levels in Schedule 17.
- 9) Operation at or above 90 per cent. All boilers continuously operating at MCR using the turbine bypass during a turbine trip without boiler safety valves opening, together with the procedure for bringing the turbine back on-line.
- 10) Turbine Load Rejection Test.
- 11) Trip to emergency power supply and the procedure for bringing the 33kV supply back on-line

A period of fourteen days of continuous safe and stable operation with all boilers operating at or above 90 per cent (evaluated as daily average) with the turbine generating power shall be achieved during the Operability Test. During this period, all monitored emissions shall remain within the guaranteed emission limits. One stop per boiler is allowed during this period and the time for any such stoppage (from stop time to when the boiler is at MCR again) will be added on to the period. If the operation of all boilers at or above 90% MCR is not achieved, emissions exceed the guaranteed limits or more than one stop occurs per boiler, the Operability Test period shall restart from the beginning.

Since Takeover the plant has been undergoing comprehensive Performance Tests. The final performance test that the plant has to pass started on Monday 14th October 2013 and is expected to last for two weeks. This final test is to prove that the amount of lime added to the flue gas scrubbing system is within the specified amounts as detailed in the contract. This test was delayed because the contractor exercised their contractual right to modify the lime injection system prior to the test. Once this test is passed and the Performance Test Certificate is issued the plant goes into a further one year Availability Test where the general overall reliability is assessed. When the results of the availability test have been examined and certified by the Project Manager a Final Certificate is issued and the contractor may apply for the final payment.

3.6 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE PROGRESS ON TALKS WITH FRENCH AUTHORITIES REGARDING JERSEY'S BLACKLISTING:

Question

Would the Minister advise of the progress, if any, he has made regarding France's listing of Jersey as an uncooperative jurisdiction?

Answer

The Minister for External Relations is working in close cooperation with the Chief Minister and the Treasury and Resources Minister on this issue.

Meetings have been held with the French Ambassador in London, and with officials in Paris, and good progress is being made on exchanging all the outstanding information under the Tax Information Exchange Agreement with France, which forms the basis of Jersey's listing as uncooperative.

I am lodging an amendment to the Taxation (Exchange of Information with Third Countries) Regulations which, among other things, will limit the statutory scope for Appeal and will reduce the period within which information must be produced from 30 to

15 days. These changes will enhance the process of exchanging tax information in accordance with the international standard.

An early meeting with the French Minister of Finance has been requested in order to seek the removal of Jersey from France's list of uncooperative jurisdictions.

3.7 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE BUSINESS CASE FOR THE FIBRE OPTIC PROJECT:

Ouestion

Can the Minister, as the shareholder representative, confirm if he was presented with the full Business Case for the Fibre Optic Project before sanctioning the release of funds?

If so, will he make the case available to the Public Accounts Committee, Corporate Services Scrutiny Panel and, under appropriate confidentiality agreements, to members?

Answer

Yes, the Minister was presented with the full Business Case for the Fibre Optic Project before sanctioning the release of funds. The full financial model was subjected to detailed examination by the Treasury.

The full Business Case document contains commercially confidential information. J.T. is a stand-alone incorporated entity and as such its directors have their own obligations under Jersey Company Law. The panels have powers to request information direct from J.T. if they so wish.

J.T. have given detailed presentations on the full Business Case to Scrutiny and have also held briefings open to all States Members. The company would welcome further opportunities for such briefings. The presentation given at the briefings will be circulated to all States Members, including those who were unable, or chose not to attend.

3.8 DEPUTY T .M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ESTIMATED AMOUNT OF ANNUAL BUDGET USED FOR THE RECENT SECRET COURT CASE INVOLVING FORMER SENATOR S. SYVRET:

Ouestion

Further to the answers given on 24th September 2013 and 8th October 2013, would the Chief Minister give an indication of the estimated amount of the annual budget of the court service and the Bailiff's Chambers that was needed to deal with the secret court case against former Senator Stuart Syvret in addition to the direct costs charged to the court and case costs budget referred to in his earlier responses?

Answer

The annual running costs of the court service and the Bailiff's Chambers are publicly available.

The departmental budgets for the Court Services from 2012 – 2015 are on page 49 of the Medium Term Financial Plan. Past expenditure can be found in the States of Jersey Financial Report and Accounts for each year. These documents are available on www.gov.je

The Annual Reports of the Jersey Court Service provide more detailed information. Each report contains a statistical digest detailing the activity for that year. For example in the Annual Report for 2012, Appendix C shows that the Judicial Greffe processed more than 45,000 items of court related activity during the year. The statistical digest provides a breakdown of the number of actions and cases heard in the courts.

Each report also details the courts' annual expenditure. The information contained on page 22 of the Judicial Greffe's 2012 report shows the running costs of the department, excluding court and case costs which have already been given to the Assembly. These running costs amounted to £2,536,277 for 2012.

Court Service annual reports

It is not practical to break down these running costs according to individual cases.

3.9 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING DEPARTMENTAL SUCCESSION PLANNING: Ouestion

Which Departments, if any, have comprehensive succession plans in place and can these be shared with Members?

Answer

Our aim in succession planning is to equip senior managers with the right professional training and relevant experience to make them credible candidates for top jobs in the States. To this end, funding was put aside in the M.T.F.P. for a succession planning and talent management post, which has been in place since January 2013.

We have since established leadership and management training programmes for Chief Officers, senior managers, and we have introduced a new level 7 of Modern Managers training. In this way we are preparing our managers to move up through the organisation as positions become available.

A number of departments have specific succession plans in place, to ensure continuity of service. This is particularly the case for key posts where skills are in short supply within the Island or are 'hard to recruit to'.

For example: Senior Officer roles in Health (Senior Public Health Officer), Social Security (Health and Safety Inspectorate) Schools (primary Head Teachers) and Treasury and Resources (Senior posts including those in Tax).

Several smaller departments, such as Department of Environment, Youth Service, Probation, Trading Standards and Fire and Rescue, have implemented more comprehensive succession plans for their key posts. The Police service has established a developmental programme which should provide the training and experience necessary for local officers to apply for senior positions in the future.

Additionally, in the last two years there has been good progress on succession planning and employee development in areas like Education, Community and Social Services and Transport and Technical Services, where programmes for trainees, apprentices and graduates have provided a good internal supply for key roles that are difficult to fill, such as social workers, maths teachers and engineers.

In the next year, we plan to build on the good practices we have started, and ensure more consistent plans are in place for senior roles and key posts across all departments.

3.10 DEPUTY J.A. HILTON OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EMPLOYMENT OF NEW ARRIVALS IN JERSEY:

Question

Will the Chief Minister advise -

- 1. how many individuals have registered at the Social Security Department in the months of July, August and September, excluding licensed, entitled to work and entitled persons?
- 2. how many of those individuals were new arrivals to the Island;
- 3. the age, sex and country of origin of those individuals;
- 4. how many of those new arrivals are currently employed;
- 5. in what sectors of business the new arrivals are employed?

Answer

- 1. 669 individuals (aged 16 or over) arrived or returned to the island in the months of July, August and September and were issued with a CHWL card with "registered" status. This excludes licensed, entitled for work, and entitled persons. (People need registration cards when they move house or change jobs, or if they are in the Island for more than 3 months having begun their residence after 1st July, 2013.)
 - <u>For comparison while</u> the new Control of Housing and Work Law only came into force on July 1st 2013, we can compare figures from 2013 and 2012 if we look at the number of people being issued with new Social Security numbers for this period.
 - During the months of July, August and September 2013, the total figure for all the people who were issued with Social Security numbers (including registered, licensed, entitled for work, entitled and under-16s) was 1314.
 - During the same period in 2012 that figure was 1280.
 - These figures do not take into account the number of people who left the island during the same period.
- 2. 446 individuals over the age of 16 were new to the Island;
- 3. Of the 446 new arrivals to the Island the demographics were as follows:-

Age	Total
16 – 24	166
25 – 34	165
35 – 44	66
45 – 54	30
55 - 64	13
65 +	6

Gender	Total
Female	199
Male	247

Country of origin data is not collected, however information on Nationality is as follows:-

Nationality	Total
British	206
Portuguese	60
Polish	49
Romanian	33
French	15
Indian	11
Irish	9
Bulgarian	5
German	5
Australian	4
Czech Republic	4
Hungarian	4
Swedish	4
Dutch	3
Italian	3
Latvian	3
South African	3
Spanish	3

Belgian	2
Nigerian	2
Thai	2
Bangladeshi	1
Cypriot	1
Ghanaian	1
Greek	1
Malaysian	1
Moroccan	1
Pakistani	1
Albanian	1
Slovak	1
Slovenian	1
Sri Lankan	1
Swiss	1
Turkish	1
Not recorded	3

- 4. This data will be available when the quarter's returns have all been submitted. The Social Security Contribution Schedules are due on the 15th October, and the quarter closes on the 15th December. Following this, information will be available on employment.
- 5. This data will be available when the quarter's returns have all been submitted. The Social Security Contribution Schedules are due on the 15th October, and the quarter closes on the 15th December. Following this, information will be available on the sectors in which individuals are employed.

3.11 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING BENEFIT RECIPIENTS LIVING OUTSIDE OF THE ISLAND:

Question

Further to information given at a recent public scrutiny meeting with the Minister, that currently approximately 92 individuals who reside outside of the Island are in receipt of Invalidity Benefit, will the Minister advise:-

1. the countries in which the 92 individuals reside?

- 2. the cost to the public of the benefit to the 92 claimants and their dependents, where applicable, for the year 2012?
- 3. the length of time each of the 92 claimants have been in receipt of the benefit and the length of time they were employed before claiming the benefit?
- 4. how many of the individuals, if any, have now progressed onto qualifying for a Jersey Old Age Pension simply by being in receipt of Invalidity Benefit and, what is the cost of the payments for the Jersey Old Age Pension to the former claimants of Invalidity Benefit and their dependents?

Answer

Invalidity Benefit is a contributory benefit available to working age individuals with serious long-term illnesses such that the claimant is unable to work. The estimate of 92 individuals claiming Invalidity Benefit outside Jersey was given during a recent Scrutiny hearing.

The information below is based on 95 individuals identified as being in receipt of Invalidity Benefit and resident outside Jersey at 31 August 2013. Invalidity benefit has not been available to new claimants since October 2004 and the number of claimants is steadily decreasing.

Jersey has long-standing reciprocal agreements with many countries including the United Kingdom, Portugal, France, Spain and Guernsey (which also covers Alderney) in respect of Social Security benefits. The reciprocal agreements with each of these countries specifically provides for individuals living in the countries to be able to receive various Social Security benefits, including Invalidity Benefit, as if the individual were still living in Jersey. Any change to payment of Invalidity Benefit in a reciprocal country would need to also be made to the payment of the benefit in Jersey itself.

1. the countries in which the 92 individuals reside:

Country of Residence	Number of Individuals
United Kingdom	47
Portugal	41
France	4
Spain	2
Alderney	1

- 2. Invalidity Benefit is paid from the Social Security Fund. The amount paid to these 95 individuals for 2012 was £1,018,000.
- 3. As noted above, Invalidity Benefit has not been available to new claimants since 2004. The 95 ongoing claims have claim durations as shown below:

Claim Duration	Number of claimants
Less than 10 years	11
Between 10 and 15 years	49

Between 15 and 20 years	30
More than 20 years	5

The following table indicates the number of contribution years recorded against the individual prior to their claim for Invalidity Benefit. In general, contribution years are built up through employment, but individuals can also receive contribution credits during periods of short-term or long-term incapacity, whilst receiving Maternity Benefit or following a compulsory redundancy.

Contribution record years prior to Invalidity Benefit claim	Number of Claimants
0-5	17
5-10	29
10-15	22
15-20	12
20-25	8
25+	7

- 4. As agreed with Deputy Hilton, further research will be undertaken to identify all Invalidity Benefit claims which closed over the period of January 2011 to December 2012 and to determine:
 - 1) The number of these claims that were closed as a result of the claimant reaching pension age, and qualifying for a Jersey Old-Age Pension
 - 2) The total value of Jersey OAP paid to these individuals in 2012

Both these figures will be broken down by on-Island claimants and off-Island claimants, determined at the date the OAP started

3.12 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING A REQUIREMENT TO FIT BATHS WITH TEMPERATURE SENSITIVE VALVES:

Question

Further to the Minister's consultation regarding the requirement to fit baths with temperature sensitive valves, would he advise the scale of the problem he seeks to address and detail how many cases of scalding he is aware of annually and why he considers that legislation should be replacing common-sense in this area?

Answer

The Planning and Building Law requires me to make building bye-laws to secure the health, safety and welfare of people in buildings and to ensure those bye-laws prevent the waste and undue consumption of water in buildings. My consultation follows a review of current bye-law requirements relating to drainage provision and hot water storage. It

proposes to improve standards in terms of water efficiency and safety in respect of hot provision in new homes.

The proposal for fitting thermostatic mixing valves as part of standard plumbing work in newly constructed dwellings reflects changes to building regulations elsewhere, and the fact that it is now common for new hot water storage systems to deliver hot water at high pressure and at temperatures of 60° C or more. Bath water at this temperature can give an adult a full thickness burn in 5 seconds, even quicker in a child and the elderly.

Data provided by Child Accident Prevention Jersey, shows that 88 children under the age of 16 attended Jersey's Accident and Emergency Department in 2012 because of a burn injury. It is not possible from the data available to identify the cause of every burn injury but it is apparent from the Jersey Child Unintentional Injury Statistics 2012 report that many were caused by liquid or steam, with at least one being due to a bath scald. Bath scalds are known to cause some of the most severe burn injuries.

The proposal which I am currently consulting on is about improving building standards by the fitting of a simple device at the time a new house or flat is constructed that helps prevent hot water injuries. It will also contribute to the energy performance of the home by reducing hot water consumption. I believe there will be much support for this change.

3.13 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING A LIST OF ALL TREATY OBLIGATIONS AND LEGISLATION COVERING IMMIGRATION:

Question

Will the Chief Minister set out for Members in one comprehensive document a list of all the Treaty obligations, legislation (both primary and secondary), conventions and other material that govern immigration into Jersey?

Answer

Jersey is a part of the British Isles. As such, its constitutional position governs immigration into Jersey.

There are no systematic immigration controls between Britain and Jersey and if a person has the right of abode in either then he or she has no need to obtain leave to reside in the other. This is provided for in the British Nationality Act 1981 which applies directly to Jersey and the Immigration Acts of 1971 and 1988 which were extended to Jersey by virtue of the Immigration (Jersey) Order 1993.

Jersey's relationship with the European Union is laid down in Protocol 3 to the UK's Treaty of Accession to the European Economic Community. Jersey has an obligation under this Protocol to apply the same treatment to all nationals of Member States.

As there are no restrictions on British citizens entering Jersey, the same must apply to EU citizens.

As a result of the Immigration Act 1971 of the United Kingdom, which has been extended to Jersey by the Immigration (Jersey) Order 1993, Jersey is part of the common

travel area and there are no border controls between the United Kingdom, Ireland and the Crown Dependencies.

Legislation

- Immigration (Jersey) Order 1993 and underlying subordinate legislation:
 - o Immigration (Work Permits) (Jersey) Rules 1995
 - o Immigration (Hotel Records) Order 1999
 - o Immigration (Designated Ports of Entry and Exit) (Jersey) Act 2001
- Asylum and Immigration Act 1996 (Jersey) Order 1998
- Immigration and Asylum Act 1999 (Jersey) Order 2003 and underlying subordinate legislation:
 - o Immigration (Removal Directions) (Jersey) Order 2004
 - o Immigration (Fees) (Jersey) Order 2010
- Immigration (Jersey) Order 2012
- Immigration and Asylum (Jersey) Order 2012

International

• Protocol 3 to the United Kingdom's Act of Accession 1972 (Article 4)

Directions

- Leave to Enter and Remain Directions 2003
- Immigration (Landing and Embarkation Cards) Directions 2005
- The Directions of the Lieutenant-Governor 2012
- Immigration (Passenger, Crew and Service Information) (Jersey) Directions 2013

The legislation above, which specifically governs nationality and immigration, may be found in Chapter 21 of the Revised Edition of Jersey Laws, and this may be accessed for free on www.jerseylaw.je.

The Directions may be accessed via the Life Events ("Moving to Jersey") section on www.gov.je

3.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING A LIST OF COUNTRIES WHOSE RESIDENTS HAVE FULL RIGHTS TO WORK AND RESIDE IN JERSEY:

Ouestion

Will the Chief Minister set out the composition, by country of origin, of all those with full rights to work and reside in Jersey and, if unable to do so, provide Members with what information is available regarding those with a right to reside in Jersey?

Answer

It is unclear whether the question relates to any person residing anywhere in the world who could have "entitled" or "entitled for work" residential status under the new Control of Housing and Work (Jersey) Law 2011, or whether it relates to people resident in Jersey.

If it is the former, clearly, we do not have statistics on the worldwide population of such people. For example, we do not maintain records of how many people, who are still living, have left Jersey over the years.

If it is the latter, then the Statistics Unit provided figures as part of the 2011 Census which showed that 82% of residents had equivalent to "entitled" status. For the full information,

http://www.gov.je/Government/Census/Census2011/Pages/2011CensusResults.aspx.

3.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER OF PEOPLE APPLYING FOR REGISTRATION CARDS:

Question

Will the Chief Minister set out for Members the numbers of people who have applied for registration cards under the new Control of Housing and Work (Jersey) Law 2012, breaking down the numbers into nationality and country of origin of all those who have applied to date?

Answer

9,055 individuals applied for registration cards under the new Control of Housing and Work (Jersey) Law 2012 between 1st July 2013 and Friday 11th October inclusive.

The analysis by nationality is as follows:-

Nationality	Total
British (includes 3,571 Jersey-born)	6,611
Portuguese	955
Polish	532
Irish	188
Romanian	186
French	73
Indian	50
South African	43
German	30
Latvian	28
Thai	27

Bulgarian	25
Kenyan	21
Hungarian	19
Australian	17
Spanish	17
Swedish	17
Filipino	16
Italian	15
Dutch	13
New Zealander	11
Pakistani	10
Zimbabwean	10
American	9
Canadian	9
Slovak	9
Belgian	7
Bangladeshi	6
Cypriot	5
Czech Republic	5
Lithuanian	5
Russian	5
Slovenian	5
Brazilian	4
Chinese	4
Malaysian	4
Austrian	3
Nigerian	3
Norwegian	3
Russian	3
Sri Lankan	3
Ugandan	3

Danish	2
Finnish	2
Ghanaian	2
Greek	2
Israeli	2
Jamaican	2
Malawian	2
Saint Lucian	2
Turkish	2
Venezuelan	2
Albanian	1
Barbadian	1
Belarusian	1
Botswana	1
Bruneian	1
Croatian	1
Dutch	1
Estonian	1
Egyptian	1
Grenedian	1
Indonesian	1
Lebanese	1
Mongolian	1
Moroccan	1
Nepalese	1
Saint Vincentian	1
Singaporean	1
Swiss	1
Tongan	1
Ukrainian	1
Vietnamese	1

These figures show all those people needing registration cards, which does not mean they are all new to the Island. People need registration cards when they move house or change jobs, or if they have moved to the Island for more than 3 months after 1st July, 2013.

When issuing cards we ask for an applicant's nationality, not country of origin.

3.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE INTRODUCTION OF WORK PERMITS:

Question

Will the Chief Minister set out for Members the arguments for and against the introduction of work permits for all persons wishing to live and work in Jersey, advising Members of any legal impediments to the introduction of such permits?

Answer

The new Control of Housing and Work Law was introduced on the 1st July, 2013. The law was approved following some years of development and a number of States decisions. Alternative systems, like work permits, were evaluated as part of this process.

The primary arguments for and against work permits are as follows:

For

• A work permit regime requires individual recruitment decisions to have the approval of government, maximising the ability of government to secure those roles for established residents.

Against

 Many would see this level of control as a disadvantage. It means government second-guessing thousands of individual recruitment decisions, placing a significant burden on government, and more importantly on businesses. It increases the costs of recruitment and by extension of operating a business. In short, it reduces our economic efficiency.

The Control of Housing and Work law was designed to place an absolute limit on the ability of businesses to employ migrants, while *also* giving new powers to intervene where and when needed. For example, the law requires that all new recruits of a specific business have individual permission, which may be time-limited, and which may even specify where a person may live.

In this way, the new Law can act as a work permit system where deemed appropriate, in a targeted fashion. The "Interim Population Policy" being developed will outline these powers in full, and include recommendations as to how they may be used.

Legal position

British and European Union citizens have the right of abode in Jersey. Therefore, Jersey cannot apply border controls over such citizens. Instead, controls over access to housing and work can be proportionately used, including either the use of work permits, or the use of named and time-limited permissions under the Control of Housing and Work Law.

Any work permit system would need to be administered in a manner compliant with the Island's international obligations.

3.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COUNCIL OF MINISTERS' POPULATION GROWTH POLICY:

Question

Will the Chief Minister outline the policy on population growth that underpins the Council of Ministers' health and economic growth policies and strategies?

Will he further set out the specific population figures the Council of Ministers is working on for 2015, 2020, 2025, 2030, 2035, 2040, 2045 and 2050?

Answer

The 2009 Strategic Plan outlined a net migration target of +325 people per year on average. The 2012 Strategic Plan committed to a review of population policy, which will be brought forward as an "Interim Population Policy" before the end of the present term of the Council of Ministers.

In the meantime, the planning assumption for net immigration has remained +325.

This underlies the Economic Growth and Diversification Strategy and Health Strategy, as well as other policies such as the Island Plan.

It should be noted that planning future services does not merely depend on estimates of population. For instance, plans for future health services are affected by the ageing population and changing patterns of health care. For all of the levels of immigration calculated in the Statistics Unit Population Projection Report, the over 65s population of Jersey remains materially the same.

The Statistics Unit's <u>Population Projection Report 2013</u> is publicly available and shows population forecasts on an annual net immigration assumption of +350 people on page 9.

3.18 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING ELECTRONIC PAYMENT SYSTEMS:

Ouestion

Will the Chairman inform the Assembly whether any parishes presently do not provide facilities for parishioners to pay their rates bills either by direct bank transfer or electronic means and whether there are any future plans for all parishes to provide a coordinated system permitting such payment by instalments and, if not, why not?

Answer

All Parishes accept rates payment by installment, all parishes accept payment by direct bank transfer and some parishes accept debit or credit card payments.

Future developments may provide a common platform for all parishes but each parish will determine the payment methods which best suit it.

3.19 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE FUTURE PROVISION OF SHELTERED HOUSING:

Ouestion

Will the Minister outline her policy in respect of the future provision and location of sheltered, retirement or lifetime homes for the over-55's to ensure independent living and explain how this policy coordinates with her future plans for primary healthcare provision for our ageing population?

Answer

The future provision and location of sheltered, retirement or lifetime homes for the over-55's is the responsibility of the Planning & Environment Minister as set out in the 2002 Island Plan. The policy intention is to provide a socially supportive and stimulating environment which enables older people to live independently for as long as possible in their own home.

Since the approval of P33/2013, the responsibility for defining housing demand and for developing housing policy has rested with the newly formed Strategic Housing Unit led by the Chief Ministers Department. The Unit has now been established to look at Island wide housing strategy and as part of this work the longer term needs of all sectors of the housing market will be assessed. With regards to over-55's housing there is data available and this has recently been reviewed by the statistics unit.

The Health and Social Services Minister outlined plans for health and social care provision for the ageing population in P82/2012. In this plan, the Minister set out how a range of supported housing solutions will need to be developed to provide a variety of options for individuals who do not require hospital care but who require significant assistance to live independently. This increased supported housing will enable people to make informed choices and plan ahead properly. Supported housing will be achieved through the above departments working together to ensure that current and future demand is assessed and delivered in a timely manner.

3.20 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING SHELTERED HOUSING IN EACH PARISH:

Question

Will the Chairman provide the Assembly with details of the present number of sheltered homes, retirement, lifetime or appropriate housing for the over-55s provided by each parish, together with the number of persons in each parish waiting for this accommodation to become available?

Answer

1. The number of units given in column 1 is the total present number of sheltered homes, retirement, lifetime or appropriate housing for the over-55s provided by each parish and excludes residential homes, units currently under construction or

- for which planning permission has been received, and units provided by other privately run bodies for elderly residents.
- 2. The number of persons given in column 2 is those on the parish's waiting list, if such is maintained, who have expressed an interest in being considered for such accommodation should it become available or vacant; it should not be taken as indicative of actual current need for housing. Applications are received from married and single persons and the figures provided relate to the number of persons and not to the number of applications or units of accommodation required.

Parish	1. present number of sheltered homes, retirement, lifetime or appropriate housing for the over-55s provided by each parish	2. number of persons in each parish waiting for this accommodation to become available
St Brelade	None	No waiting list kept
St Clement	None	No waiting list kept but expressions of interest from about 80 persons
Grouville	10 units	4 names
St Helier	None	No waiting list kept
St John	22 units	27 names
St Lawrence	12 units	44 names
St Martin	27 units	40 names
St Mary	None	No waiting list kept
St Ouën	39 units	91 names
St Peter	28 units	No waiting list kept
St Saviour	None	50+ applications for 32 units under construction
Trinity	24 units	29 names

3.21 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE PRESENT NUMBER AND LOCATION OF STATES SHELTERED HOUSING:

Question

Will the Minister provide the Assembly with details of the present number and location of States rental sheltered homes, retirement, lifetime or appropriate housing for over-55s in the Island, together with the number of persons in the Housing Gateway presently waiting for this accommodation to become available and his forecast of the housing needs of this group of over-55's for the next ten years?

Answer

Table showing rental stock (sheltered homes, retirement, lifetime and appropriate housing for over-55s in the Island) administered by the Housing Department:

(for definitions of the different types of housing see end of the answer)

Housing Type	Number of Units	Location (A full list of properties managed by the Housing Department, which gives location & type, is available on the States website)
Sheltered Homes	0	The Housing Department does not have any social housing where a warden or manager is provided.
Retirement Homes	Studios: 278 Bungalows: 55 One bed flats: 1672 One bed houses: 26	Given the present edibility criteria for social housing, any studio or one bedroom unit within the stock could be offered to a person of retirement age.
Lifelong Homes	0	The majority of the sites rezoned in P.75/2008 have been developed by Parishes and the homes either retained for Parish use or transferred to Housing Trusts. The Housing Department is presently working with the developer of the Langtry Gardens site in St Saviour which on completion in 2015 will provide 48 lifelong homes apartments for the new Housing Company and 32 lifelong bungalows for the Parish of St Saviour.

The Strategic Housing Unit has recently been established to look at Island wide housing strategies. As part of this work the longer term needs of all sectors of the housing market will be assessed, working with the Statistics Unit, other Departments, and other agencies, including the Parishes, to gain a more comprehensive picture of housing supply and demand by property type and age.

In the meantime, however, the Housing Gateway statistics clearly show that additional requirements exist:

As of September 2013, the Housing Gateway recorded a net requirement for 764 homes for social rented accommodation, of which 288 are from over-55 years olds from bands 1,2 and 6 (including persons who are under-occupying property, in medical need, over-crowd conditions, and under eviction, and with poor housing standards).

As to the available information on from the Statistics Unit, it clearly shows overall shortfalls in supply, and indicates a shortfall in the supply of homes for older persons (but does not extend to the 10-year analysis requested):

- The 2007 Housing Needs Assessment undertaken by the Statistics Unit showed that over the period 2008-12, a total five-year potential shortfall existed of up to 400 dwelling units for older persons' housing.
- The 2012 Housing Needs Assessment for the period 2013 2015 showed an overall potential shortfall of more than 400 units of social housing and of 260 qualified one bedroom units; and many of these units will be needed for older persons.

The next round of the Housing Needs Assessment will include a specific question on older persons housing to provide a more up-to-date assessment of the overall position in respect of older persons.

Definitions: For the purpose of answering this question, the following definitions have been used:

Sheltered Homes	Independent living where residents have their own bungalow or flat, where all residents are older people (usually over the age of 55yrs). Most sheltered housing schemes also have the benefit of their own "manager" or "warden" living on site or very close by, whose job is to manage the scheme and help arrange any services that residents need. Such schemes will also usually have some shared or communal facilities such as a lounge for residents to meet, a laundry, a guest flat and a garden.	
Retirement Homes	Retirement homes are similar in build to sheltered housing, but does not offer the on-site manager or warden facilities or the communal facilities.	
Lifelong Homes	The definition and criteria for lifelong homes was introduced in P.75/2008 through an amendment to the definition of Category A Housing as set out in the 2002 Island Plan which provided that "in order to enable the zoning of land to enable the provision of lifelong homes (for people over 55), to buy and for social rent, designed to accommodate both 'fit' and 'less able' people over the age of 55, in a socially supportive and stimulating environment which enables them to live independently for as long as possible in their own home. "	
	Only 8 sites were specifically rezoned for this purpose, these are:- Fields 516, 516A, 517 and 518, St. Saviour, Field 274, St. Clement, Field 605, St. John, Field 561 and 562, St. Mary, Land north of Maison St. Brelade, St. Brelade, Field 148, Rue des Maltières, Grouville, Field 818, Part of Field 873 Trinity and Field 578, Trinity.	

3.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE SALE OF STATES' RENTAL PROPERTIES TO STATES' TENANTS:

Question

Will the Minister assure Members that he will ensure that future sales of States' rental properties will only be to States' tenants and not to a wider market to ensure that the social housing stock is not reduced and, if not, why not?

Answer

R.15/2013, The States of Jersey Housing Transformation Full Business Case, debated and approved by the States on 17th May 2013, made it clear that the new Housing Company would be required to sell 300 homes (an average of 15 sales per annum for years 1-20 of operation). In addition it made it clear that 30 sales would be made prior to the commencement of the new Company on 1st July 2014.

Other than for any specifically identified high value properties, all of the sales will be classified as "affordable" in perpetuity and will be allocated to those registered on the Affordable Housing Gateway as being entitled to either social housing or for an affordable housing scheme.

Funds generated by the sales will be reinvested in the Company business model as set out in R.15/2013which will ensure that all homes meet the Decent Homes Standard within 10 years and that all borrowing is repaid within 20 years.

3.23 DEPUTY G.P. SOUTHERN OF ST. HELIER THE MINISTER FOR HOUSING REGARDING THE POLICY ON REDECORATION CHARGES FOR TENANTS:

Ouestion

Will the Minister outline for Members his department's policy on redecoration charges on re-lets and state how this compares with those of the other social housing providers?

Answer

It is the Housing Departments policy to ensure that properties being vacated by the tenant are returned in reasonably clean condition, in a reasonable state of decoration and repair and free from damage. This is clearly set out in the tenants obligations of their respective tenancy agreements. The only exception is in respect of the current occupants of the Cottage Homes.

The Housing Trusts operate under their own guidelines in respect of re-lets and recharges which they may feel are appropriate in order to return a home to a lettable condition. However, it is fair to say that all the providers have re-let policies which closely align with the Department's and reflect the range of UK best practice.

3.24 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department <u>must</u> supply as required and specified by statute (with references)?

Answer

The table below contains a list of the services that the Minister for Health and Social Services is under a statutory obligation to provide. As requested, it only specifies mandatory duties, not permissive powers.

Further to the services listed below the Department also has significant regulatory functions contained in other laws that may not be considered 'services' *per se*. These include administering provisions in relation to the protection of public health (for example provisions contained in the Food Safety (Jersey) Law 1966); administering registration requirements of professionals engaged in health and social services (for example, under the Medical Practitioners (Registration)(Jersey) Law 1960); and administering the regulation of premises that deliver relevant services (for example, nursing homes under the Nursing and Residential Homes (Jersey) Law 1994).

As will be evident from the list below, the specific statutory duties in relation to service provision only account for a small part of what the Department actually delivers, for example, the Department is also responsible for the administration of the General Hospital and Maternity Hospital, which does not appear as a result of any statutory provision.

Service	Statute
To take all the measures thought useful to prevent and combat anything which may cause harm to public health and generally oversee the protection and conservation thereof	Loi (1934) sur la Santé Publique
Maintaining an adoption service	Adoption (Jersey) Law 1961
Giving effect to the provisions of the Mental Health (Jersey) Law 1969 including provisions in relation to care and treatment of patients, hospital admission and guardianship and establishing the Mental Health Review Tribunal	Mental Health (Jersey) Law 1969
Provision of accommodation for a child in need; provision of maintenance for a child being looked after by the Minister; safeguarding and promoting the welfare of a child in care; providing advice and assistance to certain children.	Children (Jersey) Law 2002

3.25 SENATOR S.C. FERGUSON OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department <u>must</u> supply as required and specified by statute (with references)?

Answer

The Minister for External Relations is responsible for providing or ensuring the provision of services in accordance with statutory requirements which include those set out in the States of Jersey (Minister for External Relations) (Jersey) Regulations 2013, as listed below.

This is a non-exhaustive list of statutory services supplied for the public of Jersey by the Ministry which includes: the general conduct of external relations; implementation of international financial sanctions; implementation of restrictive measures for the prevention of terrorism; applying measures with regard to preventing the development, production or use of weapons of mass destruction; implementation of agreements between Jersey and other countries relating to taxation, double tax agreements and tax information exchange; conferring diplomatic privileges and immunities within Jersey; and ensuring the regulatory oversight and implementation of civil aviation safety and security requirements.

In addition, the Ministry provides services in connection with international law, and with regard to the constitutional relationship with the United Kingdom, for ensuring compliance with and monitoring and reporting on Jersey's implementation of a wide range of international treaties, conventions and agreements which impact on the environment, safety and security, social wellbeing and the civil and human rights of the people of Jersey. A comprehensive list of these obligations and references to the relevant conventions are provided in periodic reports to the States on International Conventions and Agreements.

	Services provided	References to statutory requirement
a)	Concurrently with the Chief Minister, conduct external relations in accordance with the common policy agreed by the Council of Ministers.	Article 18(3)(b) of the States of Jersey Law 2005
b)	Give effect, by Order, either wholly or partly, to any European Union provision with exceptions, adaptations and modifications as necessary, if in the opinion of the Minister immediate or early enactment of a provision of European Union legislation is necessary or expedient in the public interest, and if that provision is contained in or arises under Article 12 of the Treaty on European Union signed at Maastricht on 7th February 1992 (which relates to the common foreign and security policy).	Communities Legislation
c)	Perform the functions of the competent authority for the implementation of international financial sanctions or restrictive measures which have been given effect in Jersey, with particular	Al-Qa'ida and Taliban (United Nations Measures) (Channel Islands) Order 2002 Community Provisions (Restrictive

regard to Jersey's reputation as an international finance centre.

Measures – Belarus) (Jersey) Order 2011

Community Provisions (Restrictive Measures – Burma/Myanmar) (Jersey) Order 2008

Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2003

Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2005

Community Provisions (Restrictive Measures – Democratic Republic of the Congo) (Jersey) Order 2011

Community Provisions (Restrictive Measures – Egypt) (Jersey) Order 2011

Community Provisions (Restrictive Measures – Eritrea) (Jersey) Order 2012

The Haiti (United Nations Sanctions) (Channel Islands) Order 1994

The United Nations (Sanctions) (Amendment) Order 2000

Community Provisions (Restrictive Measures - Iran) (Jersey) Order 2012

Iraq (United Nations Sanctions) (Channel Islands) Order 2000

Iraq (United Nations Sanctions) (Channel Islands) Order 2003

Iraq (United Nations Sanctions) (Channel Islands) (Amendment) Order 2004

Community Provisions (Restrictive Measures – Côte d'Ivoire) (Jersey) Order 2011

The Lebanon and Syria (United Nations Measures) (Channel Islands) Order 2006

Community Provisions (Restrictive Measures – Lebanon) (Jersey) Order

2007

The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) Order 1996

The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) (Amendment) Order 1997

Liberia (United Nations Sanctions) (Channel Islands) Order 2004

Liberia (United Nations Sanctions) (Channel Islands) (Amendment) Order 2004

Libya (United Nations Sanctions) (Channel Islands) Order 1993

Community Provisions (Restrictive Measures – Libya) (Jersey) Order 2011

Community Provisions (Restrictive Measures - North Korea) (Jersey) Order 2007

Community Provisions (Restrictive Measures – North Korea) (Jersey)
Order 2013

Community Provisions (Restrictive Measures – Guinea) (Jersey) Order 2010

Community Provisions (Restrictive Measures – Guinea-Bissau) (Jersey) Order 2012

The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) Order 1996

The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) (Amendment) Order 1997

The United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Jersey) Order 1997

The United Nations Arms Embargoes

		(Rwanda) (Amendment) Order 2008
		The Somalia (United Nations Sanctions) (Channel Islands) Order 2002
		Community Provisions (Restrictive Measures – Somalia) (Jersey) Order 2011
		Sudan (United Nations Measures) (Channel Islands) Order 2005
		Community Provisions (Restrictive Measures – Sudan and South Sudan) (Jersey) Order 2011
		The Lebanon and Syria (United Nations Measures) (Channel Islands) Order 2006
		Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012
		Terrorism (United Nations Measures) (Channel Islands) Order 2001
		Community Provisions (Restrictive Measures – Tunisia) (Jersey) Order 2011
		The United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Jersey) Order 1997
		Community Provisions (Restrictive Measures - Zimbabwe) (No. 6) (Jersey) Order 2007
d)	Make an interim or final designation of a person whose funds and economic resources must be frozen, subject to certain conditions being fulfilled and if the Minister considers that it is necessary, for purposes connected with protecting members of the public from terrorism, that financial restrictions should be applied in relation to that person.	Terrorist Asset-Freezing (Jersey) Law 2011
e)	Give a direction to a person or group of persons to impose requirements in relation to financial transactions or	Money Laundering and Weapons Development (Directions) (Iran) (Jersey) Law 2012

	business relationships in certain circumstances, including that there is a risk that money laundering or the development of nuclear, radiological, chemical or biological weapons poses a significant risk to the interests of Jersey.	
f)	Require the provision of certain information and impose a requirement for any person in Jersey to notify the Minister of certain nuclear-related activities as listed in the Schedules to the Orders.	Nuclear Safeguards (Jersey) Order 2004 Nuclear Safeguards (Jersey) Order 2005
g)	Freeze the financial assets and economic resources of a person outside Jersey engaged in acts in connection with the use of weapons of mass destruction (nuclear, chemical or biological) which are detrimental to the economy or which threaten life or property of Jersey.	Crime and Security (Jersey) Law 2003
h)	Make Orders to amend the Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005 or provide for their suspension or resumption in order to reflect the termination, suspension or resumption of a Taxation of Savings Income Agreement with a contracting party.	Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005
i)	Make Orders amending the list in Schedule 1 of the Double Taxation Regulations of the countries with which DTAs have been made and to note the date each DTA came into force.	Taxation (Double Taxation) (Jersey) Regulations 2010
j)	Amend by Order the Schedule to the Exchange of Information with Third Countries Regulations so as to add, for a third country and any description of tax, the date the tax information exchange agreement relating to that third country and description of tax came into force.	Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008
k)	Confer privileges and immunities in relation to an economic and trade office established in the United Kingdom or in Jersey by the government of the Hong	Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998

	Kong Special Administrative Region.	
1)	Prescribe a range of matters <i>inter alia</i> relating to dangerous goods, rules of the air, flying restrictions, noise regulation, the provision of information, designation of zones for security purposes, and restrictions and security measures in relation aircraft, persons and aerodromes and cargo handling.	Air Navigation Order 2005 of the United Kingdom, as extended to Jersey by the Air Navigation (Jersey) Order 2008; Aviation Security Act 1982 of the United Kingdom, as extended to Jersey by the Aviation Security (Jersey) Order 1993;
m)	Appoint a Director of Civil Aviation for Jersey; determine the annual fee for the aerodrome licence; give directions in the interests of national security or in the interests of relations with another country; and make Air Navigation Orders for the purposes of implementing the Chicago Convention or generally to regulate air navigation.	Civil Aviation (Jersey) Law 2008

3.26 SENATOR S.C. FERGUSON OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department <u>must</u> supply as required and specified by statute (with references)?

Answer

The Minister for Economic Development has responsibility for all areas of economic policy and development in Jersey, including agriculture, fisheries, tourism, retail, intellectual property and gambling. The Minister also has political responsibility for the airport, air and sea links, and postal and telecommunications services as well as overseeing consumer and regulatory services.

The following tables outline the statutes, as well as the key duties and high level services pertaining to these.

Policy & Regulation

SECTOR	STATUTE	KEY DUTIES	HIGH LEVEL SERVICES
	Wireless Telegraphy (Jersey) Order (Extension of the Wireless Telegraphy Act 2006 to Jersey)	Extension of the Wireless Telegraphy Act 2006 to Jersey Licensing and management of spectrum Sets out duties for Ofcom and defines the relationship with Jersey	 Develop spectrum strategy Set and implement spectrum policy Liaise with the UK Secretary of State who must consult with Minister on directions to Ofcom relating to Jersey Ensure Jersey's existing and future spectrum needs are met Ensure Jersey legislation is up to date and in line with advances in technology
Telecoms	Telecommunications (Jersey) Law 2002	Ensure provision of telecommunication services and in doing so: • Further the interest of users • Promote competition • Promote efficiency, economy and effectiveness in commercial activities connected with telecommunications • Further Jersey's economic interests	 Develop telecommunications strategy Set and implement telecommunications policy Ensure Jersey legislation is up to date and in line with advances in technology Direct the JCRA in respect of the principles, procedures or policies to be followed in relation to: The implementation of any social or environmental policies in respect of telecommunications. corporate governance relating to the

			system and arrangements by and under which the Authority is directed and controlled
Broadcasting	Broadcasting and Communications (Jersey) Order 2004 Communications (Jersey) Order 2003 (Extension of the Communications Act 2003 to Jersey)	Extension of the Communications Act 2003 and Office of Communications Act 2002 to Jersey and Orders amending them. Sets out duties for Ofcom and defines the relationship with Jersey	 Develop broadcasting strategy Set and implement broadcasting policy Content regulation policy Public service broadcasting policy Ensure Jersey's broadcasting needs are met Ensure Jersey legislation is up to date Liaise with the UK Secretary of State who must consult with Minister on directions to Ofcom relating to Jersey
Rural	Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965 Agricultural (Loans and Guarantees) (Jersey) Law 1974 Agricultural (Loans) (Jersey) Regulations 1974	Provision of an administrative function to process repayments of existing outstanding Ag loans.	Ensure loans are repaid on time and that any arrears are addressed.

	Agricultural Marketing (Jersey) Law 1953	 Regulation of the marketing of potatoes and milk to protect quality and to provude minimum standards for local and export markets. 	Programme of agricultural inspection.
	Agricultural Returns (Jersey) Law 1947	 Provision of a function to collect and analyse agricultural statistics annually. 	Processing of returns.
	Blight Disease (Jersey) Order 1982	 Provision of a regulatory function to control the spread of potato blight. 	Programme of agricultural inspection.
	Certificates of Origin (Produce of the Soil) (Jersey) Law 1961	 Provision of a regulatory function to control the spread of plant/animal diseases. 	
	Stem and Bulb eelworm (Jersey) Order 1971	 Provision of regulatory function to protect quality of Daffodils. 	
	Electronic Communications	Defines legal status of electronic communications	The Minister may by Order prescribe anything which may be prescribed under this
Electronic Communications	(Jersey) Law 2000	• Provides for the facilitation of electronic business and the use of electronic communications and electronic storage.	 Ensure Jersey legislation remains up to date in light of changes or advancement in technology
		 Makes provision for the obligations of service providers and for protection of service providers from 	

		criminal and civil liability.	
Intellectual Property	Intellectual Property (Unregistered Rights) (Jersey) Law 2011 Paris Act of the Berne Convention	There are around 40 Articles within IPURL where the Minister either in his own right or as the Licensing Authority has functions he could be called upon to perform.	 Act as licensing authority, hearing references and making determinations regarding the activities of collective licensing schemes; Maintain law in line with economic need and changing international obligations; Set rules for the operation of exceptions to rights, procedure for the licensing authority and set scope of definitions important to the operation of the law;
	Trade Marks (Jersey) Law 2000 Patents (Jersey) Law 1957 Registered Designs (Jersey) Law 1957	Registered rights laws are administered by the Judicial Greffe. Registration of Patents, Trade Marks and Registered Designs. The Minister's responsibility is to ensure that the laws are brought up to date so that intellectual property rights owners can have an efficient and modern method for protecting their intellectual property. ED Minister specifies procedure for the treatment of infringing goods at the border.	
Hospitality & Leisure	Tourism (Jersey) Law 1948 Tourism (General Provisions) (Jersey) Order 1990	For the encouragement and development of Tourism in Jersey, to establish effective control of the accommodation and attractions available for tourists. The Order sets the registration criteria	 Establish and maintain registers of tourism accommodation. Develop and maintain policy on the operation of Tourism Law. Promote and enforce minimum standards for tourist accommodation;

	for all tourist accommodation, hotels guest house, self-catering, youth, hostels holiday camps and camp sites.	, 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Places of Refreshment (Jersey) Law 1967	To provide for the registration of places of refreshment and of persons carrying on and managing such places, fore the proper conduct and control of such places.	Register, inspect and ensure compliance of places of refreshment.
Policing of Beaches (Jersey) Regulations 1959	Regulations controlling activities on beaches including trading, presenting exhibits, parking, driving etc.	Oversee and ensure compliance with regulations. Implement changes to the regulations in response to needs of the industry
Licensing (Jersey) Law 1974	A Law to control the sale and consumption of alcohol. Areas covered are Taverners, Residential, Restaurant, Comprehensive, Club, Off and Entertainment Licences.	 Approve mangers and deputies Pronounce on the suitability of registered premises Attend the Licensing Assembly as the Chief Executive Officer's Deputy EDD Minister sets policy about the regulation of the licensed industry and is responsible for ensuring that legislation is fit for purpose.
Hawkers and Non-	A Law to control persons who go from	The Parish of St Helier carries out this

	Resident Traders (Jersey) Law 1965	place to place or from door to door for the purpose of selling goods and also to control non–residents who wish to trade in the island.	function on behalf of the Minister.
Jersey Harbours	Harbours (Administration) (Jersey) Law 1961	Duty to provide for safe administration of Jersey ports and territorial waters. Sets parameters for the administration of harbours and territorial waters and provides for duties and powers of Harbour Master Includes subordinate legislation covering • Harbour Regulations - Port and ship safety management, issuing permits & directions for what may or may not be authorised and setting the Sea Transport Policy. • Inshore Safety – provides framework for registration and control of local pleasure craft and seaborne sport and leisure activities. Licensing of local passenger craft. • Protection of Undersea Cables In addition to commercial port activity, Jersey Harbours provides marinas and moorings for local boat owners and	Functions are split between Minister, Assistant Minister and various officers at Jersey Harbours and EDD who may also carry delegated duties. EDD Minister is responsible for developing the policy and long-term strategy for the provision of ferry services.
		visitors. Jersey Harbours also provides	

		the Coastguard Service for territorial waters.	
	Pilotage (Jersey) Law 2009	To set the arrangements under which pilotage services are provided by the port	Jersey Harbours administers this with Harbour Master responsible, for example, as follows: • Licensing of pilots • Setting the charges and area for compulsory pilotage • Issuing pilotage exemption certificates Arrangements audited through EDD and Port Marine Safety Code
	Community Provisions (Ship and Port Facility – Security) (Jersey) Regulations 2004	To ensure the port and ships entering or leaving Jersey are in compliance with international security standards — in particular the International Ship and Port Security Code under the SOLAS Convention Chapter XI-II	 Duties and functions of officers, port officials and private individuals and organisations: Inspection and potential detention of ships Inspection of port facilities Security requirements for ships and facilities Conduct of security searches Arrangements audited by UK DfT through EDD
Jersey Airport	Aerodromes (Administration) (Jersey) Law 1952	Duty to provide for safe administration of Jersey airport. Provides for duties and powers of Airport Director	The policing, administration and management of Jersey Airport
		Jersey Airport provides a comprehensive network of commercial routes, facilities for business aviation and for local and	Minister for Economic Development contracts Jersey Airport to provide air traffic control for

		visiting private aircraft.	the Channel Island Control Zone on behalf of the UK and French authorities.
Jersey Airport	The Aviation Security (Bailiwick of Guernsey) (Amendment) Direction, 2013 Annex A Channel Islands Common Basic Standards for Safeguarding Civil Aviation against Act of Unlawful Interference	Annex is based on Regulation (EC) No 300/2008. Part I must be read subject to Part II. Note that Part II is based on the following EC Regulations: Chapter 1: Commission Regulation (EU) No 18/2010 Chapter 2: Commission Regulation (EU) No 1254/2009 Jersey Airport is legally obligated to ensure it makes adequate provisions in regard of all aspects of aviation security contained in the Annex.	The annex sets out the specific proscriptive compliance obligations including: Airport security Demarcated areas of airports Aircraft security Passengers and cabin baggage Hold baggage Cargo and mail Air carrier mail and air carrier material In-flight supplies Airport supplies In-flight security measures Staff recruitment and training Security equipment
Trading Operations	Public Finances (Jersey) Law 2005	Requirement to maintain a Trading Fund and make agreed returns to the States	Jersey Harbours provides for the administration, management, operation, financing, development and maintenance of the harbours of Jersey and their associated facilities.

	Public Finances (Transitional Provisions - States Trading Operations) (Jersey) Regulations 2005		Jersey Airport provides for the administration, management, operation, financing, development and maintenance of Jersey Airport, its associated facilities and the Channel Islands Control Zone
Maritime	Maritime Security (Jersey) Order 1996	Extends sections of the UK Aviation and Maritime Security Act specific to port security – duty to maintain security at international standards	 The Order creates offences in relation to the hijacking of ships and introduces a number of powers and duties specific to the Minister, officers and port officials at Jersey Harbours such as: To require port officials and others to carry out searches To place restrictions on persons or property taken on board a ship To set up restricted zones in harbours. Arrangements audited by UK DfT through EDD.

ing (Oil Extends sections of the UK Merchant
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Pollution) (Jersey) Order 1997	Shipping Act 1995 specifically to allow Oil Pollution Liability and Compensation Conventions to apply to the Island – international duty to comply with Conventions. Oil Pollution Liability and Compensation Conventions apply to the Island. In particular these allow access to international funds to compensate for oil spills at sea.	Routine maintenance and up-dating of the legislation is carried out by EDD with assistance from Law Officers
Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003	Sets limits on size and type of ship registered in Jersey – duty of Minister and Registrar to comply.	Jersey ships registered in compliance with the Order and MOU with UK. • Specific functions relate to international legislation, safety, survey and certification. These come under the Shipping (Jersey) Law 2002 and related subordinate legislation (below).
Shipping (Jersey) Law 2002	Minister has general superintendence of all matters relating to shipping and seafarers.	Seventeen pieces of subordinate legislation. These have on-going functions variously related to:
	Inter alia:	Ship and Fishing vessel RegistrationSafety at sea
	Jersey Harbours has delegated duty	Survey and certification

		to take or co-ordinate measures to prevent and minimise marine pollution Harbour Master is Receiver of Wreck There is a Registrar of Ships There are surveyors and inspectors	 Prevention and management of Pollution Manning and Qualifications Dealing with Wreck Search and Rescue Lighthouses Accident Investigation Compliance & Enforcement Functions carried out by Minister, officers (e.g. Registrar) and port officials at Jersey Harbours (e.g. Harbour Master)
Competition and Utilities	Postal Services (Jersey) Law 2004	Ensure a competitive and effective market exists for postal services, and ensure that social objectives are met.	Responsibility for directing JCRA on social policies and other areas, and to issue guidance to JCRA in any area. Responsibility to oversee operation of postal sector to ensure public benefit Development and emergency management of postal services
	Competition (Jersey) Law 2005	Oversee the management of the competitive environment in Jersey by the	Represent the public interest in the management of competition regulation in Jersey, which

	JCRA	includes mergers, acquisitions and the operation of monopoly or dominant operators. To make decisions about some procedural operations of the JCRA in respect of competition.
Competition Regulatory Authority (Jersey) Law 2001	Oversee and part fund the operation of the JCRA	 Nominate the Chairman of the JCRA Oversee governance arrangement, Manage the provision of funds for the operation of the authority Manage reporting. Minister requests market studies under Article 6(4).
Shops (Regulation of Opening) (Jersey) Regulations 2011	The law falls under the aegis of the EDM, but is administered and a run by the Connétables	To designate special occasions Maintain policy and law in respect of Sunday trading

Trading Standards

STATUTE	KEY DUTIES	HIGH LEVEL SERVICES
Weights and Measures (Jersey) Law 1967	Statutory duty to enforce as well as enforcement of subordinate legislation	Ensure the Minister is advised of any amendments necessary

	Carry out routine inspections	Approval of annual increase of verification fees
	Fees charged for statutory verification of weighing and measuring equipment in use for trade	
	Provide compliance advice and guidance for retail/wholesale/packing businesses	
	Quality assurance services provided to businesses on request	
Subordinate legislation enforced.		
Weights and Measures (Abbreviations of Units of Measurement) (Jersey) Order 1975		
Weights and Measures (Beer and Cider) (Exemption) (Jersey) Order 1968		
Weights and Measures (Egg-Grading Machines		

(Jersey) Order 1968		
Weights and Measur	es	
(Equivalents for dealing		
with drugs) (Jerse		
Order 1969	, , , , , , , , , , , , , , , , , , ,	
Weights and Measur	es	
(General Provision		
(Jersey) Order 1968		
Weights and Measures		
International Definition	3)	
(Jersey) Order 1968		
Weights and Measur		
(Marking) (Jersey) Ord	er	
1975		
W. i.		
Weights and Measur		
(Measuring Instrument		
(Liquid Fuel an		
Lubricants) (Jerse	7)	
Order 1968		
W7-1-1.4 J NA		
Weights and Measur		
(Measuring Instrument		
(Intoxicating Liquo	()	

(Jersey) Order 1975		
Weights and Measures (Prescribed Quantities No 1) (Jersey) Order 1977		
Weights and Measures (Prescribed Quantities No 2 (Jersey) Order 1977		
Weights and Measures (Prescribed Stamp) (Jersey) Order 1975		
Weights and Measures (Weights) (Jersey) Order 1975		
Weights and Measures (Working Standards and Testing Equipment) (Testing and Adjustment) (Jersey) Order 1975		
Weights and Measures (Jersey) Order 1968		

		T
Price and Charge Indicators(Jersey) Law 2008	Provide compliance advice and guidance for retail/wholesale businesses Ensure consistent enforcement Investigate alleged offences	Ensure the Minister is advised of any amendments necessary
Subordinate legislation enforced		
Price and Charge Indicators (Jersey) Regulations 2008		
Protection of Children (Restriction on Supply of Goods) (Jersey) Law 2009	Provide compliance advice and guidance to retailers Investigate alleged offences	Ensure the Minister is advised of any need to restrict the supply of additional goods
Subordinate legislation enforced		
Protection of Children (Cigarette Lighter Refills) (Jersey)		

Regulations 2009		
Distance Selling (Jersey) Law 2007	Provide compliance advice and guidance to on-line retailers and other traders who sell goods and services by other distance means Monitor compliance within an annual inspection programme	 Ensure the Minister is advised of any amendments necessary Provide non-compliance reports to the Attorney General when necessary
Consumer Safety (Jersey) Law 2006	Provide compliance advice and guidance to importers and producers Publish national safety recalls in association with local suppliers	Ensure the Minister is advised of any amendments necessary
	Investigate alleged offences	
Trade Marks (Jersey) Law 2000	Enforce the anti-counterfeiting provisions using powers in Article 25 and 26 of the Law	Ensure the Minister is aware of any significant seizures of counterfeit goods
	Work with Customs officers to authenticate suspect goods at point of entry to Jersey	
	Enforce the age restrictions for film	Ensure the Minister is advised of any

Vid. (Jer	leo Recordings rsey) Law 1990	classifications	amendments necessary
		Provide compliance advice and guidance when necessary.	
		Investigate alleged offences	
	vices (Jersey) Law	Provide advice and guidance to retailers on their responsibilities under the law	Ensure the Minister is advised of any amendments necessary
		Provide a free confidential consumer advice and conciliation service to resolve contractual disputes over goods and services.	
(Un	ellectual Property aregistered Rights) rsey) Law 2011	Investigate offences under duties and powers provided in Article 397 of the Law	Ensure the Minister is aware of any significant seizures of products which breach intellectual property rights
		Provide case files with recommendations to the Crown Officers for consideration	

Rural Economy

Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965	Provision of an administrative function to process repayments of existing outstanding Agricultural loans.	Ensure the Minister is advised of any amendments necessary
Subordinate Legislation:		
Basic Slag and Lime (Jersey) Scheme 1968		
Control of Infestation (Potato Root eel Worm) (Jersey) Scheme 1968		
Agricultural (Loans and Guarantees) (Jersey) Law 1974		Ensure the Minister is advised of any amendments necessary
Agricultural (Loans) (Jersey) Regulations 1974		Ensure the Minister is advised of any amendments necessary
Agricultural Marketing (Jersey) Law 1953	Regulation of the marketing of potatoes and milk to protect quality and to provide minimum standards for local and export markets	Ensure the Minister is advised of any amendments necessary

Subordinate Legislation:	
Jersey Potato Export Marketing (Polls) (Jersey) Order 2002	
Jersey Potato Export Marketing (Registration of Producers) (Jersey) Order 2001	
Jersey Potato Export Marketing Scheme (Approval) (Jersey) Act 2001	
Milk Marketing (Polls) (Jersey) Order 1954	
Milk Marketing (Registration of Producers) (Jersey) Order 1954	
Milk Marketing Scheme (Approval) (Jersey) Act 1954	

Agricultural Returns (Jersey) Law 1947	Provision of a function to collect and analyse agricultural statistics on an annual basis.	Ensure the Minister is advised of an amendments necessary
Blight Disease (Jersey) Order 1982	Provision of a regulatory and advisory function to control the spread of plant disease.	Ensure the Minister is advised of ar amendments necessary
Certificates of Origin (Produce of the Soil) (Jersey) Law 1961		Ensure the Minister is advised of an amendments necessary
Subordinate Legislation		
Bovine Spongiform Encephalopathy (Jersey) Order 1988*		
Foot-and-Mouth Disease (Sera and Glandular Products) (Jersey) Order 1958*		
Foot-and-Mouth Disease (Jersey) Order 1958*		
European Communities Legislation (Implementation) (Cattle Identification) (Jersey)		

Regulations 2002*1		
Fertilisers and Feeding Stuffs (Fees) (Jersey) Order 1951*2		
Fertilisers and Feeding Stuffs (Jersey) Order 1972*2		
Pesticides (General Provisions) (Jersey) Order 1991*3		
Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991*3		
	Provision of regulatory function to protect quality of Daffodils	• Ensure the Minister is advised of any amendments necessary

Key

- * Orders under Disease of Animals (Jersey) Law 1956, administered by the Planning & Environment Department
- *1 An Order under European Communities Legislation (Implementation) (Jersey) Law 1996, administered by the Chief Ministers Department
- *2 Orders under Fertilisers and Feeding Stuffs (Jersey) Law 1950, administered by the Planning & Environment Department
- *3 Orders under Pesticides (Jersey) Law 1991, administered by the Planning & Environmen

3.27 SENATOR S.C. FERGUSON OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department <u>must</u> supply as required and specified by statute (with references)?

Answer

The table below sets out the activities and services which the Department supplies and associated statute.

Ref	Department Section	Service / Activity	Associated Legislation and Multi Multi-Lateral Environmental Agreements (MEAs)*
Ref	Environmental Management and the Rural Economy (EMRE)	 Regulation of the agricultural land bank through considering planning applications and conditioning use of agricultural land. Regulate the marketing of agricultural products. Provision of an advisory and scientific service to farmers, growers, the dairy industry and other government departments with specialist diagnosis of plant pests and diseases, as well as the analysis of soil, water and plant tissue samples. Develop management plans and work schedules for all the Island's protected natural open spaces. Protect and champion the Island's biodiversity, marine resources and ecosystems in line with international MEAs. Manage the delivery of the Integrated Coastal Zone Management Strategy Regulate commercial and leisure fishing activity, aquaculture and exploitation of living aquatic resources in the 800 square 	
		 miles of Jersey waters administer the Agricultural Land Control of Sales and Leases) (Jersey) Law 1974 in order to control the occupation and use of 	 Sea Beaches (Removal of sand and stone) (Jersey) Law 1963 Protection of Agricultural Land (Jersey) Law

agricultural land and to ensure that a	1964
stable, viable agricultural land bank is retained for the farming industry.	- Loi (1919) sur la Location de Biens-Fonds
	- Conservation of Wildlife (Jersey) Law 2000
	MEAs
	- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning Fishing in the Bay of Granville with Exchanges of Notes and Declaration
	- Fisheries Management Agreement between the United Kingdom and Jersey
	- Convention of Biological Diversity (CBD)
	- Convention on the Conservation of Migratory Species of Wild Animals (Bonn)
	- African-Eurasian Waterbird Agreement (AEWA)
	- Memorandum of Migratory Birds of Prey in Africa and Eurasia
	- Agreement on the Conservation of European Bats (EUROBATS)
	- Convention on the Conservation of European Wildlife and Natural Habitats (Bern)
	- International Plant Protection Convention
	- Agreement on the Conservation of small cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS)

			- Ramsar Convention on Wetlands of International Importance especially as a Waterfowl Habitat
2	Environment and Awareness Policy	 development of environmental policy in line with International and local drivers including MEA and arising statutory responsibilities the delivery of environmental awareness programmes through the ECO-ACTIVE campaign to encourage environmental responsibility across all sectors; education is a requirement under several Multi-Lateral Environmental Agreements (MEAs) and also supports legislative requirements and their application 	Legislation - Endangered Species (CITES) (JERSEY) Law 2011 MEAs - United Nations Framework Convention on Climate Change - 1996 Protocol to the above Convention - Kyoto Protocol to above Convention - Convention on International Trade in Endangered Species (CITES)
3	Environmental Protection	 ensure the proper management of the Island's water resources and regulate the supply of wholesome water pollution control, pollution prevention and waste management regulation maintain the Island's ability to export produce through a system of inspections 	Legislation - Waste Management (Jersey) Law 2005 - Water Pollution (Jersey) Law 2000 - Water Resources (Jersey) Law 2007 - Water (Jersey) Law 1972 as amended - Weeds (Jersey) Law 1961 MEAs - BASEL Convention- controlling transboundary movements of hazardous wastes and their

			disposal
			- The Convention for the protection of the marine environment of the North-East Atlantic (the OSPAR Convention)
			- Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter 1972
			- UN Vienna Convention for the Protection of the Ozone layer
			- Montreal Protocol to above Convention
			- UNECE Convention on Long Range Transboundary Air Pollution and Associated Protocols (CLRTAP)
			- Associated Protocols to above Convention
4	Veterinary Services	- promote best animal health and welfare	Legislation
	7	practice for all farmed, captive and	- Animal Welfare (Jersey) Law 2004
		domestic species by providing advice and investigating adverse welfare complaints.	- Dangerous Wild Animals (Jersey) Law 1999
		- exercise controls to prevent the incursion	- Diseases of Animals (Jersey) Law 1956
		or eradicate notifiable animal, poultry and fish diseases to protect the health of	- Diseases of Animals (Rabies) (Jersey) Law 1976
		animals, poultry and fish and in the case	- Slaughter of Animals (Jersey) Law 1962
		of zoonoses, humans.	- Artificial Insemination of Domestic Animals
		- facilitate the export of animals and animal	(Jersey) Law 1952
		products from the Island including the administration and enforcement of welfare	- Food Safety (Jersey) Law 1966 Article 10
		products from the Island including the	

			identification, Pet Travel
5	Planning and Building Services - Development Control	 regulation of the development and use of land; administration of high hedge complaints; investigating and enforcing as appropriate breaches of the Planning and Building (Jersey) Law 2002 to uphold the requirements of the planning and building control legislation 	 Legislation Planning and Building (Jersey) Law 2002, as amended. Planning and Building (Public Inquiries) (Jersey) Order 2008 Building Bye-Laws (Jersey) 2007, as amended. Planning and Building (Building Bye-Laws) (Jersey) Order 2007
6	Planning and Building Services - Building Control	- set and enforce standards for the design and construction of buildings to ensure that buildings are safe, healthy, accessible and sustainable for current and future generations	 Planning and Building (Application Publication) (Jersey) Order 2006 Planning and Building (Display of Advertisements) (Jersey) Order 2006 Planning and Building (Environmental Impact) (Jersey) Order 2006
7	Planning and Building Services - Policy, Projects and the Historic Environment	 development of a legislative and planning policy framework that underpins the Island's planning system, principally represented by the Island Plan and supplementary planning guidance; assessment and designation of buildings and places of architectural, archaeological and historic importance in order to protect those of special importance; assessment and designation of trees of amenity value; 	- High Hedges (Jersey) Law 2008

		- provision of legislation, policy, guidance and advice to ensure that the special importance of Jersey's historic environment is protected and managed appropriately	- Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO)
8	Meteorological Section	- provide meteorological information for the purposes of International Air Navigation according to the standards and recommended practices of Annex 3 to the Chicago Convention on International Civil Aviation.	Legislation - Air Navigation (Jersey) Order 2008 - Civil Aviation (Jersey) Law 2008

^{*} The Department administers various European Union Directives and International Conventions (known as Multi-Lateral Environmental Agreements (MEAs)) for which ratification has been extended to Jersey

3.28 SENATOR S.C. FERGUSON OF THE MINISTER FOR HOUSING REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Ouestion

What are the services which the Department <u>must</u> supply as required and specified by statute (with references)?

Answer

I would remind Members that in accordance with the vote on P.33, The Reform of Social Housing in Jersey and R.15, which set out our Full Business case for transformation, the Housing Department is to be incorporated in 2014. Our aim will continue to be ensuring that long-term, sustainable and affordable housing is provided to meet the needs of all residents.

The Housing Company will be responsible for managing the landlord services for our customers with the policy function remaining with the States. Members will be aware that the Strategic Housing Unit has now been established to look at Island-wide housing strategy and a new regulatory framework. It will be the role of the Strategic Housing Unit to bring forward proposals for new laws and legislations that may come out of this process.

4. Oral Questions

4.1 Deputy M. Tadier of St. Brelade of the Minister for Home Affairs regarding the funding of the Jersey Community Relations Trust:

Given the important work of the Jersey Community Relations Trust, will the Minister advise whether he considers that responsibility for its funding should remain part of his portfolio and if so, will he consider increasing the funding of this body to enable it to meet its continuing work stream?

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

The Minister for Home Affairs currently has responsibility in relation to the Jersey Community Relations Trust and provides an annual grant of £27,500 to help defray its operating costs. Interestingly, these functions were performed by the Chief Minister's Department until 2008 and a transfer then took place because the individual Minister at that time had an interest in this area, particularly in relation to discrimination. Now that the Chief Minister's Department has responsibility for social policy, it would be logical, in my view, for the element of oversight and responsibility to be returned to the Chief Minister's Department. However, such a proposal would plainly need discussion with the Chief Minister and with the appropriate Assistant Minister to the Chief Minister.

4.1.1 Deputy M. Tadier:

I thank the Minister for Home Affairs for his answer and I think in terms of whose portfolio it should fall under, we are singing from the same hymn sheet. Will the Minister for Home Affairs join me in congratulating all those who organised and took part in the J.C.R.T.'s (Jersey Community Relations Trust) event to promote women in politics and in public life and does he also agree that as a States body when it comes to legislation, we must do more very urgently to promote equality and it must be supported by legislation, not simply by good words?

Senator B.I. Le Marquand:

Yes, it was a very good event. It was much wider than just women in public life. It went into other areas of equality and fairness and treatment of women and domestic violence and things of that nature. I thought it was, generally speaking, an excellent event. The responsibility in this area has

now passed from me to the Minister for Social Security and I certainly hope, as a father of 2 professional daughters and the grandfather of 3 granddaughters, that progress will be made in this area.

[9:45]

4.1.2 Senator S.C. Ferguson:

When we set up the Jersey Community Relations Trust, the Assembly was told that the organisation would be self-funding. Why are we still funding it?

Senator B.I. Le Marquand:

I have absolutely no knowledge of that. All I know is that the responsibility was with my department when I arrived and that we have continued to provide £27,500. I have absolutely no knowledge of the States having agreed anything different when it was initially set out. If that is so, that is the first I have heard of that.

4.1.3 Senator S.C. Ferguson:

Should we be paying people to just come back and lobby us?

Senator B.I. Le Marquand:

Provided they do it in an appropriate manner and they have done some excellent research work in certain areas. The work that they have done and encouraged in the area of bullying has been particularly valuable but there has been other useful research work. I do not always agree with the conclusions that they come to but nevertheless it is appropriate that this work be done.

The Bailiff:

Do you have a question, Deputy Tadier?

4.1.4 Deputy M. Tadier:

It is just to ask the Minister for Home Affairs whether he agrees that the £27,500 we give them is remarkably good value. I am sure he is aware, as I am that with this conference that was put on but also the work that the members put in by far exceeds the hours for which they are remunerated and I am sure the Minister will be happy to acknowledge that.

Senator B.I. Le Marquand:

Yes, I have been reminded that the trustees are unpaid in relation to this but I agree this is an organisation that, in terms of the money that is put into it, punches very much above its weight.

4.2 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the Danwood Managed Print Service contract:

Will the Minister for Treasury and Resources advise Members whether the Danwood Managed Print Service contract will potentially cost the States approximately £9.5 million more than was formerly stated and if so, will be explain why and inform Members when the BDO report into the contract will be published?

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

Deputy Noel will be answering this question.

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

The Danwood Managed Print Service contract will not cost £9.5 million more. We are not sure of the source of Deputy Higgins' figures, however, the Treasury and Resources Department has been provided with a spreadsheet that maybe was the basis for the inaccurate extrapolation of the £9.5. There are a number of reasons why this spreadsheet is not valid. Firstly, in any education establishment, the month of September, which was used, is unusually high as the schools prepare materials for the new term and the new year. Secondly, the machines used were not a like-for-like comparison. Thirdly, the cost per page used was not the correct cost for the machines quoted and fourthly, the extrapolation of the changes to the entire Education, Sport and Culture fleet is completely erroneous in resulting significant overstatements. It is a piece of fiction that has been made into pure fantasy. The actual cost of the printing of the States of Jersey prior to the commencement of the contract was circa £1.6 million per annum. This figure included an annual print volume of some 51 million copies. Significant savings over the 15-month period from 1st May 2012 to 31st July 2013 have been made. These savings will be ongoing and we are presently projecting savings for a full year in excess of £250,000, which can be taken out of budgets and that is the real issue here. We recognise that the school environment is unique and that some of the operational requirements that suit an office may not be appropriate for schools. We will continue to take further work with the schools to ensure the benefits of the management contract delivers the best outcomes for schools and for the States as a whole. The BDO internal audit report has been issued for the Chairman of the Audit Committee and to the Comptroller and Auditor General. It is due to be lodged with the Audit Committee at their next meeting in November. An advance copy of the report is being issued to all States Members today.

4.2.1 Deputy M.R. Higgins:

I have never heard so much waffle in all my life. I am absolutely convinced from the information that I have seen all the way through that this contract is going to cost the Island a lot more money than the Assistant Minister is stating and I ask him, if that is the case, will you resign, because the level of incompetence for this ...

The Bailiff:

Will the Assistant Minister resign.

Deputy M.R. Higgins:

Will the Assistant Minister resign? The level of incompetence shown on this contract is absolutely staggering from the leaking of the documents from one of the tenderers to the other tenderers. We have been through this before but the whole contract has been totally and utterly mismanaged. Will the Assistant Minister resign if it is proved that this contract has cost the Island far more than they believe, maybe in the millions?

Deputy E.J. Noel:

Everyone knows that the answer to that is going to be no. I would like to remind Members that this first raised its head some 12 months ago now and at that time, and numerous times since then, I have invited Deputy Higgins to come into the department to receive a full and frank briefing on the actual figures and the actual facts. To date he has not appeared at the Treasury and Resources Department for such a meeting although he has come in for some other private matters. He was also given the opportunity to provide his evidence to the independent auditors, BDO, and he has not done so. In fact, he has not even replied to the independent auditors' attempts to contact him. I believe that actions speak louder than words and I believe that Deputy Higgins has got a lot of words.

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

I have only got a few words. Could the Assistant Minister put my and other Members' minds at rest, about a gentleman from the printing industry who contacted me to suggest that Danwood was going bust and attempts had been made to sell contracts on which is obviously going to have a huge impact on the States. Could he just clarify that that is not true?

Deputy E.J. Noel:

The latest information I have on our supplier is that no, they are not going bust. They have a very robust private equity firm backing them and I do not see that there is going to be any problems going forward.

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

The Assistant Minister mentioned in his first answer about savings that were made between 1st May 2012 and 31st July 2013 but he did not provide a figure. Could he give that to us, please?

Deputy E.J. Noel:

I would like to thank the Deputy for that. The figure is £198,000.

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

For the sake of simplicity so that people can understand it, does the Assistant Minister have an estimate figure for the current annual cost under this new contract compared to the previous annual cost and will he give those 2 figures together now?

Deputy E.J. Noel:

It is estimated that the previous annual cost, because it is something that we could not do accurately before because of our systems, was *circa* £1.6 million. We endeavour to and are confident that we will save £250,000 on that figure as was already previously stated.

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

In a general sense in the States, could the rapporteur distinguish between savings that arise from the move to the paperless office and actual savings in terms of a more efficient operation?

Deputy E.J. Noel:

It is impossible to break down what would be the move for the people's cultural changes to the use of iPads and other tablets, *et cetera*, and to go to a paperless office but, overall, we expect to see £250,000 saved and a significant reduction of over 8 per cent in the volumes. That is 8 per cent on 51,000 pieces of paper printed.

4.2.6 Deputy T.A. Vallois:

The Assistant Minister is talking about savings but how can he expect to have £250,000 of savings if he does not have the evidence or the benchmarking information to provide that saving against?

Deputy E.J. Noel:

We have a benchmark of *circa* £1.6 million. We cannot be accurate down to the last penny of that but it has been independently verified twice and therefore we are confident that we can show that we will be making savings in excess of a quarter of a million pounds a year.

4.2.7 Deputy M.R. Higgins:

First of all, I stand by my figures and we will see what the media report says and what comes out of the C. & A.G. (Comptroller and Auditor General) report. I ask the Assistant Minister is he aware that the contract has been sold on to GEC Capital and therefore the liability for the States will be to

GEC Capital and not Danwood? So if Danwood does collapse, then the States will still be lumbered by the contract and the supplier will not be there to do all the other work that is required.

Deputy E.J. Noel:

There are a couple of questions there. I will take the last one first. I do not know because I have not got the details but it sounds like the contractor may have used a factoring service whereby it sells its debtors to get its cash flow more readily. That is probably the explanation there. About the first part of the Deputy's question, I would again, for I think the fifth or sixth time now, to invite him in, bring his data in, show it to our internal auditing, show it to BDO and, as I have mentioned to other States Members in the past, we achieve more if we work together.

4.2.8 Deputy M.R. Higgins:

Supplementary, because the Assistant Minister did not answer the full question. If GEC Capital have taken over this contract, which he is not aware of by the response in his answer, does he not know whether they have, what is the situation about servicing and maintenance of the machines for the life of the contract?

Deputy E.J. Noel:

Our contract is with Danwood. They may have factored out their debt. That is for them to do. It is a normal financial transaction if they indeed have done that.

4.2.9 Deputy M.R. Higgins:

If they collapse, who is going to cover the servicing and the maintenance for the contract?

Deputy E.J. Noel:

If any supplier to the States collapses, then that is a contractual matter that will be pursued along with normal contractual matters.

Deputy T.M. Pitman:

Excuse me, a point of order. Just a few minutes ago, the Assistant Minister told me that this company was safe and they were not in danger of collapsing. Which is the true picture? It is quite worrying.

The Bailiff:

That is not a point of order at all, Deputy Trevor Pitman. That is a question about a question. Very well.

4.3 Deputy T.M. Pitman of the Minister for Education, Sport and Culture regarding the internal investigation into the starting-pistol shooting incident at a secondary school:

Could the Minister clarify what policies and procedures, if any, were followed in conducting the internal investigation into the starting pistol shooting incident at the secondary school and were students who witnessed the incident interviewed?

Deputy P.J.D. Ryan of St. John (The Minister for Education, Sport and Culture):

The Deputy has asked similar questions on the same subject matter over the last 2 or 3 States Assemblies so I will not go back over all the ground, so I will say this. Thankfully, the young person involved was not seriously injured. Safeguarding is our prime responsibility and we take it very seriously indeed. I advise that 2 internal investigations into the starting pistol incident are in progress and they have taken place. They were initiated once the police inquiry and the court case were completed. The first of those 2 inquiries has now been completed in line with the States of

Jersey and Education disciplinary procedures. The second investigation relates to the school's management and reaction to the department's physical education and accident reporting procedures. This one is not yet concluded. During the internal investigations, students were not interviewed because this had already been done as part of the initial investigation by the police and these statements were available to the department so in that case, it was not necessary to interview the young people a second time.

4.3.1 Deputy T.M. Pitman:

Thank you. Supplementary, Sir. I do not ask these questions lightly but having been contacted by the parent, my concern is with the child and I would like the Minister to at least let us know - because I believe it was not mentioned in court - that in the pupils' and the parents' statements, words were attributed to the teacher to the effect of: "Watch this. I am going to shoot pupil X in the face." If that is true, is the Minister fully confident that his internal inquiry has done the necessary? With the teacher returning to school - who I do not know, I have got nothing against him - but is that sending out the right message about how safe our children are?

[10:00]

The Deputy of St. John:

There were about 3 questions in there and I will try and remember them all as I think about answering the last one. In terms of are our children safe, we have taken action. We have removed all starting pistols from all schools in Jersey. I cannot do more than that. About the students' statements, the students who witnessed the incident made statements the day after it occurred. It is not usual practice for the department to repeat such interviews with minors. This puts minors under stress and it is not right especially after some time has elapsed. These students have now left the school and are carrying on with their education, training or work elsewhere so it is wrong to go back over old ground. I repeat, the E.S.C. (Education, Sport and Culture) team had access to the statements. Am I satisfied that my department, the police, everybody concerned is carrying out the necessary investigations? Yes, I absolutely am.

4.3.2 Senator S.C. Ferguson:

I question the method of prevention and I am intrigued. Would the Minister kindly tell us how they are going to be starting running races and so forth in future? With a whistle?

The Deputy of St. John:

I am going to ignore the last part of that question completely and I hope the Assembly forgives me and the public outside forgives me for ignoring that. As regards the procedures concerned, I will make one further point. The court case is a matter of public record at which the incident was proven and sentenced accordingly by the Magistrates Court. This is a matter of public record. The internal disciplinary process and the procedure is confidential and not a matter of public record in line with States of Jersey policy regarding disciplinary matters for its staff and that disciplinary process has now been completed. Original evidence included a statement of retraction by the main student concerned and I think I would like to leave it there.

4.3.3 Deputy T.M. Pitman:

Can the Minister tell us if the main witness was the child who was shot in the face and, in concluding that question, would the Minister reconsider what he said about moving on because this child has left the school. That is not the issue. The issue is could this happen again to any other child. Would he not agree?

The Deputy of St. John:

All starting pistols have been removed from schools. I do not know who the main statement was because I have not read it. This is an operational matter. Ministers and Members of this Assembly are here to formulate policy. This is operational and I am very confident in the ability of my officers to carry out any necessary investigations and to take the necessary actions as required when they have the results.

4.4 Deputy S. Pitman of St. Helier of the Minister for Planning and Environment regarding measures to ensure that the confidentiality of planning applications was maintained prior to a public meeting or the publication of a Ministerial decision:

What measures, if any, are in place to ensure that an officer of the department or a member of the planning panel does not discuss information about a planning application either before a public meeting or a Ministerial decision is published?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

The process of dealing with planning applications is a public one and the planning and building law requires the Minister and the applicant to publicise that an application has been received. Additionally, the department makes all plans, documents and correspondence available on the States of Jersey website and the Parish Halls. Without this publicity, the public of the Island would not be aware of planning proposals which would potentially be harmful to their interests. Another purpose of this publicity is that it encourages debate and discussion on planning issues. Officers and members of the Planning Applications Panel are at liberty to discuss such information as are any other citizens.

4.4.1 Deputy S. Pitman:

How can it be acceptable that the Planning Applications Panel Chairman, Deputy Sean Power, approaches the media with false information that has not been discussed at a public hearing, such as falsely telling the media that special treatment has been afforded to the applicants and that they have not bothered to complete the right form, false information that is then printed in the *J.E.P.* (*Jersey Evening Post*)? What assurance can applicants have that their application is being handled professionally and has not already been decided upon?

Deputy R.C. Duhamel:

I would agree with the Deputy that the actions of the Planning Applications Panel Chairman were inappropriate and that an apology should be given. There are protocols in place whereby, for the consideration of the Deputy's application, the Planning Applications Panel Chairman has agreed that he will not be chairing that particular meeting.

The Bailiff:

Very well. Do you wish a final question, Deputy Pitman? This is in relation to your own application, is it? If so, I would have thought you ought, in fairness to Members, to have made that clear.

Deputy S. Pitman:

Yes, it is, Sir, but it is also a public matter.

The Bailiff:

Yes, I am not saying you should not have asked it but I think in fairness to Members to show that this is a matter in which you have a personal interest.

Deputy S. Pitman:

Well, I thought it was obvious because it was on the front page of the paper.

The Bailiff:

Well, I think you ought to declare it. Very well.

Deputy S. Pitman:

I so do.

The Bailiff:

Do you wish a final question?

4.4.2 Deputy S. Pitman:

Yes. How can the public have confidence in a chairman who, for no justifiable reason, chooses to discuss their application, of which I have evidence in this case with the media as well as other States Members, who do not have anything to do with the application panel or process prior to that application being considered by the Planning Applications Panel?

Deputy R.C. Duhamel:

I think the public can have and continue to have the confidence in the Planning Applications Panel Chairman on the grounds that he has had discussions with the Minister for Planning and Environment and is in agreement that his conduct in this case was in error.

Deputy T.M. Pitman:

With due respect, I had my light on throughout that, as Members can attest before you offered Deputy Pitman her last question.

The Bailiff:

I am sorry, Deputy, I did not see it. It is behind the Deputy of St. Martin's chair. Very well, then. You ask your question.

4.4.3 Deputy T.M. Pitman:

I ask the Minister if he thinks it is right - and this is not a criticism because I do support the Minister strongly - but can it be right that we have a Planning Applications Panel member sending around details with derogatory comments about planning applications to other States Members, all who have nothing to do with the planning application? Does he think that is acceptable? Will he ask him to consider his resignation because if he does not, I will be bringing a vote of no confidence in that Chairman, if I can.

The Bailiff:

That seems to be a repetition of the question that Deputy Shona Pitman asked but anyway.

Deputy T.M. Pitman:

It is about the email. It is totally inappropriate that the Planning Application Chairman ... I ask if that is part of the normal protocol, to send round derogatory comments and someone's planning application to Members who have got nothing to do with it.

Deputy R.C. Duhamel:

As I have outlined in my answers to previous questions, the Deputy was in error but I do not think he has gone as far as to warrant my asking for his resignation or indeed for this House to be calling for such in addition. Should people have a different point of view, then I am happy to take further steps in order to ask the Deputy if he would be in a position to make a public apology but that, I think, is as far as I should be going.

4.5 Deputy G.P. Southern of the Minister for Education, Sport and Culture regarding the bearing of class sizes on academic progress:

Will the Minister inform Members what body of peer-reviewed research, if any, forms the basis for the Director of Education's statements that class size has no or little bearing on academic progress and will he publish the average class size for Jersey fee-paying and non-fee paying primary schools for reception through to year 6 and account for any differences revealed?

The Deputy of St. John (The Minister for Education, Sport and Culture):

The Director of Education has not made any public statements of this nature. He did, however, have a professional conversation with representatives of the teaching unions at the end of a recent closed meeting. The point he made was that the quality of teaching is the factor that has the biggest impact on academic progress. Children benefit most if they have access to excellent high quality teachers who inspire and motivate them. I will have the average class sizes for States fee-paying and non-fee paying primary schools provided to all States Members today.

4.5.1 Deputy G.P. Southern:

Is the Minister for Education, Sport and Culture fully committed to maintaining or decreasing the size of classes in Jersey primary schools?

The Deputy of St. John:

I am committed to maintaining them. I am not committed to reducing them.

4.5.2 Deputy G.P. Southern:

Finally, is the Minister for Education, Sport and Culture aware of any research that shows the commonly held perception that smaller class size leads to improved academic results? Is he aware of research and if so, will he circulate that research?

The Deputy of St. John:

There is all sorts of research on all sections as you would expect of primary education. The size of classes is just one of them. There are pieces of research on all sorts of areas, including the quality of teaching that I have already mentioned. Some of that research is peer-reviewed and based on evidence. A great deal of it in both cases is discredited as you would expect with a hot topic that is on everybody's mind. We are, including the Deputy committed to improving standards of education and achievement in all schools, primary, secondary, further and I thank him for his interest but we will continue to monitor all evidence that there is.

4.6 Deputy T.A. Vallois of the Minister for Education, Sport and Culture regarding printing costs for schools:

Could the Minister advise whether schools now have to pay large costs for printing and whether they were advised of this potential increase before the agreement of the managed print contract by central procurement?

The Deputy of St. John (The Minister for Education, Sport and Culture):

The Education, Sport and Culture Department are completing the final phase of the rollout of the new managed print service to States schools. The final machines will go into schools at half term.

Because of this, it is too early to gauge the actual impact of the new service on the system overall and we would probably need a full year before we can do that. The original premise of the new service was based on achieving savings of 15 per cent. E.S.C. were advised that the new service would result in savings and our budgets were reduced accordingly. Schools were consulted as part of the process and their printing requirements were assessed. In some cases, the basis of calculating printing costs has changed. For instance, some schools did not previously include capital costs in their forward budgeting. This has meant that the cost of printing has technically increased, the printing itself, in some cases, but it is a reflection of the more consistent formula funding taking into account capital rather than an increase in costs.

4.6.1 Deputy T.A. Vallois:

The Minister for Education, Sport and Culture stated that it will probably be about a full year before they can assess whether it is doing the job that it was intended to do. Is there any particular school that he could use as a benchmark to identify from the period at which the machine went in to this period now as to whether it is achieving the intended consequences?

[10:15]

The Deputy of St. John:

This is very much an operational matter and it is under the control of the headteachers in each school who have delegated responsibility for controlling their budgets in general, so it is very operational. I cannot give the Deputy the answer that there may be one school we could use as a benchmark. I think it is much more important to take the education system as a whole. Some schools might have a greater print need than others and some might manage it more efficiently than others so it is difficult to know.

4.6.2 Deputy M.R. Higgins:

For the benefit of Members before I ask my question, you must understand that the question was ...

The Bailiff:

Who must understand? The Minister?

Deputy M.R. Higgins:

Sorry, the Minister for Education, Sport and Culture and Members should understand that the contract itself was determined centrally by procurement and all schools were compelled to take the machines as part of the agreement and as a result of this, an estimated saving was built into the school budgets. Some money was taken away in advance. The schools are now finding that the cost of printing is considerably higher than it was before and as the Minister has already told us ... because the schools are now responsible for the budgets, the schools are the ones who are going to suffer and because of any print overrun will pay more. Will the Minister not accept that this way of contracting is not beneficial? If you are going to give the budgets to the schools, surely they should be determining who they get the machines from and at what cost.

The Deputy of St. John:

The first point is that the schools were consulted as part of the process and their printing requirements were assessed. Second of all, it is this States Assembly that agreed that central procurement savings should be made wherever possible and therefore the Deputy really is suggesting that that was a wrong decision that the States of Jersey made.

4.6.3 Deputy M.R. Higgins:

Will the Minister admit that many schools did not want to take the machines and they were compelled to take the machines that were being put forward? Now, you talk about central procurement.

The Bailiff:

That is a question, Deputy, yes, thank you.

The Deputy of St. John:

I think that they were complying with the decision of the States of Jersey.

4.6.4 Senator S.C. Ferguson:

The Minister has said that he has not been keeping an eye on this because it is operational and not policy but surely the central procurement policy is affecting the way his schools are running. Therefore should he not be taking an interest in this?

The Deputy of St. John:

It is not proven yet, as I have already stated, that the schools are being affected but the department's operational managers and directors will be keeping a very close eye on it, together with the headteachers of the various schools.

4.6.5 Deputy T.A. Vallois:

Can I ask the Minister whether the Education, Sport and Culture Department have a school pricing framework in place as the U.K. (United Kingdom) do and whether he has received any complaints from schools with regards to the printing?

The Deputy of St. John:

I do not understand what the Deputy means by school pricing policy. I am sorry.

Deputy T.A. Vallois:

That has pretty much answered that question but could he explain whether there have been any complaints from schools to the department about printing?

The Deputy of St. John:

There are always discussions between school heads and our directors and budgetary team on all sorts of matters and this would naturally form part of one of those so, yes, discussions are always being held but not only on this. There are other things as well.

4.7 The Deputy of St. Martin of the Minister for Economic Development regarding the progress of the draft primary legislation associated with the introduction of a Financial Services Ombudsman:

Could the Minister confirm his target date for States debate on the draft primary legislation associated with the introduction of a Financial Services Ombudsman?

Senator A.J.H. Maclean (The Minister for Economic Development):

I am taking the draft Financial Services Ombudsman (Jersey) Law to the Council of Ministers in November and intend lodging immediately thereafter. That should lead to States debate in January 2014.

4.7.1 Deputy M.R. Higgins:

Will the Minister tell us whether his proposal is a joint one with Guernsey or he is going it alone?

Senator A.J.H. Maclean:

The law has been drafted so that it can work with Guernsey, not that it must work with Guernsey, but the intention, very clearly, is to have a joint Channel Island Ombudsman, just for clarity.

4.7.2 Connétable S.W. Pallett of St. Brelade:

States Members may or may not be aware that Guernsey will be debating whether in principle they want to be part of a Channel Islands Ombudsman later this month. Can the Minister assure the Assembly there will be no further delay in bringing forward legislation whether Guernsey agree or not?

Senator A.J.H. Maclean:

I hope I have given clarity about the intention for a debate of the primary law here in Jersey. That is targeted for January. The intention is to work jointly with Guernsey for a planned Channel Islands Ombudsman. It makes perfect sense to do that. We believe, working and discussing with our colleagues, that there will be no delays with our association through Guernsey.

4.7.3 The Connétable of St. Brelade:

I know the Minister said he is going to be lodging legislation so could he give us an idea when a door for the Ombudsman will be open for people that want to pursue any complaints they may have?

Senator A.J.H. Maclean:

Another point that I should clarify - which hopefully will answer that question - is that we made it clear from the time of the debate in January 2010 that any claims would be on a retrospective basis so when the law does come into place, any claims that go back to that date of that agreement by this Assembly, that is January 2010, will be heard by the ombudsman.

The Connétable of St. Brelade:

Could he answer the question when would the door be open?

Senator A.J.H. Maclean:

When the Ombudsman is approved by the States and when the regulations have also been approved. I cannot give an exact date but it will follow the due process of a debate here in the States in January and thereafter I would hope that the ombudsman should be in place by the middle part of the year but I cannot be exact at this stage.

4.7.4 Deputy M. Tadier:

Would the Minister advise whether which powers, if any, the J.F.S.C. (Jersey Financial Services Commission) currently have to resolve individual complaints and to intervene and adjudicate in current disputes?

The Bailiff:

I am not sure that is related to this question, Deputy.

Deputy M. Tadier:

It is related insofar as I am dealing with a constituent's case who faces losing her house who I met last night and because there is not an Ombudsman and we are told that the J.F.S.C. cannot intervene, I would like to know what are the current powers.

The Bailiff:

I think you must pose a question on that, Deputy Tadier. This is to do with the Ombudsman. Deputy Vallois?

4.7.5 Deputy T.A. Vallois:

Could the Minister explain what the original timetable was for bringing this to the States?

Senator A.J.H. Maclean:

The Deputy is aware that this was debated by this Assembly in January of 2010. Consultation with industry followed. In terms of law drafting, it has been quite complex. There are, interestingly, no clear definitions of financial services businesses in the Island. There are 8 to 12 different individual laws that feed into this particular process and it took until September 2011 when the law drafting instructions were submitted by the Economic Development Department and the law drafting work has been commencing thereafter.

Deputy M. Tadier:

May I be allowed to try and rephrase my question? It is an important issue.

The Bailiff:

Not yet, Deputy. I come back to Deputy Young.

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

Would the Minister agree that if he does propose to the Assembly that we go jointly with Guernsey, that this means that the Ombudsman service can only be implemented at the pace of whichever is the slowest party, Jersey or Guernsey?

The Bailiff:

Senator Ferguson, I think that we are hearing something from your machine at the moment **[Laughter]** so I sense a fine coming the way of the Greffier. Yes, Minister?

Senator A.J.H. Maclean:

I fear I let the Senator down because my microphone was on and amplified her problem. [Laughter]

The Bailiff:

You could always offer to share the fine. [Laughter] [Approbation]

Senator A.J.H. Maclean:

Perhaps, Sir. As I have already stated, going back to Deputy Young's question, I do not believe that there should be any undue delay as a result of working with Guernsey. We have been assured by our colleagues in Guernsey that in respect of the fact that we have spent time developing the drafting instructions, that it will fast track the process for them. They are having a debate on 29th of this month and assuming that is approved, and the indications are positive, it will be inconceivable really that the Islands did not move together with a joint Channel Islands Ombudsman and I do not see any necessary delays by so doing at this stage.

The Bailiff:

Okay, then, Deputy Tadier. Do you want to have another go?

Deputy M. Tadier:

That is okay, Sir. I will pursue this outside, thank you.

The Bailiff:

Certainly. Then a final question from Deputy Higgins.

4.7.7 Deputy M.R. Higgins:

First of all, I express my surprise at there being no definition of financial services business because half the laws that the Jersey Financial Services Commission enforce are dealing with financial services business but, that is an aside. Would the Minister tell me what changes have been made to the drafting of the Financial Services Ombudsman to accommodate Guernsey and why it has taken so long and have the original proposals been watered down to meet Guernsey's requirements?

Senator A.J.H. Maclean:

I think I answered that previously. This particular law, the Financial Services Ombudsman Law, has been drafted for Jersey and it has been drafted so that it can work with Guernsey, not that it must work with Guernsey, so there has been no question of watering anything down whatsoever.

4.7.8 The Deputy of St. Martin:

The Minister stated that it is now a number of years since the decision was taken in this Assembly to have a Financial Services Ombudsman. Does he think it is acceptable that the Assembly should wait this long for this type of decision to be enacted?

Senator A.J.H. Maclean:

No, I do not.

The Bailiff:

Very well. I wonder if Members would agree to interrupting Question Time just for a moment and we will add on the time at the end but Members may have noticed that in the public gallery, there is a visiting delegation from the Hangzhou High Tank Development Zone in Binjiang District in China and that is led by Mr. Zhang Gen, the Party Secretary. I understand this is a reciprocal visit to Jersey following on previous visits by Jersey politicians and officials to the Hangzhou District and during their stay in the Island, they are going to meet various members of the local business community as well as Ministers and States officials. So I am sure that Members will wish to welcome the delegation in the usual way. [Approbation] Very well. We will now resume Question Time, as I say, with added injury time at the end. [Laughter] We come next to a question which Deputy Young will ask of the Chief Minister. Deputy Young?

4.8 Deputy J.H. Young of the Chief Minister regarding the adoption of recommendations for the major reform of the top-level executive management structure of all States departments:

Will the Chief Minister inform the Assembly whether the Council of Ministers has adopted its H.R. (Human Resources) Officer's recommendation for the major reform of the top level executive management structure of all States departments and if so, whether the required political and legal authority is in place to enable implementation of these reforms and if not, what action he proposes to gain that authority?

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

Far be it from me to suggest the imposition of a fine but I do wonder whether the director of Locate Jersey Now, who seems to be leaving, might consider that as his phone went off earlier. The reform programme is progressing very well with the focus on e-government, service redesign, and workforce modernisation. Over recent months, I have been encouraged by the engagement that has taken place with the trade unions and real progress is being made, something we have not seen before in the public sector in Jersey. It is only through working with staff and the trade unions that

long-term sustainable progress will be made. I do not rule out future changes to structures but if they are to be considered, it will be with full open dialogue.

4.8.1 Deputy J.H. Young:

The Chief Minister has referred to real progress which is very encouraging but could he tell us whether that real progress will be dealing with the issue of what was referred to 9 years ago in a report unanimously approved by this Assembly of chronic departmentalism and barriers which prevented working across all States departments? Could he confirm that this real progress is really going to address this?

Senator I.J. Gorst:

It is already being made. I think even the most cynical among us would accept that cross-departmental working is happening more today than it has in the past. Virtually every Ministerial major programme that is being considered by Ministers has sitting right at the top of a Ministerial or political oversight group ensuring that there is joined-up thinking right across the departments. That does not mean that we cannot do more and that we should not, in due course, consider any legal or legislative changes which might need to be made to encourage further working. That is one of the reasons why I have been a supporter of giving more ability to the Chief Minister to be able to ensure joined-up working right at the Ministerial level as well.

[10:30]

4.8.2 Deputy T.M. Pitman:

I think I might get a first here. I am hoping I can get some agreement with the Chief Minister, but maybe not. Does the Chief Minister agree that the H.R. Officer's assessment and recommendations for reform go to the crux of the matter, i.e., that contrary to the regular portrayal of us having a bloated, inefficient, too expensive public service, civil service, *per se*, that the real problem has been that we have too many chiefs paid too much and duplicating the work of others?

Senator I.J. Gorst:

No. As I said in my opening answer, sometimes these things happen quietly through engagement and negotiation and that is where we are today. This morning, I cannot praise highly enough the work that staff have been undertaking with union representatives to get to the point that we are today. They are fully engaged in a way in which they have not been before [Approbation] and I, as head of this Government, am grateful for the work that is being undertaken in that regard. Can changes be made? Can we work more efficiently? Can we be more co-ordinated in our approach? There are lots of areas of work which we need to continue to develop but people are working. Staff see the need to change and to engage. If we look at the Social Security Department, if we look at the Health and Social Services Department, day in and day out they are rolling out service redesign, following the Lean model and they are seeing transformation to the service that they are providing to this community and that is exactly as it should be.

4.8.3 Deputy T.M. Pitman:

A supplementary, Sir? Going by the answer, is the Chief Minister saying that he thinks our public sector, which is small, is bloated, inefficient and the problem is that we have too many Indians? Because that was the impression that I got from his answer.

Senator I.J. Gorst:

Perhaps I was a little long-winded because I do not think I said that at all. The Deputy was not listening very closely to what I was saying. I was saying the reverse. I was saying that I am grateful for the work that staff and union representatives are doing in developing a new,

modernised and fit for purpose public service. I am congratulating those Members who are involved in that process. Does that mean there should not be change? It does not. There should be change and we are all working to deliver that change. Perhaps any Members who remain sceptical would take up the Minister for Economic Development's invitation to hear about the further detail of the work that is being undertaken tomorrow lunchtime.

4.8.4 Deputy G.P. Southern:

Will the Chief Minister assure Members that he will stay fixed to the principle of negotiating changes in terms and conditions and not resort to imposing changes as he did with the pay claim?:

Senator I.J. Gorst:

The Deputy and I have argued across this Assembly about the difficult circumstances surrounding the 3-year pay deal and he knows the history of how we have arrived where we are today when the States Employment Board, supported by a mandate from this Assembly, implemented the pay deal in the way that we did. He knows that I, the Minister leading reform, and the Council of Ministers are committed to negotiating, to consulting with staff and with trade union representatives and he knows that we are in a better place than we have been in that regard for a number of years and I am very grateful for all those who are taking part in that process.

4.8.5 Deputy G.P. Southern:

But will he answer the question and assure Members that he will not, in this case of terms and conditions, resort to imposing a solution?

Senator L.J. Gorst:

As I said before, we have not imposed anything. We implemented the pay deal under the mandate given by this Assembly. We are in the course of negotiation. We are in the course of consultation and it would not be right for me to predetermine the outcome here this morning.

Deputy G.P. Southern:

So that is a no, then?

4.8.6 Deputy T.A. Vallois:

Culture change has always been a stumbling block in the States of Jersey. Does the Chief Minister not believe that the ability to implement reform will depend on the ability for the public sector employees at all levels being able to speak openly and freely without fear of reprisal?

Senator I.J. Gorst:

Yes.

4.8.7 Deputy R.G. Le Hérissier:

Would the Chief Minister tell the House whether he agrees with the comments of the soon-to-depart Chief Officer of Human Resources?

Senator I.J. Gorst:

If I knew exactly what those comments were, then I might be able to agree or not agree. We all in this Assembly, I hope, will accept that sometimes when things are said to the media, they might be portrayed in a particular manner and sometimes when reading the headlines, it does not often bear too much resemblance to the comments that were made and reported by those reporters.

4.8.8 Deputy R.G. Le Hérissier:

Sir, I wonder if I could have a supplementary for that masterful Sir Humphrey answer? [Laughter]

The Bailiff:

It was an answer to a pretty Sir Humphrey-like question. [Laughter] [Approbation]

Deputy R.G. Le Hérissier:

I wonder if he could be my Sir Humphrey. Could the Chief Minister say whether he feels that the comments that the Chief Officer of Human Resources made were correct or not correct?

The Bailiff:

That is exactly the same question you have already asked. [Laughter] And it is out of order anyway because Standing Orders do not permit that. Very well, final question. Deputy Young?

4.8.9 Deputy J.H. Young:

I will try to avoid a similar trap. Given the fact that the report adopted by this Assembly 9 years ago on reform identified the need to remove the barriers that exist to prevent breaking down the silos, could the Chief Minister confirm that the barriers that exist at the top level of the executive structure of the Civil Service, the chiefs, is what is going to be addressed, not the attack on the Indians?

Senator I.J. Gorst:

I quite clearly answered this question in my opening answer to the Deputy's supplementary. Lots of good work is already being undertaken. One the critical issues that we have to address - as the Deputy knows because he was on the sub-committee bringing forward the machinery of government recommendations - is to create a more joined-up or collegiate ability of the Council of Ministers and the Chief Minister to act more like an Executive and work together and remove the departmental silos at that level. That will then bring together the departments as well. That is the issue that we need to address. That is the issue that States Members accepted was there at the last States sitting when they had the in Committee debate. I hope it is one that States Members are going to approve when the legislative changes are brought forward later this year.

4.9 Connétable J.L.S. Gallichan of St. Mary of the Minister for Transport and Technical Services regarding the revenue resulting from green waste charges at La Collette:

Will the Minister provide details of the revenue resulting from the States decision to charge for the dumping of green waste at La Collette?

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

Since the introduction of the commercial green waste charge, the department has generated income amounting to £164,500 in 2012 and £127,800 as of 30 September 2013. The additional income raised has been used to fund the expansion of existing recycling projects and trialled new recycling initiatives.

4.9.1 The Connétable of St. Mary:

Recently the Constables discussed the matter of the increase in fly-tipping that they have noticed around the Island, especially of green waste. I think it is reasonable to assume that some of that fly-tipping must be occurring on public land. Is the Minister for Transport and Technical Services aware of whether the revenue is being reduced or netted off because of a need to deal with an increase in fly-tipping of green waste?

Deputy K.C. Lewis:

I am not aware of any great deal of fly-tipping. It is kept as low as possible. An average trade load coming in to the site would be approximately 2 tonnes. This is commercial. This would be produced typically from half a day's work and charged out at about £170. Considering the current waste charge regime in Jersey, the range of gate fees the U.K. and Guernsey, a local gate fee of £17 a tonne plus G.S.T. (Goods and Services Tax) was proposed. This would add approximately £34 to a typical customer's bill, which does not seem disproportionate. Currently, in the U.K., prices range from £6 to £45 a tonne, but we have not reduced the fees and we are keeping it as low as possible to avoid such risk as the Constable mentioned.

4.9.2 Deputy J.A. Martin of St. Helier:

Given the Constable's concerns about the fly-tipping out in the country, would the Minister for Transport and Technical Services look at, as we discussed in the House, having at least 3 other places where green waste can be tipped? Out in the country or in each Parish and discuss this very urgently with the Constables.

Deputy K.C. Lewis:

I am more than happy to take this up with the Constables but we did not particularly want a green waste charge in the first place. This was proposed in March 2011. I think it was P.25 by the former Deputy Le Claire. We do have 2 points at the moment. Obviously domestic waste at Bellozanne and commercial waste at La Collette, but I am more than happy to discuss this with the Constables.

4.9.3 Connétable P.J. Rondel of St. John:

Given that we have fly-tipping that happens in our Parish from time to time, not only with the green waste but with also washing machines left on the side of the roads, and the approach taken by some of his staff when private individuals turn up at the gate with a white van or with a small pick-up lorry and are doing their own branchage for instance and they are told they have to go down to La Collette because it is a commercial vehicle, does he not think that a bit of discretion at certain times of the year needs to be taken and not charge a dumping fee for somebody who is using common sense, collecting his green waste and taking it down in one lot or whatever, or maybe including his neighbours, and waiving the fee?

Deputy K.C. Lewis:

I would agree in principle with the Constable but it is very difficult to police that. I am more than happy to have a talk with the officers in that respect. Fly-tipping generally, I agree wholeheartedly with the Constable, is a major problem on the Island that we need to eradicate.

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

With the charge now for green waste, I think the problem is when there is a small amount of green waste, some of these contractors will tell the owner: "I have to take it down to La Collette. There is a charge." They will put that charge on their bill but unfortunately when it is a small amount, it is quite easy to go along to some farmer's field and just put it on the hedge and then drive away. They still get paid for doing it because the owner who has had the garden cut thinks: "Oh, well. That is part of my account." So it is a bit of a temptation. That is all I would say, nothing more. It is very difficult to ...

The Bailiff:

Your question, Connétable?

The Connétable of Trinity:

My question is, would it be that a certain tonnage would be charged but small loads would be free?

Deputy K.C. Lewis:

Yes, that is something I am more than happy to take up with officers.

4.9.5 The Connétable of St. Mary:

I am grateful to the Minister for his answers and for reminding the Assembly that the initiative to charge did not come from his department but from the floor. Would the Minister be receptive to a discussion as to whether overall the benefits of the States decision outweigh the problems that are resulting? Not simply in the country as Deputy Martin alluded to but fly-tipping across the Island including the urban Parishes. Would he be receptive to discussing this?

Deputy K.C. Lewis:

More than happy to discuss that.

4.10 The Connétable of St. John of the Minister for Planning and Environment regarding access to hard-copies of planning applications:

Will the Minister explain whether the only way the public can view plans relating to planning applications is online, and, if so, would the Minister undertake to make hard-copies of plans available within his department, given that many Islanders, including myself, are not computer literate. If not, why not? This excludes, and I will omit it from the question, the Parish Halls.

[10:45]

Deputy R.C. Duhamel(The Minister for Planning and Environment):

The details of applications for planning permissions have been available to view online since May 2012. Application details such as plans and supporting documentation, along with comments and consultation responses received in connection with applications are readily available for those who wish to monitor the progress of an application. The service has proved to be extremely popular with the application pages of the website, receiving around 20,000 page views in September, making it one of the most accessed services on www.gov.je. There have been similar amounts of interest since the service was started. However, when I started to make these details available on the website, I was conscious that not everyone will be comfortable accessing the information online. I made sure that the hard-copies of every submitted planning application would be sent to the respective Parish Halls so that residents could view the paper plans there. Paper copies are also available at South Hill. This availability is made clear on the application site notices, in the *J.E.P.* (*Jersey Evening Post*) advert and on the relevant correspondence. There are no plans at the moment or in the future to change this arrangement.

The Connétable of St. John:

I think the Minister has answered my question. Thank you.

4.10.1 Deputy J.H. Young:

Is the Minister aware of complaints by members of the public who have attempted to access the facilities that he has outlined and have found it difficult to locate the information due to the web search engine giving unreliable results? Is he aware of that?

Deputy R.C. Duhamel:

There have been no complaints over the operation of the website and feedback has been favourable over the usability in accessing information. If that is not the case and there are still disgruntled members of the public who have not taken the opportunity to complain to the Minister, then I am happy to receive those complaints.

4.10.2 Deputy J.H. Young:

I am grateful to the Minister. Could he arrange to speak to his own Chief Officer and find out about those complaints?

Deputy R.C. Duhamel:

As I said, I have not been made aware of any complaints so I suspect that in speaking to the Chief Officer, he would concur with the information that I have given to answer the question.

4.11 Connétable D.W. Mezbourian of St. Lawrence of the Minister for Health and Social Services regarding the independent review of the Liverpool Care Pathway and its continued use in the Island:

Has the Minister given consideration to the independent review of the Liverpool Care Pathway chaired by Baroness Neuberger and entitled "More Care, Less Pathway" and, if so, will she guarantee that the Liverpool Care Pathway will no longer be used in the Island?

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

As to my answer to an oral question on a similar subject last month and confirmed at the States Members' presentation, I can confirm that since the announcement of the independent review of the use of the Liverpool Care Pathway in England, the pathway has not been used in Jersey. Clinicians in Jersey representing hospice, family nursing, home care, hospital and G.P.s (General Practitioners) have considered the findings of the review and agree that the Liverpool Care Pathway will no longer be used in Jersey. The review strongly recommended that the use of the Liverpool Care Pathway be replaced within the next 6 to 12 months by an end of life care plan for each patient. This individual approach to care has been adopted in Jersey since the review was announced.

4.11.1 The Connétable of St. Lawrence:

I am grateful to the Minister for this public declaration that use of the L.C.P. (Liverpool Care Pathway) in Jersey has indeed been discontinued. The Minister told the Assembly on 10th September, however, that use of the Liverpool Care Pathway was appropriate and she has not told us in her response why the clinicians believe that it should be discontinued. Does she still hold the view that it is appropriate and if so, why has she decided to discontinue its use?

The Deputy of Trinity:

As I said many times, the Liverpool Care Pathway was a tool to ensure that end of life care is the best possible that can be achieved at that very vulnerable time for patients and their families. As Baroness Neuberger suggested, the panel came up with: "Every patient should have an end of life care plan." It is good practice, to encompass that because that covers very many different areas like pain control, nutrition, *et cetera*.

4.11.2 Senator S.C. Ferguson:

Would the Minister for Health and Social Services like to confirm that the end of life care plan is not the Liverpool Care Pathway but under another name? Surely the treatment that she is talking about is common sense and to start calling it by pretty names ... would she like to explain what the end of life care plan is and to confirm that it is not the Liverpool Care Pathway under another name?

The Deputy of Trinity:

There is the end of care life strategy, which is the care of patients and their families over the last year of someone's life but there is also the end of life care pathway which is put in place within the last 48 to 72 hours as appropriate to ensure that the best possible care of good practice and good pain and symptom control is paramount and communication with the family is essential. It is good practice and good nursing care and clinical care that this happens.

4.11.3 Senator S.C. Ferguson:

Is it always possible to tell that it is the last 72 or 48 hours of somebody's life? Surely only God knows that.

The Deputy of Trinity:

Indeed, no clinician - I cannot think of the word I am looking for - can see into the future but clinicians and nurses with the patient and their family can tell when someone is coming to the end of their life and to ensure, if that is the case, that the best possible care is put in place.

4.11.4 The Connétable of St. Lawrence:

I think there is confusion about the use of the Liverpool Care Pathway, its demise in Jersey and the fact that we are still waiting for the full business case on end of life care, which in June 2012 was promised to us by the autumn of 2012. When will the full business case on end of life care be available and be presented to Members for their consideration?

The Deputy of Trinity:

That work is still continuing with a range of stakeholders to put together an Island-wide strategy. That includes family nursing services, G.P.s and hospice. The outlined business case has been further developed into service specifications and will provide detail around services being delivered and monitored. That work should come into place in the beginning of the new year.

4.12 Deputy S. Pitman of the Minister for Social Security regarding information provided to Medical Board Doctors regarding M.E. sufferers:

What information, if any, is provided to Medical Board Doctors to ensure that M.E. (Myalgic Encephalomyelitis) sufferers are examined thoroughly and fairly?

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

Medical Boards are completed by qualified general practitioners. Input is provided by the claimant before and during the board and notes confirming diagnosis and ongoing treatment are also provided by the claimant's G.P. and where relevant, from the hospital. Medical Boards are dependent on the claim type; that is to say, Invalidity Benefit, Short or Long-Term Incapacity Allowance and are not differentiated by ailments. It is the responsibility of the Medical Board G.P. to ensure that the specific assessments undertaken during the board are tailored to fit the ailment with which the claimant presents.

4.12.1 Deputy S. Pitman:

A couple of months ago, I attended a Medical Board appeal with a constituent who has a moderate form of the illness. Although the doctor was very professional in her approach, she asked the lady: "When are you tired?" Basic knowledge of the illness will tell you that the fatigue is a constant characteristic of M.E., albeit at different levels. Further, the doctor asked nothing about mental health and cognition issues, which are major symptoms of the illness. Does the Minister for Social Security still feel confident that M.E. sufferers are being properly assessed by the Medical Board?

Senator F. du H. Le Gresley:

It is important to differentiate between the 2 benefits: Invalidity Benefit, which is incapacity to work, as opposed to Long-Term Incapacity Allowance, which is loss of faculty. I do not know which particular benefit the Deputy is referring to. However, if it had been the Invalidity Benefit it is important that the G.P. assesses the variable and fluctuating conditions that are associated with M.E. and Chronic Fatigue Syndrome. It is possible on the day of the Medical Board that the claimant was having what is known as a good day. I am really not in a position to go into the detail of a particular claim.

4.12.2 Deputy S. Pitman:

Could the Minister answer the question, please? That is, does he feel confident that M.E. sufferers are being properly assessed by the Medical Board and in this case it was L.T.I.A. (Long-Term Incapacity Allowance) that the lady was on.

Senator F. du H. Le Gresley:

The answer to that question is yes.

4.12.3 Deputy G.P. Southern:

Will the Minister for Social Security talk Members through the process that applies for the impairment component of income support because I have one constituent who has a severe form of M.E.? She has just been rated as 000 on the 3 impairment components when previously she was level 3. Are the tests for impairment getting more difficult and how are they processed?

Senator F. du H. Le Gresley:

We are straying into a different benefit here, income support, which was not the original question. It is so difficult in this Assembly to be answering questions on individual claims. I do not know the claim that the Deputy is referring to. The impairment component is more or less a self-assessed process where people fill in a form either themselves or with the help of a carer and it is impossible for me to make comment on the particular case that the Deputy is referring to.

4.12.4 Deputy G.P. Southern:

The question was, could the Minister for Social Security inform Members what the process is? In fact, this is not medical that assesses the degree of impairment but officers having read through documents on the web about the illness. Could he explain what happens there and has there been a toughening up because it appears to me that there has been? There has been a change in policy to clamp down on people being ill.

Senator F. du H. Le Gresley:

No change in policy. The Deputy is correct; the application for impairment is assessed by an officer. If the claimant is unhappy with the outcome, they can appeal for a redetermination by a second officer who has not been involved with the original decision and thereafter, as the Deputy well knows, there is an appeal to a tribunal.

4.12.5 The Connétable of St. John:

Coming out of the question that has just been asked, could the Minister tell us what qualifications the officer within the department would have in assessing any of these patients?

The Bailiff:

We are straying a long way off. This question is to do with ...

The Connétable of St. John:

Well, it came out of the reply that was given ...

The Bailiff:

It came out of the question, which I did not realise at the time did not seem to have anything to do with the Medical Board.

Senator F. du H. Le Gresley:

In answer to the Connétable's question, officers who deal with impairment claims are trained specifically to deal with the issues around the effect of being incapacitated in some way or another. They have detailed guidance to follow, both written for them specifically and with the help of G.P.s and we also follow best practice laid out by the Department of Work and Pensions. Most of that information is available on the D.W.P. (Department of Work and Pensions) website.

[11:00]

The Connétable of St. John:

The question was, what medical qualifications were there? It does not sound as if there are any.

Senator F. du H. Le Gresley:

It is not necessary to have medical qualifications to assess an impairment component.

4.12.6 Deputy S. Pitman:

I do not think Members of this House expect Ministers to discuss individual cases. What we do expect is Ministers to listen to those Members who have experience and knowledge of how policies affect people on ground level. Clearly, the Minister does not accept this and does not listen to this because I have provided evidence here and he is still saying that his doctors are fine and they do not need further training and they have all the knowledge they need. I will go on to my question. Although the Medical Board in this case, in their annual examination, recorded that my constituent's illness had not changed after 13 years of being on Incapacity Benefits and not working, the Medical Board then said that she could work, which led to her having to appeal and being required to register as a job-seeker which caused a lot of stress. To me, this shows a misunderstanding of the illness. From evidence that I have provided, will the Minister listen to me and take Medical Board doctors back to the drawing board and ensure they are adequately informed about this illness?

Senator F. du H. Le Gresley:

I do not think it is a position for anybody in this Assembly who is not a qualified medical practitioner to challenge the knowledge and experience and professional training of G.P.s who provide the Medical Board bodies.

4.13 Deputy T.A. Vallois of the Minister for Treasury and Resources regarding plans to revisit the managed print contract:

Could the Minister advise whether his department has any plans to revisit the managed print contract?

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

I am going to answer that. This is the fourth question on managed print service, and I think that I need to come in support of my Assistant Minister and the Minister for Education, Sport and Culture. So I would like to answer the question with a quote from a school: "Managed print services at Le Rocquier have enabled the school to operate a more effective and efficient system. Fewer, more efficient, modern machines have given the school the opportunity to manage print systematically and consistently throughout the school. The new machines, along with a concerted

effort to print less, should lead to cost savings this year." It is difficult to save money and change behaviour. We have heard numerous inaccurate assertions about GE Capital. That is about factoring, a normal industry practice. We have heard comments about Grainville School not having one printer from the managed print contract yet. We are dealing with leaked information that is confidential, and in any other jurisdiction or parliament would not be allowed to be traded in terms of political insults. So Deputy Vallois wants an answer to the question. The answer is no, I need her help in supporting change that saves money.

Deputy G.P. Southern:

Is the Minister allowed to state that he has been insulted or that there are political insults on the behalf of one of 2 Members?

The Bailiff:

Political insult seems to me a regular trade in the political arena. [Laughter]

Deputy G.P. Southern:

Can I take the opportunity to insult the Minister now then? [Laughter]

The Bailiff:

Personal insults are not, but political insults seem to me to be ... Very well. Deputy Vallois, do you wish to ask a supplementary?

4.13.1 Deputy T.A. Vallois:

The Minister knows too well that I try to help with savings and any form of reform in the States, but I expect it to be done properly and I expect it to be evidence-based, and that seems to be a typical trait of the Ministerial areas at the moment where they do not need to provide proper evidence yet Back-Benchers do. All I am asking and all I did ask was whether there was any plans to revisit the managed print contract, and also could the Minister explain whether should any of the information that has been discussed earlier today come out as showing that we are not saving what was originally intended, will he revisit them?

Senator P.F.C. Ozouf:

Of course. This Assembly and political consideration should not be on the basis of insults, but we have had inaccurate and confidential information, that has been leaked from a school that is about contractual numbers that people win contracts on that is effectively used in the political trade of yaboo politics. That is not right. We are trying to save money, and it is evidenced. The Deputy is correct to say it has been extraordinarily difficult to work out what the actual print costs were in the States. That is because there was not capital accounting, as the Minister for Education, Sport and Culture explained. Schools were acting on revenue expenditure without the full cost of capital. We are doing that. It is evidence-based. We are making improvements and we are saving £250,000 a year in relation to a £1.6 million contract. That is good work, and if I am the head prefect of the Treasury and Resources Department and she is President of the Teacher's Association, we need her to be supporting us, - as I know she does - not dealing as some other people do, which is trading insults, which she is not doing.

4.13.2 Deputy G.P. Southern:

Surely the significant leak that the Minister should be talking about is the leak when the tenders were given, the details of one bid leaked to the other bidder.

Senator P.F.C. Ozouf:

My Assistant Minister has answered questions previously in relation to that, and there is nothing further to add. There is certainly nothing on the Treasury and Resources Department side that should be criticised in relation to any leaking.

4.13.3 Deputy M.R. Higgins:

Just a number of things here. First of all ...

The Bailiff:

Well, a question, Deputy, not ...

Deputy M.R. Higgins:

Okay, Sir. No, I would like to seek clarification first of all before I ask my question. The Minister stated: "I quote from Le Rocquier." Can we ask who made that quote and when it was made? Was it in the last week, the last day, last 3 years? When was the statement made? That is the first question.

Senator P.F.C. Ozouf:

I have not got the date of that, but I know that there are schools that are across the Minister's portfolio which have got savings in relation to it.

The Deputy Bailiff:

Well, the question simply was do you have the date.

Senator P.F.C. Ozouf:

No, I do not have the date. I do not think it matters because Le Rocquier is very happy and indeed dealing with efficiency and economies in the way that we have got ...

Deputy G.P. Southern:

Who was it was the question.

Senator P.F.C. Ozouf:

I am not revealing an individual in this Assembly, as Members will know.

The Bailiff:

Right. Do you wish a supplementary, Deputy?

4.13.4 Deputy M.R. Higgins:

Yes, thank you, Sir. One of the concerns about this contract - there are many concerns in fact - is when does it start? My understanding of the downward contract is that it starts when the last machine is installed in the States. We have just heard from the Minister for Education, Sport and Culture today that the last machine going into an education establishment is after Christmas. The contract then runs for 5 or 6 years. I think it is 6 years. So in other words, we have been going through this already and reports are coming from schools, including Le Rocquier, that they are overrunning on their budgets. What does the Minister say about that?

Senator P.F.C. Ozouf:

I say to the Deputy the same answer that my Assistant Minister gave, that if he wants to use his privileged position in the States to try and score political points, let him get his facts right. He has been invited into the department. He has been invited to attend the independent internal audit people that have carried out a review of that, but he does not do that. Instead, he chooses to use his position in the States to put scuttlebutt across which is absolutely wrong. There are savings that are

being made, and that is correct, and taking money out of departmental budget is difficult and there will be resistance to change, but as the Assistant Minister said, we need States Members to be supporting us, seeing the information, and then engaging in appropriate challenge. At the moment, this is an unfair challenge based upon inaccurate information which the Deputy simply does not want to trade on accurate evidenced information.

Deputy M.R. Higgins:

I have a meeting tomorrow with the Comptroller and Auditor General on this very issue of bringing evidence of people who are ... I asked the Assistant Minister for them to contact me. They claim they did. I have got no record of them contacting me, and I asked them to do so. I was quite prepared to give evidence to BDO.

4.13.5 Senator S.C. Ferguson:

I find this a little confusing. We are told that we are going to have more transparency and openness, and this is taxpayers' money we are talking about. So can we really say that this matter is totally confidential? Perhaps the Minister would like to explain how transparency and confidentiality go hand-in-hand.

Senator P.F.C. Ozouf:

Let me have a go. I will try and answer the question instead of getting a running commentary. When a contractor applies for a tender and puts confidential prices in their tender, that is their unique selling proposition, and they win a contract on that basis. It is not right that that information is then put into the public domain, which means that they are unable to win other contracts in other places. That is confidential information. This is not a publicly traded figure, like going in to buy a single car. This is a complex number which people win contracts on in a public authority, and this is, I am told, a perfectly normal arrangement in any other place. Any other member of any other parliament or county council in the U.K., using confidential information, passing it to journalists, would effectively be held up by a standards commissioner. I am told that is the case.

4.13.6 Senator S.C. Ferguson:

Supplementary, Sir. But surely we are talking about the savings that people are not making or that they are saying they are not making, and this is taxpayers' money.

Senator P.F.C. Ozouf:

Absolutely, and that is the issue which I am fully prepared to be completely transparent about but not the individual unit prices, and I have 2 examples of a secondary school that its previously monthly cost of printing was £3,835, now £2,158, a saving of 43 per cent. A primary school that had a cost of £1,233 compared to the average current cost of £776, a saving of 37 per cent. Those are examples, and I am happy to be completely transparent with the Corporate Services Scrutiny Panel and P.A.C. (Public Accounts Committee) being proper with confidential information and being properly transparent, and I would expect that Senator Ferguson and P.A.C. would be supportive of these difficult decisions that are being asked of us to save money and change behaviour.

4.13.7 Deputy T.A. Vallois:

The Minister for Treasury and Resources will know that we are not saying we are not supportive, P.A.C. I asked this question as a Member of the States. It was a concern raised to me by a few people. I have referred them to the Comptroller and Auditor General who is doing a procurement review anyway, and that is rightly so because it is a complex area, but I would ask the Minister for Treasury and Resources to advise Members as to how much of the education budget was removed to tailor for the savings of this managed print contract.

Senator P.F.C. Ozouf:

As I recall, I think the total managed print contract, of £1.6 million, I think 30 per cent of that is education. I can give any supplementary detail of that to Deputy Vallois. Finally, this is part of £65 million worth of savings that this Assembly asked us to do; £8 million of procurement savings were asked of, and this is £250,000 of £8 million. I hope Members can understand just how difficult it is for departments to accept money being removed from their departments, delivering taxpayers' money more efficiently. It is difficult and tough work, but it requires support from Members, and I am grateful for Deputy Vallois' ongoing support for this difficult endeavour.

4.14 The Connétable of St. John of the Chief Minister regarding efforts to ensure all new residents have an understanding of the English language and the Island's laws before being given residential status:

Further to his response in a written question on 8th October regarding supporting 807 Romanian nationals currently living in Jersey and the fact that we are now demanding local people prove residency to get new registration cards, can the Minister advise what action, if any, is being taken to make sure all new residents speak our language and understand our laws before being given residential status?

Senator P.F. Routier:

Well, I would very much like ...

The Connétable of St. John:

Excuse me, Sir. The question was to the Chief Minister.

The Bailiff:

Yes, but under Standing Orders, unless you insist beforehand, it can be delegated to an Assistant Minister to the Chief Minister.

The Connétable of St. John:

Historically, I have always insisted, and I think you will find it registered that I always ask, if the Minister is in the House, that he will answer the questions, not his Deputy, Sir.

The Bailiff:

No, I understand from the Greffier that it has to be done when you submit the question.

The Connétable of St. John:

Can you please explain then how come, when I submit a question to the Minister for Treasury and Resources, I always get the Minister for Treasury and Resources to answer it and ...

The Bailiff:

Because he enjoys answering your questions. [Laughter]

The Connétable of St. John:

I can assure you, Sir, that is not the case because I have in the past protested and he has answered it, likewise with E.D.D. (Economic Development Department), Sir.

[11:15]

Are we changing the procedures in the Chamber at the eleventh hour and fifty-ninth minute?

The Bailiff:

I very much hope not, Connétable. We will certainly look at it, but I am advised at the moment that that is the position.

Senator P.F. Routier (Assistant Minister to the Chief Minister - rapporteur):

I felt only yesterday when the Chief Minister asked me to answer the question for him, this is my delegated responsibility to look at these things, and I know the Connétable, when I was Assistant Minister at Economic Development, he always insisted that the Minister for Economic Development did respond to the questions, but we did check before I stood on my feet to find out if there was a standing arrangement for the Chief Minister and there was not one in place. So that is why.

The Bailiff:

Right, can you answer the question?

Senator P.F. Routier:

Certainly, Sir. [Laughter] I would very much like it if all residents of our Island were able to speak to each other in the same language and to understand our laws. If we want an inclusive society, that can only be a good thing. The way to achieve that, however, is through education, community engagement and not compulsion.

4.14.1 The Connétable of St. John:

In the Assistant Minister's reply, he mentioned "through education". Will he work with the Education, Sport and Culture Department and the Chief Minister to make sure that people do have to pass a certain level of understanding of English and our laws before they are given registration cards?

Senator P.F. Routier:

There is a very good arrangement through Highlands College and through St. Thomas' Welcome Centre to enable people to learn various languages. With regard to before they are given a registration card, we would be unable to do that. Certainly if there are people coming from non-European countries, if they wanted to enter the country and be having a work permit, there is a requirement to have English language tests taken, and that would be the case before they were able to be given a work permit through the Immigration Service.

4.14.2 Deputy T.M. Pitman:

I think the last speaker struck on something because we could probably reduce the Assembly very quickly if people had to pass a test to understand the English language. Indeed, some might say I am one of them. However, I think it is very unfortunate the Romanian population have been highlighted here, and I am sure the Constable has not done that deliberately, but could the Assistant Minister confirm that taking this on a step, he would liaise with colleagues to ensure that when we go to understanding the laws of the Island, that most people cannot understand the laws in the courts because they are not given to them in a language that they can understand. Indeed, they are given often in versions of French which even the lawyers cannot understand. So could the Assistant Minister undertake to try and do something about that, such as he can?

Senator P.F. Routier:

I think there is a requirement we would all sign up to, that we could ensure that our laws are understandable by everyone. There obviously is a great canon of law which is in existence which requires a lot of interpretation. That is why we have lawyers, but certainly about advising anybody within our community, hopefully that all new legislation that we pass through this house will be understandable by most people.

4.14.3 Deputy M.R. Higgins:

Going first of all to the Constable of St. John's question on 8th October, we were told there were 807 Romanian nationals currently living in Jersey. In a written question to me today, we are told that 186 Romanian nationals applied for registration cards between 1st July and 11th October. I am somewhat surprised at this. Can the Assistant Minister tell us why these people are in the Island under residential permits when the U.K. is not allowing Romanian nationals to enter the U.K. and reside in the U.K. until January 2014? So why is it in one sense that people are being given registration cards and allowed to reside in the Island when they are not even allowed in the U.K.? Have they gone off the radar? Did they come in under student visas? Did they come in ...

The Bailiff:

The question is posed. I think you have asked it.

Senator P.F. Routier:

If people are within the U.K., my understanding is the U.K. introduced a cap recently for Romanians, but certainly the people who have come into Jersey in recent times would be part of that overall cap within the European community and anybody within the European community does have a right to enter Jersey, but they do not have rights with our Control of Housing and Work Law, to have access to work and to housing within the constraints within our law. They do not have automatic rights as a Jersey person would have.

4.14.4 Deputy M.R. Higgins:

Supplementary, Sir. The Assistant Minister is saying anybody who gets within the E.U. (European Union) boundaries is entitled to come to Jersey, and from what we are seeing here, the registration cards are being issued to anyone. What checks are done to make sure they do have the right to reside, for example, in the U.K.? When Romania became part of the E.U., yes, they will be allowed access throughout the whole of the community. Everybody accepts that, but those rules come into effect in January of 2014. Why are we doing it ahead of time? How did these people get here?

The Bailiff:

You have asked the question, again, Deputy.

Senator P.F. Routier:

We certainly are not doing it ahead of time. There are Romanian nationals who are living within the community already who have access across Europe. I am a little bit concerned that we are focussing on one particular group of people within this question, and I hope Members are not going to start a witch-hunt against particular groups of communities. This Island has developed its community from welcoming people to this Island who have contributed to our Island community, and I hope that we recognise they do have a social and economic benefit to the Island.

Deputy M.R. Higgins:

It is not criticism of the Romanians as such. The Bulgarians are also being allowed in, and others.

The Bailiff:

Thank you, Deputy. You have asked 2 questions. Deputy Shona Pitman.

4.14.5 Deputy S. Pitman:

Does the Assistant Minister not think it is far more important that these people are contributing to our Island economically, socially and culturally before being given residential status, rather than requiring them to speak our language?

Senator P.F. Routier:

I tend to agree with the questioner. Certainly we all know that anybody who comes to our Island needs to be here for a length of time before they gain entitlement to work and to housing, but other than that, we need to have some people come to our Island to work in the industries that the rest of our community are not prepared to work in, and we need to make them feel welcome while there are jobs available for them.

4.14.6 Deputy M. Tadier:

Given the fact that 95 per cent of the population do not speak our language, can the Assistant Minister advise how it would be practical for getting foreign nationals to learn Jèrriais, given the fact that most people cannot speak it, and which variation of Jèrriais we would be expecting them to learn?

Senator P.F. Routier:

I thank the Deputy for the question. I was tempted to try and answer the question in French, but my skills are not good enough, I am afraid. I take the point and language is not the main criteria for having people come to our Island. It is their ability to contribute to our community generally, socially and economically.

4.14.7 Deputy M. Tadier:

Supplementary, may I? All of the Romanians or most of the foreign nationals I have met in Jersey do speak English and certainly all of the Romanians I have met speak English and they also speak Romanian, which is more than can be said for myself. Does he agree that the sentiment of these questions is essentially economic in nature and it is not to do with culture as such and that we should be welcoming and encouraging a cosmopolitan Island and if there are issues to do with employment, minimum wage, substandard accommodation, those should be addressed at a political level by States Members and not perhaps give mixed messages out about welcoming foreign nationals to our community?

Senator P.F. Routier:

I am afraid that I am unable to comment on what was intended in the sentiment of the question, so I cannot really comment any more than that.

Senator L.J. Farnham:

I wanted to make a very brief point of clarification which Members might appreciate ...

The Bailiff:

Is it going to involve a question?

4.14.8 Senator L.J. Farnham:

Would the Assistant Minister confirm that the Jersey Legal Information Board provide a translation of the most used Jersey laws and there is a service available for translation of any laws if necessary?

Senator P.F. Routier:

I am grateful for the Senator's identification of that.

4.14.9 Deputy J.A. Martin:

The Assistant Minister mentioned in one of his replies, and it does not matter from which country, that the U.K. have now started to put a cap on who can reside in the U.K. Given that they have a 70 million average population, has there been discussions about what cap from which countries,

and what percentage would that drill down to Jersey? Are there any talks? This is high-level stuff, and we have been saying this for many years. What talks are occurring for the capping of new nationals coming from the E.U. into the U.K and what does it translate to our population of 100,000 people?

Senator P.F. Routier:

I am afraid that I do not have that information, but my understanding is the cap on different nationalities was Romanian and possibly Bulgarian, and that does not apply to many of the other countries which are listed. Those have been identified in those people who have come to the Island recently, but I cannot really give an indication to any percentages, how that would reflect in Jersey's economy at the present time, but I will look into that for the Deputy.

Deputy J.A. Martin:

That was my supplementary. Could you have some high-level conversation with the U.K. Government, as it does need to reflect into Jersey?

4.14.10 The Connétable of St. John:

Let me clarify something. The question came out of a question put by another Member at the last sitting. It was not one by myself. That said, in your reply earlier on to my question, Assistant Minister, you mentioned that we have double standards, given that if you come from outside the E.U., you have to have a certain educational standard in our language, likewise within the laws. Can you please explain why the Island is operating a double standard when it comes to the Europeans and not across the board for everybody when it comes to learning and doing the paperwork?

Senator P.F. Routier:

We follow what the United Kingdom have about people from outside the community, and they have a very detailed mechanism for people coming from outside the European community and we follow that process.

4.15 Deputy T.M. Pitman of the Minister for Home Affairs regarding cyber-bullying allegations made against the B.B.C:

Can the Minister confirm whether any complaints have been received by the States of Jersey Police relating to serious allegations that the B.B.C. in Jersey was involved in cyber bullying against a local individual who subsequently died and, if so, is that matter now under investigation?

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

I do not normally comment on possible criminal complaints which may or may not have been received by the States of Jersey Police. Furthermore, the circumstances of this death of this individual will be the subject of an inquest and the States of Jersey Police are continuing to report to the Deputy Viscount in this regard, and that makes it even less desirable that I seek to comment on an individual matter.

4.15.1 Deputy T.M. Pitman:

Supplementary, Sir. I should point out this question is not specifically about the B.B.C., shocking though the allegations are, because the evidence sadly revealed that our Data Protection Office and indeed our Law Officers' Department do not act on cyber bullying cases, cyber cases, unless you happen to be called former Senator Syvret. So can the Minister for Home Affairs tell us if there is regular communication from the police leadership to those 2 offices to ensure that they both fully understand the potentially fatal consequences of such action?

Senator B.I. Le Marquand:

I think that it is acknowledged that there is a gap in legislation in relation to our criminal law. That was raised with me by the Law Officers' Department some time ago, and I thought that I was going to act as the political lead in relation to appropriate legislation to bring in criminal offences which would parallel the U.K. offences in relation to cyber bullying. However, what then happened was it was realised that the best law to take this forward was the Electronic Communications (Jersey) Law, and that is seen as being the province of the Economic Development Department.

[11:30]

So I know that work is being done between the Law Officers' Department and the Economic Development Department in this area, but it has moved from my area of responsibility, for the reason I have described.

4.15.2 Deputy T.M. Pitman:

My concern here is that if this responsibility for the law and people's safety is almost being passed around, what action, what protection can be given to people? I do not know all the ins and outs of [Name omitted from the transcript in accordance with Standing Order 109(7)] case.

The Bailiff:

You do not need to mention any names, as you well know, Deputy Pitman. Quite unacceptable to do that. I am going to ask you to withdraw it.

Deputy T.M. Pitman:

Absolutely, though ...

The Bailiff:

You should not have mentioned it in the first place, and it will be struck from the record.

Deputy T.M. Pitman:

I have made no derogatory comments about the gentleman, Sir, as I point out, and those names are mentioned regularly.

The Bailiff:

This is a gentleman referred to as ...

Deputy T.M. Pitman:

The man bullied to death. Okay. So the gentleman who has been allegedly bullied to death, his father is currently suffering huge stress because of the campaign that continues to go on unabated, and my point is what the Government or the authorities are going to do about it because clearly no action is taken on cyber-abuse unless your face fits. What assurances are you going to give those parents, because the gentleman is an elderly one now.

Senator B.I. Le Marquand:

I would ask that the individual name be struck out of the record.

The Bailiff:

I have already ordered it.

Senator B.I. Le Marquand:

You have already done that, Sir, yes. Thank you very much. I personally would have preferred if the management and the progression of this particular official legislation, which I acknowledge is

required, had remained with the Home Affairs Department, because I think it would be viewed as a higher priority within the Home Affairs Department than it may be within E.D.D. I am not trying to be unfair to the Minister for Economic Development but apparently that is the view that has been taken. I slightly regret that because I think that I would have been more motivated to have taken it forward faster.

The Bailiff:

Very well, we come next to a question which Deputy Higgins will ask of the Minister for Education Sport and Culture. Deputy Higgins?

4.16 Deputy M.R. Higgins of the Minister for Education, Sport and Culture regarding the impact on schools' budgets of the Danwood Managed Print Service contract:

Are Jersey schools under the Danwood-managed print service contract being required to pay up to 10 times more than their U.K. counterparts under the U.K. procurement service framework agreement, RM1599/1, where schools are charged 0.199 of a penny for mono and 1.99 pence for colour, together with a small monthly rental and, if so, what impact will this have on school budgets?

The Deputy of St. John (The Minister for Education, Sport and Culture):

The managed print contract is not handled by Education, Sport and Culture. The original tendering and the subsequent management are the domain of the Procurement team at the Treasury and Resources Department. It is part of the Treasury and Resources Department therefore questions relating to the U.K. procurement framework agreement are better directed to the Minister for Treasury and Resources, who will also be able to confirm the rates negotiated for the States of Jersey. It is too early to calculate actual costs. Printing costs in schools can vary considerably from month to month and we will not have the full picture until the Danwood service has been in operation for a full year. Early indication of anecdotal evidence, however, shows that the difference between 2 particular schools is contradictory. For example, we have 2 secondary schools, one of which believes that they will be paying more and another one that says completely the opposite. So, as I say, we have conflicting information, it is only anecdotal and we would hope to have better information as soon as we possibly can.

4.16.1 Deputy M.R. Higgins:

This follows on from the Minister for Education, Sport and Culture's earlier answers. He was earlier asked a question about headmasters and he says discussions are being held with them all the time. He did not confirm that heads have complained. Is it not the case that a number of headteachers have complained about these contracts and are certainly worried about the impact it is going to have on their budgets? Will the Minister confirm that they have complained and they are concerned about their budgets?

The Deputy of St. John:

I would not use the word "complained". As head teachers always do, they have ongoing discussions with the department over their particular budgetary pressures. I do not think "complained" is the right word.

4.16.2 Deputy M.R. Higgins:

Headteachers have raised issues with the department, I am well aware of that and of the discussions that have gone on. Is it not the case they are concerned about the impact the managed print service contract is going to have on their school budgets because it is going to cost them more, yes or no?

The Deputy of St. John:

Some of the discussions between headteachers and the department show some are concerned about the costs of print and others are saying that it has changed the way that they deal with print and they would be making savings. It depends upon the way that that particular headteacher runs their school. There are issues all the time that are discussed between the department and headteachers; as you go down a school year, there might be pressures in various ways: it might be print, it might be to do ...

The Bailiff:

I think if you could confine your answer to questions of printing.

The Deputy of St. John:

Fine. Sometimes it is print, very often it is not.

4.17 Deputy M. Tadier of the Minister for Transport and Technical Services regarding reductions in rush-hour traffic by 15 per cent:

Does the Minister accept that he needs to do more if he is to meet the target to reduce rush-hour traffic by 15 per cent? If so, what steps, if any, is he taking to coax people out of their cars and to use alternative methods of transport?

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

Yes, I do accept that more needs to be done; one only has to look at the congestion caused by the closure of Mount Bingham recently to know that we have too much traffic and there is little or no spare capacity to enable the road system to cope when problems occur. We need to encourage more people to choose to use public transport, to walk and to cycle. The frequency, coverage and capacity of the bus service is improving and I will continue to work in partnership with the new bus company to provide further improvements. My department has also been making good progress in providing improved walking and cycling infrastructure as well as a programme of promotions and awareness campaigns to encourage less car use. I will shortly be issuing a full progress report providing all our relevant monitoring statistics but, in summary, although the trends are encouraging, we have a lot more to do to reach that 15 per cent target. In developing the Strategic Transport Policy, research concluded that a combination of incentives would be needed to achieve the targets, the most obvious disincentive being the cost of car use. However, when the S.T.P. (Strategic Transport Policy) was debated by the States, an amendment was unanimously approved that required the Minister for Transport and Technical Services not to increase the cost of motoring disproportionately until an alternative method of transport is available to all.

4.17.1 Deputy M. Tadier:

The Minister said more needs to be done; the question was: "Does more need to be done by him?" so I am hoping that will also be a yes. Can the Minister confirm that, if the reports are true, we have not even really made a dent in achieving the 15 per cent reduction in that I think the levels of traffic have stayed the same. Can the Minister confirm that?

Deputy K.C. Lewis:

The S.T.P. set a specific target of reducing peak-hour traffic levels to and from St. Helier by 15 per cent, so 12,000 people come into St. Helier by car or van in the morning rush-hour, so we need to get 1,800 people to change mode. 50 per cent of the 1,800 are expected to become bus users, roughly a doubling of the current peak-hour bus use. Use of public transport has increased by 9 per cent since 2007. Bus use is 1 per cent higher than 2012 and the morning hour bus use is up about

10 per cent in the last 3 years. Use of road fuel is down 10 per cent and the air quality monitoring shows reductions of pollutants at the roadside and a small reduction in peak traffic levels at 1.7 per cent in the last 4 years.

The Bailiff:

A concise answer, if you would, Minister.

Deputy K.C. Lewis:

It is very difficult to monitor the service as it is. We are at saturation point.

The Bailiff:

I think we have got other Members wanting to ask questions and we have one more question still to do. The Constable of St. Mary?

4.17.2 The Connétable of St. Mary:

Would the Minister agree that, as well as reducing the rush-hour traffic, keeping what traffic there is moving is important, and will he do more to ensure that inconsiderate and often illegal parking at the side of the road during the rush-hour is stamped out by whatever means is necessary?

Deputy K.C. Lewis:

I would agree with that 100 per cent, last week being a case in point when we had that torrential downpour of rain. I believe a lorry broke down in the tunnel, another one on the dual carriageway, there were 3 road traffic collisions in town, a lady hit by a car in Gloucester Street, I am glad to say not badly injured, and an oil spill on Trinity Hill. So, in effect, it was complete and utter gridlock. So keeping traffic moving is a number 1 priority.

4.17.3 Deputy G.P. Southern:

With hindsight, does the Minister regret that he did not prioritise the possibility of providing a hoppa bus for town transport, and does he not accept that his Sustainable Transport Policy is in tatters?

Deputy K.C. Lewis:

I would love to see a hoppa bus but unfortunately buses are caught in the same gridlock as cars. We do not have bus lanes. In fact, many people in the U.K. are abandoning bus lanes to keep the traffic moving, but I would support wholeheartedly what the Constable of St. Mary has said regarding keeping traffic moving and that is our priority. We do have a contraflow system operating on Mount Bingham at the moment to keep traffic going up and down.

4.17.4 Deputy R.G. Le Hérissier:

Will the Minister be adopting the Bermuda solution of only one car of modest dimensions per household and no hire cars and everyone else on scooters or buses?

Deputy K.C. Lewis:

I have no plans to do so. I would rather encourage people to use other forms of transport. I and many Members I know here walked to the States today and I would encourage more people to walk, if at all possible if they could arrange it, or push-bike or maybe 2 wheels, but we are at saturation point, I do concede.

The Bailiff:

I owe an apology to Deputy Maçon, I have had him on my list. Deputy Maçon?

4.17.5 Deputy J.M. Macon of St. Saviour:

At the risk of saying: "I told you so", will the Minister, when reviewing this, dust off the very good Scrutiny Report which condemned this policy from the beginning in stating that it was £1 million under-funded and therefore was not going to meet its targets in the first place? Will the Minister dust off that report and will be go to the Council of Ministers asking for more funding in order to fund this policy in the first place?

Deputy K.C. Lewis:

I am more than happy to revisit any policy but, unfortunately, we cannot build any more roads. We are 9 by 5 and we are using roads built by General Don. We have nowhere else to go without knocking people's houses down, so the only thing we can do is to discourage personal transport and encourage greater use of public transport.

4.17.6 Deputy M. Tadier:

I came in this morning with a car-share, it was not my car, and it had nothing to do with the Minister for Transport and Technical Services or public transport. I used: "Jersey In Transition: I share my car, do you?" and it has the added advantage, if you excuse the brazen plug but it is not for a commercial benefit, of being kind, making friends and reducing CO2 and also saving money, so it is a win-win situation. Does the Minister accept that in 4 years he has managed a reduction of 1.7 per cent at a target of 15 per cent which represents a 12 per cent towards his overall target, an 88 per cent failure rate, in other words? Does the Minister accept ...

The Bailiff:

You have asked the question, Deputy, thank you. Minister?

Deputy K.C. Lewis:

I applaud the car-sharing but, as I say, we are doing our best with what we have. If we could just encourage people not to use private vehicles and to car-share and use any other mode possible.

4.17.7 Deputy M. Tadier:

A supplementary, if I may. The point is we want people to use private car-shares if the public transport strategy is failing, as it clearly is. Will the Minister take it upon himself to do more work with these voluntary groups, non-profit groups, who are doing the job already where the Minister for Transport and Technical Services has failed and, by working more with them, admit that individuals have more responsibility for their own transport needs in the absence of large buses, which also clog up the road?

Deputy K.C. Lewis:

As I pointed out, the buses share the same roads, so if there is gridlock, the buses are locked in that very same gridlock. Many companies in St. Helier are using a car-share system, many of the banks; I know H.S.B.C. do an excellent job with their car-sharing. It was always my intention when we brought in the double-deckers that they would be used, as I put it at the time, to bring "suits" into town so the buses had WiFi on and so it is just to encourage everyone to use the buses, hop-on and hop-off.

[11:45]

The Bailiff:

I am afraid, even allowing for injury time caused by the visiting delegation, that brings questions to an end.

Deputy G.P. Southern:

Sir, could I ask the Minister, who was about to get the question, to circulate his answer to the question to Members?

The Bailiff:

Minister, will you be able to do that?

Senator F. du H. Le Gresley:

Well, I could save time by just saying: "No." That is the answer to the question.

The Bailiff:

Will you circulate that?

Deputy G.P. Southern:

It is the wrong part of the speech, Sir.

Senator P.F.C. Ozouf:

Sir, may I raise a point of order? Deputy Higgins in answer to a question during question time, said that he had not been contacted by Internal Audit and the Independent Auditor, in relation to the Danwood contract. I have been sent an email that he was indeed contacted on 22nd November 2012, and I would ask him, to withdraw the comment that he was not contacted, as I clearly have at least one example of evidence that he was contacted. There have been a number of "yaboo" statements made in question time today, and this is one example which I think is unfair and I would ask the Deputy to withdraw the statement.

Deputy M.R. Higgins:

No, I will not withdraw it and the reason why is I checked back through all my emails to see if it was there. The one month I did not get was that one. I did ask the Assistant Minister to ask BDO. to contact me and they did not contact me and therefore I have not had the opportunity to give evidence to them, but I am giving it to the Comptroller and Auditor General's staff tomorrow.

5. Questions to Ministers without notice - The Minister for Education, Sport and Culture The Bailiff:

Before we move on to Questions without notice, can I just inform Members of certain papers which have been lodged or presented. Projet 132, Draft Taxation (Exchange of Information to Third Countries) (Amendment No. 7) Regulations, lodged by the Chief Minister. R.135 Jersey Dental Scheme Board of Management: nomination of chair, presented by the Minister for Social Security, and then also the Social Security Department has presented its report for 2011. Very well, so we come now to questions without notice and the first question is for the Minister for Education, Sport and Culture. Deputy Martin?

5.1 Deputy J.A. Martin:

There has been an announcement recently that there are 14 new primary school classes being put in across the Island. Can the Minister inform the House what will happen in 5 years' time, being that the age of schooling is 5, or 6 years' time when they move on to senior school? Where are the 14 extra classes going to?

The Deputy of St. John (The Minister for Education, Sport and Culture):

The 14 extra classes are going 7 to D'Auvergne School, Mont Nicolle is already opening a new form of entry because it has got the space internally, but it does not have the space externally, so we are enhancing the external space to enable ...

Deputy J.A. Martin:

Sorry, can I just interrupt the Minister? I know exactly where the 14 primary, it was the after: where are they going on to in secondary school. That was the question.

The Deputy of St. John:

Sorry, I misunderstood the question, I apologise. The secondary schools already have capacity. There is a reduction in demographic already starting to travel through secondary schools now and, in fact, if Members would care to look at the C.S.R. (Comprehensive Spending Review) savings, they will note that there is a saving for the department in C.S.R. in the secondary school area. So we already have the capacity in secondary schools and we will be able to cope with this new cohort in primary schools when they get there.

5.2 Deputy T.M. Pitman:

I was messaged by a member of the public to ask why are no other Members asking about this serious issue with the shooting incident. I want to ask the Minister: we have just heard the announcement of the new chairman for the Committee of Inquiry into child protection failings, yet how are we sending out the message that things have changed? All the cover-ups at Haut de la Garenne, Victoria College and because of the court decision in finding this teacher guilty, the reality is that that individual will almost certainly fail a criminal record check if he were to apply for another job. That is the reality. Can the Minister give me some indication how he marries those 2 differing issues up? Because it just makes no sense to all the people who talk to me.

The Deputy of St. John:

The P.E. (Physical Education) teacher was fined £1,000 in the Magistrates Court for careless use of an imitation firearm. The department has, as I have already said, completed one internal investigation and are in the process of the second internal investigation. The States policy is that these are internal, they are not to be put into the public domain and the reason for that is that this would not be fair on the individuals concerned. There is no cover-up. I would be very happy to make the Deputy aware of the results on a confidential basis if he wishes, but it would not be right or fair and the States Employment Board policies state as such, that these kinds of inquiries are internal inquiries.

5.2.1 Deputy T.M. Pitman:

A supplementary, Sir? I am not implying that the Minister is indulging in a cover-up. I am pointing out certainly that careless discharge is entirely the wrong description; this is an individual who took a starting pistol and discharged it in a gym where there was no reason. It was calculated, it was a conscious decision. He will fail a criminal record check; I know that from being a professional educator myself. How does the court's decision and the Minister's internal decision marry up? I am not asking him to explain all the details, but how does it marry up, because it does not.

The Deputy of St. John:

The Deputy has stated that a careless use of an imitation firearm was an incorrect court decision. I cannot make any comment about that. The Magistrates Court found that there was careless use of an imitation firearm.

5.3 Deputy G.P. Southern:

The Minister informs us that we need an additional 14 classrooms for primary schools in the future. As he knows, this is catering for the population of the Island and population is made up of birth rate, which has gone up over the past 6 years by something like 20 per cent, and the net migration numbers. What net migration numbers are his projections based on?

The Deputy of St. John:

The net inward migration numbers are very small in this calculation. The main part of the calculation for projected pupil numbers is to do with the birth rates that we know about.

5.3.1 Deputy G.P. Southern:

If I may, Sir, a supplementary? The Minister must be aware that there are a whole set of projections for population produced by the Statistics Office in 2011. Which of those scenarios has been fitted into his projections for class numbers?

The Deputy of St. John:

I think the Deputy is asking me to get embroiled in a premature debate on population. I am not prepared to do that. There is an existing States policy on inward migration, all departments at the moment have to work to that.

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

My understanding is the existing States policy is 350 people per year. The question I wanted to ask, in answer to a written question that I had submitted, that there are 446 individuals over the age of 16 new to the Island in the last 3 months. Does that figure surprise the Minister? My question was really: how can you prepare for additional primary places when at the moment the States of Jersey are exceeding their agreed population levels anyway?

The Deputy of St. John:

Whether I am surprised about inward migration figures is completely irrelevant. I have to find school places for children that are here when they turn up at the school gates. We know from birth rates what that is. There is not necessarily a direct connection between inward migration and birth rates.

5.5 Deputy M.R. Higgins:

Earlier, I was asking questions about Romanian nationals residing in Jersey and I would like to clarify, I am not Romanian-bashing; the reason why I am mentioning these things is because I am looking at the impact of immigration and population on the Island, and that is where I am coming from. So could the Minister tell the Assembly how his department is coping with the number of children whose first language is not English? Judging by the figures that we have been given today, it is an increasing number from many countries where their first language may not be English.

The Deputy of St. John:

The department has a special unit which deals with the question of English as an additional language. We put extra help into schools as necessary, but I would just caution the Deputy and all other Members of the Assembly, it is not necessarily true to say that just because a child does not have English as a first language that that child will not achieve. In fact, there are many young children who do not have English as an additional language that do very well in their schools and will continue to do so in the future.

5.5.1 Deputy M.R. Higgins:

A supplementary, Sir? No, I was not asking about the fact that they will achieve, in fact, I taught many foreign students when I was in the U.K. and I would say that many of them were very motivated and did very well, so I have no problem with that. What I am asking about is the resources. Will the Minister tell us what resources he is putting towards teaching English for those whose first language is not English, the amount of resources and what he is putting forward for the future?

The Deputy of St. John:

The department gets some help from the Portuguese Government as regards this; they pay for and fund several teaching specialists of Portuguese to help with English as an additional language. So a lot of work is done. I cannot give the Deputy the exact budgetary figures, if that is what he is looking for, I do not have that in my mind. I can get that circulated to all Members after today. I cannot give you the exact staffing figures. I know there are at least 5 teaching assistants provided by the Portuguese Government and there are several others. There is a department which is located at Rouge Bouillon School specifically for this purpose and some of those teachers go out to other schools as the demand presents itself in the other primary schools.

5.6 Deputy J.A. Martin:

In the answer to my first question, the Minister for Education, Sport and Culture stated there is plenty of capacity in our senior schools. Will he undertake to let Members know in writing which schools and how much capacity and will he also confirm that Haute Vallee School is not losing its proposed planned playing field for extra classrooms for an intake of these children as they come up through the system?

The Deputy of St. John:

The answer to the first one is yes, I will certainly circulate that information. The answer to the second part of the question is, in fact, far from Haute Vallee losing its existing playing field, we are looking to enhance the playing fields at Haute Vallee School.

5.7 Senator L.J. Farnham:

I congratulate the Minister on the launch of the Sports Strategy; I think it is very good indeed. Can I ask if he will consider, though, bringing forward the proposals from 2015 to get the new sports board up and running perhaps sooner?

The Deputy of St. John:

That is a possibility that we can look at; I am not sure if it will be possible at this stage, and there are some things that we need to get in train in 2014 in order that they will be ready for the Island Games in 2015, so certainly we will be starting on a lot of the infrastructure investment next year.

5.8 Deputy G.P. Southern:

What concrete steps will the Minister take to alleviate the administrative burden on teachers in Jersey schools, especially the tick-box approach to monitoring every student in a class for something like 150 factors?

The Deputy of St. John:

There are several ways that a teacher can manage the assessment of students under the teacher's control and the tick-box approach that the Deputy is referring to is only one of them, there are others. What steps will I be taking? As the Deputy well knows, because he clearly has information that other Members do not, there is an ongoing commitment to a careful investigation of the extra administrative burden that is taking place in primary schools by teachers, but I would say that all teachers, bar none pretty much - I do not know of any, let us put it that way - who are not fully

supportive of the teacher assessment programme because it is already showing very good signs of improved performance and learning results from the students in primary school.

[12:00]

So it is not a question of administrative burden for no good reason, far from it. I think teachers accept that it is all working very well. It is a question that the department needs to check with schools and do an investigation into how that administrative burden can be managed best.

5.9 Senator S.C. Ferguson:

The Minister said that after the incident with the starting pistol, all starting pistols were removed from the school. It is not the starting pistols that were causing the problem, it was the teacher. **[Approbation]** Would it not have been better to make sure all teachers knew procedures to do with starting pistols without taking away something which is totally harmless and unless it is used incorrectly? Does he really think this is a good psychological approach?

The Deputy of St. John:

Yes.

The Bailiff:

I am afraid that brings questions to the Minister to an end so we move now to questions for the Minister for Health and Social Services. Yes, Deputy Pitman?

6. Questions to Ministers without notice - The Minister for Health and Social Services:

6.1 Deputy T.M. Pitman:

In the latter days of the last Assembly, a successful proposition asked the Minister to come forward within 12 months with a list of healthy foods for G.S.T. purposes. I know there is no support for that perhaps within certain elements of the Council of Ministers but it is 2 years this month. Can the Minister for Health and Social Services tell us where that list is and when we can see it, please?

The Deputy of Trinity (The Minister for Health and Social Services):

Yes, the Deputy is quite right and the Medical Officer of Health was championed to go and look at this, which she has done, but it proved extremely difficult because what do you class as "healthy foods"? It is a case of what you do with it. Does it still continue to be healthy or is it the way you cook it? I take the potato as an example; chips are fried and unhealthy but a Jersey Royal can be extremely healthy. She has done a great deal of work regarding this and she has put a paper together about a possible way forward and that paper is due to come to the Ministerial team fairly soon.

6.1.1 Deputy T.M. Pitman:

A supplementary? Can I ask the Minister when she feels that this information can be shared with other Members so perhaps other people can contribute their thoughts to help bring this forward?

The Deputy of Trinity:

Yes, I will give that some thought. It does need to go to the Council of Ministers as well, but I will take the Deputy's question up and come back to him.

6.2 Deputy K.L. Moore of St. Peter:

Tomorrow will be the year anniversary of this Assembly agreeing P.82, the Health and Social Services Department's White Paper. Is the Minister content with the progress that is being made implementing that?

The Deputy of Trinity:

That is a very big and nice question, because in the year I like to think that we have come a long way, perhaps in some areas not as quick as I would like to, but I would like to say that the future hospital - which is high on my list of priorities because it is really essential - has taken a positive step forward. It is being launched and it is going to be over 2 sites. Hopefully in the budget, money will be allocated to the new hospital and to take the next stage of the feasibility study. One of the other aspects was the White Paper and service redesign in that. We are in the process of formulating 19 work-streams; several have been put in place, one of them is the Community Midwifery, one is the Specialised Fostering Extra Respite and there are some pilot studies which will continue: End of Life, Intermediate Care, which will continue into the next year. There are still some areas of work to do there but it is fairly positive. As regarding the sustainable funding, I think work is

The Bailiff:

I appreciate, Minister, it was a very large question ...

The Deputy of Trinity:

It was; there were 4 elements.

The Bailiff:

... but we only have 15 minutes so I think probably, do you want to ask a supplementary question?

6.2.1 The Deputy of St. Peter:

Perhaps I could help with a supplementary. Is the Minister confident that she will be able to bring back the Sustainable Funding Mechanism to this Assembly by the date agreed, which is 24th September?

The Deputy of Trinity:

That is not all quite in my hands, because it is working with the Treasury and Resources Department as well and the Ministerial Oversight Group. I would like to think we can but I am not 100 per cent hopeful.

6.3 Deputy M.R. Higgins:

Could the Minister explain what the current waiting time is for a hip operation in Jersey and why it is costing £12,000 to have a straightforward hip operation in Jersey and £7,000 for the same operation in a general hospital in Dinard in France?

The Deputy of Trinity:

I presume the second part that the Deputy is talking about is private patient fees. The hospital has no control over the cost of what a surgeon charges for private patients. Regarding orthopaedics and the waiting list, it is a long waiting list and I know a lot of work is being done. There is a 16 per cent increase in referrals. This is because we are an ageing population. There is a business case in place hopefully for next year to have another orthopaedic surgeon who will hopefully help with the waiting list. It is a complicated issue because it is not just getting another surgeon in place, you need to make sure that you have got clinic times and also if some of those procedures go into having an operation, we need more theatre space, which we have not got enough of and that is why

there is an application in for temporary theatres. So it is an area that they are looking at. The Hospital Director is looking at ways of ...

The Bailiff:

Very well, Minister. I think that will be all ... Deputy Higgins, a supplementary?

6.3.1 Deputy M.R. Higgins:

Perhaps the Minister can tell us what it costs for a public operation from the hospital, and can she also explain or tell us what the department charges the consultants for doing a private sector operation so we can work out what the cost is? Thank you.

The Deputy of Trinity:

As you would expect, I have not got that detail of information, but if the Member wishes to put that in writing to me I will get him the information.

6.4 Deputy R.G. Le Hérissier:

Following on, could the Minister confirm the total cessation of the bizarre practice whereby surgeons, if they have spare publicly-paid time, could engage in private practice?

The Deputy of Trinity:

No, private work still continues, it is an important part of the hospital. We get some income from private patients, which in turn goes into providing public funds. But also, it is very well monitored by the Hospital Director and I think it is a third of the time, and they work perhaps Saturday afternoons when the theatre is not being used either. But private practice is important to make sure that we get the right consultants to Jersey and to make sure that that continues.

Deputy R.G. Le Hérissier:

Just for clarification, is the Minister referring to private work in public time?

The Deputy of Trinity:

As I said, it works out. There is not one rule that fits all. It works out that if their waiting list is over a certain level then they can do a certain amount of private work but, to be absolutely clear, I am quite happy to give the Deputy the set policy.

6.5 Deputy J.H. Young:

Could I ask the Minister to please give us a little bit more of a clue following her written answer to my question about housing for elderly and groups needing support, where she puts the onus on the Minister for Planning and Environment and the Island Plan to make a determination of where these facilities should be provided? Could she just give us a little bit more of her thinking? Are there no views held by health professionals which would help the Minister come to a conclusion? Particularly, both the Connétables and the Minister for Housing have provided very helpful information; could she not just give us a little bit more of a clue about her thinking?

The Deputy of Trinity:

I know the Health and Social Services Department cover a wide range of areas but planning and sheltered housing is not one of them, thank goodness. We will work wherever the sheltered housing, or whatever, is approved. The most important thing is to make sure that those houses for over-55s meet the required standard of wide doorways, making sure that the beams can take hoists, *et cetera*. That is where our health input is. Also for sheltered housing, if there is a small community centre there, then again Family Nursing Services can work out of that. So we will fit into whatever plans are approved.

6.5.1 Deputy J.H. Young:

A supplementary, Sir. I think either the Minister misses my point or I have not made it clearly: would she not accept that the decisions on the locations of sheltered housing in the future depends crucially on the existence of support systems in those communities and the facilities her department provides for primary care?

The Deputy of Trinity:

Yes. Community support is important, but we will work with community support wherever that is required, along working with our voluntary sector, Parishes, Family Nursing Services and other voluntary sectors as appropriate. It is making sure that the right facilities are in the sheltered housing in the first place.

The Bailiff:

I am sorry, I am afraid that brings questions to the Minister to an end. You were in turn, Deputy Southern; it is just one of those things.

Deputy G.P. Southern:

Sir, I do believe you should go to Specsavers [Laughter] because my light was clearly on and has been on from the first second of this questioning session.

The Bailiff:

Well, if my sight failed, I am sorry, but I can only do it in the order in which I see people's lights.

PUBLIC BUSINESS

7. Draft Public Employees (Contributory Retirement Scheme) (Commutation of Small Pensions) (Amendments) (Jersey) Regulations 201- (P.105/2013)

The Bailiff:

There are no matters under J or K so we come then to Public Business, and the first matter is the Draft Public Employees (Contributory Retirement Scheme) (Commutation of Small Pensions) (Amendments) (Jersey) Regulations 201- Projet 105, lodged by the States Employment Board. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Public Employees (Contributory Retirement Scheme) (Commutation of Small Pensions) (Amendments) (Jersey) Regulations. The States, in pursuance of Article 2 of the Public Employees Retirement (Jersey) Law 1967 have made the following regulations.

7.1 Deputy A.K.F. Green of St. Helier (rapporteur):

Thank you, Sir. I am taking this on behalf of S.E.B. (States Employment Board). This is a piece of housekeeping which will allow people with a deferred pension, what is known as a trivial pension, to take a lump sum and remove the liability, but I will just run through that in more detail. Perhaps before I do, I ought to, just for the record, advise Members that I am a member of the scheme but I am not affected in any way, either positively or negatively, by these changes. The proposed amendments will allow people of P.E.C.R.S. (Public Employees Contributory Retirement Scheme), as it is known, members of a deferred pension, to convert their entitlement to a very small pension into a cash lump sum. This arrangement is known as commutation of a trivial pension. Previous amounts specified under the regulations have been superseded by amendments prescribed in the Income Tax (Superannuation Funds) (Jersey) Order 1972. That order now allows for sums

representing commuted benefit value up to £5,000 and £30,000. The amended regulations will enable a member of a deferred pension... and that is quite important because pensioners retiring today have this right now, but people who have a deferred pension, in other words, who left our employment before, do not have that right at the present time. So a deferred pensioner can elect - it is a choice, they do not have to do it - on retirement to commute a small pension for a lump-sum payment. The individual wishing to elect must be at least 60 years old and the value of the person's accrued benefit in the fund must not exceed £30,000. This £30,000 maximum cover covers any lump sum the individual may have had and previously elected to receive from P.E.C.R.S. or other schemes. Payment of the lump sum will extinguish any liabilities which might otherwise have been payable under the scheme.

[12:15]

I think what we are referring to there is the reduced widow's pensions; once the lump sum has gone, then there are no liabilities on the scheme. It is as simple as that. I make the proposition.

The Bailiff:

Are the principles seconded? [Seconded] Does any Member wish to speak on the principles? Deputy Young.

7.1.1 Deputy J.H. Young:

Just to pose a couple of questions to the Minister. It is obviously very sensible in its intention but I would like to know whether the option that is now being provided for deferred pensioners to take commuted sums where there are small sums, removes their rights to re-enter the scheme before normal retirement age which will, effectively, cut them off from those present benefits, and whether they would also terminate the other benefits for dependants that currently exist in the scheme for deferred pensioners? I think that is important because the payments can either be taken at the time of election or on normal retirement. I would be concerned about that because, if it was on normal retirement, that person's circumstances may well have changed and a premature option would be quite unwise. That is one question; I would like some clarification of that situation of the deferred pensioners making that decision. The second point is on tax treatment. Could I ask the Minister to confirm that the tax treatment will be brought in line with what applies to normal standard private sector pension schemes, i.e., that there will be effectively a 7 per cent tax deduction from the commuted payments. That is not noted, but I think it is important that it is not a free good.

The Bailiff:

Does any other Member wish to speak on the principles? Then I invite the Minister to reply.

7.1.2 Deputy A.K.F. Green:

I will try and answer them as carefully as I can. The current option to take a full lump sum is available at the present time to Members who are retiring in-post. All we are doing is giving that right to people having a deferred pension, those that left our employment earlier having put some money into the scheme. To be quite clear, and I thought I did say it in the preamble, once you have withdrawn all the money then all liabilities, all claims on that scheme are lost, there is no right to come back for a widow's pension, for example. So I hope that answers that one on liability. I have not, asked the question about people taking the deferred lump sum at 60 and then being offered a job at 61. Presumably that would be the same as existing members, that they re-enter the scheme as a new pensioner and probably have a second chance to take the money back out because existing pensioners can come back into the scheme. On the tax liability, I am not an expert on tax but the laws are being realigned at the same time to allow the tax laws to reflect what is required here, but I am not an expert on tax, so I cannot answer it in detail. That said, I make the proposition.

The Bailiff:

Very well, all those Members in favour of adopting the principles kindly show? Those against? They are adopted. Senator Ferguson, do you wish this matter referred to your Scrutiny panel?

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

No, thank you, Sir.

The Bailiff:

Very well. Do you propose the regulations en bloc, Minister?

7.2 Deputy A.K.F. Green:

I think that might be the best way, Sir, although I do have notes here if someone would like me to take them right up to lunchtime on each individual regulation.

The Bailiff:

I suspect Members will be happy for you to answer any questions. Are the Regulations 1 to 11 seconded? [Seconded] Does any Member wish to speak on the any of the individual regulations? All those in favour of adopting Regulations 1 to 11, please show. Those against. They are adopted. Do you propose the regulations in the Third Reading, Minister? Is that seconded? [Seconded] Does any Member wish to speak in the Third Reading? All those in favour of adopting the regulations in the Third Reading, please show. Those against? The Regulations are adopted in the Third Reading.

8. Law Officers' Department: revised disciplinary process (P.109/2013) - deferred

The Bailiff:

Now, the next matter on the Order Paper is Project 109, Law Officers' Department: revised disciplinary process, lodged by Deputy Le Hérissier. Deputy, do I understand you wish to possibly defer this one?

Deputy R.G. Le Hérissier:

Yes, Sir. I wonder if I could make a short statement. I would like to defer it on the basis that I have had promises in 3 regards. Firstly, I understand the Law Society of Jersey has approached the Chief Minister's Office with some ideas and the Chief Minister's Office is preparing a response, which I think is good. Secondly, as in the Attorney General's comments, I understand the Attorney General will be publishing his internal disciplinary process, so that will give an important piece of evidence to look at. Thirdly, I also understand there is underway, and due for completion quite shortly, a paper on how other jurisdictions, particularly Crown dependencies, England and Wales and perhaps Scotland and Northern Ireland, deal with the issue of law officers' discipline. I think it is important that Members have that in their possession, because I think they will be quite interested. Fourthly, having had a lot of meetings in the last few days and having read a lot of material, I have increasingly come to the view that my proposition is possibly too modest and, in fact, there needs to be an overall review of the whole disciplinary process, both for the private sector and for the Law Officers - I should not have isolated one - that perhaps that may be needed. But I will go away and think on that and I may reintroduce another proposition. Thank you, I would like to defer.

The Bailiff:

Very well, so that matter is deferred. Are you deferring to a particular date, Deputy, or...?

Deputy R.G. Le Hérissier:

December, Sir.

9. Income Support Medical Appeal Tribunal: re-appointment of members (P.111/2013)

The Bailiff:

So then the next matter on the Order Paper is Projet 111, Income Support Medical Appeal Tribunal: re-appointment of members, lodged by the Minister for Social Security. I will ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to appoint, in accordance with Article 15 of the Income Support (General Provisions) (Jersey) Order 2008 the following persons as members of the Income Support Medical Appeal Tribunal for a further period of 5 years: Advocate Zöe Blomfield as Chair, Dr. Brendan Loane, Mrs. Barbara Bedford, Mr. David Moody, Mrs. Sandra Le Monnier.

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

I am pleased to propose the reappointment of the Chair, a medical practitioner and 3 other lay members to the Income Support Medical Appeal Tribunal. This tribunal deals primarily with appeals regarding the award of the impairment component of income support. The impairment component consists of 3 elements of subsidy: personal care, mobility and clinical cost. However, from January of this year, this tribunal may also hear appeals on the award of home carer's allowance, a benefit now paid to certain carers under the Social Security law. A tribunal panel consists of a legally-qualified Chair or Deputy Chair, a medical practitioner and lay person, being an individual who has an understanding of the impact of disability through their own experience. Article 15 of the Income Support (General Provisions) (Jersey) Order 2008 provides that tribunal members are eligible for reappointment on the recommendation of the Minister, subject to consultation with the Jersey Appointments Commission. The Jersey Appointment Commission's Code of Practice states that it is recommended that the term of office of a member should not exceed 10 years. These tribunal members were appointed in 2008 for a term of 5 years, therefore, each is recommended for reappointment for a further term of 5 years. The Chair and the medical practitioner have the appropriate professional qualifications and have brought considerable knowledge and experience to their roles. The lay members have personal experience in disabilities. In making this proposition, I ask Members to support the reappointment of these members for a further 5-year term of office and take this opportunity to thank all 5 people for their valuable contribution to the operation of our system of tribunals.

The Bailiff:

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

9.1.1 Deputy G.P. Southern:

Well, this particular tribunal is concerned with the issue that I have brought up before: the impairment component within income support. While I have no comment to make on the quality or the status of the people who are appointed, I wish to point out at this opportunity that often decisions made by departments seriously affect benefits and the quality of life of those with a medical problem, who suffer under income support. These tribunals often take a minimum of 3 months to complete, during which people have to get by often on a reduced benefit and they

struggle terribly. I would urge the Minister to do everything in his power, although it is not his direct responsibility any longer, it belongs to the Judicial Greffe, to try and ensure that people who have to go to appeal, (a) have their cases dealt with in the shortest possible time and (b) in certain cases that the reduction in benefit is not enacted until the tribunal rules whether that is a legitimate move.

The Bailiff:

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

9.1.2 Senator F. du H. Le Gresley:

I am not sure there is a lot to say. Deputy Southern has made his point. I can only say that this particular tribunal had 10 hearings in 2012 and year-to-date 6, so the tribunal is not as busy as perhaps indicated, but I do share his concern about the 3 months' wait. As the Deputy quite rightly pointed out, this is not within my control but it is something that I hope we can improve on.

The Bailiff:

Very well, all those in favour of... the appel is called for in relation to the proposition of the Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 37	CONTRE: 0	ABSTAIN: 0
Senator P.F. Routier		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of Trinity		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérissier (S)		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy K.C. Lewis (S)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy A.K.F. Green (H)		
Deputy J.M. Maçon (S)		
Deputy of St. John		
Deputy J.P.G. Baker (H)		
Deputy J.H. Young (B)		
Deputy S.J. Pinel (C)		
Deputy of St. Mary		

Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy R.J. Rondel (H)		

10. Cold Weather Bonus: variation of conditions (P.115/2013)

The Bailiff:

We come next to Cold Weather Bonus: variation of conditions, Projet 115, lodged by Deputy Southern, and I would ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that the condition contained in Regulation 3.4 of the Cold Weather Bonus (Jersey) Regulations 2012 that currently provides that to receive a bonus, a person must be aged 65 years or over and also receiving a Jersey Old Age Pension, should be amended by deleting the requirement to be in receipt of a Jersey Old Age Pension, (b) to request the Minister for Social Security to bring forward for approval the necessary amendment to give effect to the proposal.

10.1 Deputy G.P. Southern:

Members will know from the report I submitted with this proposition, this is a fairly unique condition. I suspect that the constituent who came to me and said: "I cannot claim the Cold Weather Bonus because I do not have a Jersey pension even though I live here" and the fact that the Cold Weather Bonus is not paid from the Social Security fund but is paid from general income tax, which makes it a complete anomaly, when it came to my notice, I thought: "I think we need to fix this, that condition is not appropriate." If you live here I believe you should be eligible if the weather is cold to apply for a bonus, especially when you get to 82, in this particular case. Members will also be pleased to note that I talked to the Minister for Social Security last night and he agreed that it was possible through discretionary payment to bring this into fruition for the winter just coming now, 2013/14, and not to wait for winter 2014 before it kicks in. So as far as I am concerned, I will be accepting gladly and giving due praise to the Minister for Social Security for coming up with a scheme that I can accept. In dealing with this issue, even though it is a relatively minor one, I think it is appropriate that we do ensure that coverage is as wide as possible. So I will be accepting the amendment when it comes.

10.2 Cold Weather Bonus: variation of conditions (P.115/2013) – amendment (P.115/2013 Amd.)

The Bailiff:

Is the proposition seconded? **[Seconded]** As Deputy Southern has indicated, there is an amendment lodged by the Minister for Social Security and I will therefore ask the Greffier to read the amendment.

[12:30]

The Deputy Greffier of the States:

Page 2 paragraph (a), delete the word "currently" after the words "2012 that" and insert the word "instead" before the words "contained in" and after the words "Jersey Old Age Pension" insert the words "in the case of an individual who has been resident in Jersey for the previous ten years." Page 2 paragraph 3, for the words "to bring forward for approval the necessary amendment to give effect to the proposal" substitute the words "when bringing forward for approval legislation to replace the Cold Weather Bonus (Jersey) Regulations 2012 to include this revised condition."

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

My amendment is to amend Deputy Southern's proposition, for 2 reasons. Firstly, that the eligibility criteria for individuals not in receipt of a Jersey Old Age Pension should be that they have at least 10 years' continuous residence leading up to the claim for a Cold Weather Bonus. This increased residency requirement will only apply in respect of those who do not meet the requirement for pensioners to be in receipt of a Jersey Old Age Pension. I should point out that the minimum contribution requirement to receive a Jersey Old Age Pension is 4 and a half years of contributions, which is 10 per cent of the full pension. The purpose of the amendment is to enable those who arrive in the Island as pensioners to qualify for the Cold Weather Bonus through a longer-term commitment to the Island. This increased period of residency of 10 years for this group provides some protection in the future for any growth in pensioner immigration into the Island as the effects of the ageing population are felt. A 10-year residency condition is in line with the proposed long-term care benefit continuous residence condition. Prior to the introduction of income support, my fellow Connétables will remember that the Parishes required a person arriving in the Island after their 55th birthday to have continuous residency of 10 years before he or she was entitled to claim Parish welfare and, within that, assistance with fuel costs. The second amendment proposes that any changes agreed are implemented when these Regulations and the Food Cost Bonus Regulations are replaced after 30th June next year by new primary legislation. I propose these 2 amendments.

The Bailiff:

Are the amendments seconded? [Seconded] Deputy Southern, do you wish to say anything?

10.2.1 Deputy G.P. Southern:

No, except to point out that this is probably a fairly unique occasion. I doubt there are many people who move back under these conditions who would have been barred from getting the Cold Weather Bonus.

The Bailiff:

Does any other Member wish to speak on the amendment? Very well, all those in favour of adopting the amendment, please show. The appel is called for in relation to the amendment of the Minister for Social Security. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 40	CONTRE: 0	ABSTAIN: 0
Senator P.F. Routier		
Senator P.F.C. Ozouf		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of Trinity		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. John		
Connétable of St. Ouen		

Connétable of St. Martin	
Connétable of St. Saviour	
Connétable of Grouville	
Deputy R.C. Duhamel (S)	
Deputy R.G. Le Hérissier (S)	
Deputy J.A. Martin (H)	
Deputy G.P. Southern (H)	
Deputy of St. Ouen	
Deputy of Grouville	
Deputy J.A. Hilton (H)	
Deputy of Trinity	
Deputy K.C. Lewis (S)	
Deputy E.J. Noel (L)	
Deputy T.A. Vallois (S)	
Deputy A.K.F. Green (H)	
Deputy J.M. Maçon (S)	
Deputy J.P.G. Baker (H)	
Deputy J.H. Young (B)	
Deputy S.J. Pinel (C)	
Deputy of St. Mary	
Deputy of St. Martin	
Deputy R.G. Bryans (H)	
Deputy of St. Peter	
Deputy R.J. Rondel (H)	

10.3 Cold Weather Bonus: variation of conditions (P.115/2013) - as amended

The Bailiff:

Very well, so now we return to the debate on Deputy Southern's proposition as amended. Does any Member wish to speak? Very well. All those in favour of adopting the proposition, kindly show? Those against? The proposition is adopted.

11. Jersey Financial Services Commission: re-appointment of Commissioner (P.112/2013)

The Bailiff:

Finally, to the Jersey Financial Services Commission: re-appointment of Commissioner, Projet 112, lodged by the Chief Minister. I remind Members that this has to be debated *in camera* but the proposition will be read in open session, so I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, to appoint Advocate Deborah Jane Prosser, née Nance, as a Commissioner of the Jersey Financial Services Commission with effect from 30th November 2013 for a further period of 5 years.

The Bailiff:

Can I ask all those in the public gallery and in the media please to vacate their positions.

[Debate proceeded in camera]

The Bailiff:

The Assembly is now back in open session and the matter before the Assembly is the vote on P.112 Jersey Financial Commission Reappointment of Commissioner, lodged by the Chief Minister. All those in favour of adopting the proposition kindly show. Those against. It is adopted.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Finally we come to arrangement of public business for future meetings, and I invite the Chairman of P.P.C. (Privileges and Procedures Committee) to speak to it.

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

I notify Members that we have the addition of amendment 2 in the name of the Constable of St. Mary to P.94 on 5th November. In addition to this, P.132 in the name of the Chief Minister - which I believe Members received an email about late last night - about Draft Taxation (Exchange of Information with Third Countries), I believe there is going to be a request to reduce the lodging period. I am not sure whether the Chief Minister's support would like to do that today, if they could clarify.

12.1 Senator P.M. Bailhache:

If the Chairman will allow me, on behalf of the Chief Minister, I make the request for the States to agree to debate P.132 in a fortnight's time. As Members will be aware from the Chief Minister's email, this is an important matter. Standing Order 26.7 provides that the States may reduce a minimum lodging period if they are of the opinion that the proposition relates to a matter of such urgency and importance that it would be prejudicial to Jersey to delay its debate. It is under that provision that I ask the Assembly to agree that P.132 be debated in a fortnight's time. Members will be aware that the Government of France has placed Jersey on a list of unco-operative jurisdictions at the end of August, and that intensive diplomatic efforts have been and are being made to persuade the French to remove the Island from that list before the end of the year. If the designation is not removed by 31st December then penal fiscal provisions will come into force on 1st January, which would be prejudicial to the Island. I do not think it is necessary for me to specify how they would be prejudicial, but I am sure that Members will appreciate the prejudice that could be caused. The Chief Minister has asked for a meeting with relevant Ministers in Paris during November and it is an important part of the Government's strategy to be able to persuade the French to modify their position in relation to this listing that these regulations have been made, enabling responses to requests from third countries to be made more expeditiously. I hope that Members will agree that the situation falls fairly and squarely within the provisions of the Standing Order and I ask Members to agree that this matter be debated on 5th November.

The Bailiff:

Is that seconded? [Seconded]

12.1.1 Deputy G.P. Southern:

I wonder if the rapporteur could be specific as to whether he has guarantees that this particular change will ensure that we do not suffer from black listing into next year?

12.1.2 Deputy R.G. Le Hérissier:

While I totally acknowledge the urgency of this I wonder if the rapporteur could tell us why has it taken so long, comparatively speaking, to bring this to the House?

12.1.3 Senator P.M. Bailhache:

The answer to Deputy Southern is that no guarantee can be given, but we think that it is, as I said in my opening remarks, an important part of our strategy to persuade the French to change their position. In answer to Deputy Le Hérissier, the regulations have been the subject of quite a lot discussion and consideration and they have been brought forward as quickly as was possible in all the circumstances. I do not think that it was appreciated until relatively recently that the statutory structure under which we were operating was one of the issues that caused the problems that have led to the actions that have been taken. But certainly we have been moving as quickly as possible to rectify the position. I maintain the request.

The Bailiff:

Very well. Those in favour of adopting the proposition, kindly show. The appel is called for in relation to the proposition that the lodging period for P.132 should be reduced so as to enable debate at the next sitting. The Greffier will open the voting

POUR: 44	CONTRE: 1	ABSTAIN: 0
Senator P.F. Routier	Deputy G.P. Southern (H)	
Senator P.F.C. Ozouf		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Senator L.J. Farnham		
Senator P.M. Bailhache		
Connétable of Trinity		
Connétable of St. Clement		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. John		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Deputy R.C. Duhamel (S)		
Deputy R.G. Le Hérissier (S)		
Deputy J.A. Martin (H)		
Deputy of St. Ouen		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy T.M. Pitman (H)		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy M.R. Higgins (H)		
Deputy A.K.F. Green (H)		
Deputy J.M. Maçon (S)		
Deputy of St. John		
Deputy J.P.G. Baker (H)		
Deputy J.H. Young (B)		

Deputy S.J. Pinel (C)		
Deputy of St. Mary		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy R.J. Rondel (H)		

12.2 Deputy J.M. Maçon:

Thank you. With that decision, perhaps then if I can suggest to Members that we might take that item of business as the first item of business, but then followed by the Vote of Censure in the Minister for Transport and Technical Services. It is conventional in these types of matters that they are brought to the top of the Order Paper so it is not hanging over Members. I wonder if Members would be content to proceed in that manner and then with the rest of the Order Paper as proposed.

[12:45]

12.3 Senator L.J. Farnham:

I notice that the Constable of St. Mary has lodged an amendment ... I think I am getting ahead of myself, sorry. It is going to be debated on the 5th, thank you, sorry.

Deputy G.P. Southern:

We have a massive list there. I wonder how long we are going to take over this.

12.4 Deputy J.H. Young:

P.114, Draft Aquatic Resources, on this list for the 5th, I had understood that was going to be postponed to the 19th. The Environment Scrutiny Panel has asked for a briefing and obviously we do need to allow for time for comment and amendment if this is required. So I hope the Minister will agree to move this to the 19th.

The Bailiff:

Certainly this is a very long list so anything that does not have to be debated on that day I am sure Members would appreciate proposers deferring it if possible.

12.4.1 Senator A.J.H. Maclean:

Just for clarity, we have already been contacted in relation to this and have agreed that we are happy for it to be deferred.

12.5 The Connétable J.L.S. Gallichan of Trinity:

Can I just inform the Assembly that the Comité des Connétables will be making an amendment to P.110. Just for information, it will be done today.

The Bailiff:

P.110 is an amendment to the Public Elections Law.

Deputy M. Tadier:

Can we ask what the amendment is likely to be? [Laughter]

12.6 Senator P.F.C. Ozouf:

Obviously, subject to the changes that are being made, we then will turn to Composition and Election of States Reform Proposal. I am not going to formally propose this now but it does seem to me there needs to be discussions perhaps between P.P.C. on the appropriate order of the debate. I notice that P.107 Commissioner for Standards is before P.P.C.'s own proposition, and it might well be that there is a certain logic in unpacking or otherwise of the debate on the composition of

the States Assembly. That is not something that perhaps could be dealt with now but I will engage with P.P.C. and the other movers of the propositions in order to get some orderly - if that is possible - unpacking of the debate on composition, which may well mean that my own proposition falls down the Order Paper and indeed would fall away completely if another proposal is adopted, as perhaps unlikely or otherwise as that may be. So I propose to send an email following discussions to the Chairman of P.P.C. about an appropriate order.

12.7 Senator F. du H. Le Gresley:

I just wanted to pick up on something the Chairman of P.P.C. said. He said that propositions for Vote of Censure should always be debated first and then he said it would be debated second, so could I reverse that and P.129 first and then P.132.

The Bailiff:

Do Members agree that? [Approbation]

12.7.1 Deputy J.M. Maçon:

I did start this part of the debate just by asking the Assembly which way around they wanted to take those things. It has rambled on to other matters that I did want to address. I am in the hands of the Assembly, whichever way around they want to take it.

The Bailiff:

Do Members agree to take the censure matter first and then the regulations? [Approbation] Very well.

12.8 Deputy R.C. Duhamel:

The P.102 Committee of Inquiry: planning applications by the Channel Islands Co-operative Society Ltd is still *sub judice* and I would have thought that Deputy Le Hérissier, as he did last time, would be asking for a different date.

The Bailiff:

Sorry, where is P.102?

Deputy R.G. Le Hérissier:

I have been in discussions with the Greffe and it has been deferred again.

The Bailiff:

Does any other Member wish to say anything?

12.9 Senator A.J.H. Maclean:

Just on a slightly different matter, Members will be aware that I sent an invitation for a briefing on public sector reform which is tomorrow between 1.00 p.m. and 2.00 p.m. It was an expectation we may have been sitting tomorrow, clearly we are not. Hopefully it will not have dampened Members enthusiasm to come to the event. We were going to run it between 1.00 p.m. and 2.00 p.m., we will start slightly earlier if Members are happy. I will send an email to confirm, at 12.45 p.m. We would welcome as many Members as possible. There have been a lot of positive responses and it is an important topic. Tomorrow at St. Pauls.

The Bailiff:

If I could just keep Members at the moment on future public business.

12.10 Senator L.J. Farnham:

Just returning briefly to the Constable of St. Mary's amendment which I am, having read it, considering amending. Can I just confirm the period I have to do that, is today the deadline?

The Bailiff:

An amendment to an amendment to an amendment. I think you have ...

Senator L.J. Farnham:

It is just an amendment to the second amendment.

The Bailiff:

No, you have more time, can the Greffier just remind me? One week. Chairman, is there anything else?

12.11 Deputy J.M. Maçon:

Thank you, and some of the Ministers have confirmed, my committee did contact every other Member who did not have a constitutional proposition if they would consider deferring those items, and it is nice to say that we have had that. Indeed, P.P.C. itself has deferred our Commissioner for Standards proposition to the next sitting. I would give notice while P.P.C. is advising Members, that we may require a 3 day sitting because we do not know how long these debates may take. If one is adopted early then that would mean that the others would not have to be debated which is why, just to clarify for Members, P.P.C. has kept in the Public Elections Report, as if we find that perhaps if the composition proposals were to fall away for whatever reason, we would not want to waste a lot of time when we could have used it more productively. But simply to advise Members that should it ramble on perhaps a little bit longer, P.P.C. might withdraw that particular proposition to defer it for the next sitting for consideration, simply to advise Members of that possibility. Other than that the Order Paper is laid out as such.

The Bailiff:

Do Members agree to take Public Business then as described by the Chairman? Very well.

Senator F. du H. Le Gresley:

I would just like to forewarn Members not to take their Christmas holidays too early because although there is no business down for the 10th December I will be lodging the 6 legislation changes for debate on the 10th in connection with long-term care.

The Bailiff:

Yes, so you are obviously in a popularity contest with Members. Very well, so does that complete matters? In which case the Assembly will close and reconvene on 5th November.

ADJOURNMENT

[12:52]