

**THE STATES assembled on Tuesday,
5th July 2005 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt Esquire.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present.**

All members were present with the exception of –

Senator Terence Augustine Le Sueur – out of the Island
Senator Paul Francis Routier – out of the Island
Senator Edward Philip Vibert – ill
Senator Richard Joseph Shenton – ill
Alan Breckon, Deputy of St. Saviour – ill
Geoffrey John Grime, Deputy of St. Mary – ill.

Prayers read by the Acting Dean of Jersey.

Welcome to Acting Dean of Jersey

The Deputy Bailiff, on behalf of all members, welcomed the Acting Dean of Jersey, Reverend John Harkin, to the States, who had recently been sworn into office until such time as a new Dean of Jersey had been appointed.

Matters presented

The following matters were presented to the States –

Lessons learnt from the Internal Audit of the Jersey Competition Regulatory Authority – Report of the Shadow Public Accounts Committee. <i>Presented by Deputy S.C. Ferguson of St. Brelade.</i>	P.A.C.1/2005.
Investing in our Future: a vision for early childhood education and care for children in Jersey. <i>Presented by the Education, Sport and Culture Committee.</i>	R.C.54/2005.
Freedom of Information: proposed legislation (P.72-2005) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.72/2005. Com.(2)
Solid Waste Strategy (P.95/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.95/2005 Com.
Solid Waste Strategy (P.95/2005): amendment (P.95/2005 Amd.) – comments. <i>Presented by the Health and Social Services Committee.</i>	P.95/2005. Amd. Com.(2)
Solid Waste Strategy (P.95/2005): second amendments (P.95/2005 Amd.(2)) – comments. <i>Presented by the Health and Social Services Committee.</i>	P.95/2005. Amd.(2) Com.(2)

Solid Waste Strategy (P.95/2005): third amendments (P.95/2005 Amd.(3))– comments. <i>Presented by the Connétable of St. Martin.</i>	P.95/2005. Amd. (3) Com.(2).
Solid Waste Strategy (P.95/2005): third amendments (P.95/2005 Amd.(3)) – comments. <i>Presented by the Health and Social Services Committee.</i>	P.95/2005. Amd.(3) Com.(3)
Census 2006: provision (P.116/2005) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.116/2005. Com.
Census 2006: provision (P.116/2005) – comments. <i>Presented by the Economic Development Committee.</i>	P.116/2005. Com.(2)
Census 2006: provision (P.116/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.116/2005. Com.(3)
Environment and Public Services: establishment of Ministers and Departments (P.120-2005) – amendment (P.120/2005 Amd.) – comments. <i>Presented by the Home Affairs Committee.</i>	P.120/2005. Amd.Com.

THE STATES ordered that the said reports be printed and distributed.

Matters lodged

The following matters were lodged “au Greffe” –

Rural Economy Strategy (P.112-2005): amendment. <i>Presented by the Connétable of St. Helier.</i>	P.112/2005. Amd.
Waterfront Enterprise Board: renewal of ten-year working limit (P.114-2005) – amendment. <i>Presented by Senator P.V.F. Le Claire.</i>	P.114/2005. Amd.
Draft Consumer Safety (Jersey) Law 200-. <i>Presented by the Economic Development Committee.</i>	P.137/2005.
Provision of Extra Funding for Native Welfare. <i>Presented by the Connétable of St. Helier, and referred to the Policy and Resources and Finance and Economics Committees.</i>	P.138/2005.
Draft Children (Jersey) Law 2002 (Appointed Day) Act 200-. <i>Presented by the Health and Social Services Committee.</i>	P.139/2005.
Draft Adoption (Amendment No. 5) (Jersey) Law 2002 (Appointed Day) Act 200-. <i>Presented by the Health and Social Services Committee.</i>	P.140/2005.
Draft Children (Contact in Care) (Jersey) Regulations 200-. <i>Presented by the Health and Social Services Committee.</i>	P.141/2005.
Draft Children (Placement) (Jersey) Regulations 200-. <i>Presented by the Health and Social Services Committee.</i>	P.142/2005.

Draft States of Jersey (Amendment No. 3) (Jersey) Law 200. P.143/2005.
*Presented by Senator S. Syvret, and referred to the Policy and Resources
Committee and the Privileges and Procedures Committee.*

16 Clairvale Road, St. Helier: Adult Mental Health Rehabilitation Unit– P.144/2005.
proposed purchase.
Presented by the Health and Social Services Committee.

Milk Subsidy for Delivery to Special Classes. P.145/2005.
*Presented by Deputy G.P. Southern of St. Helier, and referred to the
Economic Development and the Employment and Social Security
Committees.*

Committee of Inquiry: Jersey Opera House – P.67/2005 – withdrawn

THE STATES noted that in accordance with Standing Order 22(3), Deputy Roy George Le Hérissier of St. Saviour had instructed the Greffier of the States to withdraw the following matter–

Committee of Inquiry: Jersey Opera House. P.67/2005.
Lodged: 22nd March 2005.

Arrangement of public business for the next meeting on 19th July 2005

THE STATES rejected a proposition of Senator Jean Amy Le Maistre that the following matter be not considered at the next meeting on 19th July 2005 –

Draft Shops (Sunday Trading) (Trial Arrangements) (Jersey) Regulations 200-. P.108/2005.
Lodged: 7th June 2005. *(re-issue)*
Legislation Committee.

Members present voted as follows –

POUR: 13

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator M.E. Vibert
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. John
Deputy C.J. Scott Warren (S)
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

CONTRE: 31

Senator L. Norman
Senator F.H. Walker
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)

ABSTAIN: 2

Deputy F.G. Voisin (L)
Deputy of St. Ouen

Deputy G.C.L. Baudains (C)
 Deputy J.L. Dorey (H)
 Deputy P.N. Troy (B)
 Deputy R.G. Le Hérisssier
 (S)
 Deputy J.B. Fox (H)
 Deputy J-A. Bridge (H)
 Deputy J.A. Martin (H)
 Deputy J.A. Bernstein (B)
 Deputy S.C. Ferguson (B)
 Deputy P.J.D. Ryan (H)
 Deputy M.A. Taylor (C)
 Deputy G.W.J. de Faye (H)

THE STATES rejected a proposition of the Deputy of St. John that the following matter be not considered at the next meeting on 19th July 2005 –

Waterfront Enterprise Board: renewal of ten-year working limit. P.114/2005.
 Lodged: 21st June 2005.
Policy and Resources Committee.

Waterfront Enterprise Board: renewal of ten-year working limit (P.114-2005) – P.114/2005.
 amendment. Amd.
 Lodged: 5th July 2005.
Presented by Senator P.V.F. Le Claire.

Members present voted as follows –

POUR: 11

Senator J.A. Le Maistre
 Senator S. Syvret
 Senator P.V.F. Le Claire
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. John
 Deputy R.G. Le Hérisssier (S)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy of Grouville

CONTRE: 34

Senator L. Norman
 Senator F.H. Walker
 Senator W. Kinnard
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Connétable of St. Martin
 Connétable of St. Ouen
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. John
 Deputy of Trinity
 Deputy J.J. Huet (H)
 Deputy of St. Martin
 Deputy T.J. Le Main (H)
 Deputy M.F. Dubras (L)
 Deputy J.L. Dorey (H)
 Deputy P.N. Troy (B)
 Deputy F.G. Voisin (L)
 Deputy C.J. Scott Warren (S)

ABSTAIN: 1

Deputy G.C.L. Baudains
 (C)

Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES adopted a proposition of the Deputy of St. Martin that the following matter be not considered at the next meeting on 19th July 2005 –

Draft Animal Welfare (Amendment) (Jersey) Law 200-.
Lodged: 21st June 2005.
Economic Development Committee.

P.121/2005.

Members present voted as follows –

POUR: 27

Senator S. Syvret
Connétable of St. Martin
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (H)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 17

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Saviour
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy F.G. Voisin (L)
Deputy J-A. Bridge (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville

ABSTAIN: 0

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier that the following matter be not considered at the next meeting on 19th July 2005 –

Rural Economy Strategy.
Lodged: 21st June 2005.
Economic Development Committee.

P.112/2005.

Rural Economy Strategy (P.112-2005): amendment.
Lodged: 5th July 2005.
Presented by the Connétable of St. Helier.

P.112/2005.
Amd.

Members present voted as follows –

POUR: 17

Senator J.A. Le Maistre
Senator S. Syvret
Connétable of St. Martin
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Helier
Connétable of Grouville
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Peter

CONTRE: 28

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisser (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES rejected a proposition of Deputy Francis Gerald Voisin of St. Lawrence that the following matter be not considered at the next meeting on 19th July 2005 –

Warren Farm, Noirmont, St. Brelade.
Lodged: 22nd June 2005.
Deputy S.C. Ferguson of St. Brelade.

P.125/2005.

Members present voted as follows –

POUR: 13

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator M.E. Vibert
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville

CONTRE: 31

Senator J.A. Le Maistre
Senator S. Syvret
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter

ABSTAIN: 0

Deputy of Trinity
Deputy of St. Martin
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy M.A. Taylor (C)

Connétable of St. Clement
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren
(S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES adopted a proposition of Senator Michael Edward Vibert that the following matter be not considered at the next meeting on 19th July 2005 –

Draft States of Jersey (Amendment No. 3) (Jersey) Law 200.
Lodged: 5th July 2005.
Senator S. Syvret.

P.143/2005.

Members present voted as follows –

POUR: 21

Senator L. Norman
Senator F.H. Walker
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Brelade
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy T.J. Le Main (H)

Deputy M.F. Dubras (L)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy of St. Ouen

CONTRE: 20

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Connétable of St. Saviour
Connétable of St. Mary
Connétable of St. Helier
Connétable of St. John
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren
(S)
Deputy L.J. Farnham (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of Grouville
Deputy of St. Peter

ABSTAIN: 0

Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)

Deputy G.W.J. de Faye (H)

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 19th July 2005, in the following order –

Draft Children and Day Care (Amendment) (Jersey) Law 200-. Lodged: 19th April 2005. <i>Health and Social Services Committee.</i>	P.73/2005.
Provision of Extra Funding for Native Welfare. Lodged: 5th July 2005. <i>Connétable of St. Helier.</i>	P.138/2005.
Units 1 and 2, L’Avenue Le Bas, La Rue des Pres Trading Estate: reassignment of leases. Lodged: 7th June 2005. <i>Committee for Postal Administration.</i>	P.104/2005.
Draft Shops (Sunday Trading) (Trial Arrangements) (Jersey) Regulations 200-. Lodged: 7th June 2005. <i>Legislation Committee.</i>	P.108/2005. <i>(re-issue)</i>
Draft Companies (Amendment No. 8) (Jersey) Law 200. Lodged: 21st June 2005. <i>Economic Development Committee.</i>	P.110/2005.
Draft Restriction on Smoking (Amendment) (Jersey) Law 200-. Lodged: 21st June 2005. <i>Health and Social Services Committee.</i>	P.111/2005.
Draft Restriction on Smoking (Amendment) (Jersey) Law 200- (P.111/2005): amendments. Lodged: 28th June 2005. <i>Deputy J.L. Dorey of St. Helier.</i>	P.111/2005. Amd.
Rural Economy Strategy. Lodged: 21st June 2005. <i>Economic Development Committee.</i>	P.112/2005.
Rural Economy Strategy (P.112-2005): amendment. Lodged: 5th July 2005. <i>Presented by the Connétable of St. Helier.</i>	P.112/2005. Amd.
Draft Day Care of Children (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 21st June 2005. <i>Education, Sport and Culture Committee.</i>	P.113/2005.
Waterfront Enterprise Board: renewal of ten-year working limit. Lodged: 21st June 2005. <i>Policy and Resources Committee.</i>	P.114/2005.
Waterfront Enterprise Board: renewal of ten-year working limit (P.114-2005) – amendment. Lodged: 5th July 2005. <i>Presented by Senator P.V.F. Le Claire.</i>	P.114/2005. Amd.

Draft Education (Amendment) (Jersey) Law 200-. Lodged: 21st June 2005. <i>Education, Sport and Culture Committee.</i>	P.117/2005.
Greenfields Centre, St. Saviour: approval of drawings. Lodged: 21st June 2005. <i>Education, Sport and Culture Committee.</i>	P.118/2005.
Draft Amendment (No. 28) of the Standing Orders of the States of Jersey. Lodged: 21st June 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2005.
Warren Farm, Noirmont, St. Brelade. Lodged: 22nd June 2005. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.125/2005.
Restriction on smoking in enclosed workplaces. Lodged: 22nd June 2005. <i>Health and Social Services Committee.</i>	P.126/2005.
Draft Island Planning (Amendment No. 9) (Jersey) Law 200. Lodged: 22nd June 2005. <i>Environment and Public Services Committee.</i>	P.127/2005.
Draft Planning and Building (Amendment No. 3) (Jersey) Law 200. Lodged: 22nd June 2005. <i>Environment and Public Services Committee.</i>	P.128/2005.
Draft Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003 (Appointed Day) Act 200-. Lodged: 28th June 2005. <i>Legislation Committee.</i>	P.129/2005.
Draft Criminal Justice (Evidence of Children) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 28th June 2005. <i>Legislation Committee.</i>	P.130/2005.
Draft States of Jersey (Period for Ordinary Election) (Jersey) Regulations 200-. Lodged: 28th June 2005. <i>Privileges and Procedures Committee.</i>	P.131/2005.
Draft States of Jersey Law 2005 (Appointed Day) (No. 1) Act 200. Lodged: 28th June 2005. <i>Privileges and Procedures Committee.</i>	P.132/2005.
Draft Public Finances (Amendment) (Jersey) Law 200-. Lodged: 28th June 2005. <i>Finance and Economics Committee.</i>	P.133/2005.
Draft Plant Health (Jersey) Law 2003 (Appointed Day) Act 200-. Lodged: 28th June 2005. <i>Environment and Public Services Committee.</i>	P.134/2005.
Draft Social Security (Amendment No. 18) (Jersey) Law 200.	P.135/2005.

Lodged: 28th June 2005.

Employment and Social Security Committee.

Draft Children (Jersey) Law 2002 (Appointed Day) Act 200-. P.139/2005.

Lodged: 5th July 2005.

Health and Social Services Committee.

Draft Adoption (Amendment No. 5) (Jersey) Law 2002 (Appointed Day) Act 200. P.140/2005.

Lodged: 5th July 2005.

Health and Social Services Committee.

Draft Children (Contact in Care) (Jersey) Regulations 200-. P.141/2005.

Lodged: 5th July 2005.

Health and Social Services Committee.

Draft Children (Placement) (Jersey) Regulations 200-. P.142/2005.

Lodged: 5th July 2005.

Health and Social Services Committee.

16 Clairvale Road, St. Helier: Adult Mental Health Rehabilitation Unit– proposed purchase. P.144/2005.

Lodged: 5th July 2005.

Health and Social Services Committee.

Issuing of legal advice and resources in the Law Officers' Department – question and answer

Deputy Jennifer-Anne Bridge of St. Helier tabled the following written question of H.M. Attorney General–

“Given that nearly one year ago on 6th July 2004, the President of the Home Affairs Committee responded to a question on the lack of implementation of the Young Offenders' Institution Rules and the Prison Rules, in the following terms –

“Implementation of the Young Offenders' Institution Rules and Prison Rules has been delayed pending the receipt of advice from H.M. Attorney General on the question of whether to appoint an Adjudicator to replace the Prison Board of Visitors to adjudicate on matters concerning the discipline of prisoners, in particular where the loss of remission is concerned. Once this issue has been resolved, the Rules can be brought into effect.”,

and given that the President subsequently responded to a similar question posed on 1st March 2005, in the following terms –

“The Home Affairs Committee has yet to receive the advice requested of the Attorney General. There has, therefore, been a further delay in the bringing into effect of these Rules.”,

Would the Attorney General inform members –

- (a) whether he has since furnished the Home Affairs Committee with his advice on the Prison Rules, and, if not, when he proposes to do so?
- (b) whether the current Rules are Human Rights compliant?
- (c) whether the staffing resources in his department are sufficient to meet the demands made for legal advice by Committees, and, if not, whether this has had any impact in the implementation of policy as Committees wait for advice?

- (d) to what extent the availability of staffing resources in the Law Officers' Department impacts on legal advice provided to Committees, and what steps, if any, have been taken to address this?"

H.M. Attorney General tabled the following written answer –

- “(a) Advice on the question of whether the Human Rights (Jersey) Law 2000, when in force, will require that the Prison Board of Visitors should be replaced by an Adjudicator has been given to the Home Affairs Committee.
- (b) I do not believe I have been asked previously to advise on whether the current Rules are Human Rights compliant. It is presumably a matter for the Home Affairs Committee to determine whether it wishes to receive such advice from the Law Officers' Department.
- (c) It is, or ought to be, well known that the staffing resources in my Department are not adequate for meeting the various demands placed on the Law Officers.

In the Introduction to the Attorney General's Review of the year 2004, I concluded in this way –

‘I hear the calls of politicians and the public alike to produce cuts in spending and in the overall numbers employed without cutting services, but while I am in no position to assess the legitimacy of such demands in relation to other Departments, I can say flatly that it is impossible in this Department to meet existing business demands on a timely basis yet alone additional demands year on year. I regret that it should have reached the stage that I feel it is necessary to put this in the public domain, but these things need to be said not only for the benefit of politicians but also for the benefit of the public. I appreciate that there are extreme pressures on government funds but it is my duty to warn that the Law Officers' Department cannot continue to meet the expectations of the States and the Royal Court without further resources. There is a cost to running government and that includes an adequate provision for legal services. That is not a luxury but an essential.’

I would like to add that comments of this nature have been made in most annual reviews and Business Plans since 2001. For example, in the Attorney General's Review of 2003, I pointed out that in every group within the Department the demands had been increased on those in 2002 and in many cases were at their highest ever level. There were more trials, more requests for advice from States Departments, more Notices issued under the Investigation of Fraud and International Co-Operation Laws, more new matters raised by the Children's Department, more requests for advice from the Legal Adviser to the Police and more cases presented by the Legal Advisers in that Court, in each case than since these statistics were kept. I said that the overall pressure under which the Department was working was such that additional staffing was likely to be appropriate.

In the Business Plan for 2005, the key risks identified in relation to nearly every strategic aim set down are that pressure of work and lack of resources will result in delay.

I am far from satisfied with the delay which was incurred in giving advice to the Prison Board of Visitors and the Home Affairs Committee in relation to the possible appointment of an Adjudicator. The subject matter of the advice was, as it turns out, quite complex, given that it required an analysis of decisions of the European Court of Human Rights by reference to different legislation and practice, if similar in some respects, which existed in the United Kingdom than has existed in Jersey. But I accept entirely, if it should be said, and even if it should not, that the delay was too long.

I add that although States members and civil servants have on the whole been very understanding when delays have occurred, it certainly gives no pleasure to the lawyers in my Department to feel they have constantly to apologise for a delay in dealing with particular requests for advice.

- (d) As I have indicated above, the availability of appropriate staffing resources in the Law Officers' Department has undoubtedly had an impact on the timely delivery of legal advice provided to Committees. I hope it is right to say that generally speaking the pressures on staffing resources have not

had the result that the wrong legal advice has been given, although no sensible lawyer would ever claim to be perfect. In the last two months, approval has been obtained for the creation of additional jobs in the Department. These are a minimum, in my view, to meet the current demands, without regard to any future commitments which may arise from prospective legislation or other political initiatives. I should add that actual recruitment to the relevant positions will in some cases be straightforward, but in the context of recruiting qualified Jersey lawyers, one has to recognise that, despite some improvement through partially implementing the independent Powell review into salaries in the Law Officers' Department in 2003, there are extra difficulties built into effective recruitment by a salary structure which is not competitive with the private sector."

LTIA assessments – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

"In answer to my question on 15th March 2005, regarding LTIA, the President stated that the Committee was '*not aware of difficulties in assessment*' for LTIA carried out by the Medical Board. Is the Committee satisfied that the Medical Board system works well and equally for all those assessed for percentage awards for incapacity due to mental illness, and why is there no psychiatric expertise employed on such Boards?"

The President of the Employment and Social Security Committee tabled the following written answer –

"Neither the Committee nor the Department have received any representation that LTIA Medical Boards for claimants suffering from a mental illness are not carried out fairly, though certain individuals may be dissatisfied with the results of the Boards. Built into the system is the ability to create a review board of different doctors and, ultimately, an appeal can be made to the Medical Appeal Tribunal.

Psychiatric Medical Boards have always been handled sensitively to avoid further distress on claimants. The Department has used, and continues to use consultant psychiatrists from the U.K. and Guernsey to screen, perform and advise on Medical Boards. In fact the Law has been changed to allow external experts to determine on claims and this is likely to increase as clinical governance issues spread from the U.K. to Jersey."

LTIA and HIE – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

"In questions on 24th May 2005 on LTIA and HIE the President referred to the 'infinite combinations of illness' rendering research into additional medical costs 'of little value' and stated that a review of incapacity benefit would take place after a full year. Will HIE be available in future to those on over 75% incapacity on LTIA and, if so, what has caused this change of policy?"

The President of the Employment and Social Security Committee tabled the following written answer –

The Deputy will recall, in my answer to his question on 15th March 2005, I advised –

'the Committee is also considering if such an automatic provision (to HIE) could be extended to claimants with high rates of LTIA without breaching the cash limit set by the States as the HIE scheme is partially funded from general revenues.

This is in line with our policy, described in the Income Support Report (Pg.86), to improve coverage of support towards the health costs of those with the more severe illnesses.'

Having considered whether an automatic provision linking LTIA to HIE could be achieved within cash limits, the Committee decided as recently as 8th June 2005, that this was possible for those at the higher end of the percentage loss of faculty, i.e. those over 75%.”

Youth Service budget – question and answer

Deputy Roy George Le Hérissier of St. Saviour tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee–

“What proportion of the Youth Service budget is allocated to supervisory and management costs and what are the actual costs of these two functions?”

The President of the Education, Sport and Culture Committee tabled the following written answer –

“The Youth Service comprises 13 full time professional staff, namely –

1. one Principal Youth Officer;
2. an Activities and Awards Officer;
3. three area youth workers;
4. seven full-time project workers (a further area worker will be appointed shortly); and,
5. additionally there are two 0.5 FTE members of staff responsible for youth participation and the mobile bus project.

There are 42 part-time paid workers and approximately 180 volunteers with the Youth Service.

In addition, the Youth Service works in partnership with 38 voluntary groups and uniformed organisations which have an additional 615 volunteers working for them.

The ‘value’ of these volunteers to the States of Jersey, calculated at youth service part-time rates is £1,044,773 each year.

With the exception of the Principal Youth Officer, all professional staff are ‘front line’ workers, working directly with young people as well as recruiting, encouraging, managing and training volunteers and making effective partnerships with other agencies for the benefit of young people throughout the Island.

The Youth Service is supported by 1.65 FTE administrators in the central office and a further 1.5 FTE administrators in the field.

It is difficult to accurately apportion staff time between management, supervision and direct face-to-face youth work activities. However, if we took an extreme view and suggested that the entire time of the Principal Youth officer and 50% of the area workers’ and activities and awards officer’s time was devoted to management and supervision, along with the 3.15 FTE administrators time the cost of management and supervision within the Youth Service would be £110,729 per annum.

The Youth Service budget for 2005 is £1,186,855 and therefore the proportion expended on supervisory and management costs is 9.23% of the revenue budget.

I would suggest that this represents a small amount of administrative investment in part-time and voluntary staff and provides excellent value for money to the States of Jersey and the Island community.”

Scrutiny process – question and answer

Senator Paul Francis Routier tabled the following written question of Deputy Roy George Le Hérissier of St. Saviour, President of the Privileges and Procedures Committee–

“Would the President confirm whether the Committee is satisfied that there are sufficient guidelines in place to enable the scrutiny process to operate objectively on a basis of a ‘critical friend’, and, if not, would he confirm whether such guidelines will be put in place prior to the move to ministerial government including guidance on the appointment and suitability of advisors asking questions as opposed to the elected Scrutiny Panel?”

The President of the Privileges and Procedures Committee tabled the following written answer –

“Draft Guidelines for Shadow Scrutiny Panels were included as an Appendix to the report that accompanied Projet No. P.186/2003, entitled ‘Shadow Scrutiny: Arrangements and Approval of Chairmen and Members’. They are clear on what is and is not expected of Shadow Scrutiny. For example, and on the matter of objectivity, they state that the purpose of Shadow Scrutiny is not to provide an opposition to States policy or to further personal or political agendas. To date, the Privileges and Procedures Committee remains satisfied that Shadow Scrutiny is functioning well and, to a greater or lesser extent, as intended. It should, nevertheless, be noted that the process is still at an evolutionary stage. The Chairmen's Committee is about to conduct a thorough evaluation of the Shadow Scrutiny process which will invite feedback from all members who have been directly involved. The Privileges and Procedures Committee understands that constructive comments from Senator P.F. Routier and other members will also be warmly welcomed. The Committee aims to report the Chairmen’s Committee evaluation to the States by the end of September 2005 and it is anticipated that further refinement of the process will follow the release of that report.

It appears to the Committee that the majority of issues with the Shadow Scrutiny process stem from a failure to understand what is meant by the term ‘critical friend’. The original use of the term critical friend followed research into the scrutiny function in the United Kingdom. It was intended to signify mutual respect and ‘parity of esteem’ for the scrutiny function as a legitimate check on executive arrangements in exercising public accountability. Whilst the scrutiny function could, if appropriate, ‘rubber stamp’ policies favoured by Committees and their ministerial successors, or suggest minor refinements, it was never intended that this was the sole purpose of scrutiny. Its purpose was always to probe, to analyze and to ask questions that may, on occasion, have been overlooked by the Executive in its enthusiasm to implement a particular policy or piece of legislation.

It is perhaps inevitable that scrutiny will, from time to time, expose significant or even fundamental flaws in government policy. The outcome of the Scrutiny Review into the Agri-Environment Scheme is a good example of this in that it led to the implementation of the Countryside Renewal Scheme. Members may also recall that, during the course of the Waste Management review, the Panel identified that more could be done to reduce the toxicity of emissions from the existing incinerator at Bellozanne and that the Committee’s own recycling targets were set too low.

In the current review of the Goods and Services Tax proposals, members will recall from an earlier oral question that the Panel chaired by Deputy R.C. Duhamel of St. Saviour appointed Mr. Richard Murphy a one of its advisors to assist with its review of the planned Goods and Services Tax. Clearly those who are strongly supportive of the finance industry in its current form will be aware that Mr. Murphy has previously expressed views on the viability and sustainability of offshore finance centres such as Jersey. However, the fact that his views tend to differ from those of the Policy and Resources and Finance and Economics Committees is not an acceptable reason for calling into question the objectivity of the Panel, particularly as a second consultant, namely Mr. Paul Frith, has also been appointed. Mr. Frith is known to hold markedly different views to those of Mr. Murphy. In any event, submissions and other input from consultants are merely one part of the evidence gathering process, albeit an important part. It falls to individual Scrutiny Panels to evaluate evidence received from all relevant sources appropriately and objectively, and having regard to all appropriate factors. In the case of the GST review, input from both advisers will simply put the Panel in a stronger position to test the validity of the policy as proposed. That can only be a good thing.

The Committee is aware that, at a recent public hearing held by the Shadow Scrutiny Panel reviewing the proposals for GST, the two advisers were permitted to ask a significant number of questions. The Committee is also aware that the Panel had previously agreed the lines of questioning that were to be explored during the

hearing and that it retained full control of proceedings. In the view of the Panel, best value was achieved by allowing the advisers to take the lead on complex matters that were firmly within their areas of expertise. Moreover, the admirably professional approach of the two advisers ensured that the hearing was both objective and highly productive.

Scrutiny and the Executive aspire to the same goals: they want what is best for Jersey. Nevertheless, it is inevitable that, on occasion, the conclusions reached by the Scrutiny Panels will be critical. So long as that criticism is constructive, and is based on solid evidential foundations, it will add real value to the decision making process. The Privileges and Procedures Committee has every confidence that those members who have worked so hard to make Shadow Scrutiny a success will continue to operate on that basis.”

‘Bed management’ – question and answer

Deputy Roy George Le Hérisssier of St. Saviour tabled the following written question of Senator Stuart Syvre President of the Health and Social Services Committee –

“How many staff are employed to manage ‘bed management’, and what is the overall cost of this function?”

The President of the Health and Social Services Committee tabled the following written answer –

“There is one full time member of staff currently employed in this field. The post is a Civil Service Grade 11 post and is a cost of £55,000 to the States of Jersey.

The role of bed management has been well recognised. In 2003, the Audit Commission undertook a major survey entitled; ‘Bed Management – Review of national findings’ (Audit commission ISBN 1862404429). It succinctly stated the rationale for the bed management function as follows –

‘The provision and management of inpatient beds, together with the staff and services that support them, are both complex and expensive. Beds must be available so that patients do not have to wait when they need admission in an emergency, but they must also be used efficiently so that resources are not wasted. Good bed management is, therefore, vital in acute trusts (hospitals)’. (page 33).

It should be noted that the Audit Commission did not think that bed management might be a ‘good idea’. Nor that it might be ‘useful’. Nor that it was ‘best practice’. It said that it is vital.

Whilst this may appear as though bed management is a resource issue, and, of course, it is in part, it is also fundamentally about clinical care in terms of ‘getting the right patient, in the right bed at the right time’.

In a typical NHS trust acute hospital bed management is a 24/7 activity. Clinically trained (usually nurses) bed managers operate from 7.30 am. till 8 pm. with Night (nurse) Managers having responsibility into the later hours. At weekends there is bed management function but this is somewhat reduced. Without exception, all such hospitals have bed management, although this function has been developed much further in the more advanced institutions (a matter – ‘capacity modelling’ – which is discussed below). Against this backdrop, it is fair to say that the value of effective bed management in Jersey, in terms of both improvement and cost reduction, has not been realised until quite recently.

Doctors, nurses, and other health care professionals in Health and Social Services are working hard and bringing to bear the best clinical practice. However, for this clinical practice to be really effective it has to be supported by progressive management and scientific techniques such as bed management. At the operational level, bed managers in the U.K. are making important decisions about the prompt admission, the smoothest internal transfer, and the swiftest discharge of patients. At the planning level, bed managers in the U.K. are contributing to the determination of where additional capital and revenue investment are best made to improve effectiveness and efficiency. At the strategic level, bed managers in the U.K. are contributing their data and front-line experience helping their institutions to work through the effects of developments in medical technologies and treatments on the required “bed stock” in their health systems. There are literally

multi-million pound consequences dependant upon the success or failure of such decision-making. Thus it is little wonder that bed management is “vital” and so uniformly and commonly practiced in the U.K.

But in Jersey, the agenda is to go much further for there is another question which we need to answer and it is this –

If the health care system in Jersey operated to the top quartile of best practice what efficiencies could be made which could then be re-invested to make the health care system demonstrably better?

In answering such a question a ‘capacity model’ is required. A capacity model is a statistical model which brings together firstly, the basic demographic and epidemiological data for Jersey and, secondly, the current ‘capacity’ of beds, of services, of utilisation rates in operating theatres. Then calculations can then be made; what if state-of-the art bed management practice was operating in Jersey, what if the percentage of day surgery moved to 80 percent, what if a Clinical Decisions Unit was funded, what if the more aggressive rehabilitation of older people became the norm, what if community care services were better funded – and a range of other such innovations were introduced.

The overriding benefit to the States of Jersey of capacity modelling is that decisions about investment and dis-investment can be made on the basis of sound evidence rather than rule of thumb estimations and anecdote.

Thus, bed management is developing evolving from an already ‘vital’ role to a new level of sophistication namely ‘capacity management’. Capacity management will bring effectiveness and efficiency and wed it to best clinical practice. This is a winning combination.”

Matters relating to the draft Animal Welfare (Jersey) Law 200- questions and answers

The Deputy of St. Martin tabled the following written questions of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“1. Will the President inform members of the number of allegations of cruelty, if any, reported to the States Veterinary Officer for each year since January 2001 in respect of the following groups of animals –

- (a) cats;
- (b) dogs;
- (c) cattle;
- (d) horses; and,
- (e) all other animals?

Of the total number above, how many prosecutions, if any, followed the allegations and how many were successful?

2. Following the States approval of P.126/2003 on 20th April 2004, (Draft Animal Welfare (Jersey) Law 200-) which requires owners of premises boarding cats, dogs or grooming animals for reward to be licensed, will the President inform members of the number of licences required in respect of –

- (a) kennels;
- (b) catteries; and,
- (c) groomers?

3. Since January 2001, how many of the establishments listed in question 2 above have been subject to allegations of cruelty, if any, how many resulted in prosecutions, how many were successful and how many establishments had to cease operating?

4. Would the President inform members of the actual fees that will be imposed for licences for the

following –

- (a) catteries;
 - (b) kennels; and,
 - (c) groomers?
5. In P.126/2003 Amd.Com.(2), the Economic Development Committee stated that *‘the new Law was intended to focus on those areas where there had been complaints made by members of the public where issues of animal cruelty arose. It could not see any benefit in including business sectors where there is no evidence of a problem with animal welfare. Livery stables and riding schools are a good example where animal practice is satisfactory and to include these businesses in the licensing scheme would incur additional bureaucracy and cost for business and produce no benefit’*. Would the President inform members of the number of livery stables and the number of riding schools operating in Jersey, how many of these establishments have been subjected to allegations of cruelty, if any, how many prosecutions followed, how many were successful and how many had to cease operating?
 6. In P.126/2003 it is stated that *‘There are no immediate financial or manpower implications arising from the adoption of the draft Law by the States, by phasing licensing of establishments over a maximum of 24 months the required manpower can be met from the existing resources and any costs associated with the introduction of a licensing scheme will be recovered from licence fees.’* Would the President inform members whether the resources referred to by the Committee, which it claimed to have at its disposal in April 2004, are still available, and if not, the reasons why?
 7. If it was known that there would be financial and manpower implications, why were the resources referred to in question 6 above not transferred to the Environment and Public Services Committee, particularly if that Committee does not have any suitably qualified or experienced staff to carry out general investigations?
 8. Will the Committee review the need to retain Article 3 of the Animal Welfare (Jersey) Law in the light of evidence concerning any instances of cruelty being carried out by groomers, or in kennels or catteries due to be licensed, in view of the manpower and financial implications required to implement the Article?
 9. In connection with the Animal Welfare (Jersey) Law 200-, will the President inform members whether the Welfare Codes referred to in Part 5 of that Law have been submitted to the Animal Welfare Advisory Panel for consideration and approval, and, if so, when a response was received, when the Codes were approved and whether they are available to the general public?”

The President of the Environment and Public Services Committee tabled the following written answers –

- “1. To give a complete picture it is also necessary to quote data from the JSPCA as many of the allegations will have been received directly by them without reference to the SVO.

Welfare Calls recorded by the SVO

Category	2001	2002	2003	2004	2005*
Cat	5			2	
Dog	2	4	1	2	1
Cattle	1	13	3	8	8
Horses	6	12	9	13	2
Others [#]	2	10	5	17	18
Total	16	39	18	42	29
Prosecutions		1	2	2	2 (one case pending)

Successful			1	2	1
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* 2005 up to end of June.

Other species such as Pigs, rabbits, poultry, butterflies, spiders, fish..

Welfare calls recorded by the JSPCA

Category	2000	2001	2002	2003	2004
Pet shops	16	5	8	5	4
Agriculture/equine	45	37	14	26	28
Small animals/Fish/birds	29	39	15	33	46
Cats	59	18	21	21	24
Dogs	35	54	29	43	52
Total	184	153	87	128	154

- This information is not known beyond that which could be ascertained by reference to commercial advertisements. It is proposed that a notice would be placed in the Gazette requiring all such premises to apply for the necessary licences.

3. Establishments subject to allegations of cruelty (one Kennel was prosecuted but this proved unsuccessful).

Kennels	1	1	1	1	0
Catteries	2	0	0	2	0
Groomers	0	0	0	0	0
Total	3	1	1	3	0

- Fee levels have not yet been determined by the Committee. The intention would be to recover the cost of administering and inspecting the licensing system with the charge being apportioned between the licensed premises.
- There is presently no requirement to register such establishments so this information is not known beyond that which could be ascertained by reference to commercial advertisements. It is proposed that a notice would be placed in the Gazette requiring all such premises to apply for the necessary licences. Since 2001 there have not been any allegations of cruelty from such establishments made to the SVO and consequently no prosecutions either.
- The resources referred to in P.126/2003 were the SVO, an assistant and the resources of the JSPCA. The SVO and his assistant were transferred to the Environment and Public Services Committee during 2004 and remain available. However the resources of the JSPCA have been rendered unusable by Deputy Hill's amendment to the Animal Welfare (Jersey) Law 2004.
- As per the answer to question 6, the relevant resources were transferred; however, it was always been assumed that the resources of States Departments would be supported by those of the JSPCA.
- The Committee responsible for the administration of the Law is the Economic Development Committee until such time as the Law is transferred to the Environment and Public Services Committee. The Economic Development Committee is of the view that Article 3 is a core component of the Law and must be retained; this view is shared by the Environment and Public Services Committee. The level of inspection possible has been constrained by Deputy Hill's amendment to the Law which is regrettable. Accordingly, the Economic Development Committee is seeking to amend the Law to restore the ability of the JSPCA to contribute to the inspection regime. The Environment and Public Services Committee will take account of available resources in drafting the relevant subordinate legislation that will be required to give effect to this part of the Law.

9. The Animal Welfare Panel contributed extensively to the creation of the draft Welfare Codes. The draft codes were made publicly available in November 2003 and remain available on the Economic Development Department website. The Committee will consider all comments before finalising the Welfare Codes which will be done prior to the implementation of the Law.”

Oral questions

THE STATES adopted a proposition of Deputy Geoffrey Peter Southern of St. Helier that Standing Order 14B(1) relating to the time limit for giving oral answers, be suspended in order to allow one and one half hours for the giving of oral answers in place of the one hour limit.

Members present voted as follows –

POUR: 22

Senator J.A. Le Maistre
Senator P.V.F. Le Claire
Senator P.F.C. Ozouf
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 17

Senator L. Norman
Senator W. Kinnard
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of Grouville

ABSTAIN: 0

1. Deputy S.C. Ferguson of St. Brelade of the President of the Home Affairs Committee:

“Would the President confirm whether the States of Jersey Police is currently recruiting or transferring uniformed officers into rôles previously designated to and held by less expensive civilian staff and, if so, would she explain this policy to members and advise how this complies with the principles of better, simpler, cheaper?”

Senator W. Kinnard (President of the Home Affairs Committee):

“The States of Jersey Police is not currently recruiting uniformed officers into rôles previously designated to be held by civilian staff. However, in support of the principles of better, simpler, cheaper, Civil Service posts are subject to review as they fall vacant. In some cases this has enabled posts to be restructured on a more cost effective basis and in some cases uniformed officers have been used to cover the vacancy on a temporary basis while the position is reviewed. Wherever possible, police officers recovering from temporary injury have been used for this purpose on a temporary basis.”

1(a) Deputy L.J. Farnham of St. Saviour:

“Does the President happen to know off-hand (and, if not, can she let me have the answer at a later stage) exactly how many uniformed staff there are and how many civilian staff there are and how this compares

with, say, 5 years ago?"

Senator W. Kinnard:

"Sir, off the top of my head, I don't have the figures. I would have to have a bit of notice, but I am happy to let the Deputy have the answer during the day."

1(b) Deputy J.A. Hilton of St. Helier:

"Does this account for the reason why St. Ouen, St. Mary and St. Peter have no community police officer and the community police officers in St. Helier have, from my understanding, literally been halved? My understanding is that we now only have 3 community police officers in St. Helier, whereas we used to have 6."

Senator W. Kinnard:

"Sir, I am not entirely sure how community police officers relate to the issue of civil servants. I think it is an entirely different question, to which I don't have the up to date brief, but, again, I am happy to answer those questions during the day for the Deputy concerned."

1(c) Deputy J.A. Hilton:

"I am just seeking clarification as to whether these officers have been moved into rôles that were actually covered by civilian staff before."

Senator W. Kinnard:

"Again, I would need notice of that question. I can't answer it without taking further details."

1(d) Deputy R.G. Le Hérisier of St. Saviour:

"Thank you, Sir. Is the President convinced that the Committee has absolutely exhausted all possibilities of civilians replacing police officers or does she concede there are still police officers in areas like IT and personnel, for example, that are doing jobs that could be much better and more effectively performed by civilians?"

Senator W. Kinnard:

"Sir, the Committee has a policy of introducing civilian staff where that is appropriate; where it is cost effective; where, for security reasons, it is appropriate and so on. This is something that we do keep under review and, in areas such as IT and personnel, it is actually civilianised. We are also looking at things like the custody suite, where we have got civilianisation of that. So it is a policy that the Committee does have. We do keep it under review. If the question had perhaps been more widely framed, I would have obviously been able to provide that detail. From the way the question was actually framed, it was rather narrowly framed and, I do apologise, I don't have further details, but am happy to provide them to those who have asked these questions this morning."

1(e) Deputy S.C. Ferguson:

"As part of the policy that the President has been explaining about civilianisation, could the President explain why expensive, trained, uniformed policemen, with experience only of such areas as community policing, are being employed, for example, in the Financial Crimes Unit rather than civilian finance industry professionals?"

Senator W. Kinnard:

"Sir, again, I am not entirely sure about this connection between individuals who might have been community policemen and the question as asked. Certainly, where the Financial Crimes Unit is concerned, it is not always appropriate to use people from within the industry, civilian officers in this area. We are talking here about international crime issues with high security matters, where there has to be intelligence which is used and shared with other jurisdictions and it is not always appropriate, in those circumstances, to employ civilians in that particular area of work. The Deputy and I have had discussions about that previously and I have offered her the opportunity to come to Police Headquarters, to meet with our senior officers in the Financial Crimes Unit, and I offer that invitation again for her so that she can satisfy herself that the way in which we approach these matters is indeed appropriate."

1(f) Deputy S.C. Ferguson:

“I thank the President for her offer. I have visited the Financial Crimes Unit and there are areas which could better be performed by civilians. Can the President confirm that a comprehensive review of uniformed and civilian rôles at Police Headquarters will be undertaken?”

Senator W. Kinnard:

“I can’t confirm it. I have not actually requested it. I don’t think my Committee has requested that. It is certainly, as I say, an area which we are happy to keep under review and I am happy to look into it further, but I am not entirely sure that the Deputy and I share the same view as to the appropriate rôles within the Financial Crime Unit. She may feel that perhaps some rôles can be civilianised, where I have to say that I don’t believe the Committee would share that view. We are happy to look at it; we are happy to call for a report; and I am happy to satisfy myself that we are doing what we can in this area and to share that information with the Deputy concerned; but I’m not entirely sure that she and I agree on the same understanding on this particular issue.”

The Deputy Bailiff:

“Very well, that concludes matters, I think, on that question, so we come to question 2, which Deputy Southern will ask of the President of the Employment and Social Security Committee.”

2. Deputy G.P. Southern of St. Helier of the Vice-President of the Employment and Social Security Committee:

“Can the Vice-President inform members whether some pensioners wishing to remarry are disadvantaged under the new ‘equal opportunity’ measures introduced by the Committee in 2001 and, if so, how many couples are so affected? Will he further state what steps the Committee intends to take to remedy this situation, if any?”

Deputy P.N. Troy (Vice-President of the Employment and Social Security Committee – rapporteur):

“Sir, any pensioners who remarry will not normally be disadvantaged under the new equal opportunity measures. In fact, many will be in a much better position than previously when their pension was based on either their own contributions record or that of their husband, if greater. As a dependent person under the previous system, only two-thirds of the rate of her husband’s pension could be claimed. Under the new system, there is one circumstance where, if a woman is widowed before pension age, her benefit would be reassessed if she remarried and her pension would be calculated on her individual circumstances. The new system enables a woman on remarriage to achieve her own pension based on her own contributions record, although in some cases it may be beneficial financially to rely on the contributions record of a husband for the period of any previous marriage. If during their working life sufficient funds had been paid into the Jersey Social Security system during the period of marriage, the individual concerned should not be worse off. The Employment and Social Security Committee has no plans to change the criteria currently utilised.”

2(a) Deputy G.P. Southern:

“What an interesting answer, a pity it didn’t relate to my question. Are there couples who remarry as pensioners? Are there any couples who are disadvantaged, women in particular who are disadvantaged, by the new rules being applied, because I know of one and your President knows of one because I was in debating with him only 4 days ago?”

Deputy P.N. Troy:

“I agree with the Deputy, Sir, that there is one circumstance of which we are aware. I did state that there is one circumstance, but I can say that we cannot deal with the individual circumstances of someone in this Chamber. I think that is an inappropriate forum. The Deputy is able to talk to the Department and the Department will assist, but it will be under the existing criteria that are utilised. What is of importance is that an individual or their husband must have paid contributions into the Jersey system.”

2(b) Deputy G.P. Southern:

“Sir, can I repeat the question that hasn’t been answered, the part that says that I know that it is not just a

single individual has been affected. I am told by the Department that a number of people have been so affected. How many people, according to his Department, have been affected?"

Deputy P.N. Troy:

"Sir, we do not have records of how many people have been affected in this manner. There is only one case currently before us. There are no others that we are aware of and it would only be if individuals came forward stating that they had been disadvantaged that we would be aware of it. We will try and assist the Deputy in his enquiries, but certainly, under the new system, there are significantly less people affected in a disadvantaged manner."

2(c) Deputy G.P. Southern:

"Sir, if I may, could I ask the Vice-President, he seems to have said to me that no action will be taken on this and yet his President has said that he will get his officers to review this case and bring it to Committee on July 22nd. Is he actually denying that this is the case or is some review going to take place? In particular, could I further ask him what advice is given to couples in this situation, who come for advice to the Department? Do they say clearly: 'Don't get married because you would be better off living in sin', because that appears to be the situation?"

Deputy P.N. Troy:

"Sir, the President is currently out of the Island. I am not aware whether he has given a commitment to take this to the Committee. If it did come before the Committee, a paper would be prepared and all relevant information would be given. There are certain requirements that must be upheld in this manner. I will not read the rules in this instance, the criteria, but what I will say is that every single individual who comes forward, every individual basis has to be considered under the criteria that are in existence, and to depart from that without making a full adjustment to the Social Security legislation would be incorrect. We have to consider it under the rules at the time."

2(d) Senator P.F.C. Ozouf:

"Sir, would the Vice-President agree that Social Security isn't a fundamentalist organisation and doesn't judge people and thinks that it is an inappropriate thing to say that 2 people living together are 'living in sin' if they are not married?"

Deputy P.N. Troy:

"I agree, Sir."

3. The Deputy of St. Martin of the President of the Finance and Economics Committee:

"On 19th January 2005, the States approved P.211/2004, Share Transfer Property: Stamp Duty, which charged the Finance and Economics Committee to prepare the necessary legislation for consideration by the Assembly in 2005 to give effect to the proposals. Would the President give an update on the progress of the legislation and when it will be presented to the States?"

Senator P.F.C. Ozouf (Vice-President of the Finance and Economics Committee – rapporteur):

"Research, as was always intended, is underway. The task is far from straightforward, given the numerous and complex corporate arrangements available. Whilst there are more pressing demands placed on the resources of the Committee, the Committee still intends to bring proposals forward to this Assembly before the end of the year."

3(a) Deputy G.P. Southern of St. Helier:

"In addition to that item, during the Budget debate, the President of Finance and Economics promised me that he would review and consult with me over the issue of buy-to-let mortgages. When is he going to consult, because we are half way through the year?"

Senator P.F.C. Ozouf:

"I am unaware personally of whether or not the President is consulting on the issue of buy-to-let mortgages, but if the Deputy would like to ask his question when the President returns, I will endeavour

to ask him. I am not going to be attempted to be tripped up by Deputy Southern on promising something when I know my President always does what he promises.”

4. Deputy J.A. Martin of St. Helier of the President of the Housing Committee:

“Will the President inform members whether the Committee has met the following principal aims for the period 2002-2006 outlined in the ‘Housing Strategy Report 2002-2006’ and, if not, the reasons why –

‘(a) to ensure the Island’s stock of social rented housing is properly maintained;

(b) to reduce the States’ rental waiting list to below 100 by 2006; and

(c) to introduce a new Landlord and Tenant Law by 2003?’ ”

Deputy T.J. Le Main of St. Helier (President of the Housing Committee):

“Sir, the Committee have made it very clear that it believes it has received insufficient funding in recent years to maintain all of its properties to the standard we would wish for. However, Sir, in general, much of the housing stock is in very good order. In fact, some of the stock is as good as even in the private sector and better, and the Committee always is looking at ways to improve its stock, but the Committee is also looking at ways at the present time to obtain the necessary funding to extend this standard to all of our properties. Very soon this House will receive a report and proposition for debate in the autumn which will list the way of the new funding. The States’ rental waiting list is currently above 200, but I and my Committee are very optimistic that, with the development programme in progress at the moment for social rented housing over the next 2 years, the target of a waiting list below 100 will be achieved. The final question, yes, on the Landlord and Tenant Law. Unfortunately, this new law has taken longer than expected and it is now in draft form with the Law Officers for comment before circulation to States members hopefully later this year.”

4(a) Deputy J.A. Martin:

“Just to follow up, wouldn’t the President agree that it isn’t that he didn’t receive sufficient funds, but he actually gave back £1.3 million to Finance and Economics. That is why we have nearly 1,000 States’ rental properties that are not even wind and watertight. Secondly, Sir, would the President also not agree that the low income support system that he thought was going to come to Housing’s aid is not going to in fact achieve the amount of money he thought would be in the kitty for housing. When he says that the Landlord and Tenant Law is in draft form, can he be a bit more specific and tell this House when it will actually be lodged? Hopefully, it will be before ministerial government comes in, because I can see this law falling completely by the wayside if we have to wait that long.”

Deputy T.J. Le Main:

“Yes, I can give an assurance, Sir, that the Landlord and Tenant Law will be lodged in the autumn for debate in the autumn before ministerial government. On the question of the returning of over £1 million, I refute the allegation that it has anything to do with the funding of homes. The issue is that we have been working very closely, the Committee, with the Planning [Environment and Public Services] Committee and with Employment and Social Security on making sure that the current anomalies that are within the rent rebate system and other systems are fully met within the Low Income Scheme. As I say, Sir, the Committee are coming forward with a scheme which hopefully will provide, now that the States have agreed the Low Income Scheme, a proper funding mechanism in the future which will meet all the requirements of improving our stock. What was the third question, please?”

4(b) Senator P.V.F. Le Claire:

“Sir, would the President undertake to investigate the recent identification of the shortfall in standards at Jane Sandeman Court, which was identified by myself through a request of the residents, who have actually written to the President, and undertake to come with me, and perhaps Deputy Reed, to see if we can address some of the issues about the maintenance of the social rented housing, which, in the legacy of Deputy Sandeman, should be one of our flagships in the Island.”

Deputy T.J. Le Main:

“Sir, we are not prepared to do that. The Department and the Committee have received a full update on all the maintenance and the financial requirements of all the housing stock. We have that up to date at the present time and Jane Sandeman Court is one of a number of properties that hopefully, when this

Assembly will support the Housing Committee's projet when it comes forward in the autumn on a new way of funding and a new way of setting up the Housing Department, then we will get the support of the members. Subject to that, we should have in place for the future a funding mechanism on an ongoing basis."

4(c) Senator P.V.F. Le Claire:

"Sir, may I ask then, please, if the President is not willing to give us that undertaking and he is asking us to go ahead and sit this out until August, when he is going to bring another proposition that they are not going to stick to, does this mean that the tenants of Jane Sandeman Court are going to be expected to put up with the harassment from children who are accessing their property, smoking what appears to be illegal substances in their stairwells, living with broken and dangerous handrails and the like until August, until this Committee brings forward another set of long adjectives that have nothing to do with reality and solving the residents' problems? I think it is disgusting that the President has just actually denied me the opportunity of showing him what is wrong with this property."

Deputy T.J. Le Main:

"Sir, I refute completely what the Senator is saying. The Senator hasn't written to me over Jane Sandeman Court. The officers, we have an antisocial unit at Housing now, which deals and works with the police and the other agencies. I have to say to you, Sir, that Jane Sandeman Court is no different from many other blocks of flats and apartments and accommodation where youngsters are causing a bit of a nuisance and there is some solvent abuse in many cases. It is no different. We have to come forward with a proper policy that we get proper funding for so that we can meet the needs of all these people. Jane Sandeman Court, as I say, is no different from many others. Senator Le Claire has not bothered to contact me on the issue. I know that he has been to the Department, but he hasn't personally contacted me on the issue."

Senator P.V.F. Le Claire:

"On a point of order, Sir, I have not contacted the Department. I was told about the issue on Sunday and I was referring to the fact that the residents had written to the President in April, Sir."

4(d) Deputy G.P. Southern of St. Helier:

"Sir, has the President confidence that his new strategy will hit more of his targets than his old strategy of 2002-2006, which seems to have lamentably failed to do so? Will he also consider reducing rent on the many dilapidated and run down properties that he now runs in order to give his tenants, his clients (as he now calls them) more relief, a relief from having to pay a high rent on these particular properties? Thirdly, does he not admit that, in comparing States' housing with private sector housing, he exacerbates his situation by continually giving away new and refurbished housing to housing associations?"

Deputy T.J. Le Main:

"No, absolute rubbish. The 3 points made by the Deputy are quite silly. Quite honestly, the lower grade accommodation that needs investment in, people have got very nice homes in there. Many of them are absolutely delightful. Yes, they are not up to scratch and I have been complaining for a while. But, at the end of the day, those properties, the policy of the Housing Committee is to not have the fair rents as high as normal and they do benefit, because of the condition of not having perhaps double glazing, insulation and other issues, they do enjoy a lower rental than a refurbished property. The issue is quite clear. I am not prepared to reduce any further rents at the moment. We think the rents are absolutely fair. We do not – and I must make this quite clear – the Housing Committee do not receive complaints from tenants who say we are charging too much rent. The rents are very fair. No one pays more than 26% of their income on a fair rent basis. Remember that some of the flats, even with a trust property, with subsidies ---
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The Deputy Bailiff:

"Short answers are the order of the day at the moment, Deputy."

Deputy T.J. Le Main:

"Well, I disagree with the Deputy."

5. Deputy G.P. Southern of St. Helier of the President of the Economic Development Committee:

“Following the President’s statement, dated 27th June 2005, is Jersey now ‘closed for business’ to new fulfilment businesses that are non-locally resident and owned; what restrictions, if any, will be placed on pre-existing fulfilment businesses, including Offshore Solutions; and what consideration has the Committee given to the impact of 0/10 on the E.U. directives on equal treatment of local and non-local companies?”

Deputy L.J. Farnham of St. Saviour, having declared an interest in the subject matter of the question, withdrew from the Chamber during the question and answer.

Deputy F.G. Voisin of St. Lawrence (President of the Economic Development Committee):

“In answering this question, I would like to explain a bit about the fulfilment industry, and I know that I am running the risk of running over my 90 seconds.”

The Deputy Bailiff:

“One and a half minutes.”

Deputy F.G. Voisin:

“One and a half minutes, although I will do my best. The fulfilment industry, I think it is important for us to understand, that there are 3 categories within the industry. The first part is those Island based mail order companies selling their wares either through the Internet or through catalogue businesses. They are based in Jersey and they control the whole chain of supply, so they control the purchase of goods, they bring those goods into the Island, they market them in the Island, they sell from the Island and they employ their own pick and pack people. Then we have a second category of companies which are based in Jersey. Their control and management function is based in Jersey, their purchasing is also based in Jersey, but they subcontract out the pick and pack operation. The third category are those businesses that just supply the pick and pack operation and they subcontract to other local businesses and also to non-local businesses. That is the area that has been causing us concern, where non-local businesses have been redirecting orders through Jersey pick and pack operations to avoid their customers paying Value Added Tax (VAT). So, to answer the first part of the question, is Jersey ‘closed for business’ for non-local fulfilment companies, well, the answer is that I think it would be wrong of me to say yes, we are closed for business because the Economic Development Committee under the Regulation of Undertakings and Development Law has an obligation to consider every application, and we have to consider that application on its own merits. But certainly we are discouraging Jersey based pick and pack operations from entering into agreements with non-local U.K. companies that are quite blatantly trying to avoid Value Added Tax (VAT) by redirecting orders through Jersey. We have not licensed the non-local element in the supply chain. We have recently received advice from the Solicitor General that we should be in fact asking these companies to apply for a licence and we have recently written to them asking them to do that. If they then have to apply, then naturally we will be considering the application in terms of the overall benefit to the Island. The other issue is that if the locally based pick and pack operation does not co-operate in the Island’s aims, then, of course, if they apply to increase their staffing level, then of course it is within the remit of the Committee to refuse that application. Question 2, what restrictions will be placed on pre-existing fulfilment businesses, as I have said, we want to discourage the continuation of agreements with non-local companies that are causing us reputational damage and we certainly reserve the right to refuse licence applications for additional staff. What consideration has the Committee given to the 0/10, we have given a great deal of consideration, which is really why we wish to discourage the sort of activity that has been undertaken by non-Jersey based companies.”

5(a) Deputy G.P. Southern:

“Sir, is it not the case that the President, in maintaining his ‘discouragement’ of third party, non-locally owned companies doing business through Jersey, flies directly in the face of E.U. directives on equal treatment of local and non-local companies and certainly under 0/10 he risks being in direct conflict with E.U. directives?”

Deputy F.G. Voisin:

“No, Sir, I completely reject that, because the E.U. initiatives to remove harmful tax practices is all about the taxation of companies, and we are not talking about the taxation of these companies at all. Indeed, what we are talking about is licensing undertakings in accordance with the Regulation of Undertakings and Development Law. As I have just told the Assembly, we have received ----”

The Deputy Bailiff:

“Very well, you reject it.”

5(b) Senator P.F.C. Ozouf:

“Sir, does the President think it very lucky to have been given 3 minutes to answer his question and, secondly, does he agree that in fact there is a problem in relation to the Postal Committee and a member of the Postal Committee being on the Economic Development Committee? Particularly, is he concerned that there is a problem that, whereas the Postal Committee is a regulator, they should not be regulating effectively Offshore Solutions which is in direct competition to other service providers and does he ensure that his Committee is run along the lines to ensure that the President of Postal isn't using his position inappropriately?”

Deputy F.G. Voisin:

“Naturally, any member that believes that they have a conflict of interest will remove themselves from Committee decisions. It is up to every States member to decide whether there is a conflict of interest and to withdraw. As far as the rôle of Jersey Post is concerned, Jersey Post are the regulators of Postal. My personal view is that there is a potential conflict with Offshore Solutions, quite simply because the amount of information that the Post Office receives from parcels being delivered by other companies that compete with Offshore Solutions. So I believe that that is a matter that the Competition Regulatory Authority are going to have to look into when the Postal Services Law is introduced later this year.”

5(c) The Deputy of St. John:

“Does the President agree that the Island has shot itself in the foot by sending out the message that Jersey is ‘closed for business’ as regards fulfilment, and does he also recall that Senator Jeune did something similar to the Finance Industry in 1989, following which we went into recession 18 months earlier than the U.K.? Will he also confirm or otherwise that fulfilment is the highest earner after finance and that considerable damage has been done in recent weeks by Senators from this Chamber passing comment on fulfilment outside this Island, considerable damage, in responding to articles in newspapers and the like and going publicly on the radio, Radio 4, Radio 2 and Radio 1 as well, decrying the fulfilment industry. Given that his Department are responsible for creating new industry in this Island, it is a poor show when senior States members are decrying this industry.”

Deputy F.G. Voisin:

“First of all, the Deputy was asking whether we have damaged the Island's reputation in sending out the message that we are ‘closed for business’. We are not ‘closed for business’ for fulfilment. Again, I think there is a real danger here of referring or of using the word ‘fulfilment’ to refer to the good part of the business that is of value to the Island that we want to keep and that part of the industry which really is not of value. The Deputy mentions the high value of this industry. Yes, parts of the industry are high value, but that pick and pack operation is not high value, it is inconsistent with the Economic Growth Plan and I am pleased that the Committee the other day approved a policy document which has gone out to the wider fulfilment industry for consultation so that we can receive comments back on this, and the initial comments we have heard are very positive of that policy.”

5(d) Deputy P.J.D. Ryan of St. Helier:

“Would the President agree with me that when the Economic Development Committee considers policy – I emphasize the word ‘policy’ – with regard to our postal services of one variety or another, to exclude the one person that has the most specialist knowledge of the postal industry would be rather churlish? Would the President not agree, therefore, that when it comes to actually applying that policy, this is a completely different matter and in fact would he be prepared to agree with me that the person concerned excuses himself from the application of policy within the Economic Development Committee, but not the setting of the original policy?”

Deputy F.G. Voisin:

“I can only really reiterate what I said before, that it is up to members of this Assembly in their dealings at Committee to decide whether there is a conflict of interest and withdraw when those matters arise.”

5(e) Deputy G.P. Southern:

“Could the President indicate whether, when interest is declared in the fulfilment industry, that leaves his Committee down merely to Senator Norman and Deputy Taylor left in the room? Furthermore, he mentioned his strategic plan or strategy for the fulfilment industry. How long does he intend to consult with operators in this area when he does finally get his fulfilment strategy out? One final question, he referred to the Strategic Plan overall. In what aspect of his current policy is he fulfilling the aims of the Strategic Plan to diversify the economy and to create jobs for locals?”

Deputy F.G. Voisin:

“There are 2 members of my Committee that declare an interest when dealing with applications of other fulfilment businesses. The Economic Growth Plan does talk about providing a strategy for the development of the fulfilment industry and we have been consulting widely with the industry since an OXERA report was published earlier in the year, in the spring. We have issued another document where consultation finished yesterday. Finally, the aims of the Economic Growth Plan are quite clear. We do want to diversify the industry. We do want to create jobs for local people, and that diversification and those jobs can be provided by parts of the fulfilment industry that are managed and directed within the Island and that do not represent a reputational problem. The Economic Growth Plan also clearly talks about improving the productivity of our workforce and that part of the industry that purely provides a pick and pack operation for non-local businesses does not fulfil that part of the Economic Growth Plan because the jobs there are essentially low paid, low skilled jobs.”

6. Deputy R.G. Le Hérisssier of St. Saviour of the President of the Committee for Postal Administration:

“Would the President identify the impact upon the Jersey/U.K. postal deficit of the rapid growth of fulfilment mail?”

Deputy P.J.D. Ryan of St. Helier (President of the Committee for Postal Administration):

“In response to Deputy Le Hérisssier’s question, it gives me great pleasure to outline the success of Jersey Post in diversifying its business, enabling Jersey Post to better manage price rises, recognising efficiencies wherever possible, keeping price rises to a minimum. The Deputy will be aware from his time on the Postal Committee that the charges to and from Royal Mail have moved to a truly cost reflective basis and have been increasing at approximately 40% year on year since April 2003. Local price rises for mail posted to the U.K. have risen considerably, but not at the same rate – this is the background, I believe, to Deputy Le Hérisssier’s question – partly due to efficiencies by Jersey Post. The agreement with Royal Mail means that we pay Royal Mail for each item they send us and vice versa and, since fulfilment mail is profitable, the more we send the better off the taxpayer is. I think that answers the question largely, Sir.”

6(a) Senator P.F.C. Ozouf:

“Sir, does the President of Postal understand the very serious damage that was done to the reputation of the Island as a result of his Committee’s actions in expanding some aspects of the fulfilment industry? Does he not agree with me that the work that was done last week, principally by Policy and Resources Committee members in relation to public comments in the U.K., actually went a long way to restore the Island’s reputation?”

Deputy P.J.D. Ryan:

“In relation to Jersey Post, actually the first piece of paperwork that I have, goes back to 1999, when Jersey Post originally spoke to Policy and Resources and there have been several references since then, whereby we have been talking to both Policy and Resources and Economic Development with regard to a policy for the fulfilment industry. Jersey Post, unfortunately, has been working in a policy vacuum for the last some while and now I am very pleased to say that, following reports by OXERA amongst others and

another report from Jersey Post themselves, in fact we are now in a position to properly decide the business model or the design of what the Island believes is correct for the Island to continue to develop this industry. No, I don't agree with the Senator about the reputational damage. I think there has been some adverse press comment, of course, we know that. I think that, in hindsight, or I know that a lot of that comment is completely inaccurate. Unfortunately, these things do happen, but, at the same time, there have been on occasions adverse press comment with regard to our financial services industry. This is the kind of thing that we live with from day to day."

6(b) Deputy R.G. Le Hérissier:

"Would the President acknowledge that if the postal balance with fulfilment mail is very much in favour of the Island, why is the private consumer being asked to pay vast sums of money in stamp increases to cover a so-called postal deficit?"

Deputy P.J.D. Ryan:

"The price of a postage stamp for local mail is not connected to fulfilment. In fact, it is the profits from fulfilment that help to offset and subsidise loss making socially based services such as the provision of the sub-post office network and also the provision of the local delivery infrastructure. Without those kinds of profits perhaps local postage stamps would have to go up even more. That is the problem."

6(c) The Deputy of St. John:

"Would the President agree that the very unhelpful comments made by the President of Policy and Resources in a knee-jerk reaction in relation to a couple of articles in U.K. newspapers, i.e., *The Guardian*, and also the comments made on Radio 4 and Radio 1 by Senator Ozouf were very unhelpful to the Island in sending out the message that Jersey business was closed for fulfilment? Would the President agree?"

Deputy P.J.D. Ryan:

"Unfortunately, what people say, particularly politicians, isn't always accurately reported in the press."

6(d) The Deputy of Grouville:

"Some of the comments that the President has just made with regard to cross-subsidisation are completely contra his other Committee's report from the Economic Development Committee, when they were reporting from the Jersey Competition Regulatory Authority (JCRA) on Jersey Telecom charges, completely contra. Could he agree or disagree with that comment?"

Deputy P.J.D. Ryan:

"Sir, I am afraid that comment should really be directed at the Economic Development Committee President. I don't really have any comment to make about Jersey Telecom."

The Deputy Bailiff:

"Well, I think it is just about whether they are inconsistent, that is all."

Deputy P.J.D. Ryan:

"About whether they are inconsistent. I would have to give some thought to that. I think, in terms of Jersey Telecom – this is a personal view and this is not a Committee view ----"

The Deputy Bailiff:

"I don't think you need to worry about Jersey Telecom, just whether what you have said is inconsistent."

Deputy P.J.D. Ryan:

"My own personal view is that there are great differences between Jersey Telecom and Jersey Post. Jersey Post has to provide social provisions and, as yet, they are not in competition with other postal operators. So, at the moment, we have to provide social services of one variety or another; whereas the case with Jersey Telecom, I think, is not directly comparable. There are great differences."

6(e) Senator S. Syvret:

“Sir, in an answer given a couple of answers ago the President implied that the local mail delivery infrastructure may not be cost effective and may in fact need subsidy from these other activities. Is he actually saying that the local delivery network of local mail actually makes a loss?”

Deputy P.J.D. Ryan:

“Sir, with the recent local increases, with the recent increases with local to local mail and also local to U.K. mail, we have turned Jersey Post from those particular services being loss making into a break even situation. So, particularly the local to local delivery service is just about now break even. Shall we say from 3 years ago and before, it was not break even and it was being heavily cross-subsidised from other profit streams. That is not the case now, but it certainly was 3 years ago. I don’t know if that answers the Senator’s question.”

6(f) Senator F.H. Walker:

“Following the question from Deputy Rondel, would the President agree with me that, after years of paying considerable attention to building the reputation of Jersey as not being a tax haven and being a reputable finance centre, it is extremely damaging to have comments in not just *The Guardian*, but *The Telegraph*, *The Sunday Telegraph*, *The Times*, *The Sunday Times*, BBC radio and TV which suggest that the Island is now once again acting as a tax haven and, further, that those comments have been noted and already commented on by the Treasury? Would he also further agree that it has never been suggested that the fulfilment industry as a whole is ‘closed for business’ or will be shut down and that there is a difference, as he himself and the President of the Economic Development Committee have said, between a genuine locally operated business and the type of business attracted to this Island under the names of Tesco, ASDA, etc?”

Deputy P.J.D. Ryan:

“Yes, I would certainly agree with Senator Walker. I believe that the question of the international reputation of the Island has been very appropriately handled by Policy and Resources and I would like to thank them for their swift response in dealing with this particular issue.”

6(g) Senator P.F.C. Ozouf:

“Does the President not understand that there is a very serious concern in this Assembly, by members of this Assembly, that there is concern about his poacher and gamekeeper rôle as President of Postal and member of Economic Development?”

The Deputy Bailiff:

“I think that has already been touched upon by both of them, Senator.”

Senator P.F.C. Ozouf:

“But he has not actually accepted the poacher/gamekeeper rôle and he has not actually undertaken that he agrees with it and is going to do something about. Secondly, would he confirm, for the avoidance of doubt, that he does not agree with the comments made by the Deputy of St. John?”

Deputy P.J.D. Ryan:

“There are 2 parts to that question. Let me take the first one first, poacher and gamekeeper. No, I do not agree categorically. I am already on record as saying that when it comes to setting policy for the States or for the Economic Development Committee, I do not agree with him. When it comes to actually the application of that policy, then I do agree with him and I excuse myself from any decisions. The second part of the question, which I have slightly forgotten, I think. Would the Senator remind repeating the second part of the question?”

The Deputy Bailiff:

“Whether you agree that the comments of the Deputy of St. John were damaging?”

Deputy P.J.D. Ryan:

“I agree partly with the Deputy of St. John, in that, when it comes to Policy and Resources, I think the Policy and Resources’ response has been exactly right and exactly appropriate, but I am not so sure that

one or 2 other members of this Assembly have correctly reported the true policy of the Island in the media, Sir.”

6(h) Deputy G.P. Southern of St. Helier:

“Does the President not concede that there is a direct conflict of interest between the Post Office as regulator setting the limits which apply to the fulfilment industry, for example, below 2,000 items a week is a full rate and over 20,000 items a week is a very much reduced rate, between that rôle as regulator and as one of the major fulfilment industries on the Island through its subsidiary Offshore Solutions? Is there not a direct conflict of interest and should that not be a matter for the Jersey Competition Regulatory Authority (JCRA) to investigate?”

Deputy P.J.D. Ryan:

“On 23rd April 2004, the Postal Committee sent an Act, which was entitled ‘*Transparency and Equity of Postal Prices Across All Customers of Jersey Post Group*’. I would be very happy to give the Deputy a copy of that Act, but it lays out categorically this and aims to document accurately Jersey Post’s policy with regard to a level playing field when it comes to Offshore Solutions Limited (OSL), its wholly owned fulfilment company, and other fulfilment companies. This is not an easy one, but it is something that the Postal Committee has considered on and off for several years and it is laid out in this Act, and I would be very happy to give it to whoever would like to see it. I have it in front of me and I will arrange for it to be circulated.”

6(i) Deputy G.P. Southern:

“I believe this is a point of clarification. Can he state whether Offshore Solutions Limited (OSL) actually is already at the minimum rate for over 20,000 units per week?”

Deputy P.J.D. Ryan:

“Sir, it is not so much volume, it is work sharing that counts. I do not know the answer to that, quite honestly. I can find out and I will certainly let the Deputy know. But it is not just that question. The discounts for postal rates for fulfilment companies are to do with work sharing, pre-sorting and other things. It is not just based on volume. Volume takes a part, of course, as it would in any transaction, but there are other elements as well and they are all laid out. Anybody that wants them, it is quite transparent, anybody can see what the policy is. One of the things that the Postal Committee has insisted on from a very early point with Offshore Solutions was that there was complete transparency and complete even-handedness when Jersey Post dealt as a regulator with both Offshore Solutions and its competitors. It is a difficult one, but it is one that we have tried to handle in the best possible way, Sir.”

6(j) Senator P.V.F. Le Claire:

“Sir, would the President circulate that to all States members, please, or at least to me anyway?”

Deputy P.J.D. Ryan:

“Fine, Sir.”

7. Deputy J.A. Bernstein of St. Brelade of the President of the Employment and Social Security Committee:

“Is the Committee taking any action to assist with any ongoing needs of the elderly and housebound following the cessation of free delivery of subsidised milk by the Jersey Dairy from 2nd July 2005, both in the short and long terms, and, if so, will the Committee seek funding to subsidise continued delivery of this service as a matter of urgency?”

Deputy P.N. Troy of St. Brelade (VicePresident of the Employment and Social Security Committee – rapporteur):

“Sir, the President of the Committee made a statement to the States on 21st June, advising that lump sum payments would be made to those on the Milk At Reduced Price Scheme until the new Income Support Scheme comes into effect. For most, this will mean that they can continue to receive a subsidy towards the cost of milk from any outlet where they may be doing their shopping. In the Department’s discussion with Jersey Dairy concern about the housebound was expressed. The Dairy took this on board and wrote to its customers on 10th June, advising them of other providers who intended to start milk deliveries after

2nd July. The letter also said that 'If you are housebound and living in an area not covered by the new services mentioned, please contact the Dairy. We are attempting to cover a skeleton delivery service for those customers affected in this way.' I am advised that Jersey Dairy will be delivering twice weekly to persons in this group and that, to date, 70 housebound customers have contacted the Dairy, and I would encourage other housebound claimants to contact the Dairy by telephoning 818529."

7(a) Deputy G.P. Southern of St. Helier:

"Is the Vice-President aware that there are some 70 to 80 customers who have contacted 2 of the other delivery rounds in St. Brelade and St. Peter each and, with your 70 that are being supplied by the Jersey Dairy, we are talking over 200 housebound and elderly people who have been made extremely anxious by this change and who are now receiving their milk delivered at a charge of 30 pence, which completely negates the subsidy given to this milk to those needy groups of 24 pence per 500 millilitres? Is the President prepared to maintain free delivery of this essential service to the elderly and housebound in the future?"

Deputy P.N. Troy:

"I cannot be certain as to whether the Deputy is counting the same 70 twice. We have contacted the Dairy and we are told that there are 70."

Deputy G.P. Southern:

"No, Sir, I have contacted the 2 rounds. For clarification, Sir, if I may, I have contacted the 2 rounds in St. Brelade and St. Peter and they say they have an extra between 70 and 80 new customers asking for milk in a desperate state."

Deputy P.N. Troy:

"I really am uncertain, Sir, as to whether those are the same 70 that we are referring to when I gave my answer."

Deputy G.P. Southern:

"Sir, if I may clarify, they are a totally different 70."

The Deputy Bailiff:

"No, no, you have said they are different, Deputy."

Deputy G.P. Southern:

"There are 210 people that I know of."

Deputy P.N. Troy:

"Sir, I did say that 70 housebound customers have contacted the Dairy. If then those customers have been put on to the roundsmen, they may be the same or they may be different. I cannot qualify what the Deputy is saying, but I am aware that people are affected and that the Dairy is doing everything to assist those individuals. We are making a cash payment to individuals and they are then able to purchase their milk under the scheme. So we are doing everything possible to maintain the scheme, but, of course, it is a commercial decision by the Dairy to actually discontinue their own delivery rounds and we are trying to do our best to work with the Dairy to counter the problems that are being experienced by individuals."

7(b) The Deputy of St. John:

"Is the President aware, Sir, that not only elderly people but young mothers with families who live out in the country – I was approached this week on the matter – who in some cases don't have transport have been told that they have to collect their milk, if they want the subsidised milk, from the Central Market Jersey Dairy store? That is the only place they can collect it. It is not feasible for a mother with a number of young children to go into town and collect this milk at a subsidised rate because, by the time you add in either the parking outside or a bus trip into town, it is no longer viable. I would like to know what his Department is putting in place for these young families."

Deputy P.N. Troy:

“Sir, I would like to make it clear that all claimants to the Milk Subsidy Scheme are now going to receive a cheque for the rest of the year, so they will not necessarily have to go to the Central Market. They will receive a payment equivalent to the amount that they can claim under the scheme. When we bring in the Low Income Support Scheme at a later date, then that will also take into account the Milk Subsidy Scheme.”

7(c) Senator S. Syvret:

“Will the rapporteur guarantee that his Committee will introduce a policy that will hopefully do away with the queues at the store in the Central Market, because I saw a rather panicked queue there the other day and it reminded me of something out of a food queue from the former Soviet Union. It wasn't a particularly edifying spectacle. Will he also undertake that the Employment and Social Security Committee will consider increasing the rate of subsidy to housebound people to make up for the 30 pence charge they are now having to pay?”

Deputy P.N. Troy:

“Sir, the Department have been working with the Dairy. The database for all of the claimants was previously held with the Dairy. The Department is now working with the Dairy to integrate that into the Department's records and, as I said, a cheque will be sent out for the remainder of the year and it is expected that that will be sent before the end of this month. So this will alleviate the situation for all of the claimants concerned, in that they will receive the payment and then will be able to purchase the milk for the rest of the year. As to the question as to whether the Committee will review the situation to cover any delivery charges, I will take that back to the Department and state that it has been requested and then we can make a decision on that issue, but, of course, that could involve a significant cost and it would have to be considered against the background of the Department's budget.”

7(d) Deputy G.P. Southern:

“Is the President aware that this short-term solution until the end of the year, of presenting a cheque to every recipient, is likely to be, according to my figures, a cheque for around (on average) £23 or so and that that money, even if it is kept for a while, will disappear with the first large gas bill that comes in this winter and will therefore cause hardship? What about the long-term solutions, starting as of next year, and not waiting for Low Income Support to come in, which won't be here until, at the very earliest, the end of 2006/beginning of 2007? That still leaves a very large gap. What is the Committee prepared to do in the next coming year/ 18 months before Low Income Support comes in?”

Deputy P.N. Troy:

“The Department has already stated its policy for the rest of this year and we will of course have to review the situation for next year. Of course, as I said earlier, the Low Income Support Scheme will take this scheme into account as well, so we are reviewing the situation and I assure the Deputy that we are doing the best that we can for all of the claimants.”

8. Deputy J.A. Martin of St. Helier of the President of the Housing Committee:

“Following the end of the consultation period on 30th April 2005, will the President inform members when the Committee intends to bring the draft Housing Associations (Jersey) Law to the Assembly for consideration?”

Deputy T.J. Le Main of St. Helier (President of the Housing Committee):

“The law drafting instructions were issued in July 2002 and subsequently a number of drafts have been prepared and reviewed by the Housing Committee, with much input from the Magistrates, the Citizens Advice Bureau and many others. What is now currently the sixth draft has been recently forwarded to the Law Officers Department for comment. Might I say that all States members had a draft copy of this law sent out on 14th March by myself and, up until now, we have not had many comments at all. We would welcome still at this late stage any comments that members may have. The process has taken longer than expected, but, subject to the comments of the Law Officers and any late amendments by members (and up to now members seem quite happy with it), it is intended to circulate the current draft once done to States members before the end of the year.”

8(a) Deputy J.A. Martin:

“So the President is saying, Sir, that it is just going to be the current draft before the end of the year. Again, Sir, I really press the President, because I have real grave concerns that, if this law is not brought into force or at least lodged, a proposition lodged, before the end of this government, this will not come into force under the new ministerial government, because I don’t think they want it to happen. Given the fact that everything that Housing is building that is going across to housing associations – even the new La Coie site will be going to a housing association– I think this law needs to be implemented. As I say, I have been working. I haven’t commented because I have been busy and I was quite happy with the draft. I did, Sir, e-mail the Chief Officer of Housing as to my comments, but there were no more recommendations. So, as I say, by the end of the year I think is too late. Could the President try and ensure that something is lodged for at least the end of this or the beginning of the next session of this House?”

Deputy T.J. Le Main:

“Yes, I can give that assurance. I will do all within my power to try to bring this back as soon as possible, but if members actually are satisfied or have any other comments, they must do them immediately, because we don’t want any further delays. Yes, I do give a guarantee that we will bring that as soon as possible. But let me just add also that the current agreements we have with the housing trust and associations are very solid and are working. There has been some comment that perhaps we come to this Assembly with far too much legislation at times, and this current legislation ----”

The Deputy Bailiff:

“I think, President, you have given the answer to the particular question posed.”

Deputy T.J. Le Main:

“Yes, Sir, I have.”

8(b) Deputy G.P. Southern:

“Sir, could the President say whether there are any provisions in his latest draft for tenant representation on the housing associations so formed and registered?”

Deputy T.J. Le Main:

“Well, I haven’t been dealing personally with this, Sir, so I am not sure I can answer that question, but I am quite happy to have a look at the latest one and take that on board, but I do understand where Deputy Southern is coming from and, if it is an issue that should be included, then I am very happy to work on that basis.”

8(c) Senator P.F.C. Ozouf:

“The President has been pressuring me for the High Hedges Law, which I promised to bring. Does he agree with me that there appears to be one rule here for Environment and Public Services and another one for Housing?”

Deputy T.J. Le Main:

“The issue with the High Hedges Law is that it has been ready for the President of the Planning and Environment Committee for over 2 years or 18 months. This one we are still waiting in the hands of the Law Drafting Department or the Law Officers Department, who are extremely, extremely busy, but I urge you, President, to come forward with these as soon as possible.”

The following clarification was later received from the President of the Housing Committee –

Deputy T.J. Le Main of St. Helier:

“Sir, could I just make a statement? I have had a letter back from the Attorney-General in a request to correct information that was given to me by my Department in an answer to Deputy Martin. It is only fair to the Attorney-General and his Department that I should do so. I gave the answer to the question this morning on information given to me by my Chief Officer and I have a note from the Attorney-General, which says: *‘I heard you say in the States just now that the draft law had been sent to the Law Officers*

and you were waiting to hear from us. I don't think this is correct and I should be grateful if you would clarify to the States your answer to the oral question accordingly.' He goes on to say: 'My file shows that on 20/11/2003, Draft 6 was sent to the Solicitor-General with a request that the law be checked for penalties and for consideration. We took that as a request for human rights consideration. On 26th May 2004, Richard Whitehead gave advice on both points and included some general comments. The penalties, as advised, was subject to my review. This was confirmed in a memorandum dated 17th September 2004. My understanding is that there was an issue as to whether the draft legislation was necessary and indeed was consistent with Policy and Resources' Tribunals Policy and that a meeting of Policy and Resources and Housing was to take place. I confirm a request has been received for that. That is the position as at April 2005, according to my file. Nothing is outstanding from me or my Department.' I would like to apologise if something has gone wrong on this question, but I am more than happy to come back after discussions with my Department and my officers on the issue of this question in relation to this matter."

9. Deputy T.J. Le Main of St. Helier of the President of the Economic Development Committee:

"Would the President inform members whether any agreement has been reached between his Committee and the Jersey Milk Marketing Board concerning the relocation of the present dairy operation to the Howard Davis Farm in Trinity in the Countryside Zone, thereby enabling the Board to sell its existing site to raise income to pay its debts and, if so, has the Committee received information about the future proposed use of the Five Oaks site?"

Deputy F.G. Voisin of St. Lawrence (President of the Economic Development Committee):

"Sir, the Committee is fully aware of the proposal to relocate the dairy to a site adjacent to Howard Davis Farm and that plans for the project are soon to be submitted to the Planning Department for consideration. Should planning permission be granted, then it is the Committee's intention to prepare a report and proposition to ask the States to agree to sell or transfer the required land to the Jersey Milk Marketing Board. The Committee is also aware that tenders have been submitted to the Jersey Milk Marketing Board to purchase the current Five Oaks dairy site, but the Board is under no obligation to discuss tenders received. The sale of the site is important to the continued recovery of the Dairy and the industry, and the future use of the Five Oaks site will be subject to the policies of the Planning Department of the Environment and Public Services Committee."

9(a) Deputy T.J. Le Main:

"Sir, can I ask the President is it the policy of his Committee to allow a commercial site from an existing use that could easily be utilised to downsize the operation of the dairy and relocate another factory into the countryside against all the current policies of this Island's 2002 Plan? Can he confirm that is the case, that he is pursuing that and vodka factories and other issues?"

Deputy F.G. Voisin:

"No, it is clearly not within the remit of the Economic Development Committee to allow the site or at least the use of the site to be changed, which is precisely why I said twice in my answer that this is subject to the Planning Department of the Environment and Public Services Committee. If they say no, then obviously it won't happen."

9(b) Deputy R.G. Le Hérisier:

"Sir, would the proposed deal entail a vast subsidy, direct or indirect, to the Jersey Milk Marketing Board?"

Deputy F.G. Voisin:

"No, there is no subsidy intended. There is an arrangement. The initial discussions are that the land will be sold or transferred at a commercially reasonable value."

9(c) Senator J.A. Le Maistre:

"Sir, would the President confirm whether or not the land in question, which is the proposed site, forms part of the original gift of T.B. Davis or whether it is separate land which is owned by the States?"

Deputy F.G. Voisin:

“I understand it is a bit of both and it concerns land that is currently used for glass houses and is a sort of semi-built environment.”

9(d) Senator J.A. Le Maistre:

“Sir, could I follow that on, therefore, by asking the President whether he would look into the question of whether the gift which was made by T.B. Davis is able to be used for a commercial operation? I don’t expect him to answer that question immediately on the hoof, obviously, but perhaps he would consider looking into that question.”

Deputy F.G. Voisin:

“We have received advice from the Solicitor General and, from memory, our understanding was that this would comply with the covenant, but certainly I will look into it. Obviously, if the Planning Department don’t approve this, then the arrangement will not go ahead and, if there are problems with the covenant, then there can be no transfer of land, but that certainly has been considered.”

9(e) The Deputy of St. John:

“Sir, historically States’ money, through funding, loans etc, has in fact been used to support the Dairy. In the President’s reply he said that no States’ money would be used if the dairy went to Howard Davis Farm. Given that in his most recent reply he said that some land may be in public ownership and the other may come from the Howard Davis bequest, can he justify his words in saying that no public funds actually are going to be used?”

Deputy F.G. Voisin:

“Well, the whole issue of providing a subsidy to help the dairy to move was discussed with the Milk Marketing Board and they made it quite clear that they did not expect a subsidy and that we understood, and I understand now, that they are prepared to pay a going rate for any land that they buy or lease from the States, depending on how that arrangement is made. I think we have got to understand that it is just not physically possible for them to build a new dairy whilst operating the existing dairy on the same site. So they are going to have to move so that they can build a new dairy. They also need a new dairy because the one that they have got at the moment is too big for their requirements, it is totally inefficient and, if the industry is going to take that next step up towards self-sufficiency, then they need a smaller, much more efficient dairy so that they can help to improve the position of reducing prices to the consumer and improving prices to the producer. That actually, I would have thought, is in the best interests of all concerned, the States, the consumer and the producer.”

9(f) Deputy T.J. Le Main:

“Sir, I would like to ask the President a question. Is the President aware that the site, the existing site in Five Oaks, is able on site currently now around the actual site, to have a new dairy, smaller dairy, on that site? There is no question, it is a commercial site. Is the President saying to this Assembly today that they will go down the road, when people have got existing commercial sites, because they want to raise funds to pay off their debts, that they are able to relocate in the countryside, transfer of land or purchase of land?”

Deputy F.G. Voisin:

“I understood, and I understand now, that the site isn’t big enough, but that is the advice that I have received. I think the other thing is, of course, that the Board just don’t have the money to build a new dairy unless they sell the existing site. That goes without saying. So the Board won’t be able to build a new dairy. First of all, I understand that it can’t fit the new dairy on the existing site in any case, plus the fact that they need to sell their existing site to pay for the new dairy.”

9(g) Senator P.V.F. Le Claire:

“Sir, is the Committee supporting the move to the T.B. Davis site, and also is the current site wholly owned by the Jersey Milk Marketing Board?”

Deputy F.G. Voisin:

“The current site is wholly owned by Jersey Milk Marketing and, yes, the Committee do support the transfer or the relocation rather, for a number of reasons. Firstly, it will allow for the demolition of some

rather unsightly glass houses and sheds near Howard Davis Farm. It will be positioned close to the Royal Jersey Agricultural or Horticultural Society, so there will be some synergies there. Thirdly, of course, it will put the Dairy on to a much safer financial footing, because they will be able to have a new efficient dairy and they will be able to remove a considerable amount of overdraft, so I would have thought it is in the best interests of the Island generally.”

9(h) Deputy J.J. Huet of St. Helier:

“Sir, is the President saying that now the States of Jersey are going into sort of supplying land for commercial businesses? Is there any reason why the President doesn’t think that this commercial business could not buy a commercial site that is already up for sale from one of the farmers that have got spare sheds? Why does the President think it has to be the States to supply the site?”

Deputy F.G. Voisin:

“It does not have to be up to the States to provide the site. That is a site and one of a number that the Dairy looked at and it happened to be owned by the States, so it is not up to the States. You know, at the end of the day, ladies and gentlemen, members of this Assembly, it is for the States. We do support the dairy industry through subsidies and at the same time we have high milk prices. It is part of the Rural Economy Strategy that we will be debating in 2 weeks time that our overall aim is to try and reduce subsidies and reduce the price of milk that the consumers have to pay and we want the industry to move towards a position of self-sufficiency. If they are going to do that, then they need to have an efficient dairy. I question whether the industry really is commercial because of the amount of subsidies that are provided to the industry.”

10. Senator P.V.F. Le Claire of the President of the Policy and Resources Committee:

“What length of lease and terms apply to any proposed agreement between the Waterfront Enterprise Board (WEB) and the developers of the ‘Jardins de la Mer’ waterfront site; what benefits, if any, will be realised to the Island; and what research, if any, has been done on the impact on demand for building site workers should several large development projects proceed simultaneously?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“Sir, I hope you will bear with me slightly, because there are actually 3 questions in one here. I will be as brief as I can. The proposed agreement will consist of a 150 year sublease over part of the site and a freehold interest in the other part. The development of Jardins de la Mer will bring many benefits to the Island, including 80 new self-catering units, bringing a further boost to the tourism industry; new full-time employment in the hospitality, property, landscape and maintenance sectors; the creation, management and maintenance of publicly accessible gardens at no cost to the public, representing an increase of over 50% on the area of the gardens that currently exist on the site; a range of other public facilities on the site, including a restaurant, health spa and indoor children’s play area; the restoration of the Victoria Marine Lake at West Park for public use as a watersports recreational facility. Well, the development of a high quality Gateway site at the western entrance to St. Helier and, last but not least there will be substantial development returns to the public in the form of capital and revenue receipts, with 10% of the developers’ profits being donated to Jersey charities. The impact on demand for construction workers has been the subject of consultation with the States’ Chief Quantity Surveyor, who has advised that the construction industry will have the capacity to deliver the entire Waterfront development programme, particularly in view of its phased timescale and the significant reduction in public sector building projects. Thank you for your patience, Sir.”

10(a) Senator P.V.F. Le Claire:

“Sir, under the previous agreements of the States, we acknowledged that there might be a need for 400 construction workers on the Waterfront site. The President’s previous answers have indicated that that would be according to demand, as and when, and would be subject to Regulations of Undertakings and Development licences. Has the President any idea as to whether or not the Waterfront Enterprise Board (WEB) has approached the Regulations of Undertakings and Development Office to get approval for these licences and, if so, how many are we talking about?”

Senator F.H. Walker:

“No, Sir, I’m not aware. In any case, it wouldn’t be for the Waterfront Enterprise Board (WEB) to do so, it would be for the developers to do so at such time as they may have all the consents necessary to proceed with any development.”

10(b) Senator P.V.F. Le Claire:

“Sir, at what stage do we identify how many workers are working in Jersey if we abdicate responsibility for applications in a quango to developers who are approaching each project? Surely, the Waterfront Enterprise Board (WEB) must give overall consideration to how many workers each developer is going to need when they consider their developments?”

Senator F.H. Walker:

“Sir, I take that point, but of course we have control through the Regulation of Undertakings and Development licensing. I answered actually this question in a question put to me by Senator Edward Vibert just a few weeks ago. We have all the information necessary to confirm that, because of a significant reduction in public sector construction projects over the next few years, the industry can easily and very adequately cope with the pressures caused by the Waterfront development.”

10(c) Senator P.V.F. Le Claire:

“So is the President saying that there will be no new licences issued and we will just take up the slack from existing jobs that are in the market and we will have no need to import people, specifically new members of the Island that require skills?”

Senator F.H. Walker:

“Sir, of course I can’t say that at this stage, but I repeat that the advice is that the current industry capacity is enough to cope, so I am confident that the existing workforce will cope with the requirements, but I cannot give any such guarantee at this juncture. It is far too premature.”

10(d) Deputy J.B. Fox of St. Helier:

“Just to clarify, the President said the 150 years lease. I knew that, but could the President just identify what part of the site is freehold, please?”

Senator F.H. Walker:

“Sir, I can. It would be difficult without a schematic to show or explain the exact location, but I do indeed have a schematic, which I will gladly provide to the Deputy.”

10(e) Senator S. Syvret:

“Sir, given that the Policy and Resources Committee has responsibility for the Waterfront Enterprise Board (WEB) and reports to this Assembly on their activities and their plans, could the President give the Assembly an undertaking that, given the very dramatic nature of the developments proposed, the skyscrapers and the level of public concern about it, he will bring these Waterfront Enterprise Board (WEB) proposals to this Assembly to seek in principle support for them from this Assembly?”

Senator F.H. Walker:

“Sir, that is a matter for the Policy and Resources Committee to consider, but I would remind the Senator and indeed the House that the question of design, size, height or whatever is a matter for the Planning Committee. It is not itself a matter for either the Waterfront Enterprise Board or indeed Policy and Resources, but I do acknowledge that this House is entitled to full information on the overall scheme development plans put forward by the Waterfront Enterprise Board and we will be working to bring that information to members.”

The Deputy Bailiff:

“Very well, that concludes matters on that question. Question 11, Deputy Baudains of St. Clement will ask of the President of the Committee for Postal Administration. Do you still wish to ask this one, Deputy?”

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

“I wonder, Sir, I was going to ask the leave of this House. I notice the Deputy of St. John’s question,

No. 15– and I haven't spoken to him about this – is more time constrained than mine is. I wonder if I might swap my question with his, Sir?"

The Deputy Bailiff:

"You are offering a swap to the Deputy of St. John, are you?"

Deputy G.C.L. Baudains:

"Will the House accept that?"

The Deputy Bailiff:

"Is the House agreed? (Pause) Yes."

11. The Deputy of St. John to the President of the Environment and Public Services Committee:

"Could I thank the Deputy of St. Clement, Sir, and I will put the question to save time. Is it unusual for a bona fide farmer to be instructed to move a haystack and farm implements from the curtilage of farm premises as a result of a complaint and to be given a date by which this should be carried out; and can the provisions of the Island Planning (Jersey) Law 1964, as amended, be applied retrospectively to a situation which existed before it came into force?"

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

"Sir, it is unusual but certainly not unique. In most cases where a farmer allows his land to get into an untidy condition we are able to resolve matters by persuasion and agreement. Sometimes it is necessary to use statutory powers, but only as a last resort where the owner of the land is unco-operative. As I said in the Deputy's written answer, the law has not been applied retrospectively. The owner has been required to tidy up his land, not to stop using it for agriculture. The storage of items in this particularly prominent position is recent and is affecting the amenities of the general public and, in particular, adjoining residents. There are far less prominent places within the same ownership where the haystack and agricultural machinery can be stored."

11(a) Deputy T.J. Le Main of St. Helier:

"Sir, would the President confirm that his Department is quite selective in the kind of chasing up of people in this area? The President and his Department will well know of a housing case on the coast which has had horrendous problems for years and his Department never took action. There are many other sites in the Island that are deserving of the Department's attention and they are very selective. Would he not agree?"

Senator P.F.C. Ozouf:

"If selective is one of not taking and not pursuing every single case, then that is fair, because there are some cases that are worse than others, and the Department is, of course, a Department like others which has got constrained resources. What I can say in relation to this particular case is these decisions are only made by the full Committee, and it was the full Committee that attended on this site and made the determination which the Deputy of St. John is referring to and was unanimous in its decision. It was a fair decision and, if members wish to go and look at the site, perhaps they will agree with the Environment and Public Services Committee in this regard."

11(b) The Deputy of St. John:

"Sir, will the President accept that it is totally unfair to instruct a farmer to remove a haystack and farm implements from the curtilage of a bona fide farm in St. Mary's and put March as a date to remove a haystack, was totally unreasonable and that his Committee has caused distress and anger to the farmer concerned? Will he also accept that, because a previous Planning and Environment or Island Development Committee (IDC) had permitted houses to be built by demolishing agricultural buildings on the farm, it has in fact put additional pressure on the farmer and that the Island Development Committee (IDC) or Planning and Environment Committee of the day were wrong, given that the farmer was a bona fide farmer and still is a bona fide farmer, in actually passing that particular site for development for housing?"

Senator P.F.C. Ozouf:

“Sir, I cannot answer for previous Committees, but what I am advised is that the houses in question were built on land that was owned by the farmer previously. Now, basically, we have a situation where houses have been built and a haystack and a disgraceful amount of agricultural machinery is basically being put on the adjoining property. There are alternative places where this machinery could be stored and it is not fair. The Committee must strike a balance, of course, but it is not right for people who have bought properties to be subjected to the kind of views that they are seeing from outside of the windows of their properties bordered by black polythene, with a haystack and all the rest of it. It is not a very good state of affairs and I am sure the Deputy will agree.”

11(c) The Deputy of St. John:

“The President has just given a reply, Sir, to say that there was an area close to the farm that the farmer could put his farm implements and haystack on. I have an Island Development Committee location plan here, Sir, given by his Committee to the farmer’s agent, stating that none of the land adjoining the farm or the stables was permitted for any of the implements or haystack to be put on. Now, that it totally unacceptable. Will the President agree to review the decision made by his Committee?”

Senator P.F.C. Ozouf:

“The Committee always reviews its decisions, but I would remind the Deputy that the decision was taken after a number of attempts to find a solution, and it was a decision taken by the full Committee after a site visit, having heard the views of all of the people concerned. It was a fair decision, and I think that if the Committee reconsidered it, it would maintain its decision, but of course I will always leave the option open. More than that, I would restate the situation that the Committee is always extremely sympathetic and helpful to people and wants to find a solution, but it is not right to put agricultural machinery outside people’s living room windows. It is not fair.”

11(d) The Deputy of St. John:

“Sir, on a point of clarification, given that I have mentioned this particular field, would the President and his Committee go and review the President’s own farm at St. Saviour and see if there is any agricultural machinery outside people’s windows?”

Senator P.F.C. Ozouf:

“It is not my own farm. Sir, can I ask the member to withdraw that suggestion? It is not my farm and any impugning of the reputation of any member of my family is a disgraceful state of affairs?”

The Deputy Bailiff:

“I didn’t myself read an imputation into it. It was a light-hearted remark.”

11(e) Senator P.V.F. Le Claire:

“I don’t know how to quite phrase this, Sir. I don’t know if it is a clarification or a point of order, but I understood, in the course of answering the questions that were put to him, the President said that the owner of the farm had ample opportunity to relocate the material elsewhere on the property and then, Sir, we were told by Deputy Rondel that he was instructed by the Department that he could not do so. Is the President giving us honest and truthful answers? Is there a misunderstanding here, that we are being told that he can move it to another piece of his land and yet we are being told that he can’t? Are there 2 pieces of land?”

The Deputy Bailiff:

“Clarification, Senator.”

Senator P.F.C. Ozouf:

“I know that the Department has attempted to deal sympathetically and fairly with a difficult situation. I have not got the map in front of me, but I will review it with my departmental officers and clarify exactly the situation, but I do know and restate that the Department is always extremely careful and only uses these powers as an absolute last resort after exhausting all necessary attempts. Great care has been taken.”

12. The Deputy of St. Martin to the President of the Finance and Economics Committee:

“Would the President give the total revenue received by the Treasury from fines for excessive speeding through the work of the Honorary Police and the States of Jersey Police respectively for each year from 2001 to 2004, and does the Committee intend to amend the Road Traffic (Jersey) Law 1956 so that the Parishes may receive a portion of the fines?”

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“Sir, although I can give details of the total revenue received by the Treasury from fines under the Road Traffic Law, I can’t distinguish what amount of those fines relate to excessive speeding. We are only given a lump sum figure for all the Road Traffic Law offences. I point out to the Deputy that that revenue is received by the Treasury on behalf of the Crown and is then passed over to the Crown intact. However, in an effort to be helpful, Sir, I did earlier this year meet with the Committee of Constables and had discussions regarding the possibility of the Parishes retaining a part of these fines for their purposes and, subject to getting further information on the details, I am happy to have it discussed by my Committee as soon as the information is available from the Parishes. Finally, for completeness, Sir, the total revenue from the Road Traffic Law offences for the year 2001 was £264,000, for 2002 – £287,000, for 2003 – £267,000 and, for 2004 – £276,000.”

12(a) The Deputy of St. Martin:

“I thank the President for his answer, but could I also remind him, Sir, or is he aware, that the purchase of the necessary radar guns etc. are in the region of £2,000, plus the maintenance and also the training of the officers also puts an unfair burden on the Parishes, and I am sure the Committee of Constables would concur with me that the sooner that the law is amended so the Parishes can get some part of the fines, the better, Sir.”

Senator T.A. Le Sueur:

“I am aware of that, Sir, and that was discussed at the meeting we had with the Constables.”

12(b) Senator S. Syvret:

“Would the President undertake to work with the Public Services Department and consider whether speed cameras, such as ‘Gatsos’ [gatso meter cameras], would be a cost-effective way of enforcing people speeding on the Island’s roads?”

Senator T.A. Le Sueur:

“That, Sir, is an initiative which I suggest the Home Affairs Committee or the Parishes take up. If there is a financial benefit to be achieved, then my Committee will certainly welcome it.”

The Deputy Bailiff:

“In view of the time out, I think we have time for Senator Le Claire to ask his question and perhaps for a reply and perhaps one follow up, but that will be it.”

13. Senator P.V.F. Le Claire of the President of the Economic Development Committee:

“Will the President inform members what consideration, if any, has been given to potential conflicts of interest, cross-subsidisation and anti-competitive elements concerning the activities of Offshore Solutions, the fulfilment arm of Jersey Post, and Jersey Post itself with its responsibility for the fixing of postal charges and, if not, the reasons why, and whether the Committee will consider referring such questions to the Jersey Competition Regulatory Authority (JCRA) in the near future?”

Deputy F.G. Voisin (President of the Economic Development Committee):

“Consideration has indeed been given to the matters raised in this question, but the Economic Development Committee have no powers to act directly. The best way to resolve these matters is to introduce the Postal Services Law, incorporate Jersey Post and allow the Jersey Competition Regulatory Authority (JCRA) to do their job of regulating Jersey Post. The Committee is frustrated at the length of time that it is taking to prepare for the incorporation of Jersey Post and introduce the Postal Services Law.”

Senator Terence Augustine Le Sueur – attendance

Senator Terence Augustine Le Sueur, having returned to the Island, arrived in the Chamber during oral questions and was present for the remainder of the meeting.

Two-year pay award to the manual workers – statement

The President of the Policy and Resources Committee made a statement in the following terms –

“Members will probably now have heard of the outcome of the recent arbitration on the States and Parish manual workers’ pay awards for the two years, June 2004 to May 2005 and June 2005 to May 2006.

I set out the facts as follows –

Manual workers were offered 2.5% for the first year and 3.5% for the second year.

These offers were set against a Retail Price Index of 3.7% and 4.5% respectively.

All other pay groups, amounting to approximately 83% of the States workforce, had accepted the employer’s offer.

The manual workers, however, claimed 4% and 5% for each of the two years respectively.

The outcome of the arbitration, which is binding on both parties, was that the manual workers were awarded 3% for the first year and 3.5% for the second year. Hence, over the two pay years in question they were awarded 0.5% over the employer’s pay policy and what all other pay groups settled for in negotiation.

The employer is pleased that the Arbitration Panel has supported the employer’s view that pay awards in the public sector should be below the Retail Price Index for the two years in question.

However, before proceeding to arbitration, manual worker representatives were clearly advised that in the event of their being awarded more than the employer’s offer, the extra cost would need to be met by savings from the manual worker pay bill. They acknowledged this position.

The total cost of the additional award made to the manual workers is of the order of £145,000 per year. Departmental budgets will not be increased to reflect the additional award and the cost will have to be offset by savings.”

Early childhood education and care in Jersey – statement

The President of the Education, Sport and Culture Committee made a statement in the following terms –

“The Education, Sport and Culture Committee has today published its vision for early childhood education and care in Jersey.

‘Investing in Our Future’ sets out for consultation, proposals to develop and extend high quality early learning opportunities for young children in Jersey.

High quality early childhood programmes make a difference. The benefits, educationally and socially are indisputable. If we want a balanced society that is compassionate, caring and prosperous, it makes sense to invest in our children.

States’ members will recall that, last year, the Committee commissioned a review of its investment in this

area. This was conducted by an independent consultant, Jenny Spratt, Head of Early Years in Peterborough, a local authority recognised for excellence in this field. Her report concluded that the States needed to develop an overall strategy based on integrated working to support children and families.

'Investing in Our Future' represents the Education, Sport and Culture Committee's contribution to that overall strategy. Its proposals were developed following extensive consultation with parents, community groups and private sector providers. Although the report focuses mainly on provision for three and four year olds, it also draws attention to the fact that Jersey needs to develop a more coherent framework of family policy. The Committee is committed to work with its strategic partners, the Employment and Social Security and Economic Development Committees to that end.

We now have an opportunity to develop, to change and to build strong partnerships with parents, providers and between States' Committees that will ultimately give our children the best possible start.

This year, probably more than in any in the last 20 years, States members have been challenged to consider our economic position. The debate has been comprehensive and vibrant.

The early years debate warrants similar attention. It is also about investment and the future of our Island. My prime purpose in making this statement today is to draw the attention of States' members to the Committee's proposals so that you may be actively involved in what is a truly important issue for our community."

Report on the lessons learned from the internal audit of the Jersey Competition Regulatory Authority – statement

Deputy Sarah Craig Ferguson of St. Brelade, Shadow Chairman of the Shadow Public Accounts Committee made a statement in the following terms –

"The Shadow Public Accounts Committee (PAC) has today published its final report on the Jersey Competition Regulatory Authority.

In April 2004 the internal audit department of the States Treasury undertook an audit of the controls in place over the grant paid by the Economic Development Committee to the Jersey Competition Regulatory Authority (JCRA). The audit identified a number of significant weaknesses, including non compliance with the Competition Regulatory Authority (Jersey) Law 2001. Following the unfortunate leaking of the internal audit report to the media in June 2004, the report was published on 29th June 2004 (as RC.31/2004).

Given the seriousness of the audit report's findings the Shadow PAC has undertaken its own enquiries and concluded that there were inadequate corporate governance arrangements in place at the time the JCRA was first established.

The Shadow PAC is disappointed that the States did not learn from the lessons identified in the Audit Commission's report on 2020.je back in 2002, which identified a number of corporate governance weaknesses in the relationship between the States and the Jersey Information Society Commission. In that report the Audit Commission emphasised the importance of ensuring that there are standard arrangements for the governance and constitution of States funded bodies. Unfortunately, the Commission's words of warning were ignored.

The Shadow PAC's report clearly lays the blame for the JCRA corporate governance failings at the feet of the old Industries Committee which was responsible for establishing the Authority.

On a more positive note, the Shadow PAC states that it is pleased with the positive progress made by the Economic Development Committee and the new JCRA Board to address the shortcomings identified by the 2004 audit. Since the internal audit, the States have appointed a new JCRA Chairman and two new non-Executive Directors, there is also a new Executive Director. Earlier this year the internal auditors returned to the JCRA and reported that financial and corporate governance controls were much improved. Their latest

scoring of the adequacy of controls is 3 out of a possible 5 which is a marked improvement on the 2004 score of one out of 5.

The Shadow PAC hopes that all States departments will learn from the JCRA experience and ensure that funds they provide to other bodies are properly controlled and that accountability and corporate governance principles are set at the highest standards. The Shadow PAC is pleased to note that the Finance and Economics Committee has agreed to draw up corporate governance guidelines to strengthen the accountability between States departments and grant-aided and funded organisations.

The Shadow PAC will be presenting further reports on corporate governance in due course.”

Island Plan 2002: changes to Built-up Area boundary – P.77/2005 Amendments

THE STATES resumed consideration of a proposition of the Environment and Public Services Committee concerning the Island Plan 2002: changes to built-up area boundary, as amended at their meeting on 28th June 2005, and adopted an amendment of Deputy Gerard Clifford Lemmens Baudains of St. Clement that after subparagraph (b)(ii), there be inserted the following new subparagraphs –

- “(iii) the area of land in St. Clement bound on its northern side by the dwelling “Jambart House”, on the eastern side by Rue de Jambart and on its southern and western sides by Field 198A; and
- (iv) the area of land in St. Clement designated as Built Up Zone on the 2002 Island Plan map and bound on its eastern side by Rue de Jambart and on its northern side by the dwelling “Jambart Farm”.”

Members present voted as follows –

POUR: 27

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator P.V.F. Le Claire
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of Grouville
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of Grouville

CONTRE: 13

Senator F.H. Walker
Senator P.F.C. Ozouf
Connétable of Trinity
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

Deputy of St. Peter
Deputy J.A. Hilton (H)

THE STATES, adopting a proposition of the Environment and Public Services Committee concerning the Island Plan 2002: changes to built-up area boundary, as amended, referred to their Act dated 11th July 2002, in which they approved the Island Plan 2002 and, *inter alia*, approved the Island Proposals Map 1/02, and agreed—

- (a) to designate the following sites within the Built-Up Area as ‘Important Open Space’ –
- (i) two public amenity areas in Clos de l’Arsenal, St. Mary, as shown on Map No. 2, date 31st March 2005;
 - (ii) four public amenity areas in Ville du Bocage, St. Peter, as shown on Map No. 3, dated 31st March 2005;
 - (iii) two amenity areas either side of the entrance to Ville de l’Eglise, Rue de l’Eglise, St. Peter as shown on Map No. 4, dated 31st March 2005;
 - (iv) two amenity areas at La Grande Piece, St. Peter, as shown on Map No. 5, dated 31st March 2005;
 - (v) Field 986, Sandybrook Residential Home, St. Peter, as shown on Map No. 6, dated 31st March 2005;
 - (vi) public amenity and children’s play area, Sion Village, Sion, St. John, as shown on Map No. 7, dated 31st March 2005;
 - (vii) Mont Nicolle School playing field (Field 245), Mont Nicolle, St. Brelade, as shown on Map No. 8, dated 31st March 2005;
 - (viii) two public amenity areas to the south of Clos d’Avoine, St. Brelade, as shown on Map No. 9, dated 31st March 2005;
 - (ix) Holy Trinity Parish Church yard and cemetery, Rue ès Picots, Trinity, as shown on Map No. 11/1, dated 15th April 2005;
 - (x) amenity area at Les Maisons Cabot, Rue ès Picots, Trinity, as shown on Map No. 12, dated 31st March 2005;
 - (xi) planted amenity areas to east of Howard Davis Farm, Route de la Trinité, Trinity, as shown on Map No. 13, dated 31st March 2005;
 - (xiii) two amenity areas at Le Bourg, Grande Route de La Côte, St. Clement, as shown on Map No. 14, dated 31st March 2005;
 - (xiii) amenity/children’s play area, Clos de l’Abri, St. Clement, as shown on Map No. 15, dated 31st March 2005;
 - (xiv) public amenity area, Clos de Mon Sejour, Rue de la Hauteur, St. Helier, as shown on Map No. 16, dated 31st March 2005;
 - (xv) Haute Vallée School playing fields, St. Helier, as shown on Map No. 17, dated 31st March 2005;
 - (xvi) amenity area off Jardin du Hogard, Maufant, St. Martin, as shown on Map No. 18, date

31st March 2005;

- (xvii) Le Cimetière de la Croix, Rue à Don, Grouville, as shown on Map No. 19, dated 31 March 2005;
 - (xviii) amenity area, Le Bernage Estate, Longueville Road, St. Saviour, as shown on Map No. 20, dated 31st March 2005;
- (b) to rezone from the Built-up Area to the Green Zone –
- (i) Field 108A, Rue du Pontlietaut (Pontorson Lane), St. Clement, as shown on Map No. 2 dated 31st March 2005;
 - (ii) the property known as Roches d'Ouvres and other garden areas and escarpment land, Chemin du Guet, Rozel, Trinity, as shown on Map No. 24/1, dated 13th April 2005;
 - (iii) an area of land situated in the Parish of St. Lawrence, bounded to the south by Tessor Mews, to the west by La Rue du Moulin de Tesson and to the north and east by La Vallée de St. Pierre, as shown hatched on the attached drawing dated 9th February 2005;
 - (iv) Field 621, La Route de Noirmont, St. Brelade, as shown hatched on the attached drawing dated 17th February 2005;
 - (v) the area of land in St. Clement bound on its northern side by the dwelling "Jambart House", on the eastern side by Rue de Jambart and on its southern and western sides by Field 198A; and,
 - (vi) the area of land in St. Clement designated as Built Up Zone on the 2002 Island Plan map and bound on its eastern side by Rue de Jambart and on its northern side by the dwelling "Jambart Farm";
- (c) to include within the Built-Up Area the following sites –
- (i) site of new Rectory, Rue des Landes, St. John, as shown on Map No. 27/1, dated 14th April 2005;
 - (ii) site of former Elmdale Hotel, Rue de la Ville Emphrie, St. Lawrence, as shown on Map No. 28, dated 31st March 2005;
 - (iii) Homefield, Grande Route de St. Jean, St. Helier, as shown on Map No. 30, dated 11 April 2005;
 - (iv) Manoir d'Aval, Rue d'Aval, St. Martin, as shown on Map No. 31, dated 11th April 2005;
 - (v) Hillside, Rue de Crocquet (High Street), St. Aubin, St. Brelade, as shown on Map No. 32 dated 11th April 2005.

Members present voted as follows –

POUR: 43

CONTRE: 0

ABSTAIN: 0

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard

Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Draft Child Abduction and Custody (Jersey) Law 200- P.105/2005

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Child Abduction and Custody (Jersey) Law 200-.

Draft Criminal Law (Child Abduction) (Jersey) Law 200- P.106/2005

THE STATES commenced consideration of the draft Criminal Law (Child Abduction) (Jersey) Law 200-, and adopted the preamble.

Members present voted as follows –

POUR: 29

CONTRE: 1

ABSTAIN: 0

Senator S. Syvret

Deputy J.J. Huet (H)

Senator W. Kinnard
Senator M.E. Vibert
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES adopted Articles 1 to 6, together with the Schedule.

Members present voted as follows –

POUR: 28

CONTRE: 0

ABSTAIN: 0

Senator J.A. Le Maistre
Senator S. Syvret
Senator F.H. Walker
Senator W. Kinnard
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)

Deputy J.A. Martin (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Law (Child Abduction) (Jersey) Law 200-.

Draft Child Custody (Jurisdiction) (Jersey) Law 200- P.107/2005

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Child Custody (Jurisdiction) (Jersey) Law 200-.

Change in Presidency

The Deputy Bailiff retired from the Chair following consideration of the draft Child Custody (Jurisdiction) (Jersey) Law 200-, (P.107/2005, lodged “au Greffe” on 7th June 2005), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005 (Appointed Day) Act 200- P.123/2005

THE STATES, in pursuance of Article 22 of the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005, made an Act entitled the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005 (Appointed Day) Act 2005.

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Regulations 200- P.124/2005

THE STATES, in pursuance of Articles 1(3) and 19 of the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005, made Regulations entitled the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Regulations 2005.

Change in Presidency

The Deputy Bailiff returned to the Chamber following consideration of the draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Regulations 200-, (P.124/2005 lodged “au Greffe” on 21st June 2005), and the meeting continued under his presidency.

La Pouquelaye School, Le Hurel, St. Helier: transfer of administration P.94/2005

THE STATES, adopting a proposition of the Education, Sport and Culture Committee –

- (a) authorised the transfer of administration of the buildings and land at La Pouquelaye School, Le Hurel, St. Helier (as shown on Drawing No. 5/95/1) from the Education, Sport and Culture Committee to the Environment and Public Services Committee; and,

- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

Jersey Law Commission: appointment of Commissioners – P.109/2005

THE STATES, adopting a proposition of the Legislation Committee –

- (a) referred to their Act, dated 30th July 1996, in which they approved the establishment of a Jersey Law Commission, and appointed Mr. Peter Hargreaves and Advocate John Kelleher as Commissioners for a period of 5 years with immediate effect; and,
- (b) referred to their Act, dated 8th February 2000, in which they approved the appointment of Mr. Clive Chaplin and Advocate Alan Richard Binnington as Commissioners of the Jersey Law Commission, and re-appointed those Commissioners for a period of 5 years with immediate effect.

La Collette, St. Helier: modification of lease of land to Jersey Gas Company Limited– P.115/2005

THE STATES, adopting a proposition of the Harbours and Airport Committee referred to their Act dated 31st July 1984, in which it was agreed to lease an area of land at La Collette of 99,414 square feet to the Jersey Gas Company Limited for 99 years with effect from 1st May 1978, and, that in order to facilitate the construction by the public of a vaporisation unit on land currently leased to the Jersey Gas Company Limited to the east of the gas storage and distribution area –

- (a) agreed a modification of the Contract Lease agreement between the public and the Jersey Gas Company Limited, passed before the Royal Court on 17th May 1991, reducing the area of land leased by the Company to 95,846 square feet as shown hatched on Drawing No. 1662/05/97;
- (b) authorised the payment of £87,011 to the Jersey Gas Company Limited, as fair and proper compensation for the loss and disturbance suffered by the Company, from the Environment and Public Services Committee Capital Vote C0393 – South La Collette Reclamation;
- (c) authorised the payment by the public of all legal fees associated with the modification of the contract lease agreement; and,
- (d) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the States.

Members present voted as follows –

POUR: 34

CONTRE: 2

ABSTAIN: 0

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier

Deputy of St. John
Deputy J.A. Bernstein (B)

Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Draft Liquor (Restriction on Consumption) (Jersey) Law 200- P.119/2005

THE STATES commenced consideration of the Draft Liquor (Restriction on Consumption) (Jersey) Law 200-, and adopted the Preamble.

Members present voted as follows –

POUR: 40

CONTRE: 1

ABSTAIN: 0

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy M.F. Dubras (L)

Deputy of St. John

Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES adopted Articles 1 to 10.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Liquor (Restriction on Consumption) (Jersey) Law 2005.

**Commission Amicale: appointment of President and Chairman – P.89/2005
Amendment**

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning the Commission Amicale: appointment of President and Chairman, and adopted an amendment of Senator Jean Amy Le Maistre that after paragraph (b) there be insert the following new paragraph–

- “(c) that administrative support for the Commission Amicale should be provided by the States Greffe to ensure independence from the Policy and Resources Committee and the future Chief Minister’s Department.”

THE STATES, adopting a proposition, as amended, of the Policy and Resources Committee agreed –

- (a) that a new position of President of the Jersey delegation to the Commission Amicale should be created and that the Bailiff should be appointed to the rôle;
- (b) that Senator Jean Amy Le Maistre should be appointed as Chairman of the Jersey delegation to the Commission Amicale; and,
- (c) that administrative support for the Commission Amicale should be provided by the States Greffe to ensure independence from the Policy and Resources Committee and the future Chief Minister’s Department.

THE STATES rose at 5.50 p.m.

M.N. DE LA HAYE

Greffier of the States.