

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 14th FEBRUARY 2006

QUESTIONS	5
1 Written Questions.....	5
1.1 The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding interim policies to improve design, local relevance and space around new buildings	5
1.2 The Chief Minister will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement long term suspension of employees from office	6
1.3 The Minister for Home Affairs will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the investigation of traffic accidents involving fatalities	6
1.4 The Chief Minister will table an answer to a question asked by Deputy D.W. Mezbourian of St. Lawrence regarding employee suspensions arising from disciplinary infractions.....	7
1.5 The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding advertising by Jersey Tourism through the jersey.com website	13
1.6 The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the taxation of new non-financial companies.....	14
1.7 The Minister for Social Security will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding matters relating to Health Insurance Exemption (HIE) income allowances	15
1.8 The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Town Park site	17
1.9 The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Jersey's position on its Gross Replacement Rate (GRR).....	17
1.10 The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding matters relating to the production of certain statistics	19
1.11 The Minister for Home Affairs will table an answer to a question asked by Deputy J.B. Fox of St. Helier regarding the disbanded Police Motor Cycle Unit.....	20
2 Oral Questions	22
2.1 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the number, cost and arrangements for States Police and Customs Department dogs when handlers are sick or on leave:.....	22
2.2 Deputy R. G. Le Hérisier of St. Saviour of the Minister for Social Security regarding the sufficiency of IT systems for the Low Income Support Scheme:	24
2.3 Senator B.E. Shenton of the Minister for Treasury and Resources regarding selection process procedures for directors of Jersey Post, commitment sought and remuneration:	25
2.4 Deputy R. G. Le Hérisier of the Chief Minister regarding the non-commencement of the Law Society of Jersey Law:	27
2.5 Connétable D.J. Murphy of Grouville of the Minister for Planning and Environment regarding applications by Cable and Wireless for mobile telephone masts:.....	27
2.6 Deputy G.P. Southern of the Minister for Social Security regarding placements by agencies in 2004 and 2005 to assist those on benefits to obtain employment:	29

2.7	Deputy A. Breckon of the Minister for Housing regarding evidence of lower rents and reduction in hardship cases:.....	30
2.8	Deputy G.P. Southern of the Minister for Treasury and Resources regarding legal advice sought on ITIS (Income Tax Instalment System):.....	34
2.9	Connétable A.S. Crowcroft of St. Helier of the Minister for Education, Sport and Culture regarding responsibility for allocating free nursery places at primary schools:.....	35
2.10	Deputy G.C.L. Baudains of St. Clement of the Minister for Planning and Environment regarding canvassing of groups on plans for Conway Street:.....	38
2.11	Deputy G.C.L. Baudains of the Minister for Transport and Technical Services regarding permit parking at Snow Hill for States Members:.....	39
2.12	Senator P.F.C. Ozouf (point of order):.....	41
2.13	Deputy G.P. Southern (request for clarification):.....	42
3.	Questions to Ministers without Notice - The Minister of Transport and Technical Services	42
3.1	Deputy J.A. Hilton of St. Helier:.....	42
3.2	Deputy I.J. Gorst of St. Clement:.....	43
3.3	Deputy G.P. Southern:.....	43
3.4	Deputy D.W. Mezbourian of St. Lawrence:.....	44
3.5	Deputy R.G. Le Hérissier:.....	44
3.6	Deputy R.C. Duhamel of St. Saviour:.....	44
3.7	The Connétable of Helier:.....	45
3.8	Senator J.L. Perchard:.....	45
3.9	Deputy P.V.F. Le Claire:.....	45
3.10	Deputy S.C. Ferguson of St. Brelade:.....	46
3.11	Deputy A.D. Lewis:.....	46
4.	Questions to Ministers without Notice - The Chief Minister.....	46
4.1	Senator L. Norman:.....	46
4.2	Deputy G.P. Southern:.....	46
4.3	Senator B.E. Shenton:.....	47
4.4	Deputy J.A. Martin:.....	47
4.5	The Deputy of St. John:.....	47
4.6	The Connétable of St. Helier:.....	47
4.7	Deputy P.V.F. Le Claire:.....	48
4.8	Deputy D.W. Mezbourian:.....	48
4.9	Deputy R.C. Duhamel:.....	48
4.10	Deputy J.A. Martin:.....	48
4.11	Deputy R.G. Le Hérissier:.....	49
4.12	Deputy P.V.F. Le Claire:.....	49
4.13	Deputy J.G. Reed of St. Ouen:.....	49
4.14	Deputy A. Breckon:.....	50
4.15	Deputy G.P. Southern:.....	50
4.16	Deputy P.V.F. Le Claire:.....	50
4.17	Deputy J.A. Hilton:.....	50
	STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY.....	51
5	Senator W. Kinnard (The Minister for Home Affairs):.....	51
5.1	Deputy R.G. Le Hérissier:.....	52
5.2	Deputy G.P. Southern:.....	52
5.3	Deputy J.A. Martin:.....	52
5.4	Deputy R.G. Le Hérissier:.....	52
	PUBLIC BUSINESS.....	53
6.	Draft Magistrates Court and Petty Debts Court (Location) (Jersey) Act 200- (P.7/2006)....	53
6.1	Connétable K.P. Vibert of St. Ouen:.....	53
6.2	Senator J.L. Perchard:.....	54
6.3	Senator W. Kinnard:.....	54
6.4	Senator P.F.C. Ozouf:.....	54
6.5	The Connétable of St. Ouen:.....	54
7.	Draft Administrative Decisions Review (Amendment 2) (Jersey) Law 200- (P.195/2005) ..	55

7.1	Connétable D.F. Gray of St. Clement (Chairman of the Privileges and Procedures Committee):.....	55
7.2	The Deputy of St. Martin:.....	56
7.3	Deputy A. Breckon:	56
7.4	Senator P.F.C. Ozouf:.....	56
7.5	The Connétable of St. Clement:	56
7.6	The Connétable of St. Clement:	57
7.7	The Connétable of St. Clement:	57
7.8	The Deputy of St. Martin:.....	58
7.9	Senator P.F.C. Ozouf:	58
7.10	Senator T.J. Le Main:	58
7.11	Deputy C.J. Scott Warren of St. Saviour:.....	59
7.12	Deputy G.W.J. de Faye:	59
7.13	Miss S.C. Nicolle, Q.C., (H.M. Solicitor General):	59
7.14	The Deputy of St. Martin:.....	59
7.15	Senator P.F.C. Ozouf:	59
7.16	The Deputy of St. Martin:.....	60
7.17	The Connétable of St. Clement:	61
7.18	The Connétable of St. Clement:	61
7.19	The Deputy of St. Martin:.....	61
7.20	Deputy C.J. Scott Warren:.....	62
7.21	The Connétable of St. Clement:	62
7.22	The Deputy of St. Martin:.....	62
7.23	The Connétable of St. Clement:	62
7.24	The Deputy of St. Martin:.....	62
7.25	The Connétable of St. Clement:	63
7.26	The Connétable of St. Clement:	63
7.27	The Deputy of St. Martin:.....	63
7.28	Deputy G.P. Southern:	64
7.29	Deputy C.J. Scott Warren:.....	64
7.30	Senator P.F. Ozouf:.....	64
7.31	Senator M.E. Vibert:.....	64
7.32	The Deputy of St. Martin:.....	65
7.33	H.M. Solicitor General:	65
7.34	Senator P.F.C. Ozouf:	65
7.35	The Connétable of St. Clement:	65
7.36	The Connétable of St. Clement:	66
7.37	The Connétable of St. Clement:	66
7.38	The Deputy of St. Martin:.....	66
8.	Private hospital development: Scrutiny Review (P.221/2005).....	66
8.1	Deputy P.V.F. Le Claire:.....	66
8.2	Senator S. Syvret:	67
8.3	Deputy P.V.F. Le Claire:.....	67
9.	Draft Employment (Minimum Wage) (Amendment) (Jersey) Regulations 200- (P.282/2005)	68
9.1	Senator P.F. Routier (The Minister for Social Security):.....	68
9.2	Deputy G.P. Southern:	70
9.3	Deputy C.J. Scott Warren:.....	71
9.4	Senator P.F. Routier:.....	71
9.5	Senator P.F. Routier:.....	73
10.	Public Employees Contributory retirement Scheme Committee of management: membership (P.6/2006).....	74
10.1	Deputy I.J. Gorst of St. Clement:	74
10.2	Deputy P.V.F. Le Claire of St. Helier:	74
10.3	Deputy S.C. Ferguson:	74
10.4	Deputy I.J. Gorst:	75
	ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS	75

Greffier of the States (in the Chair):	75
11.1 Deputy P.V.F. Le Claire:	75
Greffier of the States (in the Chair):	75
11.2 Connétable D.F. Gray of St. Clement:	75
Greffier of the States (in the Chair):	75
11.3 Senator S. Syvret:	75
Greffier of the States (in the Chair):	75
11.4 Deputy G.W.J. de Faye (point of information):	75
Greffier of the States (in the Chair):	76
Deputy G.W.J. de Faye:	76
Greffier of the States (in the Chair):	76
Deputy P.V.F. Le Claire:	76
11.5 Senator L. Norman:	76
11.6 Deputy G.P. Southern:	76
Greffier of the States (in the Chair):	76
11.7 Senator S. Syvret:	76
Greffier of the States (in the Chair):	77
ADJOURNMENT	78

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

QUESTIONS

1 Written Questions

1.1 The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding interim policies to improve design, local relevance and space around new buildings

Question

The Minister has recently announced interim policies to improve design, local relevance and space around new buildings; would he explain whether these new policies will be compromised by advice given by the Department or 'in principle' permissions granted by the former Committee and, if so how, and would he also explain what policies, if any, have been put in place so that the Planning Applications Panel is not bound by advice given to applicants by Departmental officers?

Answer

Since my appointment as Minister I have introduced interim policies with the following aims –

raising standards in the design of new buildings in Jersey;

encouraging high standard traditionally designed schemes, modern interpretations of traditional theme schemes and modern architectural schemes;

ensuring that new buildings in most cases are designed having regard to their context. They should be appropriate to their surroundings, from which they should draw reference in terms of building form, mass, height;

ensuring that most new buildings should reflect in their design their relevance to Jersey;

ensuring that new residential developments are reasonably spacious;

requiring the provision of models for larger application.

These policies will be further refined in the coming months and will be subject to consultation. Whilst the principles will be applied to new applications, it would be unreasonable to apply these too stringently to applications lodged before the introduction of the interim policies.

The department, wherever possible, will encourage current applications to comply with the new policies but there will inevitably be a transition phase during which compromises will be unavoidable. The department's ability to impose the new design policies will be compromised in cases where specific officer advice has been given based on the policies that previously existed before the introduction of the new guidelines. Furthermore, there will also be cases where previous Committees have given consents in principle or indications and it will be wholly unreasonable to impose the new design principles.

The department and I remain conscious that the panel's discretion should never be compromised by commitments or specific indications given by officers. Therefore, on 16th January 2006, the Director of Planning re-issued written instructions to officers reminding them that any advice

given, whether orally or in writing, is without prejudice to any decision the Minister or the Panel might make on a subsequent application, after proper consideration of all the facts.

1.2 The Chief Minister will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement long term suspension of employees from office

Question

Would the Chief Minister –

- (a) advise whether he will be discussing the matter of long term suspension from public service and the effects this has on the individual and the employer with his fellow Ministers?
- (b) identify and explain the reasons why some suspensions are so lengthy? and,
- (c) put in place measures to ensure that lengthy suspensions are confined to complex financial or international investigations and do not happen for clearly less complicated cases?

Answer

- (a) Yes, the issue of long term suspensions, including their effects, was discussed at a meeting of the Council of Ministers on 9th February 2006.
- (b) There are a number of reasons why some suspensions are lengthy.

Individual cases may require police investigation, and this can take some time in the more complex cases. Depending on the outcome of an investigation, it may then be necessary to refer a case file to the Law Officers' Department for a decision on a possible prosecution.

Any decision by the employer to suspend a member of staff is subject to an agreed disciplinary framework. This framework has been developed over an extended period and is compliant with the ACAS Code of Practice. This means that disciplinary procedures are subject to a process of investigation and hearings, with provision being made for the right of representation and appeal. Whilst this process may take some time, it is important that such matters are dealt with properly and do not expose the employer to the risk of legal challenge and claims for compensation.

- (c) The Council of Ministers fully shares my deep concern about the number of long term suspensions, and wishes to ensure that all cases are dealt with as expeditiously as possible. I have accordingly asked my Chief Executive to carry out an urgent investigation into the matter, and to report back to me with recommendations as to how the current situation can be improved.

1.3 The Minister for Home Affairs will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the investigation of traffic accidents involving fatalities

Question

Would the Minister inform the Assembly whether she is satisfied that police investigations of traffic accidents involving fatalities are completed expeditiously, and would she give an indication of the time within which such an investigation should usually be completed?

Answer

The last fatal road traffic crash investigated by the States of Jersey Police occurred on 12th May 2005, and was a double fatality in St. Martin. As there was only one car involved, and the driver died, there was no file to H.M. Attorney General. The file was forwarded to the Deputy Viscount on 13th May 2005. Other technical evidence would have been available for the inquest.

Previous to that, the States of Jersey Police investigated a fatal crash which occurred outside the hospital on 12th February 2004. After investigation, the file was completed and finalised to H.M. Attorney General on 23rd June 2004, who ruled that there should be no prosecution.

The States of Jersey Police carry out their enquiries into fatal road crashes in accordance with the ACPO guidelines. They are carried out expeditiously and thoroughly. The length of time will vary with the types of evidence that has to be produced. Much of it is technical and expert, which means that it is often not available overnight, or indeed, on the Island.

Because of the vastly different investigation requirements of different crashes it is not possible to prescribe precise timetables but on the evidence available I am satisfied that all such enquiries conducted by the States of Jersey Police are carried out to an appropriate standard and timescale.

1.4 The Chief Minister will table an answer to a question asked by Deputy D.W. Mezbourian of St. Lawrence regarding employee suspensions arising from disciplinary infractions

Question

Would the Chief Minister inform members of the total number of staff, by Department, who have been suspended as a result of disciplinary infractions in each of the last three years (2002 to 2005) and in each case identify the employee group concerned, the nature of the alleged infraction, the period of suspension, and the means of disposal of the case?

Answer

The total number of staff suspended over the four-year period 2002 to 2005 was 64, an average of 16 a year, and details are listed below in alphabetical order of department.

Although this number does appear to be high, it should be noted that it represents a very small percentage of the total public sector workforce. 16 suspensions a year out of a total headcount of 6,485 (as at 30th June 2005) represents a percentage of approximately 0.25%.

Nevertheless, the figures in some departments do give cause for concern, especially in those cases where suspensions have lasted for an extended period. I have accordingly asked my Chief Executive to carry out an urgent investigation into the matter, and to report back with recommendations as to how the current situation can be improved.

The detailed figures are given below –

Chief Minister's Department

Total number of staff suspended 2002-2005: 2

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
Civil servant	Gross negligence (professional standards)	Dismissed & subsequently reinstated on appeal	7 weeks	2005
Civil servant	Serious misconduct (professional standards)	Issued with a final written warning	7 days	2005

Economic Development

Total number of staff suspended 2002-2005: 2

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
Civil servant	Suspended under the bullying and harassment policy	Hearing scheduled for March 2006	Two weeks (officer now on sick leave)	2005
Manual worker	Refused to carry out instructions of manager	Reinstated	One week	2004

Education, Sport and Culture

Total number of staff suspended 2002-2005: 7

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
ETSSS	Inappropriate use of internet	Dismissed	Three weeks	2002
Manual worker	Possession of firearms: criminal charge	Resigned 23.10.02	One week	2002
Teacher	Possession of class A & B substances: criminal charge	Dismissed	Two weeks	2003
Manual worker	Reported for duty in an intoxicated state on three separate occasions	Dismissed	One week	2004
RCCO	Receiving full salary on sick leave & employed elsewhere	Dismissed	Eight weeks	2004
Manual worker	Indecent assault on	Resigned	Six weeks	2005

	female person age 15 years: criminal charge	4.11.05		
Civil servant	Suspended under the bullying and harassment policy	Ongoing	Ten weeks (suspension commenced on 2.12.05)	2005

Health and Social Services

(Note: The information relating to Health and Social Services was originally provided by the Minister for Health and Social Services in a written answer on 17th January 2006).

Total number of staff suspended 2002-2005: 21

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
Manual worker	Under police investigation (misuse of computers)	Ongoing	3.5 years	2002 ongoing
Nursing	Gross Misconduct (Patient abuse)	Resigned when given penalty	5 months	2002
Social Worker	Gross Misconduct (Professional standards)	Resigned whilst suspended	6 weeks	2002
Manual worker	Gross misconduct (theft of HSS property)	Employee resigned before disciplinary hearing	1 day	2002
RCCO	Standards of child care	Written warning	12 weeks	2003
Nursing	Gross misconduct (alcohol abuse on duty)	Dismissed	7 weeks	2003
Medical staff	Performance issues	Referral to NCAS	3 weeks	2004
Medical staff	Performance and medical concerns	Still under investigation	13 months	2004 ongoing
Nursing	Gross Misconduct (Inappropriate Behaviour)	Dismissed	6 weeks	2004
Medical Staff	Professional standards	No case after police investigation	11 months	2004
Nursing	Professional Standards	No case after police investigation	13 months	2004
Nursing	Gross misconduct (patient abuse)	Dismissed	2 months	2005

Civil Servant	Gross misconduct (misuse of email)	Suspended while working notice period	4 weeks	2005
Social Worker	Gross Misconduct (Performance issues)	Dismissed	6 months	2005
Nursing	Gross misconduct (Patient abuse)	Resigned when given penalty	4 weeks	2005
Nursing	Gross misconduct (Patient abuse)	Dismissed	12 weeks	2005
Nursing	Lack of duty of care	Written warning	5 weeks	2005
Nursing	Under Police investigation	Ongoing	12 months	2005 ongoing
Nursing	Professional Standards	No case	5 weeks	2005
Nursing	Inappropriate Behaviour	No case	5 weeks	2005
Manual worker	Gross misconduct (alcohol abuse and non-attendance)	Resigned whilst suspended	2 weeks	2005
Manual worker	Gross misconduct (abusive language towards a patient)	Written warning	5 months	2005

Home Affairs

Total number of staff suspended 2002-2005: 4

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
Prison Officer	Assault on a prisoner	Resigned	3 months	2002
Prison Officer	Trafficking of illegal substance	Resigned	4 months	2004
Prison Officer	Unprofessional conduct with a prisoner	Resigned	One month	2005
Firefighter	Serious misconduct (unacceptable behaviour towards colleague)	Written warning	Four days	2003

Housing

Total number of staff suspended 2002-2005: None

Judicial Greffe

Total number of staff suspended 2002-2005: None

Law Officers' Department

Total number of staff suspended 2002-2005: None

Planning and Environment

Total number of staff suspended 2002-2005: None

Police

Total number of staff suspended 2002-2005: 15

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
Police Officer	Misconduct	Dismissed	10 months	2002
Police Officer	Misconduct	Resigned	6 months	2003
Civil servant	Misconduct	Dismissed	10 months	2003
Civil servant	Criminal allegation/ misconduct	Resigned	10 months	2003
Civil servant	Criminal allegations/ gross misconduct	Resigned	9 months	2003
Civil servant	Criminal allegations/ gross misconduct	Dismissed	9 months	2003
Civil servant	Criminal allegations/ gross misconduct	Dismissed	9 months	2003
Police Officer	Misconduct: criminal charges	Resigned	6 months	2004
Police Officer	Criminal allegation/ misconduct	Official reprimand	One year 8 months	2004
Police Officer	Serious misconduct	Awaiting disciplinary hearing	One year 4 months	2004
Police Officer	Criminal allegation/ misconduct	Resigned	4 months	2004
Civil servant	Gross misconduct	Resigned	8 months	2004
Police Officer	Criminal allegation/ misconduct	Awaiting charges/ disciplinary hearing pending	7 months	2005
Police Officer	Misconduct	Resigned	3 months	2005
Civil servant	Gross misconduct	Resigned	6 months	2005

Postal Department

Total number of staff suspended 2002-2005: 10

Employee Group	Nature of alleged infraction	Outcome	Length of suspension	Year
Postal Worker	Postal Infraction	Dismissal	3 weeks	2002
Postal Worker	Serious Breach of Personal Conduct	Dismissal	10 days	2002
Postal Worker	Breach of Personal Conduct	Final Written Warning	2 weeks	2003
Postal Worker	Postal Infraction	Did not proceed to disciplinary	1 week	2003
Postal Worker	Postal Infraction	Dismissal	2 weeks	2003
Postal Worker	Falsification of records	Final Written Warning	2 weeks	2004
Postal Worker	Breach of Personal Conduct	Final Written Warning	1 week	2004
Postal Worker	Breach of Personal Conduct	Final Written Warning	1 week	2004
Postal Worker	Customer Complaint	Written Warning	1 week	2005
Postal Worker	Postal Infraction	Did not proceed to disciplinary	2 weeks	2005

Probation

Total number of staff suspended 2002-2005: None

Social Security

Total number of staff suspended 2002-2005: 1

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
Civil servant	Misuse of e-mail system	Resigned	2 weeks	2005

States Greffe

Total number of staff suspended 2002-2005: None

Transport and Technical Services

Total number of staff suspended 2002-2005: 1

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
-----------------------	-------------------------------------	----------------	-----------------------------	-------------

Civil servant	Gross misconduct: misuse of e-mail (sending an inappropriate e-mail to a States member)	Final written warning	Two months	2004

Treasury and Resources

Total number of staff suspended 2002-2005: 1

Employee group	Nature of alleged infraction	Outcome	Length of suspension	Year
Civil servant	Gross misconduct (internet abuse)	Dismissal	12 days	2005

Viscount's Department

Total number of staff suspended 2002-2005: None

1.5 The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding advertising by Jersey Tourism through the jersey.com website

Question

Would the Minister inform members whether Jersey Tourism is currently running an advertisement in national papers offering return fares to Jersey of £19.50 by sea and £51 by air and which refers readers to Jersey.com and, if so –

- (a) where on the jersey.com website details of the promotion can be found? and,
- (b) whether these prices are available to Jersey residents wishing to travel to the UK; if the answer is in the negative, would he explain the reasons why Jersey residents can not benefit from the promotion?

Answer

This particular advertisement appeared the weekend of 4th/5th February 2006. The fares quoted were confirmed by the two carriers, Condor Ferries by sea and Thomsonfly by air prior to the advertisement appearing. Further similar advertisements are scheduled to appear but subject to suitable prices and availability at the time of going to press.

- (a) jersey.com website offers consumers a variety of ways in which access can be gained to travel information. There is a complete travel section which offers links to the website of every carrier serving Jersey and an on line booking facility which enables consumers to book virtually every service to the Island.

- (b) prices of air and sea fares to and from the Island are managed by individual carriers, usually employing computerised yield management systems. Availability can change very rapidly and usually cheaper fares are more likely to be available the earlier their enquiry is made. Most airlines operate on a sector fare basis for calculation of return air tickets and, therefore, the prices will be the same irrespective of whether the journey first commenced in the U.K. or in Jersey.

1.6 The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the taxation of new non-financial companies

Questions

1. In answer to my question No. 2715 on 31st January 2006, the Assistant Minister stated that *'the increase in any one benefit is unlikely to be the prime (or sole) cause'* of loss of HIE and that he would welcome examples of difficulties caused by the loss of HIE through the differential rates by which benefits and thresholds were uprated. Would the Minister inform members whether the department has been made aware recently of at least one case where differential uprating is the sole cause of loss of HIE?
2. Would the Minister inform members whether any loss of HIE has occurred at a level of income of £9,000 per year being a figure below the relative low-income threshold revealed in the 2002 Income Distribution Survey?
3. Can the Minister confirm that, according to his own figures, the relative 'slippage' of rates over the past 5 years has been 5.5% (28% rise in benefits and 22.5% rise in HIE threshold) and indicate whether this has produced significant numbers of persons who have been placed over HIE limits without change in circumstances?
4. In the final paragraph of part (c) of his answer, the Assistant Minister stated that the RPI is the appropriate Index for uprating since HIE is part of the *'ultimate safety net'*; can the Minister confirm whether the differential figures above indicate that HIE should not be treated solely as income support and whether medical needs should be incorporated into any new system?
5. Would the Minister provide members with anonymised data relating to HIE/non-HIE attendances by GPs referred to in his previous answer?
6. Notwithstanding the broad outline given in the Income Support system and already agreed to by the States, would the Minister provide members with details of any 'tapers' or other mechanisms which will ameliorate the 'all or nothing' effect of current income ceilings and income bars and the income levels over which it is intended such tapers will operate?

Answer

1. The Department has been made aware of only one claim where increased social insurance benefit income has been a factor. The claimant also had income from another source which had risen slightly.
2. To clarify, there is no single low income threshold. The 2002 Income Distribution Survey (September 2003 report) actually quotes 60 possible relative low income thresholds for different household types. To answer the question in full would require a disproportionate

amount of staff time to audit each claim manually as relevant computerised data is not stored, in particular income not included in the assessment (some of which is wholly disregarded). However, the Department is not aware of loss of HIE at income below £9,000 in recent months.

3. I would reiterate my answer to the last question that the uprating of a benefit designed to replace income, and income allowances in a means assessment, are not comparable and hence it is appropriate to use different indices. The whole point is to get people off means tested benefits and help them become self sufficient. It would require significant resource to audit and review all claim details to ascertain individual reasons for exceeding the Income Criteria. The weaknesses of the HIE system have been identified and the focus of the Department at this time is on developing and implementing the Income Support system that will supersede the HIE and other means tested schemes.
4. I would refer the Deputy to P.86/2005 as approved by the States. Income Support will include four levels of a 'disability' component. People with illness or disability may have increased expenditure for a number of reasons, including additional medical care. People who have an identified need for additional medical care (whether through illness or disability) will be able to make a claim for a disability component. In addition, the aim is to modify the Health Insurance scheme over time to give further help to people with chronic illnesses (irrespective of income) who require increased levels of medical care.
5. In 2005 a total of 43,623 doctors visits were recorded by HIE recipients and 306,029 by the remainder of the population.
6. The very nature of the system outlined and agreed by the States removes the all or nothing situation of income bars as subsidy is gradually withdrawn as income rises. The Marginal Deduction Rate gives incentive to increase income as a percentage and will be retained. P.86/2005 gave an example using a marginal deduction rate of 90% and detailed calculations later this year will start from this basis. As the Deputy is aware, from his recent discussions with the Department, we are awaiting the outcome of the Household Expenditure Survey so that the most up-to-date information is used. The income level will be calculated according to composition of the household and combination of the components applicable. Component rates will be set towards the end of 2006 and will of course be subject to States approval.

1.7 The Minister for Social Security will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding matters relating to Health Insurance Exemption (HIE) income allowances

1. In answer to my question No. 2715 on 31st January 2006, the Assistant Minister stated that *'the increase in any one benefit is unlikely to be the prime (or sole) cause'* of loss of HIE and that he would welcome examples of difficulties caused by the loss of HIE through the differential rates by which benefits and thresholds were uprated. Would the Minister inform members whether the department has been made aware recently of at least one case where differential uprating is the sole cause of loss of HIE?
2. Would the Minister inform members whether any loss of HIE has occurred at a level of income of £9,000 per year being a figure below the relative low-income threshold revealed in the 2002 Income Distribution Survey?

3. Can the Minister confirm that, according to his own figures, the relative 'slippage' of rates over the past 5 years has been 5.5% (28% rise in benefits and 22.5% rise in HIE threshold) and indicate whether this has produced significant numbers of persons who have been placed over HIE limits without change in circumstances?
4. In the final paragraph of part (c) of his answer, the Assistant Minister stated that the RPI is the appropriate Index for uprating since HIE is part of the '*ultimate safety net*'; can the Minister confirm whether the differential figures above indicate that HIE should not be treated solely as income support and whether medical needs should be incorporated into any new system?
5. Would the Minister provide members with anonymised data relating to HIE/non-HIE attendances by GPs referred to in his previous answer?
6. Notwithstanding the broad outline given in the Income Support system and already agreed to by the States, would the Minister provide members with details of any 'tapers' or other mechanisms which will ameliorate the 'all or nothing' effect of current income ceilings and income bars and the income levels over which it is intended such tapers will operate?

Answer

1. The Department has been made aware of only one claim where increased social insurance benefit income has been a factor. The claimant also had income from another source which had risen slightly.
2. To clarify, there is no single low income threshold. The 2002 Income Distribution Survey (September 2003 report) actually quotes 60 possible relative low income thresholds for different household types. To answer the question in full would require a disproportionate amount of staff time to audit each claim manually as relevant computerised data is not stored, in particular income not included in the assessment (some of which is wholly disregarded). However, the Department is not aware of loss of HIE at income below £9,000 in recent months.
3. I would reiterate my answer to the last question that the uprating of a benefit designed to replace income, and income allowances in a means assessment, are not comparable and hence it is appropriate to use different indices. The whole point is to get people off means tested benefits and help them become self sufficient. It would require significant resource to audit and review all claim details to ascertain individual reasons for exceeding the Income Criteria. The weaknesses of the HIE system have been identified and the focus of the Department at this time is on developing and implementing the Income Support system that will supersede the HIE and other means tested schemes.
4. I would refer the Deputy to P.86/2005 as approved by the States. Income Support will include four levels of a "disability" component. People with illness or disability may have increased expenditure for a number of reasons, including additional medical care. People who have an identified need for additional medical care (whether through illness or disability) will be able to make a claim for a disability component. In addition, the aim is to modify the Health Insurance scheme over time to give further help to people with chronic illnesses (irrespective of income) who require increased levels of medical care.
5. In 2005 a total of 43,623 doctors visits were recorded by HIE recipients and 306,029 by the remainder of the population.

6. The very nature of the system outlined and agreed by the States removes the all or nothing situation of income bars as subsidy is gradually withdrawn as income rises. The Marginal Deduction Rate gives incentive to increase income as a percentage and will be retained. P.86/2005 gave an example using a marginal deduction rate of 90% and detailed calculations later this year will start from this basis. As the Deputy is aware, from his recent discussions with the Department, we are awaiting the outcome of the Household Expenditure Survey so that the most up-to-date information is used. The income level will be calculated according to composition of the household and combination of the components applicable. Component rates will be set towards the end of 2006 and will of course be subject to States approval.

1.8 The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Town Park site

Question

Would the Minister inform members when he expects to receive the report into the extent of contamination of the Town Park site and when he will bring to the States a costed and realistic plan to bring the town park proposals forward?

Answer

The report on the recently completed ground survey study of pollution levels at the Gas Place and Talman Site car parks in St Helier has been received from the consultants, Arup Rothwell. Their findings and recommendations are currently being assessed by officers from Property Holdings, Transport and Technical Services, Health and Social Services and the Planning and Environment Departments, and their observations, together with the report will be presented to the Council of Ministers at the earliest opportunity.

The Town Park project is under consideration by the St. Helier Urban Task Force and it is intended, before the end of this year, to bring to the States a realistic proposal for the delivery of the new park.

1.9 The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Jersey's position on its Gross Replacement Rate (GRR)

Question

With regard to the findings contained in the OECD Report entitled '*Pensions at a Glance. Public policies across OECD Countries*', published in April 2005, which contained data regarding the Gross Replacement Rate (GRR) comparing the State pension rate with average earnings and showed that the average OECD earner received on retirement 56.9% of the average wage in State pension compared with 40% in the U.K., would the Minister state how Jersey's position regarding its Gross Replacement Rate (GRR) currently compares with the data contained in the report and inform members whether he intends to review Jersey's position in this regard and, if not, the reasons why?

Answer

The Statistics Department has advised that it will need time to examine the report to make sure that accurate comparisons can be made.

The OECD report is the first in a series to be published every two years to assess the impact of pension reforms. From an initial examination, it would seem that the question has picked on one figure, the Gross Replacement Rate (GRR), which is defined as “individual pension entitlement as a percentage of individual pre-retirement gross earnings” rather than a more useful one of Net Replacement Rate (NRR) which is defined as “individual pension entitlement net of taxes and contributions as a percentage of individual pre-retirement earnings net of taxes and contributions”. The report shows that on average the net replacement rate is 22% larger than gross replacement rates on average across the OECD. Care, therefore, needs to be taken on making comparisons.

The former Employment and Social Security Committee commissioned a report from Nottingham University, entitled *‘Social Protection in Jersey’: a Comparative Study*, (Stella Hart with Professor Robert Walker), which noted that comparisons were difficult because of the variation of prices between countries and the different purchasing power of different currencies (or the same currency as with the Euro). Using purchasing power parities (PPP) helps to eliminate this effect but is not done in this OECD report. Furthermore, the use of averages as a benchmark, although easier to obtain, is not as good as using median figures when considering earnings or income distributions. The reason is one of statistical bias, particularly in small populations like Jersey where a few very large income earners can skew the calculation of an average figure. I would direct the Deputy and States members to the report from Nottingham University for a better comparison of pensions and other social protection issues.

In addition, the Jersey Social Security pension is indexed by earnings and not prices and as the OECD report points out *‘nearly all OECD countries link pensions to consumer prices. However, some still adjust pensions in line with earnings, which may cost more than 20% more than if pensions were indexed to prices’*.

Further, there are two basic Social Security systems operating throughout Europe. The dominant Social Security system in mainland Europe is based on the Bismarkian system where contributions are higher to enable benefits and pensions to be paid on a wage related basis. The other system, which emanated from the U.K. and on which the Jersey system is based, is the Beveridge one. In this system, contribution levels are collected to provide a basic benefit and pension, a platform on which people can build supplementary provision. In other words, the role of the State is less prescriptive. Over the years, employer sick pay and maternity schemes, occupational pensions, private savings and pension schemes have emerged to enable people to supplement Social Security benefits and pensions.

It has been argued by some that the Beveridge systems are better placed to withstand the demographic changes than those based on the Bismarkian system. By providing a basic platform on which to build, Jersey has been able to take corrective action to raise contribution rates and is moving to a partially funded pension system to mitigate the impact of the demographics over the coming decades.

Therefore, there are no plans at present to change the Social Security Insurance system in Jersey which would, of course, entail increasing contributions even further and create higher future liabilities. However, if the policy is to allow people more choice and freedom to invest and save their money in different ways, I am concerned to ensure that people who can, do save enough on top of the basic States pension to achieve a reasonable and comfortable retirement. It was for this reason, that the former Employment and Social Security Committee published a *‘Policy Review of the Social Insurance system in Jersey : Interim Report’*, (R.C. 49/2004), raising a number of key

issues, including retirement income as a whole and not just the Social Security pension (Section 3 of that report).

My intention is to follow up on this report later in the year with wider public consultation on the broader pension issues.

In this context, the recent Turner Report on Pension Reform in the U.K. is interesting in that it suggests that the States Social Security Pension be increased to a basic level (Basic State Pension) and that it subsequently be uprated in line with average earnings instead of RPI, as Jersey has been doing for some time. The Pensions Commission also recommended a National Pensions Savings Scheme to provide for those who may not have other occupational or personal pension plans. Members will see that the question of encouraging or, possibly, requiring people to save more for their retirement, will be an important strategy consideration for the future and one that will no doubt generate much public debate as it is currently doing in the U.K.

For these reasons, I do not think that comparison of GRR only as defined in the OECD report is helpful. No doubt the Statistics Department will be able to advise in due course and if meaningful figures can be provided, they will be published.

1.10 The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding matters relating to the production of certain statistics

Question

Would the Chief Minister inform members –

- (a) whether he considers that indicators such as Gross National Income (GNI) is an appropriate indicator of economic trends in a small state and, if not, whether he intends to replace it with another type of indicator?
- (b) whether up until 1995/6 there was, in existence in the office of the Economic Advisor to the States, a separate “basket of goods” designed to measure the impact of RPI on pensioners and, if so, can the Minister confirm whether this mechanism still exists, and if not, the reasons why? Does the Minister have under consideration any further methods to measure the effects of RPI on pensioners? and,
- (c) whether he intends to take similar steps under the ministerial system in Jersey to those taken by the U.K. government to further distance the Office for National Statistics (ONS) from ministerial control?

Answer

- (a) The key measure of the economic performance of the Island is Gross Value Added (GVA) which, since 2004, has been produced annually to international agreed standards by the States Statistics Unit. The benefit of GVA is that it is the only aggregate economic measure that allows us to understand the performance of each sector of the economy and the whole economy.

In addition, the Statistics Unit publishes a range of supporting measures including GNI, GVA per employee and GDP. All these measures are appropriate if they are used correctly.

- (b) I understand that a pensioners RPI was previously calculated but that this stopped in the mid 1990's. Information about the impact of price rises on all households, including pensioners, is currently being collected by the Statistics Unit as part of the household expenditure survey. This survey, which has achieved a higher participation rate than previous rounds of the survey, will provide a wealth of information about the spending patterns and the impact of price rises for all households, including detailed information about the impact on pensioners, who tend to be at the lower end of the income distribution. This information and analysis will be extremely valuable in the development of social policy and will ensure we are better informed about the economic circumstances of the whole population than ever before.
- (c) Developments in the U.K. will, of course, continue to be monitored. However, it is important to acknowledge that the people of Jersey and its government are well-served by a Statistics Unit that is operationally independent and is providing a greater breadth of information than ever before.

In addition, the Statistics User Group has been established by the States to review and comment on official statistics, with a particular focus on the work of the Statistics Unit. The User Group is independent of both the States and its departments, and its members are drawn from a wide cross-section of organisations from the Island community, including organisations representing the consumers, the finance industry, the voluntary sector, and pensioners.

The position of the Statistics Unit will, however, be reviewed by the Council of Ministers in order to establish whether any changes are needed to the current arrangements.

1.11 The Minister for Home Affairs will table an answer to a question asked by Deputy J.B. Fox of St. Helier regarding the disbanded Police Motor Cycle Unit

Question

Would the Minister inform members –

- (a) whether the Police Motor Cycle Unit was disbanded without prior knowledge or approval of the former Home Affairs Committee?
- (b) who authorized the sale of the Police motor cycles and, in particular, when did the Minister know of the intended sale and did the Minister agree to the sale?
- (c) whether any representations were made by Deputy J.B. Fox to the former Home Affairs Committee to retain the Police Motor Cycle Unit, and whether, as a result, a report was to be produced regarding options for the way forward? If so, why was the sale authorised if such a report was still awaited?
- (d) whether an independent authority valued the sale price of the seven motorcycles in question and, if so, which authority?
- (e) whether the sale of the motor cycles was put out to tender either locally or nationally?
- (f) whether the public was consulted on the decision to disband the Police Motor Cycle Unit?
- (g) whether, prior to the disbandment, new radios were purchased specifically for the motor cycle unit?

- (h) whether any work has been undertaken to identify the effectiveness of a Police Motor Cycle Unit in the prevention and detection of crime and safety of the public, or otherwise, by the provision of a Police Motor Cycle Unit and, if so, what did this conclude?

Answer

- (a) A report was submitted to the former Home Affairs Committee informing it of the operational decision taken to disband the Motor Cycle Unit in order to achieve compliance with an H.M.I.C. recommendation in respect of the formation of a pro-active policing unit. Unfortunately, it was leaked to the press before the report was received. The former Committee recognised that failure to act on the H.M.I.C. recommendation could have resulted in the Island being judged to be non-compliant with recognised good practice and also that this additional commitment had to be achieved without any overall increase in resources.
- (b) A report went to the former Home Affairs Committee on 19th September 2005, which asked for authorisation to sell the motor cycles. Verbal representations had been made by Deputy Fox, and as a result, the former Committee gave interested parties until the next meeting to formally submit an alternative proposal which satisfactorily addressed the issues of performance and affordability. No alternative proposal was received, nor did the former Committee at any stage receive any written proposal which offered any alternative view. Two bids were made for the motor cycles, both were acceptable but one was withdrawn.
- (c) The answer to the previous question partly answers the question. In addition, the police report outlined no loss in productivity around roads policing but an increase in detection of crime matters attributable to the 'Proactive Investigation Team' set up, in place of the motor cycles. The statistics speak for themselves. There was also an improvement in response times to incidents following the disbandment of the bikes.
- (d) The motor cycles were sold for the best price available having taken stock of Glass's Guide and the professional advice of Workshop Technicians.
- (e) The motor cycles were high powered machines which the States of Jersey Police Force does not consider to be appropriate for untrained use on the Island's roads, nor would the service wish to be seen as indirectly responsible for any mishap as a result of their use by other than trained specialist riders. For this reason they were offered to emergency services in the U.K., and were not put out to tender.
- (f) This was seen as an operational decision taken by professionals with a responsibility to deliver the best policing service possible in accordance with H.M.I.C. advice on best practice. The public are frequently consulted about the priorities of the States of Jersey Police, and their views taken into account. They usually place dealing with speeding motorists at or near the top of those priorities, and the job of the police is then to deliver on this and to decide the operational methods used to do so. The disbandment of the motor cycle unit has led to improved performance, not only in that area, but also in other crime related areas as a result of the increased emphasis on intelligence-led policing which the disbandment allowed the Force to do.
- (g) No. The radios were in fact almost obsolete because the Force was moving to second generation encryption of the TETRA radio. Keeping the bikes would have involved spending £3,500 to equip them with new radios this cost being out of all proportion for their usefulness.

- (h) Yes. Research submitted to the former Home Affairs Committee showed that performance had improved in a number of areas following the disbandment of the Motor Cycle Unit. Response times to Emergency calls improved in 2005 without the Unit. Serious Injury Road Traffic Crashes showed a decrease following disbandment. In the 18 months before disbandment the monthly average was 4.16. In the first seven months of 2005 this had fallen to 2. In 2005, the number of detections for speeding increased to an average of 110 a month. Before the Unit was disbanded, the figure was 51. Additionally, with the formation of the Proactive Policing Team which replaced the Unit, detections for burglary and thefts of vehicles have increased substantially. The report submitted earlier concluded that not having a motorcycle unit did not result in any loss of service to the public and that with the addition of a Proactive Unit actually gave a better service to the public with a decrease in reported crime and an increase in detected crime.

2 Oral Questions

2.1 Deputy F.J. Hill of St. Martin of the Minister for Home Affairs regarding the number, cost and arrangements for States Police and Customs Department dogs when handlers are sick or on leave:

How many dogs are used by the States Police and the Customs Department, what is the cost of caring for the dogs and what arrangements are in place to look after the dogs when their handlers are sick or on leave?

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

The States of Jersey Police currently have 3 general-purpose dogs and 2 sniffer dogs that are used to locate drugs and firearms. They are seeking to recruit a third sniffer dog following a retirement and the Customs Service has 2 drugs dogs. The States of Jersey Police and Customs dog handlers are responsible for ensuring the health and welfare of their animals and the dogs live at home with their handlers. In 2005, the Customs budget for running the dog unit totalled £4,150. This figure included the cost of vet bills, food, kennelling and servicing the vehicles used to transport the dogs. The States of Jersey Police Force pay the dog handlers an allowance of approximately £110 per month per dog which covers grooming bills, exercising the dog during rest days and off-duty time. Allowing for the 6 dogs, this equates to an annual total £7,920.00. Dog food is also provided at a cost of £1 per day per dog, giving an annual total for food of approximately £2,190. When dog handlers are unable to look after the dogs due to sickness or annual leave, the dogs are placed in appropriate kennelling facilities locally and if a handler is sick, in the short term, it may often be that the dog will remain at the handler's home and another handler will assist with exercising the dog.

2.1.2 The Deputy of St. Martin:

Will the Minister inform us where the dogs are housed or kennelled if they are not with the owner and possibly give us the reason why they are shipped off-Island?

Senator W. Kinnard:

The only reason that dogs are taken out of the Island is when they go on specialist training. In fact, Customs dogs undertake a one-week secondment to Gatwick Airport to discuss methods and experience and in fact improve the training and also exchanges do take place with Guernsey Customs but, certainly the information that I have, is that when they are kennelled, they are kennelled here within the Island. I am advised not to say where in fact they are kennelled because there are some security issues that may arise from that.

2.1.3 The Deputy of St. Martin:

I just do not accept the fact that where dogs are kennelled when they are away, or the handler is away on holidays, is confidential. Will the Minister confirm, in actual fact, that the dogs are not kept in Jersey, not even at the Jersey Animal Shelter, but they are shipped across to the Guernsey Animal Shelter where there must be additional costs; and I also mention the Customs dogs are also there.

Senator W. Kinnard:

That is not the information that I have before me and I query why the individual is asking this question. I believe he stood for a poster called the Jersey Animal Shelter and, if we are talking about costs, the last time that Home Affairs investigated this matter - when the Connétables decided to move their custom, if you like, to the Jersey Animal Shelter - the costs were less in Guernsey than in Jersey. But, as I say, that is irrelevant, I think, from the point of view of the information I have before me. If the Deputy does not believe me then I am more than happy that he should come and speak to the officers concerned and I am sure that we can assure him.

2.1.4 The Deputy of St. Martin:

Could I just ask the Minister if she would make it known to all Members of this House where the dogs are actually housed during the course or when a handler is away, and also the added costs. I have asked her in my questions what arrangements are made; the answer has not been adequately given, and I would ask that it be given at some later time.

Senator W. Kinnard:

May I just say there is a security risk attached to giving details of where dogs may be housed and I am more than happy to provide that to the Deputy on a confidential basis, but I do not really think that kind of information is the sort of information that should be given out to this House.

Members: Oh!

2.1.3 Senator P.F.C. Ozouf:

Could the Minister just elaborate exactly what she was pointing out in respect of this relationship with the Animal Shelter? I think it is important that Members understand that what she is saying there. The Deputy, we are aware, is a member of the Animal Shelter.

The Deputy Bailiff:

Does this arise directly out of the question, which is where are the dogs kept? We do not want to get into a debate about the Animal Shelter.

Senator P.F.C. Ozouf:

I would like to understand what the Minister is saying in respect of her comments about the Animal Shelter.

The Deputy Bailiff:

We do not. You can ask her at a meeting of the Council of Ministers. Are there any other questions? We come then to the second question which Deputy Le Hérissier will ask of the Minister of Social Security.

2.2 Deputy R. G. Le Hérisier of St. Saviour of the Minister for Social Security regarding the sufficiency of IT systems for the Low Income Support Scheme:

Does the Social Security Department possess sufficient IT systems to enable it to handle the introduction of the Low Income Support Scheme?

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

Yes, the Income Support system will be integrated into the existing social security system. As with the introduction of any new benefit - as we are currently doing with the TV licences - it will require a software update. The inception phase is now underway, with the aim of completing this project in time for the introduction of income support in May of 2007.

2.2.1 Deputy R. G. Le Hérisier:

Could the Minister tell us whether, in the last few years in the run up to low income support, that all IT budgets have indeed been on target? Could he identify where there have been problems or slippage and what are the exact additional costs?

Senator P.F. Routier:

The new social security system, which has been in place now and up and running for over a year, had a fixed price contract with that and that was at a cost of £7.2 million. It is quite a large system which has to have everybody's details and all their particulars recorded in an orderly manner and the additional cost, which will be put in for the implementing income support, will be in the region of £1.8 million.

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

In view of his answer, talking about a target date of getting the low income support in place by April next year, is the Minister aware of any problems of obtaining accurate figures relating to income distribution since the income distribution survey has not been repeated and that, in fact, income figures from this year's household expenditure survey are not likely to be available until June?

Senator P.F. Routier:

I am not sure how that relates to this specific, particular subject but the income distribution is going to be updated this year and it is going to influence, obviously, the figures which are brought to this House for approval later on in the year. So, we will be able to have that information available to us to help form our judgment to ensure that the income support system that we bring forward is set at appropriate levels which are affordable.

2.2.3 Deputy G.P. Southern:

Would the Minister give details of exactly how the income distribution data is to be updated since it is quite an extensive survey and took quite a few months in 2002 to do the original survey?

Senator P.F. Routier:

I am advised that the income distribution survey updating will be available for us to help influence our decisions in time for the States to make the decisions it needs to at the end of this year.

2.2.4 Deputy R. G. Le Hérisssier:

How did the Minister assure himself that the £7.8 million was indeed value for money and what kind of checks were there in place to ensure that?

Senator P.F. Routier:

The £7.2 million, which was spent on the original system, was obviously audited and we had the assistance of the Computer Services Department and there were obviously value for money considerations with that. We are advised that what we paid as a fixed price contract was very good value for money. In fact, I will go further than that to say that the suppliers of the system put in... it ended up costing them more money than they anticipated, and they obviously did not achieve, as a company, out of it what they were anticipating. We got very good value for money.

2.2.5 Deputy G.P. Southern:

May I return to the question of how he envisages the income distribution survey being updated? Will he supply the House with a written reply when he finds out how it will be updated?

Senator P.F. Routier:

Yes.

2.3 Senator B.E. Shenton of the Minister for Treasury and Resources regarding selection process procedures for directors of Jersey Post, commitment sought and remuneration:

Would the Minister explain the procedures utilised in the selection process for directors of Jersey Post and inform Members of both the number of hours per week commitment that is anticipated for this position and details of the proposed remuneration?

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

In the appointment of a board of directors the post of chairman is a key position and that appointment will be subject to a rigorous and impartial process following an advert in the local press. Following receipt of applications, a short list of candidates was interviewed by a panel, which I chaired with the assistance of a professional firm of recruitment consultants. After due consideration of those candidates, an appointment was made. The original appointee subsequently withdrew his position and, following that, Mr. Liston was nominated for the post on the recommendation of the previous Finance and Economics Committee. He was one of the original candidates and has shown a wide track-record and performed very well in the original interview process. Ensuring standards of corporate governance requires a very effective board and, following that appointment of chairman, the chairman designate then recommended to me and the former Committee those people who he thought had the right qualities to put together to make a suitable board. Those Members' names are now included in the proposition before the House for debate later on in this year and I agreed to their nomination for that post. Fees for those directors on incorporation were agreed in conjunction with recruitment consultants, bearing in mind the charges applicable locally, and the market conditions. The chairman will receive fees of £35,000 a year, and the non-executives will receive £12,500 a year. The executive directors will receive no fees other than their ordinary annual salaries. The workload of the chairman is expected to be about

35 days a year and that of the other non-executive chairman, directors about 20 days a year. Those fees are regarded by the recruitment consultants as offering value for money.

2.3.1 Senator B.E. Shenton:

Was the Appointments Commission involved in the selection process, given that the chairman of the Jersey Appointments Commission and the chairman of Jersey Post are now one and the same person?

Senator T.A. Le Sueur:

The Appointments Commission did consider this at their meeting in October 2004 and I gave details of that in an answer to Deputy Baudains in a question to the States last year. But basically the agreement of the Appointments Commission would not normally extend to that of a public company.

2.3.2 Deputy R.G. Le Hérissier:

Notwithstanding the excellent credentials in many respects of the person, would the Minister not acknowledge that it is a very dangerous precedent to set that an existing managing director, already very heavily involved in that and other positions, is now going to be directly involved in running another major service?

Senator T.A. Le Sueur:

On the contrary, the appointment was made with the full knowledge and consent of the board of directors of the Jersey Electricity Company who believe it is in the best interests of that company that the executive directors of JEC should have wider experience and should participate in other services to the community, Sir. Far from being a hindrance, it is regarded as a help.

2.3.3 Senator B.E. Shenton:

Does the Minister believe that the appointment opens the Assembly up to allegations of cronyism?

Senator T.A. Le Sueur:

No. The appointment was made, as I say, by a rigorous process after a selection panel and clear evidence of suitability of a candidate for the post.

2.3.4 Deputy R. G. Le Hérissier:

Can the Minister confirm that there was indeed an open advertisement process and how many people applied and were there, for example, people who applied who had tremendous breadth of experience, not necessarily on-Island.

Senator T.A. Le Sueur:

I cannot say how many applied but there was certainly a short list of 5 for the post, which included people from off-Island. After consideration, although some of the off-Island candidates would have

had qualities, I believe that this post requires someone who is on the Island for the majority of the year should any unforeseen circumstances require his presence.

2.4 Deputy R. G. Le Hérissier of the Chief Minister regarding the non-commencement of the Law Society of Jersey Law:

Why has the Law Society of Jersey Law not yet been brought into force?

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

The Law Society of Jersey Law has not yet come into force because the Law Officers opposed a question about lawyers in the public service. The question is whether Jersey advocates and solicitors in public service should be subject to the disciplinary jurisdiction of the Law Society. This matter is under active consideration by the Law Officer's Department and is being dealt with as a matter of urgency. In addition, the Law Society must make by-laws under the law before it is brought into force. These by-laws relate to such matters as membership and the holding of meetings and they have already been drafted and approved by the current Committee of the Law Society. Once the question about public service lawyers has been resolved, it is intended that the Members of the Law Society will be asked to approve the by-laws and the new law will then be brought into force.

2.4.1 Deputy R. G. Le Hérissier:

This issue was discussed previously and apparently resolved, would the Chief Minister outline whether this is a technical issue or whether this is a political issue and, if it is a political issue, why has the Council of Ministers not made a decision and driven the law forward?

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

I do not believe it is a political issue and that is why it has not been an issue that Council Ministers have driven forward.

2.4.2 Deputy R. G. Le Hérissier:

Would the Chief Minister confirm that this issue had arisen previously, it had been dealt with in the debates, it had apparently been put to bed and it has now arisen again?

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

Yes, I do confirm that is correct.

2.5 Connétable D.J. Murphy of Grouville of the Minister for Planning and Environment regarding applications by Cable and Wireless for mobile telephone masts:

How many applications, if any, have been submitted by Cable and Wireless for mobile telephone masts? Were any of these received without the written consent of the owner of the property? Have any of these applications been considered or has any indication been given by the department to the applicant about their prospects and have any discussions taken place with other Ministers regarding these applications?

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

Cable and Wireless have submitted 35 applicants for new telecoms equipment. A further 10 applications are anticipated in the very near future. Three of these applications have subsequently been withdrawn. Of the currently submitted applications, 14 offer new pole-type masts and 3 offer lattice-style masts. All the other applications currently submitted are for equipment either on existing masts or on top of buildings that currently accommodate similar equipment. Cable and Wireless discussed their potential locations with my department but these discussions were without prejudice and involved highlighting likely constraints and concerns on any suggested location. No undertaking of unequivocal support has ever been given for any of the applications. The pre-application discussions also included Cable and Wireless seeking clarification over the status of obtaining landowners' endorsement on a planning application. Endorsement is not required in order to validate an application and its inclusion on applications forms has developed through custom and practice over the years. In the light of this, Cable and Wireless did not include the landowners' endorsement on any of the currently submitted applications. I was unaware of this situation and I have now issued instructions that, in the case of all future planning applications, owners' consent will be required. The current situation is that applications remain to be determined only when, apart from normal planning considerations, a health assessment impact is undertaken on the effects of installation and the fulfilment of an undertaking from Cable and Wireless that all landowners will endorse the applications on their land. I have only had contact with one Minister over the applications. I have exchanged emails with the Minister for Health and have assured him that consent will not be given until we have assessed the health risks. This will include consideration of the Stuart Report carried out in the UK and subsequent research reports.

The Connétable of Grouville:

I am delighted to hear the Minister say that he is going to reform the process. This is just what I was after and I would like to thank him for his answer.

2.5.1 Deputy R. G. Le Hérisssier:

Can the Minister confirm whether the issue of the Jersey Telecom set of masts has been considered in relation to Cable and Wireless? Why do we need a duplicate set?

Senator F.E. Cohen:

We are concerned that this batch of installations does not prejudice the possibility of mast-sharing with other networks that may wish to establish themselves on the Island at any future date. This could lead to a situation where multiple installations in a small area cause harm to visual amenity. The issue is actively being investigated and will form part of the consideration of these applications.

2.5.2 Deputy R. G. Le Hérisssier:

Has his department inquired whether indeed the Jersey Telecom's set of masts, some of which I understand are installed on telephone boxes, for example, are usable by another operator and whether there is any objection, legal or otherwise, to this happening?

Senator F.E. Cohen:

As far as I understand, approximately 18 of the current applications relate to existing masts that are operated by Jersey Telecom. Also, as far as I understand it, you cannot simply put additional masts on top of telephone boxes. So, I presume that the other applications relate to other areas.

2.6 Deputy G.P. Southern of the Minister for Social Security regarding placements by agencies in 2004 and 2005 to assist those on benefits to obtain employment:

In answer to questions on the 17th January 2006 regarding the minimum wage, the Minister listed several agencies or mechanisms to assist those on benefits to obtain employment. Will the Minister inform Members how many persons were placed by these agencies in 2004 and in 2005?

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

The list of agencies to which the Deputy refers is part of the Code of Practice on Therapeutic Work and the Employment Law, which was appended to the response to the previous question. The Code of Practice provides this list to show the different types of support available to employers and employees with issues around work, disability and illness. The list includes JEND (Jersey Employment Network on Disability) which is specifically a network of employers sharing best practice and does not place people into work itself. The other organisations work both individually and together to support the most vulnerable in our society, many with profound disabilities, and may at any time offer training and voluntary therapeutic or work placements. Clients may go through several types of training or work experiences and some find their own work after a short period of support. However, many people are able to help themselves and find work without further support. With regard to collating the statistics held by the individual organisations and also eliminating the potential overlap that there is, because clients can use various services, it would be - I have to say - a significant task to undertake. However, what I can do is to give some indication of the numbers in 2005 which 'WorkWise' placed. They placed 62 people in 2005 and 49 people in 2004. There are also 400 people in 2005 and 332 in 2004 who were registered through the department's Therapeutic Work Scheme who are obviously being supported by the department.

2.6.1 Deputy G.P. Southern:

Has there been any increase in the resources allocated to help those get back to work in 2005 over 2004?

Senator P.F. Routier:

Yes, a significant increase. In fact this morning I signed a decision to enable the JET (Jersey Employment Trust) organisation to increase their facilities on the site that they have at Oakfield Industries. We are investing over £600,000 on the developments so that it will enable people to use their services and increase the numbers of people that are able to avail themselves of those services besides other things which I should mention also. At Acorn as well, there are certainly more people using those services and we are encouraging people to come in and avail themselves of that service.

2.6.2 Deputy G.P. Southern:

I am grateful for the Minister's answer. Will he supply those in document form to me later on in the week?

Senator P.F. Routier:

It is the second time I have been asked for a written response to an oral question. I am not sure which is the best way to go about this. Perhaps the written question would have been better in the first place.

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

A point of information, will these question times not be available on Hansard in a couple of weeks' time?

The Deputy Bailiff:

I think they will be, yes.

2.6.3 Deputy G.P. Southern:

The point is that the Minister mentions one particular area where resources have been increased. He does not talk about the wide range of resources going into this area and this is going to become increasingly important as we approach low-income support. Further, can he say how many additional staff will be required when we come into the Income Support Scheme to enable as many people as is possible to return to, or take up, work in the workplace, rather than be dependant on benefit - the hand-up rather than the hand-out?

Senator P.F. Routier:

It appears that the Deputy seems to be mixing up 2 things, income support and also incapacity benefits. The reason people need support for getting back into work is if they are on incapacity benefits they obviously do need support to go back into work and if they want to get back into work. I have to say that we are recognising that some people do not want to get back into work and that is an issue which we are facing at the present time. There are people who we are asking to come to the department for an interview to take on work and they are not interested in doing that, so we are identifying that currently. That is an issue which we need to address. With regard to income support, that is a totally different piece of work - a support system for people who are on low incomes. It is obviously related to the income they receive from their work. Depending on the amount of wages they receive, they will possibly need additional support from the income support system but what we are concentrating on now is ensuring that people who do need support to get work we are trying to give as much support as we possibly can. We recognise, as much as the Deputy does, that we would have to put more resources into that and that is what we are concentrating on.

2.7 Deputy A. Breckon of the Minister for Housing regarding evidence of lower rents and reduction in hardship cases:

Would the Minister provide Members with the evidence that supports his recent announcement that rents have been lowered and numbers of hardship cases reduced as a result of the action of developers?

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

There are a number of circumstances that caused me to be of the view that because of the large supply of accommodation, both controlled and uncontrolled, that rents are being lowered and this is mostly, at the present time, in uncontrolled accommodation. The number of hardship cases

approaching me and the department are becoming less. In fact, the appeals for hardship in 2002 was 37, in 2003 and 2004 was around 24-25, and in 2005 only 9. My department and I have both had a number of approaches from landlords of local controlled accommodation seeking relaxation to house non-qualified people because they were unable to find tenants. In every case advice has been - from myself and from the officers in the department - that you are asking too much; your premises are not up to scratch; or, if you reduce the rents and provide decent, good accommodation, there are plenty of tenants around. The department and myself will vigorously oppose the relaxation of (a) to (h) accommodation by persons who are asking too much money - too many rents, too high rent, so that they can let them out to the unqualified. The department's lodging house inspector, currently in the course of annual inspections, reports that generally landlords are not increasing their lodging charges as they have done in the past and in some cases are even decreasing these costs to ensure they maintain full occupancy. You have only got to look at the *Evening Post* pages, and I went through the *Evening Post* to remind myself in the library this week, it was from 1996 to 2000 and there was just nothing; (a) to (j), one two-bed partly furnished, one bed furnished, large lists, urgent requirements. There was nothing in those years - you're lucky to find half a dozen adverts for any kind of accommodation. Now, everybody will know, it is huge - there are pages and pages of accommodation to let, and it is my view that the developers and all those who have or are in the marketplace to provide new accommodation and, in many cases, as I say, the ...

The Deputy Bailiff:

Minister, can I ask you to bring this answer to a close?

Senator T.J. Le Main:

Yes, Sir, I have finished with that.

2.7.1 Deputy A. Breckon:

Does what the Minister said provide evidence that rents have lowered? Does it provide evidence?

Senator T.J. Le Main:

Yes, Sir, I have given evidence. The Deputy speaks about hardship cases and hardship cases are predominantly in the unqualified sector and the marketplace is full of unqualified accommodation and the facts are quite clearly that the amount of appeals to the Housing Department have reduced significantly over the last 12 months.

Deputy A. Breckon:

As to rental income, is there evidence - not about availability - that rents have decreased?

Senator T.J. Le Main:

I am sure Deputy Breckon must understand what I am saying. There is evidence in the department and if Deputy Breckon is unsure he should go into the department and officers will give him the evidence of the lack of hardship cases and the much availability, and the reduction in rents generally.

2.7.2 Deputy G.P. Southern:

Can I ask whether the Minister has seen the evidence produced by the 2005 comparison of cost of living in Jersey and the UK which shows that rental rates have risen over the past 5 years in Jersey by 24 per cent, whereas on the UK they have only risen - despite rising house prices - by 11 per cent, and his own evidence produced by examination of the data on those in receipt of rent rebates in the private sector that rentals went up last year by 2.2 per cent. So the evidence is there that rents are still rising. Does he not accept this?

Senator T.J. Le Main:

No, I do not accept it [Laughter].

Deputy G.P. Southern:

May I, Sir, which bit? [Interruption]

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

Yes, Sir, I hope you will allow this because the Senator alluded to it in both of his answers, about the appeals process for hardship cases now. In the past, Sir, there used to be a course through the Sub-Committee and then to the full Housing Committee. Could the Minister please inform the House how this is now happening as we only have one person - the Minister himself - and does he think this is fair, that one person is judge and jury?

Senator T.J. Le Main:

Yes, from this week the appeal is heard by the Assistant Minister and the Assistant Minister will make the decision on the information, or new information, that she may get presented before her by someone on appeal and the Assistant Minister will make that decision. In fact, if the appellant is then unhappy with the Assistant Minister's decision then they have a right of appeal to the Minister.

2.7.4 Deputy J.A. Martin:

The Minister may recall under the scrutiny on the new Population Office - and I think the Minister was in agreement with this - that there should be an independent panel set up to hear these appeals. Could he inform the House if this is going to happen and, if so, what progress has been made?

Senator T.J. Le Main:

No, Sir, it will not happen. There is not going to be an independent appeals process. We believe that the process of the Assistant Minister listening to new information and listening to an appeal then passing to the Minister if that is to go further, then there are other appeal processes after that.

The Deputy Bailiff:

Such as?

Senator T.J. Le Main:

The Review Board and the Law Court.

2.7.5 Deputy G.P. Southern:

Does the Minister not accept that a system whereby the initial decision on a hardship appeal is made by the Minister and then referred to the Assistant Minister on appeal is inappropriate? It is the wrong way round in that, while this week the challenge to his decision was on fresh grounds, it could well be that in future a challenge will be made on the grounds that the Minister has simply got it wrong and in that case the Assistant Minister will be placed in an invidious position of having to over-rule their own Minister through making a mistake. Does that not place undue pressure, does he feel, on the Assistant Minister?

Senator T.J. Le Main:

No, Sir, because some of the appeals will come through the delegated powers granted to the department where officers on a regular and daily basis will consider, on the policy of the Ministry, whether to grant or otherwise; and there will be times when the challenge will be made about a departmental decision which will come to the Minister and the Minister will delegate it to the Assistant Minister to deal with.

2.7.6 Deputy G.P. Southern:

Since the Minister has gone on to delegated powers, does he not feel that the reduction in the number of hardship case appeals that have been seen over the period 2002 to 2005 is far more likely to be due to (a) the reduction in the length of time required for qualification and (b) the more efficient use of officer time to filter out appeals?

Senator T.J. Le Main:

The reduction is quite clearly the amount of good quality and the enormous amount of good, unqualified accommodation in the marketplace and you must remember, Sir, that the Housing Ministry - or the Housing Minister - cannot consider bad accommodation or financial situation in their considerations. It has to be hardship on medical or social grounds, involving children or otherwise, and there are very few that come to the department on appeal - quite often these are based on financial grounds and we can not take that into consideration - and Deputy Southern knows that very well.

2.7.7 Deputy G.P. Southern:

Is the Minister thereby suggesting that this vast reduction in the number of appeals is due to the improved health of the population in general and should the Minister for Health not be congratulated on such a marvellous result?

Senator T.J. Le Main:

I do not know what game the Deputy is trying to play but it is common sense to every Member that there has been a considerable amount of high quality, unqualified accommodation available in the marketplace. It has had a dramatic effect on the lives of many, many people who do not have housing qualifications and that is why we are not getting the amount of hardship appeals we have done in the past.

2.7.8 Deputy C.J. Scott-Warren of St. Saviour:

Can the Minister comment as to whether he considers that this hardship appeals procedure to an Assistant Minister is human rights compliant?

Senator T.J. Le Main:

The first appeal that came to straight to me - I think probably the one that Deputy Southern was talking about - was rejected and an appeal was made. We then realised in the department that the Minister should take a step back and the first right of the department was to make a decision or otherwise, then the appeal should go to the Assistant Minister in the first place. We have, since this week, changed the procedure and I understand from the department that the procedures that we are applying at the moment in the Ministry are human rights compliant.

2.7.9 Deputy G.P. Southern:

Could the Minister clarify exactly how procedures have been changed from the procedure that was in place last week?

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

Yes, Sir, as I explained, the procedure now is the first part of the application will be dealt by the Assistant Minister now and not by the Minister and, if it is appealed against, it will go to the Minister.

2.8 Deputy G.P. Southern of the Minister for Treasury and Resources regarding legal advice sought on ITIS (Income Tax Instalment System):

In answer to questions on the 17th January 2006, the Minister stated that there was the possibility of a challenge under human rights legislation if a system was introduced whereby all new entrants to ITIS remained on a current year tax-paying basis but that no formal legal advice had been obtained. Would the Minister advise whether such advice to clarify the matter will or has been sought?

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

This is a sort of hypothetical question. I have no intention of maintaining all new entrants on a current year basis and so I see little point in asking the Law Officer's Department advice on a policy which I have no intention of introducing. I think they have got enough to do advising on policies which are being introduced without spending their time on matters which are not under consideration.

2.8.1 Deputy G.P. Southern:

I really cannot accept that as an answer. If the Minister is justifying a decision to move everybody to remain on past year taxation and not to consider the possibility of eventually producing current year taxation, if he uses that as a reason then surely he must seek advice. If he says there is a possibility of a human rights challenge, he must make clear whether or not that is the case and ask advice, surely. Does he not agree?

Senator T.A. Le Sueur:

I think we exhausted this one at the session on the 17th January. It would be inequitable in my view for a situation to arise where, over a period of time, with 2 people doing the same job in the same place, one would be assessed on a current year basis and one on a preceding year basis. I believe that would be inequitable. It is not a requirement of the Minister or from a Committee that they have to seek legal advice on human rights' compliance. It is the obligation of a Committee, or now the Minister, to satisfy himself that the legislation is human rights' compliant. In my view, it would be inequitable for people to be on different situations for a continuing period of time and on that basis I am not pursuing that policy.

2.8.2 Deputy G.P. Southern:

Will the Minister say from which institution he obtained his degree in law?

Senator T.A. Le Sueur:

I wish I had not.

2.8.3 Deputy P.V.F. Le Claire of St. Helier:

Probably under the new rules we can get into this issue. ITIS and the submission of forms: business people are telling me that the ongoing administrative burden of filling these forms in where there is no tax due are now at 2 or 3 hours for each employer to submit these forms every month is unduly burdensome and will the Minister look to see that a system can be put in place where the only need for submission of administration is done when there was a change of circumstances rather than every month when everything stays the same. Surely it must be a burden at both ends of the system.

Senator T.A. Le Sueur:

You make a good point. It is in hand and we are simplifying the system but I would question that it should not take 3 hours to fill in a nil return.

2.9 Connétable A.S. Crowcroft of St. Helier of the Minister for Education, Sport and Culture regarding responsibility for allocating free nursery places at primary schools:

Would the Minister advise who is responsible for allocating the free nursery places provided at some of the Island's primary schools and what criteria, if any, are used for this allocation?

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

Nursery places at provided primary schools are allocated essentially by my department of Education, Sport and Culture. In allocating places the department tries to take account of the needs of individual children. Particular consideration is given to children with significant social or education needs, from families with particular needs (for example, low income, long-term parental illness, siblings with special needs suspected of being at risk or with siblings at the school involved). In applying these criteria, the department takes account of the date of application and also tries to ensure that in each class there is a gender balance; the social and educational needs of

the group are balanced and manageable; and that no more than 20 per cent of the children come from outside the schools involved catchments area.

2.9.1 The Connétable of St. Helier:

Does the Minister not think it would have been preferable to have sorted out the inequity that exists in the provision of such subsidised nursery places before continuing his increased provision of them around the Island?

Senator M.E. Vibert:

In reply to that, can I say we have a policy agreed by the States that as primary schools are developed a nursery class is added and that provision is made in the funding to staff that nursery class. The previous Education, Sport and Culture Committee under my presidency issued a consultation document(R.C. 54 of 2005) about early years education and care which looked at that policy and put forward a number of options and suggestions. We are considering the responses. Can I say I am very disappointed that the responses only included one response from a States Member who has currently left the States and no response from the Constable of St. Helier?

2.9.2 The Connétable of St. Helier:

Can I respond to that last charge by saying that my department has been in contact with his department and I refute it. The actual question I asked as a supplementary was the inequity that currently exists. Could the Minister say whether he agrees with me that the current system of giving some people a free nursery place and other parents having to pay for it is inequitable?

Senator M.E. Vibert:

If the Constable had paid the attention that he says he did to R.C. 54 of 2005 he would have seen that is the reason why we are reviewing early years' education and care because of the previous Committee's concern about that very inequity which had not been addressed previously.

2.9.3 Senator B.E. Shenton:

Would the Minister explain whether there is an actual policy concerning nursery care? This government spends about £3 million on providing free nursery care. Guernsey does not spend anything and leaves it all to the private sector and I have been speaking to a lot of private nurseries who say that there has been hardly any or no consultation with the Education Department and that they tend to just go off and do whatever they wish. Will the Minister confirm that there is an actual policy to do with nursery care and the private and public mishmash that is there at the moment?

Senator M.E. Vibert:

Yes, there is a policy. I will provide it for the Senator and I would urge the Senator to read our consultation document, R.C. 54, and I would be quite prepared to accept a late submission from the Senator or any other States Member who wishes to comment on it.

2.9.4 The Connétable of St. Helier:

Could the Minister indicate when he will be bringing to the States the document and when he will be seeking to have this inequity addressed.

Senator M.E. Vibert:

I have raised the issue with the Council of Ministers and I hope to be bringing the options that we have been looking at, and the costings and so on, to the Council of Ministers in the first half of this year and then subsequently - depending on what the Council of Ministers decide - to bring it to the States.

2.9.5 Senator B.E. Shenton:

The Minister mentioned that they look at the social backgrounds of people when they are allocating nursery places. Could he tell me where he gets this information from, bearing in mind that we do have quite strict data protection laws regarding the transfer of information?

Senator M.E. Vibert:

We gather that from the application forms made out by the parents themselves and also from other agencies that we work very closely with in our integrated children's centre, which is now based at the old St. Mark's School and has been called The Bridge.

2.9.6 The Connétable of St. Helier:

In his answer to my first question, the Minister said that the places are allocated centrally by his department. Is he in a position to tell us how many staff are involved in that allocation and in the regulation of nurseries around the Island?

Senator M.E. Vibert:

They are 2 separate things. The regulation of nurseries comes under a law which we administer and there is one person in particular, who is helped sometimes by another person, who does that; and for the allocation of nursery places one person in particular is allocated to do that. It takes up a considerable amount of their time at certain parts of the year but not at the rest of the year, but of course other officers will help as and when needed.

2.9.7 The Connétable of St. Helier:

Just a point of clarification, my understanding is that there are 2 members of staff at the department who inspect nurseries: one does the private sector, one does the public sector. Is it not the case that there are in fact 2 persons involved in the regulation plus however many are required in the allocation of places?

Senator M.E. Vibert:

I did mention 2 people. I said one primarily. As the Constable said, there is one primarily with responsibilities for the private sector nurseries and one for own provision but one of the officers involved also has other duties.

2.10 Deputy G.C.L. Baudains of St. Clement of the Minister for Planning and Environment regarding canvassing of groups on plans for Conway Street:

With reference to the recently published plans for Conway Street, would the Minister advise whether any groups have been canvassed for their comments and, if so, which groups; and would he further explain whether he considers the limited public consultation period to be sufficient.

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

There are essentially 2 parts to the Deputy's question and I will deal with them in turn. First, I can confirm that a number of groups or interested parties have been directly canvassed for their views on this matter including the following: all residential and business addresses in Conway Street, Bond Street and Wharf Street, together with those properties at either end of Conway Street with addresses in Broad Street and Esplanade respectively; a number of groups representing people with disabilities including the Jersey Access Group, the Jersey Blind Society and Shop Mobility, together with a number of individuals with disabilities who have been in discussion with the department about this issue in relation to an earlier street light scheme; the Women's Institute; the Société's Environment Section; the Jersey Chamber of Commerce; the Waterfront Enterprise Board; and, of course, the Environment Scrutiny Panel. The views of Islanders have been sought through the placement of an advertisement in the *Jersey Evening Post* outlining the proposed scheme; and a media release was also made available on the proposals and this was publicised in the press and on the radio, and they feature on the States' website. Details of the proposals are also on display on-site in Broad Street. Secondly, the consultation period for comments in relation to this proposal ends on 17th February. There are, however, a number of points to consider in relation to the length of time allowed for comments to be received. First, these proposals do not represent a new form of policy. The policy about improving the streets of St. Helier was consulted upon and debated in 2002 when the Island plan was approved and adopted. It has, therefore, been clear that for some time - from Island Plan Policy TT8 - that Conway Street was going to be the subject of some form of local improvement. Secondly, I think it is important that we consider the area that has been directly affected by these proposed changes and it is clear that they would be localised to the area of Conway Street. This is not the first time that residents and businesses have been consulted about changes in the street. In April 2003, preliminary plans for the area were distributed to all addresses in Conway Street for feedback and comment from residents and businesses and, more recently, discussions have been held with major businesses in the area before the formal consultation process had started. Thirdly, any substantive comment received after 17th February can still remain to be considered by me. I have, therefore, effectively extended the consultation period until 1st March. I fully accept that this is not an ideal period for consultation had this been a completely new proposal. However, it has been driven by the desire to deliver the improvements for the summer season.

2.10.1 Deputy G.C.L. Baudains:

I thank the Minister for his comprehensive answer, Sir, and the impressive list of consultees but I do get the impression, Sir, that this is something of a *fait accompli* and more of a presentation than a consultation. We hear that the work is due to start at the beginning of March. I would ask the Minister, apart from the impressive list of people that have been consulted, what about those people who would wish to use the services of those traders? I am particularly concerned that the disabled parking has been moved so that the disabled people, the elderly and infirm may find greater difficulty getting to the banks and the toilets. I would wish the Minister to comment on that. I would also like the Minister to comment on the proposed street lighting for the scene which looks like something out of *Star Wars*. Finally, Sir, I would like to know, if possible, who is driving this? Is it the traders in the area or those wishing to access their services?

The Deputy Bailiff:

I think wrapped up in there are 3 questions.

Senator F.E. Cohen:

First, in relation to disabled bays, I can give an assurance that there will overall be no net loss of disabled bays. Where they are sited and how they are moved is part of the ongoing public consultation process. It is not a *fait accompli*. We are very open to suggestions during this consultation period and, as I have said, this effectively has been extended until the beginning of March. As far as the lights are concerned, that again is not a *fait accompli*. I did not give consent to order the lights and, therefore, we can still make changes if the public consultation process shows that there is any disagreement over the proposed lighting.

2.10.2 Deputy A.D. Lewis of St. John:

So this would appear to be a dramatic improvement in Conway Street. Could the Minister tell us if he has received any objections to this because I certainly have not heard of any and I wonder if perhaps Deputy Baudains has?

Senator F.E. Cohen:

I am aware that the majority of the submissions received so far have been positive.

2.11 Deputy G.C.L. Baudains of the Minister for Transport and Technical Services regarding permit parking at Snow Hill for States Members:

In relation to Snow Hill permit parking, how many spaces were reserved prior to 2005 and who used them? How many States Members' spaces were originally allocated, what were these reduced to and how many are now provided and how many Members requested spaces after the November 2005 election?

Deputy G.W.J. de Faye of St. Helier:

I am grateful to the Deputy for his question as it does underline what useful research department officers' time can be devoted to. [Laughter] Prior to States Members being allocated spaces in Snow Hill car park, there were 15 spaces in the permit area which were used by Data Protection, the Law Officers Department, the Viscounts Department, the Bailiff's Secretary and the States Police - all of whom were charged annually at the normal season rate. Additionally, the States Messenger, Jurats, retired Jurats and an Honorary Officer for Overseas Aid were also issued permits to use this area free of charge. When States Members were initially allocated spaces at Snow Hill, an additional 6 spaces were created by removing the motorcycle area opposite the existing spaces - giving a total of 21 spaces - which were for the sole use of States Members. After the 2005 November elections, a total of 24 States Members requested permits for Snow Hill - 16 as a first choice and 8 as a second choice. They are now 8 spaces allocated for use by States Members and 3 for Jurats.

2.11.1 The Deputy of St. Martin:

Will the Minister confirm that the arrangements made by the former Planning and Public Services Committee has now resulted in States Members who voted against free parking places have now parking places of their choice and also Members who were elected in November have places of their choice? However, long-serving Deputies, some of whom voted for free parking, have now lost their parking places to the aforesaid Members. Will the Minister think or agree that this is totally unfair and what action will be taken to address the problem?

Deputy G.W.J. de Faye:

The Minister is aware that there are 2 States Members who have not received the car parking spaces - as it has been put - of their choice. The Minister is aware that under those circumstances

the 2 States Members involved have been given passes to the Sands Street car park which allows them to park on any day at any time in any place free of charge. The Minister is satisfied that parking in Sand Street car park constitutes a level walk to the States buildings which - despite the seniority of the States Members - should be regarded as a pleasant amble; [Laughter] whereas parking at Snow Hill, while it starts with an initial downhill slope, does mean that the more senior Members are faced with an uphill climb while going home [Laughter]. The situation, however, is being kept under review.

2.11.2 The Connétable of St. Helier:

Can I ask 2 questions of the Minister? No, only one, is it not?

The Deputy Bailiff:

Only one, I think.

The Connétable of St. Helier:

Could the Minister confirm whether the whole issue of States Members having free parking, which is still unpopular with the public, is going to be revisited during his time in office?

Deputy G.W.J. de Faye:

I regret to say, Sir, the matter of States Members parking appears to be constantly revisited at my department and, as such, it appears it will be kept constantly under review. But I would remind the States Members that States Members' parking is essentially a matter for States Members. It is primarily a decision of the Privileges and Procedures Committee. The Transport and Technical Services Department is merely a facilitator for instructions that are received from the Privileges and Procedures Committee.

2.11.3 Deputy G.C.L. Baudains:

I thank the Minister for his humorous interjection. He might be interested to know that I now actually pay for my parking, despite the fact that Members were supposed to have free parking, on account of the fact that what I am offered is not convenient. But what I would like to ask the Minister, Sir, as he started his answer by suggesting that his department could be doing more useful work - and I totally agree - why has he, since he took on his ministry, been unwilling to sort out this simple problem which should not waste the time of this House, Sir? The reason why this question was asked today is for the last 6 weeks I have been unable to get a sensible response from the Minister. Could he explain that, Sir? Could he explain also why his email apparently does not work and why I cannot make contact with his Assistant Minister who is supposed, as he says in an email: "I imagine she will progress matters". Well, it is difficult, Sir, because she is not on email, as far as I know, and her fax does not work. Could he assure us that there will be better communication in future and that he will address this issue and also that he will take notice of what the Privileges and Procedures Committee has said as opposed to what he thinks they have said?

Deputy G.W.J. de Faye:

First of all, can I assure the Deputy and other Members that my email does work. The reason that matters may not have been progressed at the speed the Deputy would like to have seen is that the Assistant Minister at Transport and Technical Services - very early in her term of office - gallantly stepped forward and undertook to relieve me of the burden of administering States Members' car parking and undertook to handle all the liaisons with the Privileges and Procedures Committee, which she has done so diligently. Unfortunately, her hard work in this area has been interrupted by a holiday in Florida which is why matters have not progressed at the speed that the Deputy would wish but I am sure, due to her imminent return this week, there will be progress.

2.11.4 Deputy G.C.L. Baudains:

It is correct I am not satisfied with the speed, Sir. I was under the impression that ministerial government was going to speed up answers. Could perhaps the Minister explain why since the elections in November no progress has been made?

Deputy G.W.J. de Faye:

Yes, I am very happy to explain that. That is because a procedure had been put in place by the former President, Environment and Public Services and the Committee, as agreed with the Privileges and Procedures Committee, and all that the Transport and Technical Services Department is currently doing is administering the rules as laid down and as currently enforced.

2.11.5 Senator P.F.C. Ozouf:

I am not aware that there is any Standing Order which prevents me asking questions, Sir, so I will ask. Will the Minister say whether or not he can confirm the names of the 2 members that have not received their preference? Secondly, does he not think that after the lengthy debates and discussions that were held in this Assembly on this matter last year that this matter has now been resolved and he would not keep it under further review, and could we move on rather than playing with it like a football?

Deputy G.W.J. de Faye:

The names of the 2 Members in question are the Deputy of St. Martin and Deputy Baudains of St. Clement. **[Laughter]** I agree with my fellow Minister that we have expended an inordinate amount of time on a relatively minor topic. However, this Minister is a broad-minded and open-minded Minister and I am happy to continue to consider the 2 Deputies' complaints.

2.11.6 Deputy G.C.L. Baudains:

I wonder if the Minister would confirm that this whole issue has arisen out of the complete shambles made by the previous administration of Public Services. **[Laughter]**

Deputy G.W.J. de Faye:

I cannot confirm or deny that suggestion. **[Laughter]**

The Deputy Bailiff:

Very well, that completes all the questions on notice.

2.12 Senator P.F.C. Ozouf (point of order):

I would wish to raise a point of order if I may? You cut me off in asking a supplementary in respect of Deputy of St. Martin. There was an important issue I was trying to raise there and perhaps I could raise it under point of order? I am aware that there was mention of the Animal Shelter in the answer given by the Minister of Home Affairs. I am just concerned that the Deputy is given the opportunity of confirming whether or not he holds any position in the Animal Shelter as I would have thought that a ruling from the Chair about whether it is appropriate that a Member may ask questions in this Assembly when he is a member of a body that could be in receipt of financial remuneration or some sort of tendering arrangement that was clearly implicit in the Minister's question. May I ask for a ruling, Sir, first of all to clarify whether or not there is an issue? I am aware that there was a report associating the Deputy of St. Martin with the Animal Shelter. I do not know whether or not he is a member. Secondly, whether or not, in your view, Sir, whether there is any inappropriate position has been taken this morning?

The Deputy Bailiff:

Deputy, do you want to deal with that?

2.12.1 The Deputy of St. Martin:

I had received a note here which says: "Are you a member of the board of the Animal Shelter? Thanks. Phillip". I have been waiting to get the usher to give you the answer. The answer is "No". It might be helpful for us to have a chat about the Animal Shelter but I am not a member of the board. The reason I asked the question was simply because I was concerned about where police dogs were going and the fact that they do not go to the Animal Shelter in Jersey was of concern to me.

The Deputy Bailiff:

Very well. We come then to questions to Ministers without notice. The first... **[Interruption]**.

2.13 Deputy G.P. Southern (request for clarification):

May I ask for a clarification from the Chair, Sir? A point of clarification, I think it is? It appears to me that last session we did not allow any supplementaries to this questioning session. It occurs to me that the result was some very bland and holding answers which were not investigated. Would the Chair be prepared to offer supplementaries this time around and avoid the sort of 'scatter-gun - everybody ask one question and no supplementaries' approach which produced a level of debate which was not, I do not believe, satisfactory. I have contacted the Privileges and Procedures Committee on this matter and I wondered if you would, in this session, be prepared to allow supplementaries?

The Deputy Bailiff:

Very well. Well this is clearly a new area and we all have to feel our way as we go and clearly the Chair will try to accord with what it sees might be the position of Members. Having said that, this is a very limited period - it is only 15 minutes. So far about 9 questions have been asked during each 15 minutes question. If one then allows each person to ask a supplementary that means only about 4 to 5 Members will be able to ask questions. That seems, to the Chair, to be unsatisfactory. This is meant to be for Members as a whole and with the best will in the world there are some Members who are more vocal than others; it seems right that there should be a fair spread as far as possible. Any Member who wishes to ask a question of a Minister should be able to. At the moment, I propose to continue with the same policy as previously. Clearly this is a matter which can be kept under review as one proceeds. But, for the moment, given the short time, that is a policy I propose to follow. Deputy, you have your light on, have you got a point you want to raise?

Deputy J.A. Hilton of St. Helier:

No, I am waiting to ask a question, Sir. **[Laughter]**

3. Questions to Ministers without Notice - The Minister of Transport and Technical Services

The Deputy Bailiff:

Before the starting gun, I see. Very well. We come now to questions which Members want to ask of the Minister for Transport and Technical Services and you were so quick with your light, Deputy, that you can ask the first question.

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

No doubt the Minister is aware that the preliminary findings from the survey that has taken place on the Gas Place site recently have been very encouraging and this could possibly indicate that the expensive digging-out of the contamination might not have to take place. The question I have for the Minister is has the Minister considered, or will he consider, siting the car parking element of the scheme away from that site to enable the building of the green park to happen sooner rather than later?

Deputy G.W.J. de Faye:

I regret to inform Deputy Hilton that the Minister has not seen either a presentation relating to contamination on the Gas Place car park site or seen a report relating to it so I am not in a position to offer any information as to whether the report is encouraging or not in respect of contamination. I think it is worth pointing out that there is question-mark over quite what “encouraging” may mean because it is my understanding that one of the reasons for contamination reducing on a particular site is it has simply moved somewhere else. I also think that in respect of the issues involving the town park, the Deputy may be better placed to direct her questions to the Minister for Environment and Planning because the ultimate decisions will be taken at that department. All I can say is that my department has put forward a £100,000 donation to the funding of the St. Helier Urban Regeneration Task Force which will be primarily directed at a full review of car parking...
[Interruption]

The Deputy Bailiff:

Concise answer if you please, Deputy.

Deputy G.W.J. de Faye:

I am just concluding, Sir. ...Full car parking arrangements around the town and I do not believe any decision is likely to be taken until that is concluded.

3.2 Deputy I.J. Gorst of St. Clement:

The Minister may not be aware of the traffic chaos that has last night and this morning taken place - commuters coming in to and going from town from the east of the Island. In fact, traffic last night was queuing from as far as Pier Road. In fact, if it was not for the generosity of my wife in allowing me to borrow her scooter this morning, I may even now be stranded on the Inner Road. This has been caused by the road closure... **[Interruption]**

The Deputy Bailiff:

I am sorry but concise questions as well.

Deputy I.J. Gorst:

...By Le Dicq, which is due to remain closed for 6 weeks. Could the Minister give an undertaking that his department will review, with urgency, the road closure; that it might be re-opened in at least one direction, morning and evening. Thank you?

Deputy G.W.J. de Faye:

I very much regret that Deputy Gorst has had to impose on his wife in that way. I am aware of the traffic problems that have ensued. I very much regret the inconvenience that has been caused both to commuters travelling home last night and to those coming-in in the morning. The facts of the matter are that vital drainage, construction work and road resurfacing work has to be carried out. It has to be carried out at some time or another. In the normal course of events our contractors are advised and requested, wherever possible, to work outside of peak hours. It seems that for whatever reason - presumably on the contractors' initiative - that work has been going ahead during peak hours' time. I am aware of the problems that have been caused. The warnings duly went out in the appropriate media. Commuters were warned of the situation and advised to make alternative travel arrangements. I suggest that they do. The basic message is if you are going in the same direction as everybody else, go a different way. I will be consulting with my officers today to see if anything can be done to alleviate the situation.

3.3 Deputy G.P. Southern:

I use my slot as a supplementary to Deputy Hilton's. Will the Minister put appropriate and sufficient pressure on his fellow Minister for Planning and Environment to release the information

in the Arup Rothwell Report on Gas Place and Talman land pollution as soon as possible? I note, in his written answer he is presenting that to the Council of Ministers, but can it be released to this House in the shortest possible timescale?

Deputy G.W.J. de Faye:

I very rarely have to apply pressure to my fellow Minister and I am sure I will not have to in this case. I expect the matter to be presented to both the Council Ministers and Members of the States in due course, as appropriate. I can only suggest that the Deputy would refer his remarks to the Minister for Environment and Planning.

3.4 Deputy D.W. Mezbourian of St. Lawrence:

Will the Minister advise the House whether there are any plans to evaluate the current position of Island-wide street lighting?

Deputy G.W.J. de Faye:

There are no plans of which I am currently aware.

3.5 Deputy R.G. Le Hérisier:

Would the Minister identify whether he feels the current Connex bus contract is totally stymieing his efforts to reform the bus service? Given the constraints it is laying upon him, was it not unwise to have given EasyLink a contract for the summer, thus diverting more revenue?

Deputy G.W.J. de Faye:

It was a wise choice to appoint EasyLink as an operator for the summer service for a number of reasons, not least of which is that at the time those decisions were made Connex would have been required to buy an additional fleet of bus vehicles whereas EasyLink already had vehicles in place. Yes, the original contract does cause considerable constraint but we are making the best of a difficult job. Despite adverse circumstances, I am looking forward to being able to at least introduce some marginal benefits to services for the summer season.

3.6 Deputy R.C. Duhamel of St. Saviour:

It was stated in a previous debate - indeed it was P.95 of 2005 - that the percentage of household and commercial waste to be recycled in the period 2008 to 2033 (or thereabouts) would be higher than 32 per cent although, indeed Sir, the chart within the body of the report did not suggest this. Indeed, Sir, some local and UK county councils... **[Interruption]**.

The Deputy Bailiff:

Concise questions, Deputy.

Deputy R.C. Duhamel:

... The rate is higher. Will the Minister bring to this House, in short order, a report outlining his intentions for higher recycling rates during the period 2008-33? Also, would he outline what further measures will be taken should the recycling target of 32 per cent by 2008 be met before that date?

Deputy G.W.J. de Faye:

It is not the Minister's intention to bring forward any policies on recycling to the House because the House has already approved policies on recycling and we are pressing ahead. As many Members will probably be aware, the results so far of recycling are extremely encouraging. We are continuing to press ahead with the recycling schemes as fast as is feasibly possible. I am looking forward to more green banks being placed around the Parishes at convenient locations, not just for glass but also for paper, and in due course, aluminium cans et cetera and eventually plastic. I

should simply point out that one has to be realistic about the level of recycling that can be attained. There Deputy Duhamel and I part company. Deputy Duhamel has a vision of a very high level of attainment for recycling. I take a pragmatic approach.

3.7 The Connétable of Helier:

A related question. Islanders would have been surprised to read in the paper that our performance in recycling is apparently higher than England, or so I read. Could the Minister confirm that our figures for recycling include the diversion of demolition materials in the form of secondary aggregate and, therefore, that our figures for recycling are somewhat skewed by the amount of demolition rubble created by the Island?

Deputy G.W.J. de Faye:

The figures for recycling can be skewed by any number of additions and categories that you care to put recycling into. For example, some countries that boast very high levels... **[Interruption]**

The Deputy Bailiff:

I think the question is whether this particular figure is skewed by this particular item so could you confine yourself to answering that?

Deputy G.W.J. de Faye:

Yes, it is, Sir.

3.8 Senator J.L. Perchard:

Is the Minister concerned that the total number of personnel employed in the public sector workforce continues to grow year on year? If indeed he is, will he be taking action within his department to halt or, if possible, reverse this growth or does he believe his department to be an exceptional case?

Deputy G.W.J. de Faye:

I do not believe my department is an exceptional case. I know for certain that my department is an exceptional case. **[Laughter]** If Members will just briefly bear with me. We have an existing complement of 504.21 permanent posts. I think the interesting feature if we look at the background of the Public Services Department - now Transport and Technical Services - is the total post reductions that have occurred just over the last decade. Since 1991 and to date, the department has lost 174.82 full-time positions which is a record of efficiency way in excess of any other department in the State. I can commend my department officers for achieving those results.

3.9 Deputy P.V.F. Le Claire:

Sir, speaking last night with my constituents regarding the composting operation, I also conversed with Deputy Ryan who shares the same views as Deputy Martin. Deputy Ryan perhaps would have put this question had he not been ill today. The temporary licence issued in 2003 for the composting operation I believe expires in 2006. What is the intention to extend this temporary licence - if there is - past the target date of removing the composting operation in 2007?

Deputy G.W.J. de Faye:

The composting process is an extremely critical process to our waste disposal operations on the Island. Temporary licences, I have to say, will be responsibly issued for as long as they are required. In the meantime, the department, following an agreement by States Members on the waste strategy, is pressing ahead with some speed to secure a location for a new in-vessel composting facility at a cost of £3.5 million. As soon as we can determine an appropriate location for that facility, construction work will go ahead and the way that composting is processed in this Island will become much more satisfactory.

3.9.1 Deputy P.V.F. Le Claire:

Is the Minister suggesting that the way the composting is being conducted at the Island at this time is unsatisfactory given the amounts... **[Interruption]**

The Deputy Bailiff:

You have asked your question, Deputy. I am sorry, my policy was to allow other Members, while there still are other Members and I saw Deputy Ferguson.

3.10 Deputy S.C. Ferguson of St. Brelade:

The Minister mentioned that the number of full-time posts in the TTS has now been reduced. Is this a question of an overall reduction or is it a question of a reduction of customer-facing workers? Has the policy of replacing these by machines been value for money?

Deputy G.W.J. de Faye:

I regret to say I do not have the information to be able to take a firm view on how many of the staff of Transport and Technical Services have been replaced by machines. All I can say is that these staff reductions represent reductions across the board, both at the manual worker level and, obviously, at officer and senior officer level. I can give an additional piece of information that currently the figures I have offered do not include contract labour, which is no longer used, but do represent some - one or 2 - trainee posts.

3.11 Deputy A.D. Lewis:

Is the Minister aware that the present composting plant is causing difficulties in St. Helier, St. Saviour and St. Clement with many parishioners reporting severe breathing difficulties? Does he not think that if this cannot be remedied immediately the plant should be shut down?

Deputy G.W.J. de Faye:

No, the Minister does not think that.

The Deputy Bailiff:

I am afraid the 15 minutes has expired. Very well so we come now to questions without notice to the Chief Minister. Senator Norman?

4. Questions to Ministers without Notice - The Chief Minister

4.1 Senator L. Norman:

This morning the Council of Ministers presented comments which stated the Council endorses the view, as expressed by the Minister of Health and Social Services, that the proposal for the development of a private hospital is without merit. Could the Chief Minister say what evidence is there to support their view, what discussions have taken place between the Council and the developer, potential operators and their advisors to enable them to reach that view, Sir?

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

The view was taken - I believe rightly - on the very strong advice of the Health Department and the Health Minister. No discussions have taken place between the Council of Ministers *per se* and the developer but in this instance - as we do in other instances - we have faith in the judgment of the Health Department and the Health Minister.

4.2 Deputy G.P. Southern:

Will the Minister guarantee that the Human Rights Jersey Law (2000) will be brought to this House this year notwithstanding any outstanding problems with sexual offences, criminal justice or employment laws?

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

Yes, Sir.

4.3 Senator B.E. Shenton:

The Code of Conduct for Ministers, under compliance, says any infringement by the Ministers must be reported to the Ministers and the Ministers will decide what action to take. Does he not think that it would be better to report any infringements to the PPC (Privileges and Procedures Committee)?

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

Not in the first instance, no. The Council of Ministers is determined to apply a thoroughly rigid code of conduct. I think that is evidenced by the document we produced. We are very confident that, in the first instance, we are more than capable of self-policing. Of course, if there is a serious breach then it would need to be referred to PPC and perhaps, ultimately, to the House.

4.4 Deputy J.A. Martin:

In the Council Minutes of 26th January it is reported that they are going to withdraw P.201. It is also noted there are some 27 actions that can go ahead without bringing them back to the States. Obviously the Minister may not be able to inform us now of the 27 actions but could he ensure that the rest of the States Members know these actions as soon as possible? In the last Minute it is reminded that all Ministers who have any concerns with the policy should contact Senator Kinnard as soon as possible in writing. Would the Minister please extend this to all other States Members who have any concerns on the criminal justice policy so that we could also report on or raise concerns.

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

I am flattered that the Deputy believes she needs to wait for the consent of the Council of Ministers before contacting the Minister. I am sure she never held her back before and I do not imagine it would hold her back now or any other Member of the States for that matter. She is right about the 27 to-dos or issues that can be done. I do not believe that the Minister for Home Affairs would have any problem at all in publishing that list. It is very straightforward and I will discuss it with her with a view to seeking publication of the list to State Members.

4.5 The Deputy of St. John:

I would like to ask the Minister if and when a States employee is suspended on full pay, due to disciplinary issues, if that person is later found guilty would the Minister consider it appropriate and indeed possible that any remuneration due in the suspended period be paid back to the States?

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

I doubt that that is possible. I absolutely appreciate the sentiment of the Deputy and would very much like to agree with him but I doubt that legally or contractually that would be possible. Can I say at this stage - or perhaps reaffirm at this stage - that the Council of Ministers view with, I think "alarm" is the right word, the current situation regarding suspensions and the way the disciplinary code of conduct is being applied. I have asked the Chief Executive to carry out a full review - to produce a full report with recommendations - as a matter of great urgency and he is doing that right now.

4.6 The Connétable of St. Helier:

The Chief Minister may recall that I attempted unsuccessfully to amend the budget of the then Policy and Resources Committee in respect of the Communications - or spin - Unit. Could he comment on the performance of the Unit last year and in recent months and outline his plans for resourcing the Communications Unit in future?

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

The Communications Unit throughout the last year was responsible for a considerable number - I have no idea how many - a considerable number of press releases to the media, a considerable number of press conferences, answering questions from the media and the public on a virtually everyday basis, organising events such as 'Imagine Jersey', organising a considerable campaign on behalf of the then Privileges and Procedures Committee to boost electoral registrations and another considerable number of activities on behalf of then States Committees or, in some cases, individual States Members. The resourcing of the Unit currently it has been running with two contract staff. One of those contracts has come to an end and the budget thereby saved is being used to recruit a communications manager and the unit thereafter will consist of two members of staff.

4.7 Deputy P.V.F. Le Claire:

Given the imminent departure of the Chief Executive of Jersey Finance - who I am sure the Chief Minister will agree with me is going to be a sad loss - does he have any indication as to who will be taking his place given the importance of the role?

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

I regret the decision of the Chief Executive to resign and move into the private sector but fully support his ability to make that choice. What we need to do now is ensure his successor is of at least the same calibre and has at least the same ability to promote and lead the finance industry forward and that process has already begun.

4.8 Deputy D.W. Mezbourian:

Will the Chief Minister advise the House whether he has held discussions with the Treasury Minister on the matter of the States placing funds into ethical investments?

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

No such discussion has taken place to date but I have no problem and I am sure the Treasury Minister would have no problem in holding such a discussion and reviewing our position.

4.9 Deputy R.C. Duhamel:

Recently reported was the intention of the Council of Ministers to set up a Citizens Panel in order to assist with discussions of forthcoming policies. Would the Chief Minister indicate the level of funding that has been thought about in order to service this worthy cause?

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

I cannot answer this morning because the plans are still in embryonic form but the intention is that this will be set up at a very low cost indeed. Of course, as with all things, the cost of this will be monitored and the value-to-cost ratio very carefully considered. We do think it is a very important step forward in our plans to consult more fully and further with the public. Could I say, we are deeply, hugely encouraged by the response to the social survey where, of 3,000 forms distributed, 1,800 have come back. This indicates the consultation is working but we believe we can improve it still further and intend to do so.

4.10 Deputy J.A. Martin:

On 26th January, the Council received a presentation from WEB (Waterfront Enterprise Board) and an updated reported on the economic model on 9th February from PriceWaterhouseCooper. Could

the Minister please inform the rest of the House when this presentation will be available to all States Members, thank you, Sir?

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

There is a public forum, of which Members are aware, to be held on 4th March, organised by the Planning and Environment Minister. The consultation period ends at the end of March. There will be, of course, full information available to Members at the earliest possible opportunity but I cannot put a precise date on it at this point.

4.11 Deputy R.G. Le Hérisier:

Would the Minister acknowledge that, given the exchange that took place about how many new senior people have been recruited, that at heart there is a serious problem no matter how we define the level at 50,000 or 60,000 and how we build in RPI (Retail Price Index). Would he be prepared, Sir, to give us the figures and the positions where this growth has occurred? Then we can compare the Chamber's figures with those that the States are using because it is quite clear, Sir, that there has been a massive growth at the senior levels irrespective of the cutbacks in other parts of the service.

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

I am sorry, the Deputy is quite wrong - that is just not factually the case. I am more than happy to provide him and Members with the full facts and figures which will clearly demonstrate that fact.

4.12 Deputy P.V.F Le Claire:

May I ask the Chief Minister on identification cards, recently approved in the United Kingdom, whether Jersey will be going along this route? Will the Council of Ministers be considering this? Will they be considering issuing identity cards to members of the European Union who may require their own cards from their own countries and how that will link into the passport system with Biometrics?

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

We are not yet considering the identity card issue in the same way as the UK or the EU but, no doubt, that will be a matter for us to consider at some point in the future. I would, however, remind the Deputy that under the migration policy the House has agreed that we should have the means of identifying everyone who lives in, or who comes to, the Island. That policy is now in the process of being planned and will be implemented according to the timetable agreed by the House.

4.13 Deputy J.G. Reed of St. Ouen:

I would like to ask the Chief Minister how does he reconcile the fact that on the one hand we have subscribed and signed up to 'better, simpler and cheaper' and, yet, in the Council Minutes of 26th January, the Minister for Treasury and Resources stated that the States had already effectively spent the £20 million worth of savings achieved?

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

The £20 million is a real saving and the House heard a very good example from the Minister for Transport and Technical Services this morning of where savings have been made. The fact is that Members of this House and members of the public demand a high level health service and a high level education service primarily. The facts are because of demographic growth that the demands on the health service grow year-on-year remorselessly. Because of demographics, the demands on the education service have grown year-on-year remorselessly. We have a choice. We either say that saving money is what we are all about and, therefore, we are going to reduce our core services; or we continue to provide the service levels that the public want and have to spend more money in

the core social areas while saving it which we are most certainly doing in every other area of the States.

4.14 Deputy A. Breckon:

Can I come back to the Waterfront? The Council Minutes of 26th January show that representatives of PricewaterhouseCoopers were in the process of updating the analysis which they have undertaken previously in relation to the economic impact of the proposed development. Their report, which would be completed in a week's time - that is to say it has been done I would presume - would then be reviewed by the Economic Adviser and his findings presented to the Council's Meeting on 9th February 2006. Could the Minister confirm that that was presented and, if it was, when it will be available?

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

No, Sir, it was not presented. There has been a delay and the Economic Adviser is currently reviewing the PricewaterhouseCoopers' report and we are awaiting his report on that report. That will come to the Council of Ministers, I believe, at the next meeting. Of course, we will then take decisions on how we feel about it and how best to move it forward. It will, of course, be made available. All the information will be made available to States Members at the earliest possible opportunity.

4.15 Deputy G.P. Southern:

Does the Minister consider that the decision of the previous Economic Development Committee, of 13th October 2004, to abolish the Economic Benefit Test - meaning that there will now be no requirement for a minimum tax contribution for an employer taking up office space and staff resources in Jersey if they are foreign principals. Does the Minister consider that that decision fits in with his sustainable growth policy and his fiscal strategy?

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

I think I would require notice of that question. I am not fully *au fait* with the issue the Deputy is raising but I am more than happy to get further information from him.

4.16 Deputy P.V.F. Le Claire:

Could the Chief Minister give us a view as to how he feels the Council of Ministers is operating under this new system? I do start to believe it is working a bit better than - I never thought I would say it - the old system. How does he feel it is progressing at the moment?

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

I am glad the Deputy asked that question, Sir. I think it is working extremely well and I think what Jersey is getting now, in terms of its government - although I do accept that there is a great deal of evidence that yet needs to put to this House and to the public - I believe that what Jersey is getting now is genuine joined-up government operated by a group of people who, though holding wildly different views in some respects and being very strong-minded individuals, have proven their ability already to work together very constructively and very positively as a team and have shown their absolute determination to drive Jersey forward and improve matters for the Island generally. At this moment in time, I am very pleased indeed with the way it is working and I am very grateful to my fellow Ministers for the way they are prepared to work together and to reach decisions in the best interests of the Island.

4.17 Deputy J.A. Hilton:

It is my understanding that recently the Education, Sport and Culture Committee has employed a community football officer and I think his remit is to reach out to those young people in St. Helier who do not access the normal football clubs and associations. Has the Minister got a view on the

fact that the facility which is best suited to facilitate that action is currently barred to young people for quite a good part of the year? I am talking about Springfield and the fact that young people cannot access that facility. Has he got a view on that and, if he has, can he advise the House on how he feels that we might be able to address that issue?

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

I think that is primarily an issue for the Education, Sport and Culture Minister. It is not one that has ever come to my attention and, therefore, it would be wrong of me at this point to express a view. I will certainly take it up with the Education Minister.

The Deputy Bailiff:

Very well. I am afraid that concludes the time although, on that occasion, some 17 questions were asked.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Deputy Bailiff:

We come next - there being no matters under J- to K: Statement on a Matter of Official Responsibility and the Minister for Home Affairs will make a statement regarding the withdrawal of the Criminal Justice Policy (Projet 201).

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

During its time in office, the former Home Affairs Committee undertook extensive research in developing the Island's first draft Criminal Justice policy. The policy consultation document was made available to States Members, stakeholders and the general public in June 2005. The Criminal Justice Policy document (P.201 of 2005) was lodged 'au Greffe' on 20th September 2005, and had been due to be debated on 25th October 2005. On that day, however, the previous States Assembly decided to defer the debate on this policy and a number of other policy matters until the present Assembly had been formed. Since the formation of ministerial government, the Council of Ministers has undertaken an early review of the draft Criminal Justice Policy and decided that it wishes to take further time to review the various policy statements and action plans. Similarly, the Scrutiny Panel on Social Affairs is in the process of deciding its work program for 2006 and may wish to undertake its own scrutiny of policy proposals. In view of the new policy development process, which applies since transfer to ministerial government, I am formally asking to withdraw P.201 of 2005 today but I would wish to assure the Assembly that this will not delay action on many of the good objectives that the action plans contained. The action plan currently contains 32 separate objectives, only 5 of which require the approval of the States, either because they require new funding, new legislation or are otherwise contentious. One of these is the proposal to introduce a system of discretionary supervised release. This particular initiative is an extremely important part of the policy. It is designed to address the need for sentence planning, the rehabilitation of prisoners while in custody and their supervision in the community thereafter. Consequently, should the policy review period prove to be lengthy, I would aim to bring a separate report and proposition to the States this year seeking States approval for post-custodial supervision. The remaining 27 objectives involve making improvements to the current criminal justice system which have the support of stakeholders and which can be progressed outside of formal policy approval. For example, the production of co-ordinated criminal justice statistics, continuing to implement the recommendations of the Bull Report, implementing the 'Building a Safer Society' strategy and analysing the nature and effect of antisocial behaviour in Jersey. We shall also have an opportunity to incorporate ideas from a recently published thesis on the conduct and effectiveness of Parish Hall inquiries which will enable us to develop the policy aim of making improvements to the current system. These are all matters which could be described as "business as usual" in seeking to continually improve processes within the criminal justice system. I would

not want to hold up progress in these areas while the period of policy review takes place. I wish to assure Members that the review will be followed by a period of consultation so that Members can comment on the proposals prior to my re-lodging the policy for debate. As I did last year, I would also aim to hold a number of briefing sessions for Members so that the policy proposals can be explained. I, therefore, ask that the House allow me to formally withdraw P.201 of 2005 with the aim of lodging a revised criminal justice policy in due course. Thank you.

The Deputy Bailiff:

Very well, anything arising out of that?

5.1 Deputy R.G. Le Hérisier:

I look forward to some items going forward as the Minister said. Could the Minister tell us, Sir, where are the areas that have caused concern?

Senator W. Kinnard:

The matter was discussed at an earlier Ministers meeting and my fellow Ministers undertook to write to me with areas that they would like to review or have further discussed. I have received some indications of the areas that they would like to review but not so far all that many of them. However, I await further communications from my colleagues and we intend to, obviously, address those in early course and come back to Council of Ministers at the earliest opportunity. Thank you.

5.2 Deputy G.P. Southern:

Will the Minister state to Members what areas give her concern in the sense that they require additional funding in order to be brought to fruition and will she commit herself to obtain that funding to make sure the Criminal Justice Policy does get through in a short scale of time?

Senator W. Kinnard:

In the consultation documents and also in P.201 it makes it quite clear those areas for which funding has been, if you like, ear-marked and areas where it has not. For instance, one of the big areas that I am concerned about is that funding has not been allocated at this point for the education unit that we would like to develop as an extremely important part of the rehabilitation of prisons while they are actually in prison to give them skills and education to improve their chances of leading a more productive life on the outside. That, Sir, is an area of particular concern of mine. There are others but I would say that is the major because there we are looking at a budget for really minimum facilities of £100,000.

The Deputy Bailiff:

Very well. Any other questions?

5.3 Deputy J.A. Martin:

I did address part of this to the Chief Minister. Would the Minister for Home Affairs endeavour to give us a comprehensive list of the 27 objectives that can be carried out and the 5 that cannot in the near future. Thank you, Sir.

Senator W. Kinnard:

Absolutely, Sir. I have provided it for the Council of Ministers and I am more than happy to circulate it for Members and will do in due course, thank you.

5.4 Deputy R.G. Le Hérisier:

Just pressing the question I asked previously and I have a lot of sympathy for the Minister. Could she tell me what were those misgivings that were articulated by the Council of Ministers?

Senator W. Kinnard:

In fact, Sir, I think one of the first ones that was raised with me was the idea that there ought to be perhaps more cross-departmental working, particularly, for an example, where there is the issue around licensing hours and people spilling out on to the street and behaving in a disorderly and sometimes drunken fashion. The Council of Ministers indicated to me that they would like closer working between the Home Affairs Ministry and the Transport and Technical Services Ministry to come together and deliver a more appropriate policy that was cross-Ministry including transport matters. The role of the Honorary Police and particularly the development on the nature of the conduct and effectiveness of the Parish Hall Inquiry was another area that was raised with me. Raised with me from Scrutiny, on the other side, was the issue around whether or not the policy, as it exists, did not recommend going for completely independent prosecution service. We were satisfied with the way in which it was operating here at present. That I know has been questioned by Scrutiny and is an area that they should, I think, take up or that they will be taking up in future. So I am quite happy that these issues are raised and to try to address Members' interests and concerns. I am sure that, in short order, we will certainly be coming back to the House with a number of initiatives, not least of all one which will be a new law on disorderly conduct and harassment.

PUBLIC BUSINESS

6. Draft Magistrates Court and Petty Debts Court (Location) (Jersey) Act 200- (P.7/2006)

The Deputy Bailiff:

Very well. We will move on to public business and the first item is the draft Magistrates Court and Petty Debts Court location, Jersey Act (Projet 7), lodged by the Chief Minister and I will ask the Greffier to read the Act.

The Greffier of the States:

Draft Magistrate's and Petty Debts Court (Location) (Jersey) Act 200-. The States, in pursuance of Article 1 of the Loi (1853) établissant la Cour pour la répression des moindres délits and Article 2 of the Loi (1891) sur la Cour pour le recouvrement de menues dettes, have made the following Act.

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

If I may I would like one of my Assistant Ministers, the Constable of St. Ouen, to put this item to the House.

6.1 Connétable K.P. Vibert of St. Ouen:

The States are asked to approve this draft legislative Act that will enable the designation of the new Magistrate's Court building as a place where the Magistrates and Petty Debts Court may sit. This is a matter that would normally have been dealt with by the Legislation Committee in the old Committee system but with the transfer to a ministerial system the responsibility of that Committee has been assigned to the Chief Minister's Department. The Magistrates Court and Probation Offices project was included within the 2002 Resource Plan with the plans being approved by the Parish Assembly on 5th December 2002. The Magistrates Court building is nearing completion and is expected that the first sitting of the Magistrates Court will be held this very afternoon, with the first sitting of the Petty Debts Court tomorrow. Now, Article 1 of the Loi (1853) établissant la Cour pour la répression des moindres délits, which is the law establishing a court for the suppression of lesser offences - the Magistrates Court. Article 2 of the Loi (1891) sur la Cour pour le recouvrement de menues dettes, which is the recovery of minor debts - Petty Debts Court - requires the States Assembly to formally designate the new complex a place where the Magistrates Court and Petty Debts Court may sit. The Youth Court will follow the Magistrates Court by virtue of Article 11(4) of the Criminal Justice (Young Offenders) (Jersey) Law 1994. Under the new

Standing Order 26, this being a draft legislative Act, it need only be lodged for 2 weeks before debate. It is vital the States approve this draft today in order that the sittings commence without delay. I make the proposition.

The Greffier of the States (in the Chair):

Do you have a seconder? **[Seconded]** Does anyone wish to speak on this? Yes, Senator Perchard.

6.2 Senator J.L. Perchard:

If Members look at P.7 and open it to the first page, the report on the fourth line confirms that the work started on this Projet on the 15th December 2003. On the fifth line, at the date of the lodging of this Projet (31st January 2006) it says the work is nearing completion. That, Sir, is a period of 104 weeks. There is no mention in the report as to the costs of the project but I have done a little research. On the 26th November 2003 - I have a Minute from the F and E Committee - the project and the contractor was chosen and a part of the terms were a 92 week completion period. What, if any, penalty clauses will have been negotiated and will the contractors be liable to for the 20 week over date? Secondly, and most importantly, the Minute here from F and E confirms the cost of the Projet at £7,164,825.54. Will the rapporteur confirm the Projet is also in budget?

6.3 Senator W. Kinnard:

Will the rapporteur perhaps agree with me, Sir, that the questions just asked by the Senator, though interesting, are not at all relevant to the proposition before us which is just about defining the location of the new Court proceeding. Perhaps it might be better put out, I would imagine, as a written question to the rapporteur on another occasion.

6.4 Senator P.F.C. Ozouf:

Just a brief question, Sir. Would the rapporteur confirm whether or not any consideration has been given to renaming once and for all the Petty Debts Court - when it moves - to a Small Claims Court? This would be a far more attractive name for this area and would perhaps give the accessibility which this new Court will give to people wanting to make small claims a rather more customer-friendly label as opposed to this antiquated name.

Senator J.L. Perchard:

Just a point of order. May I apologise to the rapporteur and the House for wasting their time but, of course, they do realise this issue will not go away.

The Greffier of the States (in the Chair):

I call on the rapporteur to reply.

6.5 The Connétable of St. Ouen:

I assure Senator Perchard he does not have to apologise. I did come armed with a response for him knowing he had already raised the question. But as Senator Kinnard said, it has very little to do with the proposition. Nevertheless, I would like to try and reply. The point Senator Perchard made about the 92 weeks, the actual building was completed in 92 weeks. It is the fitting-out of the building which has taken extra time and the building itself - the actual building costs - came within budget. The fitting-out costs have come within budget and within the time that had been stipulated in the contract for the fitting-out costs. So, in fact we have a building completed within budget and in time. Senator Ozouf asked whether we would consider a new name. I do not think that has been considered yet but certainly it is a matter I will take away and look at. Sir, I maintain the proposition.

The Greffier of the States (in the Chair):

I put the Act. Would those Members in favour of adopting it kindly show. Any against? The Act is adopted.

7. Draft Administrative Decisions Review (Amendment 2) (Jersey) Law 200- (P.195/2005)

The Greffier of the States (in the Chair):

The Assembly moves now to the Draft Administrative Decisions Review (Amendment 2) (Jersey) Law 200-in the name of the Privileges and Procedures Committee and I ask the Greffier to read the citation of the law.

The Assistant Greffier of the States:

Draft Administrative Decisions Review (Amendment 2) (Jersey) Law 200-. A law to amend further the Administrative Decisions Review (Jersey) Law 1982. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

The Greffier of the States (in the Chair):

I invite the Chairman to propose the principles of the law.

7.1 Connétable D.F. Gray of St. Clement (Chairman of the Privileges and Procedures Committee):

This draft Law was lodged by the previous Privileges and Procedures Committee last year. All the work needed to bring forward these changes to the law were undertaken on behalf of that Committee by the Deputy of St. Martin and Deputy Scott Warren. Our thanks are due to them. Further work has been carried out since by the Deputy of St. Martin. On the subject of the amendments he proposes, I should point out the Committee proposals and amendments of the Deputy cover a number of different points but together they improve the operation of the Administrative Appeals System. I will deal with the detail changes when the Articles are debated. It is, however, appropriate to give a little of the background to these proposed changes. The previous PPC undertook a full review of the operations of the Administrative Appeals System and as a result published a list of recommendations in R.C.20 of 2004. The report covered the perceived difficulties in the present system and the proposed suggestions for improvements have been incorporated in this draft Law. The Committee did not accept the recommendations of the Clothier Report, which has the support of some Members of the States, that the present system should be replaced with a public sector ombudsman. The full reasons for this can be found in R.C.20 of 2004, the key points of which are reproduced on pages 6 and 7 of the report accompanying this draft Law. I should, however, point out the public sector ombudsman findings are not binding and therefore the criticism that the current system lacks teeth would not be addressed by replacing it with an ombudsman. An ombudsman would clearly be an expensive option. The current system, in the opinion of the Committee, reflects the Jersey way of accomplishing this wherein the respective members of the public give their time freely to review decisions. It should be noted only about 21 per cent of complaints submitted to the UK Local Government ombudsman resulted in the complainants receiving the remedy they were originally seeking. This would seem to displace any notion that the UK system provides the perfect remedy for every complaint. I should also point out we are solely concerned with the review of administrative decisions taken by Ministers and States' Departments and have not considered the merits otherwise of an ombudsman in other areas such as the financial services sector. In conclusion, the Committee believes the changes proposed go some considerable way to addressing current concerns and would substantially improve the effectiveness of the boards. I propose the adoption of the principle, Sir.

The Greffier of the States (in the Chair):

Is the principle seconded? [**Seconded**] Does anybody wish to speak on the principles of the draft?

7.2 The Deputy of St. Martin:

I just want to say a few words, and thank the Chairman of the PPC for his kind words. He was right that myself and Deputy Scott Warren, and indeed yourself, Sir, the Greffier, were involved in a small working party and I think that was important as the Board of Administrative Appeal has been running on for the last almost 25 years. There are a number of little issues that needed to be addressed and the former PPC Committee took the opportunity of addressing them. Unfortunately, I was not on the PPC Committee when the final arrangements were in hand and since then, of course, there have been one or 2 other issues which we thought would have been important to put in as amendments. As the Chairman has said, I think they will improve the present law and certainly make it more user-friendly and I hope Members will give it their support.

7.3 Deputy A. Breckon:

I did make submissions to the former PPC about this because I felt this system was a little bit weak in that we started off by making a complaint to the person or the body who made the decision. People sometimes did get shuffled sideways. It is nice to see there is something in between that now, but I am still not convinced of the merits of this going forward. Members will remember the Clothier Report and some people swallowed that wholesale, but the recommendation - I think it was at chapter 9 of the Clothier Report - said there should be a public sector ombudsman. I think that report underestimates the breadth of that and I think there are people out there who feel aggrieved but who do not have the stamina or wherewithal to get to a Review Board, even with assistance. I think we should make it easier for people who may have a problem with public administration to register a complaint and not more difficult. I think this an interim measure. It may do for now but I do not think it will stand the test of time and I think, personally, an ombudsman is a way forward in a number of areas of public life. This, I believe, is an interim measure and it is patching over something I think is inadequate in the first place.

7.4 Senator P.F.C. Ozouf:

Just very briefly, I know a view that has been expressed that an ombudsman is not only required for administrative reviews but also within the financial services area and can I just hold out an olive branch - which in no way is undermining my support for Privileges and Procedures proposition - but we are looking at the issue of a financial ombudsman and we are concerned, however, to ensure the ombudsman is serving local financial service providers in terms of the local domestic market. What we do not want is a cheap ombudsman system for people outside the Island. I am happy to continue to work with him and the Privileges and Procedures Committee in order to find a solution for his long-term aspirations of ombudsman, but in no way does that undermine my support for the principles of what the Chairman is saying.

The Greffier of the States (in the Chair):

I call on the Chairman to reply, if you wish, Chairman.

7.5 The Connétable of St. Clement:

I do not really think there is any need to reply, Sir. As I said before, we did not think it appropriate for the public sector ombudsman to replace the present arrangements and we are not responsible for looking at the financial services ombudsman, but I thank Senator Ozouf for his contribution.

The Greffier of the States (in the Chair):

I put the principles. Would those Members in favour of adopting it kindly show. Any against? The principles are adopted. I ask Members to note at this stage... - I need to turn to the Chairman or other Members of the relevant Scrutiny Panel, which is the Corporate Services Panel. I do not see... the Chairman is across to my left and I do not see the Vice-Chairman in the Assembly,

although he did indicate to me earlier he did not wish this matter referred to the Panel. Is there any other member of the Panel present?

The Connétable of St. Clement:

I am happy to say we do not wish to.

The Greffier of the States (in the Chair):

You do not wish to. Very well. We can proceed to the debate on the Articles. Chairman, you mentioned there were a number of amendments from the Deputy of St. Martin. We will take the Articles with the amendments as they follow through. I would ask you firstly, therefore, to propose Articles 1 and 2 which are not subject to amendments.

7.6 The Connétable of St. Clement:

Article 1 refers to the principal Law. Article 2 changes the name of the System from the Administrative Appeals System to the Complaints System. As a result, Boards of Administrative Appeal would now be known as Complaints Boards and the Panel as members of the Complaints Panel. As stated at R.C. 20 of 2004, the present name can cause confusion as it can be muddled with Administrative Appeals to the Royal Court. The Committee considered at length what name was more appropriate and concluded that to make the system as user-friendly and understandable as possible it was logical to simply call it the Complaints System which is effectively what it is. I propose Articles 1 and 2, Sir.

The Greffier of the States (in the Chair):

Articles 1 and 2. Seconded? [**Seconded**] Does any Member wish to speak on either Articles 1 or 2? I put the Articles. Would those Members in favour of adopting kindly show. Any against? The Articles are adopted. Do you propose Article 3, Chairman?

7.7 The Connétable of St. Clement:

Article 3 makes an important change to the law. At present, cases are submitted to the Greffier of the States who makes initial inquiries, in practice by requesting a report and background paper on the case from the relevant department before he seeks the views of the Chairman of the Panel on whether or not the circumstances justify review. However, the current law gives the decision-making power on whether or not to refer a case to the board to the Greffier. This role appears to date from a time before 1997 when boards were made up solely of States Members and the role of the Greffier was not reviewed when the independent Panel of non-States Members was set up in 1997. The present Greffier has made it clear that this is an uncomfortable role for an officer and the Committee shares his view that it is not appropriate for him to take such decisions. In practice, for some time the Greffier has, in fact, relied entirely on the recommendation of the Chairman and has not overturned her recommendation when taking his final decision on whether or not to refer a case to a board. The amendment will give the decision-making power on whether or not the circumstances of a case justify a review by a board to the Chairman. The Greffier will continue to undertake the related administration including, in particular, obtaining the necessary reports when the complaint is submitted in order the Chairman take a decision on the basis of full and accurate information. Article 3 also introduces an important new procedure which is currently unavailable. Article 3(3) enables the Chairman, if a review is justified, to take informal steps to resolve the matter. The draft Law gives the Chairman wide discretion by allowing her to use whatever means are considered reasonable. The intention of this change is to allow greater flexibility into the system. One advantage of ombudsman systems that has been investigated by the Committee is a case can often be solved by a simple letter or telephone call from the ombudsman. Under the present Jersey system, a full board of 3 members must be established to hear every single case and this can be unnecessarily complicated and a complex way to deal with cases. With the changes proposed in this Article, the Chairman will be able to undertake informal resolution if it is clear on

looking at the case papers that a complaint might be resolved in this way. It is hoped the law changes will also encourage greater use of the system if complainants know the Chairman can act in this informal way. I propose Article 3, Sir.

The Greffier of the States (in the Chair):

Is Article 3 seconded? [**Seconded**] Perhaps I should have said from the Chair before inviting the Chairman to propose the Article that the Deputy Bailiff has had to attend a funeral and has asked me to take the Chair. I was unaware, of course, I would be dealing with matters that do concern my own position. I hope Members are not unduly constrained in what they may wish to say. There is an amendment in the name of the Deputy of St. Martin to this Article. Deputy, your amendments are all reasonably lengthy. Are you content, and the House content, they should be taken as read rather than asking the Greffier to read them in full? Members are content to proceed in that way. I will ask you to propose your amendment to Article 3.

7.8 The Deputy of St. Martin:

As a matter of fact, by having to go to Article 3 one ought to take heed of what the Chairman of the PPC said, because what we are doing here is introducing an opportunity - or I am asking the House to introduce something new - and if a Panel Chairman is of the view a review is not justified there is no mechanism for the aggrieved person or the complainant to appeal against that decision. In other words, if a Chairman decides he does not think the case should go forward that is the end of the matter. However, if the States approve my amendment the complainant may, within one month of being informed of the rejection, appeal to the Deputy Chairman to review the Chairman's decision. Likewise, if the decision to review the case was taken by one of the Deputy Chairmen and that Deputy Chairman was of the opinion the case could not be justified, the complainant may appeal to the Chairman or the other Deputy Chairman to review the other Chairman's decision. In either scenario, if it is decided the original decision was unreasonable then the matter, of course, can go to the board. Can I say I have met with the Panel's Chairman, Mrs. Canavan, and she certainly supports this and I would ask the House to also. I make the proposition, Sir.

The Greffier of the States (in the Chair):

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

7.9 Senator P.F.C. Ozouf:

I was surprised to see Privileges and Procedures supporting this, because there is no justification in the report about why we should be putting in place an appeal to an appeal, which is effectively what this is. I just wonder what the precedent is. I am no expert in judicial matters or in appeal mechanisms or anything else, but certainly I would like to take some comfort that what we are doing here is making sense. It does not seem commonsense to me to have an administrative appeal body asking that body to make, in the name of its Chairman or Chairwoman, a decision and then, if they do not like that appeal on the appeal - which is always perhaps an appeal of an appeal of an appeal because you are in appeal mode when you are going to this body. You have already, presumably, gone down the route of already making an attempt to have the issue revisited. Where does this issue stop? I am not at all persuaded it is appropriate for an appeal to be made effectively by the 2 vice-people, the 2 under-people to the actual Chairman. Is there any precedent of setting up an appeal mechanism in this way because it seems to me to be completely illogical? Surely, if we are approving something we must be drawing from the experience of other bodies else where.

7.10 Senator T.J. Le Main:

I support this amendment very much. It came about that I had some very aggrieved constituents a year or so ago who I felt, as an ex-Planning Committee member, had a grievance against the Planning Department. I felt in my view and experience as a Planning Committee member they had a very, very viable grievance. I sent the application for a Review Board hearing to the Greffier. It

was passed on to the Chairman of the Appeals Panel and the Appeals Panel Chairman turned down the appeal request without having to give any reason. People are aggrieved that we have an Application Appeals process which has shifted through the Greffier through to the Chairman of the Appeal Board yet the Chairman, without any reason whatsoever, can turn down the application. I sought, on behalf of my constituents, the reason why the application was turned down when I have seen in the past other appeal bodies being approved which, in my view, had less merit than this one, and I was refused, categorically refused by the Chairman of Appeals Review Panel to even give me the reason. I subsequently spoke and wrote to the Privileges Committee and Deputy Hill said he would take it on board and I support this. In the interest of justice and people's rights, surely they have a right to know why a reason is given for why an appeal is not proceeded with and I support this very much so.

7.11 Deputy C.J. Scott Warren of St. Saviour:

In my opinion this amendment is a worthwhile safeguard and I totally support it. If there are clear reasons for not going ahead with the Appeal Board hearing, the Deputy Chairman will be likely to similarly make his decision as was the first decision, but I do see it as a necessary safeguard.

7.12 Deputy G.W.J. de Faye:

I wonder if I could ask for a point of information, and it may be that the Solicitor General could clarify this matter. If there is a refusal of an appeal to the Appeal Board is there, nevertheless, recourse to any plaintiff who retains a grievance to take the matter up at the Royal Court in which there is a clear further level of redress? Could we just have the procedure explained?

7.13 Miss S.C. Nicolle, Q.C., (H.M. Solicitor General):

The only right of recourse to the Royal Court, I believe, would be by way of an application for leave for judicial review of the decision which the person was aggrieved by.

The Greffier of the States (in the Chair):

Does anyone wish to speak? I call on the Deputy of St. Martin to reply.

7.14 The Deputy of St. Martin:

I do not know if Senator Ozouf understands what the appeal is about because really what we are saying is - I do have the advantage of having the Article 4 of the Administrative Appeal Board Law - it gives guidance as to what matters may be heard and may not be. Indeed, as Senator Le Main said, I welcome his support because again he is speaking from practical experience. I just feel we are making heavy weather of it. Really, what we have got is; if someone feels aggrieved that they have not been given an opportunity to have a review, it just means someone else can look at that decision. To my mind it is just a safeguard, which is the very thing Deputy Scott Warren has said. Otherwise what we have got to do is, as the Solicitor General has said, you have really got no appeal and the whole mechanism falls away simply because of the consideration taken by how one person feels. There is no appeal and the whole thing falls away. This way, there is that safeguard and I will certainly maintain the proposition, Sir.

The Greffier of the States (in the Chair):

I put the amendment. Could we have the Appel?

7.15 Senator P.F.C. Ozouf:

I did ask whether or not any experience would be drawn from elsewhere. Is it appropriate? I am not arguing the issue about whether or not the facts should be put, but my question was, "Is there any experience from any other appelland body that would give any comfort in setting up this appeal of the appeal to make an appeal decision?" No answer was given by the Deputy. Could he assist me?

The Greffier of the States (in the Chair):

Are you able to assist before we move to the Appel?

7.16 The Deputy of St. Martin:

Yes. I have to be honest I am not altogether sure, but I would have thought this was a commonsense approach and as the Solicitor General said, “If one cannot go there, there is another body to go to for judicial review.” The purpose of this particular piece of legislation is to make it user-friendly. Do not make it too difficult. Do not make it too costly.

The Greffier of the States (in the Chair):

The Appel has been called for, so Members are in their designated seats. The vote is for/against the first amendment of the Deputy of St. Martin to Article 3. The Greffier will open the voting.

Members present voted as follows –

POUR: 38		CONTRE: 2		ABSTAIN: 0
Senator S. Syvret		Senator P.F.C. Ozouf		
Senator L. Norman		Deputy G.W.J. de Faye (H)		
Senator F.H. Walker				
Senator W. Kinnard				
Senator P.F. Routier				
Senator M.E. Vibert				
Senator T.J. Le Main				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Saviour				
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Brelade				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy G.C.L. Baudains (C)				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire				

(H)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.P.A. Power (B)				
Deputy A.J.H. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

The Greffier of the States (in the Chair):

Does any Member now wish to speak on Article 3 as amended? Not? I put the Article. Would those Members in favour of adopting it kindly show. Those against? The Article is adopted as amended. Do you propose Article 4, Chairman?

7.17 The Connétable of St. Clement:

Yes, Sir. This Article is purely consequential on the changes proposed in Article 3 giving the decision-making powers on whether a case should be referred to a board to the Chairman. I propose the adoption.

The Greffier of the States (in the Chair):

Is the Article seconded? [**Seconded**] Does any Member wish to speak? I put Article 4. Would those Members in favour of adopting it kindly show. Any against? Article 4 is adopted. Do you propose Article 5, Chairman?

7.18 The Connétable of St. Clement:

Article 5 makes changes which are consequential on the change in the name of the Panel. I propose Article 5.

The Greffier of the States (in the Chair):

Is the Article seconded? [**Seconded**] There is an amendment. This is Amendment 2 of the Deputy of St. Martin and I invite you to propose that amendment, Deputy.

7.19 The Deputy of St. Martin:

At present there is no requirement for the Panel to issue procedural rules on the manner in which parties submit their documentation to the Panel and to the manner in which the hearings will be conducted. While there is a lot to be admired about the informality of the hearings, there are occasions when it would be helpful for rules to be in place to ensure papers and other supporting evidence is submitted within a specific time span. This is a procedure where it was adopted elsewhere. One problem that does arise is in reviews, particularly over planning decisions. A complainant, when trying to prove inconsistency in the planning policy, produces photographs of buildings they claim had been approved. The Planning Officer understandably claimed they were not aware of the circumstances that led to the approval of the buildings. Of course, you have got this position where the Panel is left the unenviable task of having to decide whether to ignore the complainant's evidence or indeed defer the matter until Planning can produce the evidence or the information to show why that particular building in question was approved. If my amendment is approved it will make it a requirement for the Panel to issue procedural rules and also place the onus on the Greffier to ensure those parties to the complaint are made aware of the rules.

The Greffier of the States (in the Chair):

Is the amendment seconded? [**Seconded**] Does anyone wish to speak on the amendment? Deputy Scott Warren?

7.20 Deputy C.J. Scott Warren:

In my opinion this is an important amendment. There is a need to ensure there is a reasonable time span rather than, as has happened, unnecessary delays. Thank you.

7.21 The Connétable of St. Clement:

The PPC supports this amendment. There has been criticism in the past that there are no formal written rules of practice and procedure for the way in which boards operate. It is understood this amendment has arisen following a discussion between the Deputy of St. Martin and the Chairman who supported the introduction of such rules, practice and procedures. The type of issues likely to be covered by any rules is the manner in which papers can be presented to a board and the time scales for additional documents being forwarded before a hearing.

The Greffier of the States (in the Chair):

I call on the Deputy of St. Martin to reply.

7.22 The Deputy of St. Martin:

Yes, I thank those who totally support and I am glad the Chairman has mentioned the involvement of the Chairman of the Panel, Mrs. Canavan. We have had personal experience where this has happened and we feel if these rules are in place it should avoid any other problems in the future. I make the amendment, Sir.

The Greffier of the States (in the Chair):

I put the amendment. Would those Members in favour of adopting it kindly show. Any against? The amendment is adopted. Does any Member wish to speak on Article 5 as amended? Not. I put Article 5 as amended. Would those Members in favour of adopting it kindly show. Any against? Article 5 as amended is adopted. Do you propose Article 6, Chairman?

7.23 The Connétable of St. Clement:

This Article is consequential on the change of name of the system. It repeats provisions of the existing law that a board is made up of 3 persons selected from the Panel. The Panel currently has 10 members. I propose Article 6.

The Greffier of the States (in the Chair):

Is Article 6 seconded? [**Seconded**] Does any Member wish to speak on Article 6? I put Article 6. Would those Members in favour of adopting it kindly show. Any against? Article 6 is adopted. There is a new Article to be inserted in this location through the third amendment of the Deputy of St. Martin, Amendment 3. I invite you to propose that amendment, Deputy.

7.24 The Deputy of St. Martin:

This is a new Article and it really comes about from my first amendment. It would allow for another person to act as Chairman or Deputy Chairman if the Chairman or Deputy Chairman have a conflict. It was an issue that had not been spotted before and what will happen now is the Article will allow someone else to deal with the matter and if a conflict arises then the Greffier himself will be able to appoint a member of the Panel to act on behalf of the Chairman or the Deputy Chairman. Again, this has been supported by the PPC and the Chairman of the Panel herself. I make the amendment, Sir.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? I put the amendment. Would those Members in favour of adopting it kindly show. Any against? The amendment is adopted. We move now to the proposed Article 7, Chairman?

7.25 The Connétable of St. Clement:

The purpose of this Article is to ensure that documents and information required by the board or by the Greffier are provided within one month. There have been occasions when cases have been delayed because departments have been slow to answer requests for information. It should be noted the board or the Greffier have discretion to allow a longer period if they are satisfied there are genuine reasons why the one month period is not sufficient. I propose the Article, Sir.

The Greffier of the States (in the Chair):

Is the Article seconded? **[Seconded]** Does any Member wish to speak on Article 7? I put the Article. Would those Members in favour of adopting it kindly show. Any against? The Article is adopted. Do you propose Article 8, Chairman?

7.26 The Connétable of St. Clement:

Article 8 is proposed by the Committee and introduces other important changes which will hopefully increase the profile of the work of the system. At present, an annual report is presented to the States containing the findings of every board held during the previous year. This is normally the first occasion on which the findings are presented to Members of the States and are made widely available to the public. Although findings are issued to the media as they are finalised there is no current requirement to make them more widely available. Under this Article, the findings would be presented to the PPC and the PPC will then be required to present them to the States. This would take place in the R series, alongside other official reports. In this way, States Members would become immediately aware of the findings of a board. Similarly, if a board requests a Minister or department to reconsider the matter, the results of that reconsideration would be presented to the States by PPC. The Committee considers greater awareness of the findings of the board and the response of Ministers and departments will increase awareness of the work of the boards and will enable Members of the States to become involved if they consider that the findings of the boards are not being adequately considered by Ministers and departments. I move the Article, Sir.

The Greffier of the States (in the Chair):

Is the Article seconded? **[Seconded]** There is an amendment to Article 8. The fourth amendment to the Deputy of St. Martin. I invite you to propose the amendment, Deputy.

7.27 The Deputy of St. Martin:

Again, the intention of this amendment is to remove what could be considered as a grey area which has led and could continue to lead to, I believe, natural justice being denied. Appeal bodies should be able to direct their own affairs with sufficient flexibility to ensure neither the complainant nor the defendant feels aggrieved because they have not had the opportunity of having their grievances dealt with in a fair and equitable manner. At present the law is unclear in respect to the board's ability to reconvene. Following a hearing, the board writes to the complainant advising him or her of the board's decision. However, when a board asks a Committee to reconsider the matter it also requests it to inform the board within a specified time of the steps taken to reconsider the matter and the result of that consideration. Where a board, having requested consideration by the Committee is of the opinion the findings of the board have been insufficiently considered or implemented, it may present a report of the matter to the Privileges and Procedures Committee which in turn will submit a report to the States. What the board cannot do at this stage of the proceedings is to reconvene to hear new evidence or reopen the case. For example, the board cannot reconvene to request the Minister to substantiate, elaborate or clarify any of his or her

response. The complainant is also denied this opportunity. There may also be occasions where new evidence or information comes to light after the board has released its findings. As previously mentioned, the law does not cater for this eventuality and I believe in the interest of natural justice the law should be amended. If my amendment is approved it will allow the complainant one month to consider the findings and if necessary he or she would be able to request the board to reconvene to consider any issue pertaining to the case. Just as importantly, my amendment will allow the board to reconvene of its own volition if it believes the information provided by the Committee justifies further consideration. I am aware there are risks that, following the reconvening, the matter could go on and on, particularly if the complainant is not satisfied with a Minister's response. However, my amendment will give the board more authority to direct its own affairs and will be best placed, I believe, to decide when the matter should draw to a natural conclusion. Sir, I make the proposition.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Seconded]** Does anyone wish to speak on the amendment?

7.28 Deputy G.P. Southern:

This is an area where I have had experience and I believe this amendment, in a particular case which I took to an Administrative Appeal Board, would have been very useful where new evidence came to light towards the end of the process and it would have been appropriate to consider this new evidence. However, it was ruled out of order because it was fresh. If there had been opportunity to reconvene it would have worked to the better efficiency of the system in the case of which I have experience, so I am supporting this amendment.

7.29 Deputy C.J. Scott Warren:

Likewise, I just want to say that I very much support this important amendment. It is only right the board, if requested to do so if more evidence comes to light within the time span, should be able to reconvene. Thank you.

7.30 Senator P.F. Ozouf:

The Board of Administrative Review is a quasi-judicial function but it is not a judicial function. It is a more informal administrative review process and I do understand the differences between a Court process and an Administrative Review Appeal process which is what we are dealing with here. Again, I just ask the Deputy of St. Martin to explain to the Assembly - he did say there were risks associated with this. Can I ask whether or not he has consulted - or if PPC have consulted - with the experts in judicial procedure in the Island, namely the Law Offices or any members of the Court, so they may draw from their own experience in dealing with this? It sounds as though this means an appeal effectively never ends. The comment Deputy Southern made in respect of new evidence being admissible towards the end of the process - if that were true and if it were new evidence the board should be taking into account - you need to improve the decision making and the quality of the decision making at the appeals stage, not putting in a further process. I am worried about this, and certainly I am not going to support anything which the Deputy cannot convince the Assembly he has consulted on, drawn from expert opinion within the judiciary of the Island. Could he comment, which may give me some comfort, on whether the Board Chairman agrees with this proposal because that certainly would give comfort.

7.31 Senator M.E. Vibert:

It was only just to say I initially shared, as a member of the PPC, some of the concerns that this was not ending but the wording of the amendment is that a complainant *may* request, and the board *may* reconvene. It is up to the board whether they reconvene having received that request, so there is a way of bringing it to an end.

The Greffier of the States (in the Chair):

I call on the Deputy of St. Martin to reply.

7.32 The Deputy of St. Martin:

I am grateful again to Deputy Southern and Deputy Scott Warren. They have actual experience of going to Appeal Boards and they obviously understand what is involved, and also with Senator Vibert. Senator Vibert was a member of the PPC Committee when I met with them and he did raise the issue and I gave him assurance which he has now given us again this morning in the amendment. It will allow the Appeal Board themselves to make their own decision as to when they think the matter should come to conclusion. I have no hesitation: I know full well that the board will manage their own affairs in a much better and much happier frame of mind having this particular amendment in hand. The important thing is making sure justice is seen to be done and I come on to Senator Ozouf. There is a risk the case could run on and on, but I think, as Senator Vibert has maintained, the amendment will ensure that risk is minimum, if ever. Can I give assurance that I do not think the PPC has queried this with the Attorney General. I would maybe take the liberty of asking the Solicitor General but can I assure the Members, Senator Ozouf in particular, that I did meet with the Chairman of the Appeal Board, Mrs. Canavan. She is very supportive of this particular legislation herself and I would maintain the amendment, Sir.

The Greffier of the States (in the Chair):

If the Solicitor General would like to make a comment?

7.33 H.M. Solicitor General:

The answer is no, really. The Deputy has consulted with the Chairman of the Scrutiny Panel who is, like me, a qualified lawyer and has very extensive experience of the Administrative Boards and I do not think there is anything I can usefully add.

The Greffier of the States (in the Chair):

Very well. I put the amendment. Would those Members in favour of adopting it kindly show. Any against? The amendment is adopted. Does anyone wish to speak on Article 8 as amended?

7.34 Senator P.F.C. Ozouf:

I declare I am a member of the Board of the Jersey Legal Information Board (JLIB) which is a website consisting of all of the laws of the Island and, most importantly, the judgments of the Court. I wonder whether or not the President of PPC has given consideration to having a central repository of all of the decisions of the Administrative Review Panel? That is where, if it is in fact on the States' website together with all the other reports of the States, it is going to be difficult to find and I would have thought in this day of easy technology and website development - and perhaps even JLIB could help the Administrative Review Board. It may be a good opportunity to put a website together with all the administrative arrangements to which people could be directed in order to understand exactly what the procedures are and, most importantly, what decisions have been made previously. They could be published in this way. Notwithstanding my support for Article 8 as amended, would he confirm he thinks it is a good idea and would he give the necessary assistance to the board to do it in the interest of transparency and justice?

The Greffier of the States (in the Chair):

I call on the Chairman to reply.

7.35 The Connétable of St. Clement:

I totally support Senator Ozouf in that it needs to have as much publicity as possible. Putting it on the website would seem to be the best approach. I would certainly support that and ask the Committee to support it as well.

The Greffier of the States (in the Chair):

Very well. I put Article 8 as amended. Would those Members in favour of adopting it kindly show. Any against? The Article is adopted as amended. Do you propose finally, Chairman, Articles 9, 10 and 11.

7.36 The Connétable of St. Clement:

Yes, Sir. Article 9 substitutes Article 10 of the principal law relating to the annual report. There are two main changes. Firstly, the annual report will no longer contain the full text of the findings of every board as these will be presented to the States as they are produced. Secondly, in order to ensure a full record of the operation of the system, the report must include the results of any attempt to reach an informal resolution of a complaint. In this way, if a complaint is resolved informally there will be a full note of the actions taken even though the complaint was dealt with by the Chairman before a board was constituted. Article 10 contains the transitional provisions necessary to enable complaints straddled from coming into force before these amendments to be dealt with properly. And finally, Article 11 is the citation provision. I move Articles 9, 10 and 11.

The Greffier of the States (in the Chair):

Are the Articles seconded? **[Seconded]** Does anyone wish to speak? I put the Article. Would those Members in favour of adopting it kindly show. Any against? The Articles are adopted and the draft Law is adopted in second reading. Do you propose it in third reading, Chairman?

7.37 The Connétable of St. Clement:

Yes. I would also like to take the opportunity of thanking the voluntary work of the board, namely the Chairman and the 2 Vice-Chairmen. They do provide a free service to this community and I thank them for all the good work that they do. I move in third reading.

The Greffier of the States (in the Chair):

Is the draft Law in third reading seconded? **[Seconded]** Does anyone wish to speak?

7.38 The Deputy of St. Martin:

I also want to extend my thanks to you personally for the involvement and assistance you have given to me and also to Pam Staley, our Law Draftsman, and also, of course, to Mrs. Canavan. I think we now have something which is much more user-friendly and it will be understood by most States Members as well. I hope all of them will participate in reviews if they feel they have an occasion to do so. I am certainly pleased to see the changes.

The Greffier of the States (in the Chair):

I put the draft Law in third reading. Would those Members in favour of adopting it kindly show. Any against? The law is adopted in third reading.

8. Private hospital development: Scrutiny Review (P.221/2005)

The Greffier of the States (in the Chair):

The Assembly now comes to the Private hospital development: Scrutiny Review, in the name of Deputy Le Claire.

8.1 Deputy P.V.F. Le Claire:

Sir, I wonder if I could, at this point - and I would have mentioned this earlier but there is now a change in the way that we address Public Business and Future Business on the Order Paper. Given we received the Minister's comments, that were embargoed until yesterday, I have not been able to address a number of the points and challenges made in the Minister's comments. I ask the

Assembly if it would be possible to delay this debate by 2 weeks so I could meet with the company and ask them to address the issues raised, in particular the costings and how they derived their business case which is pointed out as lacking in questions in the comments of the Health Minister.

The Greffier of the States (in the Chair):

If I could just say from the Chair, Deputy Le Claire has a total right to ask for a matter to be deferred and it would be for the Assembly to fix a new date. He does not require the leave of the Assembly for a deferral. Senator Syvret, do you wish say something briefly?

8.2 Senator S. Syvret:

I oppose any move to defer this question. This is like Groundhog Day. This issue has been going on for years and years and years, and it seems we go round in circles never making a decision. We received... the Senator says my comments were received only recently. By the same token, there are substantial wads of documentation from SNIB Limited just received. Am I to ask if I could, or are other Members going to ask for a delay for me to go away and go through all this and produce another set of comments? And what if a further set of comments is produced by SNIB Limited. The Health and Social Services Department would then probably want to produce a further set of comments and observations on those produced by SNIB Limited, and so it goes on. I believe we should settle this matter today. I do not believe it is satisfactory for Deputy Le Claire to be unprepared to deal with this matter today given it has been lodged for months. The most rudimentary research into the matter by him, as he has taken such an interest in it, would have revealed the basic position of Health and Social Services and what the basic arguments are. This is a complete waste of time, tax payers' money, departmental resources and officers' duties. I believe we should move on and debate this matter today and finally put the matter to bed.

The Greffier of the States (in the Chair):

Could I say again from the Chair it is a matter for Deputy Le Claire and I think he will have heard your comments, Minister. I would remind Members that Standing Order 30, paragraph 2 states a proposer may at any time before the debate on his or her proposition commences inform the Greffier that he or she wishes the proposition to be listed for debate at a different meeting. Deputy Le Claire, all I say from the Chair is that if you do agree and you do exercise your right to defer, you will get the mercy of the Assembly for a new date. Do you wish to do that?

8.3 Deputy P.V.F. Le Claire:

Yes, Sir. I do not believe it is worth... Senator Syvret talks about wasting department's time and wasting Members' time. I do not believe at this juncture it is going to be a valuable way to debate this, with most Members clearly - I am clearly not able to persuade Members as to whether or not we should debate this today. I think the only real opportunity for me to have a chance to engage Members constructively would be to ask for a 2-week delay. If Members do not wish to give me that 2-week delay then I do not think it is a good way to go forward. I think it would also perhaps jeopardise other opportunities the company might have or might seek to redress their concerns. I certainly am not going to make apologies for the fact my proposition was lodged for months. I received the comments of the Health Minister on Saturday and they were embargoed until yesterday. I received the Council of Minister's comments when I came in this morning. So, I would ask Members to give me the 2 weeks. If they do not wish to give me those 2 weeks, Sir, I do not think it is a worthwhile use of States' time to hammer this through at this stage.

The Greffier of the States (in the Chair):

You wish this to be not taken now?

Deputy P.V.F. Le Claire:

Yes, Sir.

The Greffier of the States (in the Chair):

And you ask the States can we arrange Public Business under M for a date for... **[Interruption]**

Deputy P.V.F. Le Claire:

For 2 weeks. Sir, can I just clarify something?

Senator P.F.C. Ozouf:

Can I give notice that I will be opposing then... **[Interruption]**

The Greffier of the States (in the Chair):

Very well, we don't need that debate now.

Senator P.F.C. Ozouf:

Can I seek clarification that it is up to the States not to decide to table this issue for debate? Under new Standing Orders, what is the situation?

The Greffier of the States (in the Chair):

Yes. It is a matter for Members. Deputy Le Claire has exercised his right to say he does not wish it to be taken now but it will be a matter for the Assembly in the usual way when it is listed under M as we will issue a revised arrangement for the end of the meeting. Members will decide whether or not to take it at a future meeting.

Senator P.F.C. Ozouf:

What happens if the States rejects - and I would say I am entirely with Senator Syvret on this - I just want to understand the circumstances. I think Deputy Le Claire is being unwise in not giving good reason. But what happens if the States refuse to give him a date over any of the dates under M. What happens to the proposition?

The Greffier of the States (in the Chair):

He will have to agree a further date and after 3 occasions, if Members refuse on 3 occasions, he can ask for a date for debate.

Senator P.F.C. Ozouf:

So he can force the Assembly to put forward the debate?

The Greffier of the States (in the Chair):

After 3 refusals, yes.

9. Draft Employment (Minimum Wage) (Amendment) (Jersey) Regulations 200-(P.282/2005)

Very well, that matter having been deferred for the time being, we move to the draft Employment (Minimum Wage) (Amendment) (Jersey) Regulations 200-and I ask the Greffier to read the citation.

The Assistant Greffier of the States:

Draft Employment (Minimum Wage) (Amendment) (Jersey) Regulations 200-. The States, in pursuance of Articles 17, 18 and 104 of the Employment (Jersey) Law 2003, have made the following Regulations.

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

This report and proposition is the outcome of an interim review of the minimum wage which was carried out by the Employment Forum last year, just 4 months after the implementation of Jersey's first minimum wage. Members will recall it was intended to be 1st April as the implementation date but because of delays in debating various parts of the Employment Law, it was delayed until 1st July. Jersey's minimum wage, which was introduced as part of the first phase of the employment legislation, became effective on the 1st July. In October last year the Employment and Social Security Committee decided to direct the Forum to consult about the impact of the minimum wage and to find out what has happened - unfortunately, just during a very short time because it had only been in place for a few months - and for them to advise on rates for 2006. The timing was important because employers have been promised the rates will be set in advance, giving them adequate time to plan and to increase, if they need to, prices for the following year. On the basis of the consultation responses, the Forum made a recommendation to the Committee which was accepted. The recommendation was published in November, and Members will see it is in Appendix A. The Committee was pleased to note the range of consultation responses indicated the initial minimum wage was set at an appropriate level and the system seems to be working well in practice. All 120 representative bodies and interested parties on the Forum's data base were consulted and replies were received from an equal number of employer organisations and an equal number of trade unions or staff associations. In addition, we had some employers and employees and one independent response. In total there were 23 responses. Clearly, there was more interest from those industries more likely to be affected, but particularly significant was the wide consensus among the respondents that the minimum wage rates should not be frozen, even from those businesses considered most likely to experience negative effects of an increase. The majority of respondents supported an uprating and an average was taken of the percentage suggested by each Forum member. All but one of the Forum members supported a 3 per cent increase to be applied to both the minimum wage and the trainee rate and to apply that from 1st April of this year. This represents an increase marginally above the Retail Price Index. The Forum also recommended the 2 offsets be increased by the same percentage to avoid distortion effects that would occur if the rates were increased in isolation. These Regulations we are debating today deal solely with the increases to the offsets by 3 per cent, making the rate for accommodation only at £57.32 and for where there is accommodation and food at £76.43. As Members can see in the Appendix B, these increased offsets are proposed with the intention of also amending the minimum wage Order to increase the minimum wage and trainee rate by the same percentage. Subject to this debate and the approval of these Regulations today, that will go ahead. The proposed amendments to the Order will increase the minimum wage rate to £5.24 and the trainee rate to £3.94. The clear advice we have had from countries we discussed this with whose minimum wage systems have been in effect for many years was to start cautiously and work to raise the level gradually over time, assessing the impact at each stage. There is clearly the need for caution in this review, and the impact could only be assessed over this 4 to 5-month period since the implementation. In future years, I would like to see a greater rise and more definite increases in the minimum wage that are not, perhaps, automatically linked to inflation or other indexes. However, this must be a matter which is discussed widely. The Council of Ministers must take an overview as to how it relates to the economy because the minimum wage affects 2 of our industries, the main industries being agriculture and tourism. I think today we are seeing a paper which Deputy Southern has put on our desks which gives an overview of how the figures have moved across the years. I am unable to verify these figures as yet, but I have no doubt the Deputy has checked them thoroughly. Obviously the figures go back to 1999, before Jersey had a minimum wage, so from what I understand from the paper, I think the Deputy will be asking the Employment Forum in the future, when they get around to consulting on the 2007 rate, whether perhaps the average earnings rate is what we should be aiming to achieve. That is all well and good, but as we know the average earnings rate can in some years be higher than the RPI and in some years lower, so it is very difficult to assess whether that is an appropriate mechanism to use. The Low Pay Commission in the UK itself, in their latest review of minimum wage, had representation from trade unions and

other worker organisations and suggested the UK should adopt the concept of a living wage, setting the minimum wage at a far higher level. That seems to be the approach Deputy Southern is promoting with this paper. It is important to remember these are minimum wage rates and they do not prevent any employer paying higher than that. And, of course, as we know in our community many people do and they pay at rates which are appropriate to the jobs people are being asked to do. The intention with the Island's minimum wage rate is to set a minimum standard for wage levels in the same way as the other components of the Employment Law provide protection around minimum standards in rest days and annual leave and notice of entitlement. The paper which the Deputy has put before us is asking Employment Forum for 2007 to take these sorts of considerations - these figures - into place. And of course they will. They have done so now. So, I suggest to you they take all the figures available and consider the impact on the economy. We cannot blithely go ahead and raise minimum wage levels to levels which make it difficult for some of the lower-paid industries to operate. You will find the hospitality industry and the agricultural industry could be in difficult circumstances. I have to say, we are finding reports of youth unemployment. People are finding it difficult to... they are not being encouraged, with our system that has no youth rate, of employing people and of giving opportunities to young people. I would say the paper which the Deputy has put before us today is asking the Employment Forum in the future to take notice of the views of the Deputy. I respectfully say of course they will and the need for a stand-alone proposition, which the Deputy is suggesting is, I would respectfully say, not needed because those figures will be taken into consideration. It would also be after the implementation is carried out in an appropriate manner and in a gradual way. It certainly would be my intention to ensure we do have a minimum wage at a reasonable level and we are starting it gradually. It is important to remember the minimum wage rates, as I say, do not prevent people from paying higher wages and many of them do. It also does not stop many people who are deducting amounts for accommodation and food to deduct a lower amount, and some do. What we are setting here is a base below which we, as the States, deem is unacceptable to go. I would, before proposing these amounts, feel I should say the work of the Employment Forum has been exceptional and we are very grateful for the work they have done on our behalf and especially Richard Plaster, the Chairman. He has served us exceptionally well for 6 years and retired at the tail end of last year after the minimum wage review was completed. He has come forward - or the Forum has come forward - with many sensible recommendations. For new Members, it might be worthwhile me explaining the makeup of the Employment Forum. It is a cross-section of... it is 9 people. There are 3 who represent employers, 3 who represent the employees (trade union representatives) and there are 3 independent people. So, they are a really good cross-section of people who have different views of the employment issues and they do consult widely on issues. They have come forward with sound propositions for the Committee in the past and are coming forward with things for myself now which we are very confident of being sound recommendations. As I say, the previous Chairman has now retired and has been replaced by a successor, Wendy Mallory, who I am sure will continue to give the Forum a balanced recommendation for us. I ask Members to approve these Regulations in setting the new offset rates and, from approving that, I would then go on to make an Order to bring the minimum wage rates themselves into place from 1st April. I propose the Regulations, Sir.

The Greffier of the States (in the Chair):

Is the principle seconded? [**Seconded**] Does anyone wish to speak on the principles of the Regulations?

9.2 Deputy G.P. Southern:

Thank you for that introduction, Minister. I do not intend to keep you long, but in terms of the principles of what we are talking about here, we are talking about reducing in-work poverty. We are talking about reducing inequalities of income in the working population and, above all, we are talking about making a difference to the low paid. What we have here singularly misses the mark.

It does not have the effect of reducing in-work poverty. It does not have the effect of reducing inequalities of income in the working population. If Members just bear with me for a few minutes I will take you through the figures. The key date - the assumption behind what is being proposed here today - is that the minimum wage was set at the right level and has been up-rated in the right manner to be appropriate today. Nothing could be further from the truth. Back in January 2000, minimum wage was set on a straw poll of what is reasonable to set. The first hard information about what would be the appropriate minimum wage to reduce in-work poverty - to reduce inequalities - came in the Income Distribution Survey of 2002. That revealed, firstly, between 9 and 10 per cent of households were below the low-income threshold - working households in poverty. It revealed the threshold in 2002 stood at £192 per week. That is the threshold. The figure that was set by the Forum was £4.40 a week, producing an income of £182. £10 below the low-income threshold. It was inadequate back in 2002. It was substantially up-rated for the following year to £4.80 - presumably they looked at the figures and said: "Oh, we have got it wrong." - but then in 2003, compared with the 2002 figures, up-rating the low income threshold by inflation at that time produced a figure of £4.84. Again, just slightly below. They had not got it right still. Worse still, they then projected for April 2005 an assumed 4 per cent inflation rate over 18 months and up-rated by 6 per cent. The actual inflation rate was slightly larger than that, around 6.4 - 6.5 per cent. Again, another bit of slippage. £5.08 in April last year compared to what should have been £5.15 if we really wanted to keep people above the minimum wage threshold, the low-income threshold. Then finally, the final step of again coming up with a figure based on consensus, let us up-rate it by slightly above the RPI, 3 per cent, that is fine. That gets us up to a figure of £5.24. That step, again, did nothing to reduce inequalities of income in the working population because at the time the average earnings index has been going up by 5.3 per cent. So, on average people get 5.3 per cent. The lowest paid get 3 per cent. The gap gets wider every time that happens. I had initially toyed with amending this Regulation, but you cannot amend a Regulation, you have to rescind it and you can only act on it when it has been enacted, when it has been made. Also, it is very late in the process to suggest a higher rate now for this year. However, the evidence suggests if we adopt a 5.24 per cent rate we put low paid workers in poverty. What I suggest, if we cannot get this right this year, then we must get it right next year and I will bring a stand-alone proposition containing this material and instructing the Minister to request the Employment Forum to take into full and proper consideration all the evidence because this is the evidence they can use in setting the appropriate minimum wage for 2007. Having said that, we are at an hourly rate of 18 pence behind the mark. To you and me, 18 pence might mean nothing, but it is approximately £7.50 week for a low-paid worker, or £400 a year those workers deserve and should receive but they are not going to receive this year. Let us hope we can get it right next year. I will bring a stand-alone proposition to make sure it happens and it should be a very short debate because the Minister suggested that is exactly what he wants to do. So, I will return with a stand-alone proposition and in the meantime, I personally will vote against this because it is bringing in-work poverty to our low-paid workers.

9.3 Deputy C.J. Scott Warren:

While I appreciate all the work carried out by the Employment Forum, I do have some concern. I believe I am able to buy more essential items such as food in England with £5.05 than I can in Jersey with £5.24. In other words, I believe the UK amount has higher spending power than the slightly higher Jersey amount. I believe the differential, therefore, is too low and I look forward to higher minimum wage rates in future years as the Minister has said he also aspires to.

The Greffier of the States (in the Chair):

I call on the Minister to reply.

9.4 Senator P.F. Routier:

Obviously, the buying power of the Jersey pound is something which is being looked at by people other than the Social Security Department. This is a fixed unit. They are obviously going to advise on what is happening within the market and obviously we will take those matters into consideration, as the Employment Forum will do with all the information they collate to help make that decision. Deputy Southern's assumption that the minimum wage will dramatically lift people out of poverty - I am afraid there is not quite the link he seems to think there is because people work different hours. They work part-time, and there are people in work - in working households - who have different circumstances. There is not that direct link of giving 18 pence to create £7.50 increase in their wages. It just does not happen that way, in reality. You can shake your head and smile, but it does not happen that way, unfortunately. There is not that direct link. That, I think, is the basis of the response to the Deputy's comments because it is the wrong assumption he is starting from. But I recognise, as I said in my own comments, the start of Jersey's minimum wage was set at a level which was a starting rate. It had to be that. Nobody suggested the starting rate was a wrong assumption and it is just being up-rated along. We know the starting rate was set at a low level to get the system up and running and it has always been the intention, if you look at the proposition right at the outset, to start it at the low level and then over a period of time it would increase subject to the business community being able to afford the increases. It always has to be that. The Deputy seems to think I am trying to keep people down on low wages. That is not the circumstance. He might like to claim to be the person who is the one who is protecting the lowest earners. I am, as well. I want to increase the lot of people who are at the low end of our community as much as he does. We just go about it different ways. I am disappointed the Deputy is going to vote against us, because what he will be saying is we would not increase this year's minimum wage. How he could face the people he wants to protect without having an increase in minimum wage I do not know. I hope he will change his mind and support this proposition because without the endorsement of this House for the backing of an increase in minimum wage, I really think we would be going down the wrong route. I recommend the recommendations to the House.

The Greffier of the States (in the Chair):

I put the principles. The Appel has been called. I will ask Members return to their designated seats. The vote is therefore called against the principles of the draft Regulations. The Greffier will open the voting.

Members present voted as follows –

POUR: 40		CONTRE: 2		ABSTAIN: 1
Senator S. Syvret		Deputy G.P. Southern (H)		Senator J.L. Perchard
Senator L. Norman		Deputy S. Pitman (H)		
Senator F.H. Walker				
Senator W. Kinnard				
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator M.E. Vibert				
Senator T.J. Le Main				
Senator B.E. Shenton				
Connétable of St. Martin				
Connétable of St. Ouen				
Connétable of St. Saviour				
Connétable of St. Mary				
Connétable of St. Peter				

Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. John				
Connétable of St. Brelade				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon				
Deputy of St. Martin				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérissier (S)				
Deputy J.A. Martin (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.P.A. Power (B)				
Deputy A.J.H. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

Greffier of the States (in the Chair):

Very well, the principles have been adopted. Chairman of the Social Affairs Scrutiny Panel, do you wish this matter to be referred to your Panel? No, you don't wish it to be. Therefore I invite the Minister to propose Regulations 1 and 2.

9.5 Senator P.F. Routier:

I propose them, Sir.

Greffier of the States (in the Chair):

Are they seconded? **[Seconded]** Seconded. Does any Members wish to speak on either Regulation 1 or 2? I put the Regulations. Those members in favour of adopting them kindly show. The Regulations are adopted in Second Reading. Proposed in Third Reading Minister?

Senator P.F. Routier:

Yes Sir.

Greffier of the States (in the Chair):

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

10. Public Employees Contributory retirement Scheme Committee of management: membership (P.6/2006)

Greffier of the States (in the Chair):

We come to the final item of Public Business, which is the Public Employees Contributory retirement Scheme Committee of management: membership, in the name of the Chief Minister and I ask the Greffier to read the proposition.

Assistant Greffier of the States:

The States are asked whether they are of opinion, in accordance with Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, to approve the appointment of Mr. Alan Tadier as an employee representative on the Committee of Management for the period ending 31st December 2006, in place of Ms. Barbara Ward.

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

Yes Sir. I would like to nominate Deputy Gorst of St. Clement to act as rapporteur for this item.

Greffier of the States (in the Chair):

Yes, Assistant Minister:

10.1 Deputy I.J. Gorst of St. Clement:

Thank you Sir. I propose this proposition to approve the appointment of Mr. Alan Tadier to the Committee of Management of the Public Employees Contributory Retirement Scheme. Mr. Tadier is proposed as an employee representative. For the sake of new members, I remind the Chamber that there are 7 members of the Committee of management serving as employers' representatives, and 7 serving as employee representatives of which Mr. Tadier will be one. This appointment is to fill a vacancy caused by the resignation of Ms. Barbara Ward and is for the remaining period of her term of office which is until 31st December 2006. I should also remind new members that these representatives sit in an honorary capacity and that professional and actuarial advice is given by the firm Bacon Hewitt and Woodrow, the UK business of Hewitt Associates. Mr. Tadier has been employed by the Prison Service for 25 years and, as the report notes, is currently the Prison Service representative on the Public Employees' Pension Scheme Joint Negotiating Group and therefore has both the experience and understanding of the PECRS. As an employee of the States, Mr. Tadier would also have what Adam Smith would call "the necessary self-interest." As such, the Joint Negotiating Group has proposed Mr. Tadier as a replacement for Ms. Ward and I have pleasure in recommending this proposition to the Chamber.

Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Does any member wish to speak?

10.2 Deputy P.V.F. Le Claire of St. Helier:

As one of the Members of the States who sit on the Committee of Management Board, along with Deputy Troy, I welcome the proposal for Mr. Tadier but also perhaps - in case we don't get the opportunity to extend my personal appreciation of Ms. Barbara Ward's input into the pensions' Committee of Management over the years and, in particular as a member of the Ill-Health Sub-Committee, her nursing experience and her commitment was noticeable and very much welcomed. She will be sadly missed.

10.3 Deputy S.C. Ferguson:

[**Aside**] I would just like confirmation from the rapporteur that proper training arrangements will be put in place for the Committee of Management. As life becomes more complicated, and

regulations and procedures become more complicated, organisations - certainly over in the UK - have found that it has been very necessary to give training to their trustees of pension funds. I would just like confirmation that such training will be available for the PECRS trustees.

Greffier of the States (in the Chair):

I call upon the Assistant Minister to reply.

10.4 Deputy I.J. Gorst:

Thank you. I should like to add my thanks and the Department's thanks to that of Deputy Le Claire for the work that has been put in on the Committee by Ms. Ward. I understand that such training is being looked at and I can certainly give an undertaking that I will ensure that it is looked at. As I said in my opening remarks, these members sit in an honorary capacity: that's not to undermine their contribution which is vital and valuable. However, as I also said, professional and actuarial advice is given by the professional actuarial firm of UK actuaries. I maintain the proposition.

Greffier of the States (in the Chair):

I will put the proposition - those Members in favour of adopting it kindly show. And against? The proposition is adopted. That therefore terminates Public Business

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

Greffier of the States (in the Chair):

The Assembly must now turn to the Arrangement of Public Business for future meetings. Perhaps before I ask the Chairman of the Privileges and Procedures Committee to propose it, I could ask Deputy Le Claire, you wish to ask the Assembly to add "Private hospital development: Scrutiny Review" (P.221/2005)...

11.1 Deputy P.V.F. Le Claire:

I wish to repeat my request that I would like to have it listed for 2 weeks time.

Greffier of the States (in the Chair):

Very well. Therefore I invite the Chairman to propose the Arrangement of Public Business.

11.2 Connétable D.F. Gray of St. Clement:

Yes Sir. I propose the arrangements for Public Business for future meetings as outlined under M on the pink sheets.

Greffier of the States (in the Chair):

With the addition of P.221 for 28th February 2006.

11.3 Senator S. Syvret:

I would oppose putting down the Stafford Hotel for 2 weeks time. If, as seems likely, there is going to be a continuing further exchange of correspondence and documentation on this matter, then I suspect that the States may need longer than 2 weeks to consider it all. Therefore I would oppose this being taken in 2 weeks time.

Greffier of the States (in the Chair):

You therefore propose that this matter is not taken? Is that proposition seconded? **[Seconded]** Does any member wish to speak on that proposition?

11.4 Deputy G.W.J. de Faye (point of information):

Yes, I would like a point of information, Sir. Precisely how long can the States defer an item?

Greffier of the States (in the Chair):

The States can defer an item on 3 occasions, Deputy. So, if it were deferred today, Deputy Le Claire would have to come back to ask for a second time; and if that were not agreed to he could come back and ask for a third time; and if that were not agreed to he would then have an automatic right under Standing Orders to ask for the matter to be debated.

Deputy G.W.J. de Faye:

Thank you Sir. But what I was getting at was is there a maximum time on a date that the States could suggest for a matter to be deferred to. In other words, are we limited to that extent or could we say 10 weeks.

Greffier of the States (in the Chair):

Six months is the maximum time. After 6 months a proposition would automatically fall away if it's not been debated. Well, Senator Syvret has proposed that P.221/2005 be not considered at the next meeting. Do you wish that on a standing vote Senator?

Deputy P.V.F. Le Claire:

I think I should ask for an appel, Sir.

11.5 Senator L. Norman:

I just wanted to say a couple of words on it, Sir. A few moments ago, the Minister for Health was anxious that this matter be put to bed very quickly. I think it's only reasonable that Deputy Le Claire withdrew his proposition this morning because, as a Back-Bencher, he does not have the research resources that a Ministry does. And, in fairness, his proposition was lodged in October of last year: the Department of Health decided to give us their comments only 3 or 4 days ago. We know what the Minister's and Department's views are, but I think it's reasonable that Deputy Le Claire - and the rest of us - should have the opportunity to examine and study those views before the matter is debated. If the comments had been received a fortnight ago, or a month ago, then I'm sure the debate could have gone on today. But they did only come 2 or 3 days ago. Deputy Le Claire's got a case he wishes to put to the States. I think he's entitled to do that whatever the result may be, therefore I think it is right and proper that due respect should be shown to him and his proposition - particularly as there's not a particularly heavy agenda in a fortnight's time - that we should allow this debate to take place in a fortnight's time.

11.6 Deputy G.P. Southern:

I was initially going to oppose having this next week. However, thinking about it, it seems to me that the proposition is to refer to a Scrutiny Panel. That's what it effectively says. It doesn't say: "Accept this proposition" - it says: "Refer to a Scrutiny Panel, to investigate the case either for or against." It seems to me that it doesn't matter if we have confusion - or lack of clarity - about what the answer is, because the answer is provided by the proposition. So, in principle, I see no reason why we shouldn't take it next week. And, in particular, I'm minded to listen to Senator Norman's appeal to protect the rights of Back-Benchers, so I think I will be voting to accept it next time.

Greffier of the States (in the Chair):

Well, anyone else just briefly? Senator, do you wish to reply?

11.7 Senator S. Syvret:

Yes Sir. What's good for the goose is good for the gander, and unless we're going to be in the same position as we are today in 2 weeks time, with a new load of documentation put before us by SNIB a couple of days before the debate, then we will need to delay the debate in order to have time to consider that matter. What needs to be borne in mind though is that, if we are going to

make good use of the taxpayer's money that is spent in bringing us together to sit in this place, we have to expect certain standards of ethics on the part of Bank-Benchers. Now, I fought strongly for the interests of Bank-Benchers over the years, but really there comes a time when people waste the Assembly's time. Deputy Le Claire appeared before the Scrutiny Panel to discuss this matter briefly only a matter of days ago and he admitted under questioning that he hadn't done the most rudimentary of work. For example, considering the comments of the EDC (Economic Development Committee) on this application; considering the literature from SNIB Limited of July last year; nor considering the letters that were available from the Chief Officer of Health and Social Services. Deputy Le Claire has not done his homework on this proposition and it isn't my fault or the fault of the Assembly that he has come here today utterly ill-equipped - completely unequipped - to deal with his own proposition. I maintain the proposition, Sir.

Greffier of the States (in the Chair):

[Interruption]. Senator Syvret has proposed that the matter be not be listed at the next meeting. Do you wish a standing vote Senator, or an appel? The appel has been called for. Therefore the vote is for or against the proposition of Senator Syvret that the matter will be deferred. The Greffier will open the voting.

Members present voted as follows –

POUR: 9		CONTRE: 38		ABSTAIN:
Senator S. Syvret		Senator L. Norman		
Senator F.H. Walker		Senator P.F. Routier		
Senator W. Kinnard		Senator M.E. Vibert		
Senator T.A. Le Sueur		Senator T.J. Le Main		
Senator P.F.C. Ozouf		Senator B.E. Shenton		
Senator F.E. Cohen		Senator J.L. Perchard		
Deputy of Grouville		Connétable of St. Martin		
Deputy I.J. Gorst (C)		Connétable of St. Ouen		
Deputy of St. Mary		Connétable of St. Saviour		
		Connétable of St. Mary		
		Connétable of St. Peter		
		Connétable of St. Clement		
		Connétable of Trinity		
		Connétable of Grouville		
		Connétable of St. John		
		Connétable of St. Brelade		
		Deputy R.C. Duhamel (S)		
		Deputy A. Breckon		
		Deputy of St. Martin		
		Deputy P.N. Troy (B)		
		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 S.C. Ferguson (B)		
		Deputy of St. Ouen		

		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy G.W.J. de Faye (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy D.W. Mezbourian (L)		
		Deputy of Trinity		
		Deputy S.P.A. Power (B)		
		Deputy S. Pitman (H)		
		Deputy A.J.H. Maclean (H)		
		Deputy K.C. Lewis (S)		
		Deputy of St. John		

Greffier of the States (in the Chair):

The proposition has been rejected; 9 votes were cast in favour, 38 against and accordingly the matter will be listed for the next meeting.

Greffier of the States (in the Chair):

The meeting is closed. The Assembly will reconvene on 28th February 2006.

ADJOURNMENT