

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 13th FEBRUARY 2007

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

QUESTIONS

1. Written Questions

1.1 SENATOR B.E. SHENTON OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF SENATOR M.E. VIBERT TO THE STATES EMPLOYMENT BOARD:

Question

Would the Chief Minister explain the rationale behind the decision to select Senator M.E. Vibert as a member of the States Employment Board and state whether any conflicts of interest arise in relation to this appointment?

Answer

Senator M.E. Vibert was a natural choice as a member of the States Employment Board. Not only does he possess past experience as a trade union negotiator, but he has formerly sat as a member of the Human Resources Sub-Committee of the Policy and Resources Committee and served, as an Employer nominee, on the Manual Workers' Joint Council and the Committee of Management of the Public Employees Contributory Retirement Scheme. He is also Minister for the States' second largest employing department.

Senator Vibert declared to the Board at the outset that his wife was an employee of the States – a teacher – and this was acknowledged by other members of the Board as not posing a problem. He regularly reminds the Board of this, especially when an item pertaining to teachers is discussed, and he takes no part in such discussions.

1.2 CONNETABLE OF GROUVILLE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE DRUG TRAFFICKING CONFISCATION FUND:

Question

Would the Minister provide members with a list of applications for funds from the Drug Trafficking Confiscation Fund showing the rejected applications and the reasons for rejection?

Answer

With reference to the statement also made this morning, this list does not represent the full expenditure from the Drug Trafficking Confiscation Fund. It provides details of approved and declined amounts from 1998 onwards, as detailed in minutes that are readily available. A full list will be confirmed in due course.

Project	Date of Minute	Amount Approved	Amount declined	Reason for decline
Education - Youth Service	17/02/98	4,000		
Health - Awareness Campaign	17/02/98	38,000		

Health - Research re drug use by 16-25 year olds	13/05/9 8	12,200		
Harm Reduction Conference	14/05/9 8	3,000		
SLR - Sports for all Day	15/05/9 8	600		
Police - Endoscope	16/05/9 8	11,000		
Harm Reduction Conference	22/09/9 8	2,500		
Customs - Training Initiative for Customs officers	22/09/9 8	7,000		
Customs - Sea vessel	22/09/9 8	66,675		
CTV Documentary	22/09/9 8		Not Minuted	Not Minuted
Home Affairs - Combating Drugs Conference	22/09/9 8		10,000	Not Minuted
Police - Surgeons Conference	08/12/9 8		10,000	Strength of application
Health - Refurbishment of Pharmacy	08/12/9 8	16,400		
Customs - Technical equipment	08/12/9 8	44,575		
Customs - IT Support for Drugs Intelligence Bureau	08/12/9 8	106,000		
Harm Reduction Conference	08/12/9 8	30,000		
Health - Research into Emotional & Behav. Support in Children	16/03/9 9	8,467		
Police - Confidential	16/03/9 9	114,000		
SLR - Sport For All Day	16/03/9 9	2,125		
Harm Reduction Conference	16/03/9 9	4,740		
Police - Confidential No.2	20/07/9 9	520,000		
Health - Shared Care Community Methadone Programme	20/07/9 9	13,800		
Health - Methadone Co-ordinator	12/11/9 9	41,000		

Health - Jersey Addiction Group	12/11/9 9	15,000	
Customs - Airport / Harbours Departure Posters	17/07/0 0	10,000	
Education - Student Guides	20/07/9 9	700	
Prison - Drug Detection Equipment	06/03/0 1	30,310	
Customs - CCTV Surveillance System	06/03/0 1	50,000	
Probation and Police - Research	06/03/0 1	59,620	Strength of application
Health - Outreach Needle Exchange Worker	04/09/0 1	49,594	
Customs - Drug Detection Dog Facility	30/10/0 1	47,000	
Customs and Harbours - Elizabeth Terminal Custody Suite	13/12/0 1	293,069	
Salvation Army Residential Aftercare accommodation	05/03/0 2	950,000	Was not 80% for illegal substance misuse - therefore failed against criteria
Customs - Covert Surveillance Equipment	10/10/0 2	5,000	
Customs - Tape Recording Equipment	11/10/0 2	13,200	
Prison -Healthcare Services Booklet	12/10/0 2	2,705	
Prison - Drug & Alcohol Database	13/10/0 2	5,800	
Prison - Drug Training & Support	14/10/0 2	48,600	
Police Cozart Rapiscan	06/03/0 3	6,744	
Police Operation Dart	06/03/0 3	33,389	
Harm Reduction Conference	06/03/0 3	1,501	
Police - Fingerprint ID technology	06/03/0 3	36,420	Was not 80% for illegal

				substance misuse - therefore failed against criteria
Police Open Integrated Intelligence Database	06/03/03	55,000		
Police Driver Training for Customs	17/06/03	10,500		
Polices Surveillance Training	17/06/03	32,970		
Police Rat on Rat Campaign	17/06/03	3,500		
Police DNA Awareness Campaign	17/06/03	9,000		
Protective equipment for Drugs Squad Officers	07/08/03	20,000		
Police High Speed A3 Colour Printer	07/08/03	2,269		
Police - Financial Crime Unit IT system	07/08/03	75,000		
Customs & Immigration Testing Equipment for Class A Drugs	07/08/03	6,403		
Customs & Immigration Banned Substance Recovery Equipment	07/08/03	8,245		
Police - Drugs squad accommodation	18/12/03	90,000		
Police - Fingerprint technology	18/12/03		109,260	Was not 80% for illegal substance misuse - therefore failed against criteria
Police - Drugs squad technical equipment	18/12/03	51,250		
Police Face recognition system	18/12/03		39,870	Strength of application
Police - Confidential	18/12/03		10,000	Was not 80% for illegal substance misuse - therefore failed against

criteria

Official Analyst Lab Automated Solid Phase Extraction System	18/12/03	22,232	
Alcohol & Drug Service Residential Rehab for Drug Misusers	18/12/03	90,000	
Shelter Trust - Shelter Upgrade	18/12/03	95,000	Was not 80% for illegal substance misuse - therefore failed against criteria
Customs Public Relations Plan re Drug Sentencing Policy in Jersey	18/12/03	10,000	
Private Pharmacy security measures	18/12/03	7,028	Strength of application
Classroom /Drug Awareness Course - La Moye Prison	04/05/04	5,000	
Counselling Education Facility - La Moye Prison	04/05/04	5,775	
Police - Confidential	04/05/04	12,000	
Police - Drugs intelligence training	04/05/04	9,500	
Police - Technical equipment	04/05/04	32,500	
Prison - Education materials	04/05/04	40,000	Strength of application
Health - Testing Equipment for the presence of drugs	04/05/04	7,000	
Police - Technical Equipment	17/01/05	183,800	
Jersey Addiction Group	17/01/05	100,000	Was not 80% for illegal substance misuse - therefore failed against criteria
Building a Safer Society 2005	15/04/04	510,000	

Building a Safer Society 2006	15/04/0 4	510,000
Building a Safer Society 2007	15/04/0 4	510,000
Building a Safer Society 2008	15/04/0 4	510,000
Building a Safer Society 2009	15/04/0 4	510,000
Home Affairs – Regulation of Investigatory Powers Law – Implementation costs	25/10/0 6	733,000
Customs – Technical equipment	25/10/0 6	165,000
Home Affairs – Regulation of Investigatory Powers Law – Year one revenue costs	07/01/0 3	437,000

1.3 DEPUTY D.W. MEZBOURIAN OF ST. LAWRENCE OF THE MINISTER FOR HOME AFFAIRS REGARDING SUICIDE REDUCTION MEASURES AT LA MOYE PRISON:

Question

- (a) Following a suspected suicide at the prison, the Minister answered questions on this matter on 12th September 2006. Will the Minister advise members of any new suicide prevention procedures or measures that have been put in place since her comments?
- (b) During the same meeting, the Minister informed members that, although certain recommendations of Her Majesty’s Inspector relating to measures for suicide and self harm reduction had been implemented, it was impossible to implement meaningful strategies unless the necessary resources were available. Will the Minister inform members whether decisions on the precise allocation and spending of prison resources are made by her and, if not, state how such decisions are made?
- (c) Would the Minister advise members whether, following the suspected suicide in September 2006, and her assertion of “the need to constantly reassess the way that we care for all of our prisoners”, additional resources were allocated for suicide and self harm reduction measures?”

Answer

- (a) The question on the 12th September 2006 related to the recommendations made in the last two HMI inspection reports. It is relevant to remind members that the 2005 HMI inspection found that a self-harm and suicide strategy document had been written and published; a prison’s suicide prevention co-ordinator had been nominated; a suicide prevention committee had been set up; and that good statistical information was provided and was being used by the committee to identify trends and potential areas of concern. The six recommendations made in the 2005 report related mainly to who should attend suicide prevention committee meetings and case reviews. Since I made my last comments, the prison has introduced additional risk assessment procedures for all new receptions into the prison. Regular suicide awareness group meetings continue to be held to review all procedures relating to the care of prisoners. Funding has been found from the prison budget

to convert some cells across the prison to 'safer cells'. The main capital expenditure in relation to this is the purchase and fixing of 'safer windows'. These need to be manufactured to a particular design (only available off Island) and although the order was placed in 2006 unfortunately the manufacturer experienced problems with a sub-contractor. The windows are expected to be fitted by the end of February. This will mean that we have sufficient 'safer cells' for each part of the prison (male, female, young offender and vulnerable prisoners). These cells are designed to virtually eliminate ligature points.

- (b) As Minister for Home Affairs, it is my responsibility to agree the distribution of the Home Affairs budget among the various departments based upon business plan objectives. As with any major service area, I will also agree the overall budget and key areas of expenditure for the Prison which includes the Prison Performance Improvement Plan. However, the detailed expenditure of that budget in-year is the responsibility of the Prison Governor. He agrees spending plans with the Chief Officer Home Affairs who has overall responsibility for the management of the Home Affairs budget as the Accounting Officer.
- (c) Further to some funding being found from within the Prison budget to convert some cells to 'safer cells' as described in answer to (a), additional funding has been identified for the Prison to enable it to make significant progress during 2007 in many areas linked with the Performance Improvement Plan. Many of the proposals for improvement across the Prison are linked with the care of prisoners which will help to reduce the risk of suicide or self-harm. It is also clear that, if additional resources are found to offer better hope of rehabilitation through training or offending behaviour courses, this will have a positive effect in reducing the risk of suicide or self-harm by reducing the sense of hopelessness felt by many prisoners.

1.4 DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING A DATE FOR THE PUBLICATION OF THE HIGHER EDUCATION REPORT:

Question

Would the Minister inform members when the findings of the report into Higher Education will be published and would he state what payments, if any, have been made to date to the Group's adviser, Dr. Goldstein and for what number of hours worked?

Answer

In 2004, the Education, Sport and Culture Committee commissioned Dr. Michael Goldstein to undertake a review of Higher Education with specific reference to its development in the Island. The report, 'A Review of Higher Education: The Next Steps' (often referred to as the Goldstein Report) was presented to the States on 12th April 2005. It recommended the expansion of higher education provision in the Island through the development of a Higher Education Academy.

Subsequently in October 2005, the Education, Sport and Culture Committee agreed to establish a Higher Education Development Group (HEDG) -

'as a precursor to the development of the 'Jersey Higher Education Academy', to co-ordinate the provision and development of higher education within the island and to advise the States...on matters relating to need, development and funding.'

Dr. Michael Goldstein was invited to chair the Higher Education Development Group. To-date, the group has met on 12 occasions and each meeting has been of three hours or more. In addition, as Chairman of HEDG, Dr. Goldstein has also devoted time to meeting with a variety of people and organisations, on and off-Island to assist in the achievement of the goals established for the group. To-date, he has claimed fees of £24,085.65 for approximately 281/2 days (£850 per day).

I will be receiving the annual report, detailing the work of HEDG in 2006 after its meeting on 14th February, I understand it will contain a number of recommendations including -

a broader membership of HEDG;

the replacement of HEDG by a successor body – the Jersey Higher Education Commission;

the development of appropriate facilities for the delivery of higher education in the Island – a university centre for Jersey.

It is my intention to share the contents of this report with the Council of Ministers in March.

1.5 DEPUTY R.G. LE HERISSIER OF THE CHIEF MINISTER REGARDING SALARY CONDITIONS FOR SUSPENDED EMPLOYEES:

Question

Will the States Employment Board be seeking to change the conditions which allow some employees to enjoy bonus and overtime payments when under suspension? If so, what reforms will the Board be seeking and when will these be implemented?

Answer

It is not only currently a contractual entitlement for an employee to be paid his normal rate of pay when suspended for disciplinary reasons, pending a hearing, but also best practice. We have no intention of changing this.

Bonus payments would not be made to an employee under suspension as the States do not make bonus payments.

Overtime payments would only be made in the very rare circumstances where an employee was subject to a contractual overtime arrangement.

1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE PROPOSED SALE OF RENTAL UNITS:

Question

Following his repeated verbal assurances that no tenant will be required to leave their home under the proposed sale of 800 States rental units, will the Minister undertake to write to all tenants confirming his absolute assurance?

Answer

The Department produces a magazine for Tenants entitled, 'Community News'. I will be writing an article for the next publication which is due out shortly. I will of course confirm that no tenant has

anything to fear from the Social Housing Property Plan. The Plan proposes selling 800 homes over a ten year period. If a tenant is unable or does not wish to purchase one of these homes, they will not be required to vacate the same as a result. I will also point out the enormous benefits this Property Plan will bring to our tenants' lives; giving many an opportunity to purchase a home through a shared equity scheme, bringing all properties up to an acceptable standard, regenerating parts of St. Helier and providing more suitable homes for an ageing population. States Tenants have much to look forward to.

1.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE DRAFT INCOME SUPPORT (JERSEY) LAW:

Question

- (a) In response to an oral question without notice on 30th January 2007 the Minister stated that the Data Protection Commissioner had inspected the draft Income Support (Jersey) Law 200-; will he now inform members when this occurred and what comments were received by his department as a result?
- (b) Will the Minister inform members what tax revenue, if any, is predicted to be required in order to fund income support to compensate for the partial benefits paid under the Long Term Incapacity Allowance scheme when Income Support commences and what projections have been made for the growth of this figure over the coming decade?

Answer

- (a) The Data Protection Commissioner was sent a copy of the draft Income Support Law on the 26 June 2006 and was invited to confirm whether the draft Law was satisfactory from the Data Protection perspective.

The only comments received by my department related to ensuring its conformity with the European Convention of Human Rights (ECHR). These comments were copied to the Senior Legal Adviser undertaking the Human Rights audit of the Law and, indeed, the Data Protection Commissioner (DPC) corresponded directly with the Senior Legal Adviser. The Law which has now received Royal Assent was confirmed as Human Rights compliant.

- (b) Long Term Incapacity Allowance compensates those with long-term conditions for the loss of faculty arising from those conditions. Unlike benefits which it replaced it does not act as a disincentive to work, rather it is intended as an in-work benefit. As it allows people to work, the intention is for people to earn more income than they would have received had they been in receipt of the legacy benefit and thereby been unable to work and thereby decrease their dependency upon benefits.

In the event that a recipient is unable to find work and is in receipt of LTIA at less than 100%, then currently the person concerned may need to seek assistance through Parish Welfare.

The introduction of Income Support will simply transfer that assistance from Parish Welfare to Income Support, and Income Support will be funded to include the current level of Parish Welfare expenditure.

Income equivalent to the entire parish Welfare budget has already transferred to the States through the introduction of the Island wide rate, along with the responsibility to fund Parish Welfare until Income Support is introduced. No new tax revenues are thereby required.

Until Income Support is in place, the department will not know who in receipt of LTIA will also need to access Income Support and for very obvious data protection reasons the department does not know who on LTIA is also in receipt of Parish Welfare.

It will be sensible to undertake projections for all future Income Support costs once the scheme is in operation. These projections will include estimates of the number of LTIA claimants in paid employment and the number seeking additional support through Income Support.

1.8. SENATOR J.L. PERCHARD OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING FUNDS NOT RECORDED IN THE STATES OF JERSEY ANNUAL ACCOUNTS:

Question

Will the Minister advise members of the name of every fund administered by the States of Jersey that is not recorded in the Annual Accounts giving, in each case, the balance in the fund together with the criteria, application procedures and mechanisms in place for the use of the fund.

Answer

The States administer a number of funds which permit expenditure outside of approved cash limits in the Annual Business Plan. These fall into a number of categories:

- Separately constituted funds – these are detailed in the States’ Annual Accounts;
- Funds not reported in the States’ Annual Accounts but published elsewhere – these relate to the Social Security department and are published in the Social Security Annual Report and Accounts;
- Special funds – these are not reported in any published Accounts.

Further information on those funds not appearing in the States’ Annual Accounts is provided below. For the sake of completeness details are also given of funds which do appear in the States’ Annual Accounts but may not be easily identifiable as such. It should be noted that the accounting treatment and presentation for all funds will be reviewed as part of the project to move the States’ accounts towards GAAP compliance.

1. Included as expenditure in the States Annual Accounts

Safety Grants Fund – currently included in the Home Affairs Department’s budget but due to be transferred to the Transport and Technical Services Department. Projects are considered by the Safety Grants Panel. Criteria for consideration are –

- Beneficial to the community at large,
- For one-off items of expenditure only,
- For innovative ideas,
- Not restricted financially, subject to the balance in the fund,
- Island based,

- For anything which would significantly enhance community safety and for which there is no or insufficient public funding,
- Directly related to community safety.

The Panel has not met for some time. The balance on the fund at 31st December 2006 was £250,865. The existence of the fund is maintained through a ring-fenced carry forward of revenue budget.

Community Fund - to support Sport and Leisure Clubs and Associations on a £ for £ basis to develop facilities. Applications need to be supported by at least 2 tenders and the final decision is made by the ESC Minister. Balance at 31st December 2006 was £123,400.

2. Not included in the States Annual Accounts but published elsewhere

The use of these three funds is governed by Laws and subordinate Regulations and Orders -

Social Security Fund – the means by which people insure themselves through the payment of contributions for periods when they are unable to work through ill-health, maternity or retirement. Net Assets at 31st December 2005 were £61 million.

Social Security Reserve Fund - this is the buffer fund contributing to the consequences of the ageing population and is the means by which contributions rates are smoothed over time. The balance as at 31st December 2005 was £499 million.

Health Insurance Fund - this levies contributions on earnings to subsidise GP visits and prescriptions for residents. The balance at 31st December 2005 was £44 million.

3. Not included in any published accounts

The States administer 154 “Special Funds”. The majority of these are the result of gifts or bequests. 43 funds are administered by Education Sport and Culture, 88 by Health and Social Services and 23 by the Treasury. As at 31st December 2005 balances on all funds totalled £34,679,577. However the six largest funds accounted for £30,211,209. Brief details of arrangements for the largest funds are given below. A full list of Special Funds, together with their balances as at 31st December 2005, is provided at the end of this written answer. Further details of smaller funds can be provided to States Members on request.

Rivington Travelling Scholarship - to facilitate any person, male or female, of any age, to visit such museums or art galleries out of the Island that would further his or her appreciation of art, crafts and/or history. Application is required to Education, Sport and Culture and approval is required from a panel which includes independent representatives. Balance at 31st December 2005 was £465,172.

Lord Portsea Gift Fund - to help all young Jersey and Guernsey boys (of Jersey and Guernsey parentage) entering the Royal Navy, Army, Air Force and Civil Services who need financial help. The income of the fund is administered by a delegation of eight persons. Application is required to Education, Sport and Culture and approval is required by a panel which includes Jurats and an Assistant Minister. Balance at 31st December 2005 was £334,415.

Sayers Bequest – a capital sum bequeathed under the Will of the late Henry William Sayers in the following manner: by payments in the form of scholarships or by additions to existing scholarships to assist promising scholars to proceed to Universities in England, including Provincial Universities, such scholars to be boys born in Jersey and educated at Victoria College Jersey, particularly to assist boys whose parents are not in affluent circumstances. Grants are based on recommendations made to the Governing Body by Victoria College Headmaster following consultation with the College Executive Committee. Balance at 31st December 2005 was £162,226.

C.W.C Stevens - to give assistance either financially or in kind to boys and girls whether born in Jersey or having lived and been educated in Jersey for a minimum period of 10 years who have been accepted by and entered into any of the Colleges of the University of Oxford. There is automatic eligibility. Students who conform to requirements are identified by Education, Sport and Culture and notified to the Treasury. Balance at 31st December 2005 was £161,760.

Criminal Offences Confiscation Fund – the use of this Fund is prescribed in the Proceeds of Crime Law 1999. Funds may be used by the Minister for Treasury and Resources to promote or support measures that prevent or suppress criminal conduct. A steering group comprising the Attorney General, Treasurer of the States, Viscount and Deputy Greffier of the States assess applications to the Fund. Criteria for applications are prioritised as follows –

- payment of legal expenses incurred in asset-seizure cases;
- discharging international obligations;
- preventing criminal conduct;
- dealing with the consequences of criminal conduct;
- other requests.

The balance on the fund as at 31st December 2005 was £10,375,720.

Greville Bathe Fund – to provide monetary support to the sick and aged of the Island, and those who have served the Island. Fund administration is carried out by four Jurats. Applications are received, a sponsor is required. Balance as at 31st December 2005 was £9,389,398.

Drug Trafficking Confiscation Fund – The use of this Fund is prescribed in the Drugs Trafficking Offences (Jersey) Law 1988. Funds may be used by the Minister for Treasury and Resources for preventing and suppressing drugs trafficking or the misuse of controlled drugs. A steering group comprising Chief Officers from Treasury, Education, Probation, Health, Customs, Prison and Police assesses applications to the Fund. Criteria for applications to the steering group are that they should aim to reduce the misuse of illegal drugs in Jersey or assist in dealing with the consequences of drug misuse, be for non recurring expenditure which would not normally be included in departments' operating budgets, not be for staff costs of more than 12 months and be supported by a Chief Officer. Bids which are in accordance with the Law but outside the above criteria - such as the States Building a Safer Society strategy which was a commitment to 5 years funding – are approved by the Minister for Treasury and Resources. The balance on the fund at 31st December 2005 was £3,642,520.

Ann Alice Rayner Fund – for the purchase of equipment for the General Hospital. Also provides support for needy people of the professional classes resident in Jersey. Treasury & Resources are responsible for investment of the fund. Fund is administered by four Jurats. Applications are received. Balance as at 31st December 2005 was £2,017,960.

Le Don Le Faye – Annual income is distributed to the Rectors of the twelve parishes to help the sick and needy. The Treasurer has the authority to invest or make payments as directed by the Minister for Treasury and Resources. Balance as at 31st December 2005 was £790,457.

Ecology Fund – Designed to promote and protect the environment and wildlife of Jersey. Five trustees are appointed by the States. Investment responsibility lies with the Treasurer. Balance as at 31st December 2005 was £481,579.

Pilot Boat Reserve Fund – the fund pays boat pilots who dock boats visiting the island, and also provides money for the purchase of new boats, equipment, etc. The Economic Development Minister holds responsibility. Pilots are paid monthly from the fund, which collects the docking fees of boats visiting the Harbour. Balance as at 31st December 2005 was £100,318.

Estate E.J. Bailhache – according to the documentation available the validity of the will was contested and a settlement was agreed in March 1984 on the basis of 60 per cent of the estate being retained by the public of the Island; the consent order was made by an act of the Royal Court dated 25th January 1985. According to a Finance and Economics Committee act of 18th February 1985 the properties and monies were to be held for “the general welfare of persons elderly and/or blind or sick at the General Hospital”, these terms being in accordance with the will. All funds administered by Health and Social Services have a designated fund manager and authorised signatory. The fund manager decides the most appropriate use of funds in accordance with the donor’s wishes. Dependant on the amount expenditure must be approved by either the fund manager, the Chief Executive Officer or the Minister. The balance on the fund at 31st December 2005 was £2,587,822.

Estate – H.E. Le Seilleur – under a will dated 28th December 1988 Mr Le Seilleur, who died on 22nd October 1996, devised the reversionary interest in two properties to the States of Jersey and bequeathed the remainder of his immovable estate to the States of Jersey. In the will it states that; “the said States of Jersey shall consult my said executors of my movable estate upon the use of my properties with a particular view towards the use of such properties for the benefit of aged, infirm and needy residents of the Island.” Responsibility for the estate was transferred to the Health and Social Services Committee by the States in June 1997. All funds administered by Health and Social Services have a designated fund manager and authorised signatory. The fund manager decides the most appropriate use of funds in accordance with the donor’s wishes. Dependant on the amount expenditure must be approved by either the fund manager, the Chief Executive Officer or the Minister. The balance on the fund at 31st December 2005 was £2,197,789.

Herbert Bidder Coppard – under a will dated 13th July 2000 Mr Coppard, who died on 20th September 2000, left one eleventh of the residue of his estate to; “The States of Jersey Public Health Committee for the specific benefit of patients at the General Hospital, St Helier Jersey.” All funds administered by Health and Social Services have a designated fund manager and authorised signatory. The fund manager decides the most appropriate use of funds in accordance with the donor’s wishes. Dependant on the amount expenditure must be approved by either the fund manager, the Chief Executive Officer or the Minister. The balance on the fund at 31st December 2005 was £253,944.

A.H. Ferguson Bequest – under a will dated 13th November 1980 Mr A H Ferguson, who died on 20th September 1982, left the residue of his estate “unto the Public Health Committee of the States of Jersey” stating; “and I desire them to apply the same for the benefit of the Intensive Care Unit at the Jersey General Hospital”. All funds administered by Health and Social Services have a designated fund manager and authorised signatory. The fund manager decides the most appropriate use of funds in accordance with the donor’s wishes. Dependant on the amount expenditure must be

approved by either the fund manager, the Chief Executive Officer or the Minister. The balance on the fund at 31st December 2005 was £176,762.

Full listing of Special Funds

Administered by Education Sport and Culture

<u>Name of fund</u>	<u>Balance (£)</u>
Rivington Travelling Scholarship	465,172
Lord Portsea Gift Fund	334,415
Sayers Bequest	162,226
C. W. C. Stevens	161,760
P.D. Woods Bequest	57,837
Highlands College Donations	46,583
Rayner Training Scholarship Fund	42,003
Don Touzel	40,475
Denys Le Febvre Trust Fund	32,802
Social Science Research Centre	23,036
Pauvres Honteux	22,196
Wimble Scholarship Fund	21,775
Rayner Travelling Exhibition Fund	14,041
Rayner Junior Exhibition Fund	8,324
A. C. Le Rossignol Medical Scholarship	6,029
Rayner Exhibition Fund	4,739
E. W. Martindell Prize	4,194
Kenneth More Drama Prize	3,115
G. E. Croad Memorial Prize	2,770
Multicultural Development Trust	2,392
Dr H. C. Major's Science Prize	2,156
Huelin Public Speaking Prize	2,135

Diana Birch Reynardson Prize Fund	2,041
Girard de Quetteville Gold Medal Fund	1,593
St. Mannelier et St. Anastase	1,493
Richard Hutt Memorial Trust Fund	1,471
W. Richardson Memorial Award	1,349
Coll of Further Ed ~ Prize Fund	1,188
Arthur Hamptonne Barreau Mem Fund	1,085
Rosa Brasford Memorial Fund	980
Thomas Wood Prize	803
Dr. Clifford Mortlock Memorial Fund	723
Public Library Investments	617
Hudson Divinity Prize	609
Queens Silver Jubilee Activity Centre	584
Farnell Prize	363
Hubert Prize for Music	322
Lerrier Prize	104
Beaufils Prize	68
Mauger Memorial Prize	45
Vocal Music Support	32

Administered by Health and Social Services

<u>Name of fund</u>	<u>Balance</u> <u>(£)</u>
Estate E. J. Bailhache	2,587,822
Estate H E Le Seilleur	2,197,789
Hospital Gift Fund	316,990
Herbert Bidder Coppard	253,944
A.H. Ferguson Bequest	176,762

B. Skinner Travelling Fellowship	89,118
E K Robert Fund	76,520
Mrs C M H Crosthwaite Bequest	48,766
Westaway Fund - Ecoles Elementaires	40,606
Ronald George de la Mare	39,357
Mrs M. E. T. Warren	38,312
Overdale Hospital - Mrs M Collin	32,574
LMA International SA - Anaesthesia	30,100
Mrs M O'Meara	29,960
Le Geyt Services	27,343
St. Saviour Hospital Welfare Fund	24,584
Children's Benefit Fund	21,964
Nat West Client Account ~ patients	19,264
Estate Mrs G. W. Hill	14,750
Crematorium Memorial Fund	12,548
Private Patient Service Training	11,990
The Owl Fund	11,792
Estate I Cresson-Hunter	11,131
Denis Gilpin	10,355
Community Alarms	9,517
General Hospital Fund	9,202
The Hollies (ZJRS04)	8,383
Quality Awards	7,967
Sandybrook Residential Home (ZJRS02)	7,798
Training & Employment Fund for Q.C.	7,664
Worshipful Company of Cordwainers & Scholarship Fund	7,335
M. Seymour Fellowship	7,201

Grands Vaux	7,076
Legacy Don Chevalier	6,163
J Wilkinson - La Pref & O	5,524
Aviemore	4,618
Oakwell	3,412
Bone Density	3,297
The Limes	2,515
Secker House	2,506
Speech & Language Therapy	2,479
Occupational Therapy	2,470
CNT Client ALM	2,394
Nurses Amenity Fund	2,337
William Knott	2,290
Welcome Club	2,189
Heathfield	1,906
La Preference	1,739
William Knott Day Hospital	1,716
Wheel Chair Centre	1,607
Activities/Social/Leisure	1,453
Rheumatology	1,386
Hearing Resource Centre	1,176
Poplars Amenity Fund	1,018
Liaison MH Nurse Team	1,000
Blanche Pierre Nursery	964
Aubin Ward	949
Samares Ward	913
Mckinstry	803
Children's Toy Library	684

Organic Farm	638
Sandybrook (ZJON02)	633
Child & Family	578
Leoville Ward (ZJON03)	566
De St. George Bequest	531
Leoville Ward (ZJRS03)	502
Beech Ward Amenity Fund	500
Sandybrook Day Centre	414
Secker House	381
Mckinstry	372
Adult Social Work	366
Limes	361
Samares	298
Childrens Exec Amenity Fund	252
Hollies (ZJON09)	214
Overdale Nurses Amenity Fund	142
Psychology	103
La Chasse	99
Maison Du Lac	96
Community Stoke Team	82
Tevielka	67
Neways	24
Community Network	16
Health Promotion	13
Estate Mrs I. E. A. Warne	11
Willow House	6

Administered by the Treasury

<u>Name of fund</u>	<u>Balance</u> <u>(£)</u>
Criminal Offences Confiscation Fund	10,375,720
Greville Bathe Fund	9,389,398
Drug Trafficking Confiscation Fund	3,642,520
Ann Alice Rayner Fund	2,017,960
Le Don de Faye	790,457
Ecology Fund	481,579
Pilot Boat Reserve Fund	100,318
T&TS - Florence Lady Trent Legacy	29,522
Jersey Asia Relief fund (<i>cleared and closed 2006</i>)	23,861
Estate E.B. Guinard - Suspense Account	15,766
H.M.S. Jersey - Welfare Fund	14,675
Jersey SBS Earthquake Appeal	12,385
Estate Mrs M. D. Hewitt	11,284
Dummy Lane Acquisition C.P.O.	7,943
Estate Miss B. Reid	7,223
Compulsory Purchase	5,078
Churchill Award for Courage	4,950
All Saints Church New Endowment Fund	3,575
Estate C. W. Mildren	3,304
Prison Board Life Line	1,985
Estate May Booker	1,203
Estate Mrs. P. Reed	269
Estate A Le Fessant	71

1.9 DEPUTY I.J. GORST OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING JERSEY'S SEA DEFENCE STRATEGY:

Question

Following the publication of the report of the Inter-Governmental Panel on Climate Change would the Minister inform members whether the terms of reference of the recently commissioned report into Jersey's sea defence strategy remain appropriate? Would the Minister set out for members those terms of reference and state when he expects to receive the report's findings and whether he will make them publicly available?

Answer

In November 2006 HR Wallingford were commissioned to provide proposals for a Scoping Study into the effects of climate change on coastal flooding and erosion around Jersey. The purpose of this document is to produce an initial high level review of the likely effects of climate change on coastal defences and management around Jersey followed by a brief report setting out a suggested approach to more detailed consideration of how to respond to threats to the coastline, covering overall policy and planning for the Island, and the more specific assessment of individual sections of its coastline.

HR Wallingford's report has been delayed in order that it can include any new information coming out of the work carried out by the Inter-Government Panel on Climate Change. The report is expected by no later than 3rd March 2007 and when signed off by the department will become a public document.

1.10 DEPUTY I.J. GORST OF ST. CLEMENT OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE EMPLOYMENT OF PEOPLE WITH DISABILITIES:

Question

Does the Minister have any plans to introduce a scheme for disabled people similar to the United Kingdom 'Workstep' scheme and, if not, would he explain why?

Answer

The UK "Workstep" Supported employment programme is centred around the personal development of individuals to take up employment in the labour market. Workstep participants receive one-to-one support from specialist advisers who will guide them through the process by providing assistance in finding a suitable work placement, supporting the person and their employer in the placement and providing on-going training and advice.

The Social Security Department is the major funding body for the Jersey Employment Trust (JET), which provides employment based training and employment support similar to that present in the UK's Workstep programme.

The services provided by the Jersey Employment Trust are, in the main, focussed on clients with moderate to severe impairments who require long-term training and rehabilitation programmes. The Jersey Employment Trust strives to find open sustained employment opportunities for its clients and supports them in the workplace.

In addition the Department provides services directly for those requiring less intensive support through its Workwise Team. The Department established the Workwise Team in March 1998 to

provide a supported employment service for people with special employment needs. Each client of Workwise has a nominated Job Coach to assist them in drawing up an individual development plan and to find a suitable employment placement. Once the suitable work placement has been found the Job Coach will work with the client at the place of work in order that a person's skills can be developed. The Job Coach will work closely with the employer ensuring that any issues or concerns raised may be addressed in a timely and effective manner. The amount of support given to any client or employer is decided upon on a case by case basis. Support in the workplace is withdrawn in a managed and agreed manner and the over arching aim of the service is to provide assistance whereby clients access open sustained employment.

Having considered the basic frameworks of Workstep and the services provided through the Workwise Section and the Jersey Employment Trust, I believe we have a comparable supported employment service as they do in the UK.

1.11 DEPUTY I.J. GORST OF ST. CLEMENT OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING STATISTICS ON ADMISSIONS TO THE GENERAL HOSPITAL:

Question

Would the Minister inform members –

- (a) how many patients required admission to hospital requiring Consultant-input for alcohol-related illness between 2000 and 2006 broken down by (i) patients aged under 18 years and (ii) patients aged 18 years and over?
- (b) whether all incidents in the Accident and Emergency department where alcohol is involved are coded as such, for example, with an assault, is it the wound that gets the code or the alcohol that drove it? If so, would he state how many patients who visited the department had an alcohol-related diagnosis in each year between 2000 and 2006 broken down by those (i) aged under 18 years and (ii) those aged over 18 years? If incidents are not coded in this way is the Minister satisfied that the present procedures are appropriate and, if so, would he explain why? If not, does he propose any changes?

Answer

- (a) The number of inpatient admissions to the General Hospital with alcohol related illness between the years 2000 to 2006 broken down by patients aged under 18 and patients aged 18 years and over are displayed in table 1 below -

Table 1

Health and Social Services
Inpatient Episodes Related to Alcohol Use
2000 - 2006

	Age Range		
Year	0-17	18+	Grand Total

2000	17	531	548
2001	12	763	775
2002	19	935	954
2003	15	962	977
2004	21	938	959
2005	25	1041	1066
2006	45	1038	1083
Grand Total	154	6208	6362

The figures in the above table have been extracted from the Health and Social Services information systems using the Scottish coding system for hospital episodes related to alcohol use.

The term related to alcohol use covers a wide range of clinical conditions where alcohol is a major causative factor and includes the following -

- Alcohol intoxication
- Alcohol withdrawal
- Diseases such as alcoholic cirrhosis, hepatitis and gastritis
- Mental and behaviour disorders due to alcohol.

It should be noted that the extraction of data using the Scottish coding system provides a greater capture of alcohol related illnesses than the English coding system.

The figures will show where alcohol is a primary factor, but may not include admission where alcohol may be a secondary or tertiary factor.

- (b) All attendees to the Accident and Emergency Department are coded according to the major diagnosis e.g. head injury, epileptic fit, and alcohol intoxication etc. but they do not routinely record whether or not alcohol may have played a part in the cause of patients clinical diagnosis. For example a patient could be coded as having a broken wrist and the fact that this may have been caused by consuming a moderate amount of alcohol would not necessarily be recorded within the coding system.

Given the above caveat, please see below table 2 depicting alcohol related attendances as (coded by the Accident and Emergency system) for the years 2000 – 2006 split into patients under 18 years of age and patients 18 years of age and over:-

Table 2

Accident and Emergency Department

Alcohol Related Attenders

2000 - 2006

Count of Attendance arrival date	Age Range		Grand Total
	0-17	18+	
Year			
2000	47	123	170
2001	38	89	127
2002	31	89	120
2003	39	150	189
2004	54	227	281
2005	69	213	282
2006	71	242	313
Grand Total	349	1133	1482

As far as the Accident and Emergency coding system is concerned, alcohol related illness covers all those attendances where alcohol excesses or the word drunk appeared in any field.

As a consequence the figures do/(may) not include attendances where alcohol may be a causative, or contributory factor.

The current system, whilst adequate to ensure satisfactory capture of basic information for audit and operational planning purposes does not allow for detailed analysis of sub factors in the presentation of a wide range of clinical problems.

It is anticipated that some of these aforementioned potential functional deficiencies of the current information systems within Accident and Emergency will be addressed as part of the new Health and Social Services information, communication technology (ICT) project currently underway. However, it should be noted that despite an increase in functionality of the proposed new ICT system, it will not in all probability capture the level of detail requested by the Deputy in this question. The detail required could only be accurately determined by a thorough retrospective examination of each patient episode. For information the Accident and Emergency Department manages 40,000 patient episodes per year.

2. Oral Questions

2.1 Senator L. Norman of the Chief Minister regarding the payment of overtime and bonuses to public employees:

Would the Chief Minister please inform members whether overtime can only be paid to public employees when the relevant number of hours have been worked and whether bonuses are only paid to those employees who earn such bonuses in work and, if not, state whether the States Employment Board will be taking steps to amend the present procedures?

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

I can advise that overtime payments are normally made only for overtime which is actually worked. However, in a tiny minority of cases some manual worker employees have contractual overtime arrangements with their departments. While here also overtime payments are made for overtime worked, nevertheless as the overtime is contractual, as opposed to casual - i.e. the employee is contractually obliged to work it - the payments are made during times of annual leave and paid sickness. Such contractual overtime arrangements are very much a feature of the past and none have been authorised, nor will any be authorised, by the States Employment Board since it was appointed. Bonuses are not paid to States employees.

2.2 Deputy C.J. Scott Warren of St. Saviour of the Minister for Housing regarding States tenants wishing to buy the properties in which they reside:

Would the Minister agree to send a questionnaire to all States tenants living in the 800 properties which have been identified for sale, in order to ascertain the number of tenants who wish to buy the properties in which they currently reside?

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

No, Sir, the question or position does not arise. The property plan does not identify 800 individual properties. It solely promotes the view that up to 800 properties should be purchased by existing tenants, although this figure is now down to 600, as permission has already been given for the 208 properties currently being sold. There are only a few properties that have been identified for sale and these tenants have been advised and are being offered the chance to purchase.

2.2.1 Deputy C.J. Scott Warren:

Is the Minister aware that workers from the Housing Department are now starting to measure-up some of the houses for sale and this is now causing further distress and concern? Could he please allay these fears? Thank you.

Senator T.J. Le Main:

My officers have been working with all the residents' associations and tenants' groups and I have not been made aware of any concerns whatsoever. If the Deputy would like to point me in the direction of anybody concerned I am happy to meet with her or any other Member of this Assembly to go and visit personally any people to allay their fears.

2.2.2 Deputy S. Power of St. Brelade:

On a matter of clarification, Sir, may I inform the Housing Minister and the Assembly and the Assistant Housing Minister that the sub-panel that is reviewing the Housing Property Plan is constructing a questionnaire which will be approved by the Statistics Unit and we will be asking the Housing Minister and the Assistant Housing Minister to circulate that on their database to all housing tenants.

Senator T.J. Le Main:

That has been agreed, Sir.

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

Does the Minister not accept that his method of approaching this sale of houses has caused distress and concern to many, many tenants?

Senator T.J. Le Main:

No, Sir, I do not agree with that. In fact, it has raised the hopes of hundreds of people in this Island who are now going to be able to aspire to home ownership. I think that we have a few Members in the Assembly that are trying to be negative all the time but certainly I am aware of one meeting that had been called by 2 Members of this Assembly and nothing has come out of that. So I am unaware that there are any real concerns. I can only say we give categorical assurances that nobody will be disaffected by these plans.

2.2.4 Deputy C.J. Scott Warren:

Would the Minister concede that I and other Members of this House are not trying to be negative? I personally support a shared equity scheme but the concern by many Members in the House is purely whether people are still worried. I appreciate there has been lots of reassurance from the Minister but does he appreciate that there is still concern for many, many States tenants? Thank you.

Senator T.J. Le Main:

If there is concern I am unaware of it because I have said publicly on several occasions, including in the media on several occasions, that if anybody is unsure of the current situation in relation to their homes or tenancies in the Property Plan then I will personally visit, and my Assistant Minister is also to the point of wanting to visit any tenants. We are happy to work with any Members of this Assembly. This is wonderful, great news for Jersey and for the people of Jersey and for home ownership and for tenants. Not only will they have an opportunity to purchase properties but they will also have their homes refurbished to meet modern-day standards. Great news. Anybody concerned still I am happy to meet.

2.2.5 Deputy G.P. Southern:

Will the Minister withdraw his proposed lodging of his proposal to enable the Scrutiny Panel concerned to give it adequate time to study his proposals and will he agree to meet the Chairman of that Scrutiny Panel to agree a reasonable way forward in terms of timescale?

Senator T.J. Le Main:

The Scrutiny Panel has had the Housing Property Plan since Christmas. We are now into the middle of February and they are still discussing issues on how to go forward. I will be pleading with this Assembly to accept 17th April. We just cannot carry on any longer. We have got serious structural problems on some of our properties and I am assured by Deputy Power that with our co-operation we should be able to achieve the scrutinising of this Property Plan by that time. Although I am going to be leaving early this morning to go to a funeral, I will ask my Assistant Minister to plead with this Assembly that 17th April has given adequate time for a full scrutiny of the Property Plan.

2.2.6 Deputy G.P. Southern:

Will the Minister meet with the Chair of that Panel to discuss a reasonable way forward instead of trying to bully his way through?

Senator T.J. Le Main:

I have met with the Chairman of the Scrutiny Panel and his members some time ago and the Scrutiny Chairman and the members know very well that I keep offering all the time to meet with them at any time. In fact, Deputy Power this morning has advised me that he will be contacting me tomorrow again after a meeting and I said I am happy to attend - even tomorrow lunchtime - the meeting that the Scrutiny Panel are holding on this Property Plan. I will make myself available to the Chairman and to members of Scrutiny any time. I want the full support of Scrutiny to be able to

go forward with this Plan and I want to work with them. I think they can be hugely beneficial to these proposals, Sir, and I will work with them.

2.3 Deputy G.P. Southern of the Chief Minister regarding a pay agreement with States manual workers:

This question is a bit out of date since once more we have read about things in the newspaper rather than in this House. Would the Chief Minister inform Members whether a 2-year pay agreement has yet been reached with the States' manual workers?

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

No, Sir, it has not. Although a new 2-year pay deal has been offered to States' manual workers no agreement has yet been reached.

2.3.1 Deputy G.P. Southern:

Is the Minister prepared to reveal the terms of the offer and, if not, will he confirm that the additional cost over the 2-year period may be of the order of £3 million to £5 million and that this sum is to come out of already pared-down departmental budgets?

Senator F.H. Walker:

Sir, yes I can confirm the offer that has been made and the reason it has been publicised in the way in which it has is that we needed to reach agreement with union representatives to ensure that they had informed their teams of shop stewards and so on before the figures were released into the public domain. They will be in the public domain as of today. I can inform the House that the offer for the year June 2006 to 2007, which of course is last June, is 2.75 per cent and the offer for the next year, which is June 2007 to 2008, is at cost of living. The additional cost will be the subject of a meeting of the Council of Ministers next week and the methods of how we deal with the additional cost will be agreed at that point but I am unable to say precisely today what that will be.

2.3.2 Deputy R.G. Le Hérisier of St. Saviour:

Would the Chief Minister outline to the House, as surely must have been discussed, what methods he is actively considering? Given that there is no buffer fund available to pay this, can we therefore assume it will inevitably come from departmental budgets?

Senator F.H. Walker:

It will come from departmental budgets or there will be a request to the House for other means of funding it but that is the constraint of the Finance Law at the moment. I should point out that the cost of living increase offered for the second year has been included in Council of Ministers forward forecasts and is being worked to. The only issue as such that we have to address is the additional cost, which is not substantial, of the 2.75 per cent offer in the year 2006 to 2007.

2.3.3 Deputy G.P. Southern:

May I ask for clarification on that last answer? The Chief Minister says that the costs of the 2007 element have already been worked into budgets. How can that be when the budget was set at 2.5 per cent, full stop, by this House?

Senator F.H. Walker:

I did not say they had been worked into budgets; I said they had been worked into forecasts and are being dealt with by the Council of Ministers. The Deputy is pressing me for information this morning I cannot give him but, of course, the information will be put to States Members as soon as it is all available.

2.3.4 Deputy G.P. Southern:

Does the Chief Minister think it is fair that the size of the pay rise has been negotiated by the States Employment Board under his leadership but he has no responsibility for finding the money? Is this not a case of power without responsibility?

Senator F.H. Walker:

I have no comment to make on that question whatsoever, Sir.

2.3.5 Deputy G.P. Southern:

Perhaps a penultimate supplementary if I may, Sir? Will the Chief Minister take this opportunity to revisit his decision to do away with the contingency reserve?

Senator F.H. Walker:

It was not my decision. It was the decision of this House.

2.3.6 Deputy G.P. Southern:

Thank you, Sir. It is nice to know where responsibility lies when things go wrong. Could the Minister confirm that his offer for 2007 is the R.P.I. (Retail Price Index), not R.P.I.X. (Retail Price Index excluding mortgage interest payments) or any target figure for inflation?

Senator F.H. Walker:

Yes, Sir, I can.

2.4 Deputy G.P. Southern of the Minister for Economic Development regarding negotiations to increase the headcount of the Economic Development Department:

Will the Minister inform Members of the outcome of his negotiations to increase his department's headcount by 4.5 full-time equivalent in order to deliver his new business development strategy as outlined in his answer to questions on 7th November 2006?

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

Officials from Economic Development have now had the opportunity to discuss the department's increase in head count with the Treasurer of the States. This discussion has resulted in the department increasing the head count by 3 in 2007 with an option for a further 2 in 2008. I am delighted with this agreement because it allows us to deliver the Enterprise and Business Strategy. I will also take this opportunity of informing Members of just how well the new Enterprise and Business Strategy is going. The new Export Loan Guarantee Scheme - the Export Initiative, the Internship Scheme - the take-up of the Awards for Enterprise has been fantastic. I am told this morning that we are in discussions with 140 firms outside financial services, assisting them in growing their businesses and delivering economic growth.

2.4.1 Deputy G.P. Southern:

In his answer in November he described the help for exports as a new initiative. Is it not more the case that it was a replacement for what was the Trade Promotion Scheme which was already in place and does he need additional staff to deliver what is simply a replacement scheme?

Senator P.F.C. Ozouf:

It is not a replacement scheme at all. I would remind the Deputy that the Export Initiative Scheme is part of a £2.4 million strategy out of the total Economic Development budget of £16 million designed to help grow the economy outside financial services. The export scheme which he is pointing to is a service that was provided by the Jersey Business Venture. Jersey Business Venture is also part of our plans and we are working with Jersey Business Venture to help put support in place for very small businesses and providing expert advice for the development of small businesses. The Export Initiative is a new scheme with a much higher level of resource at £250,000.

2.4.2 Deputy R.G. Le Hérissier:

Can the Minister explain why, given this excellent initiative for exports and despite the presence of Protocol 3, we have heard a recent report that farmers are struggling with so-called edible exports, for example bulbs? Why is this proving to be such a problem in terms of dealing with U.K. (United Kingdom) Customs and getting entry into the U.K?

Senator P.F.C. Ozouf:

What can be said is, of course, the States has enthusiastically supported in the past many agricultural subsidies which were actually export subsidies. What we are now doing is allowing the export initiatives that I have just been explaining to Deputy Southern to be available to all of our exporters. I cannot answer the specific issue of bulbs but I will report back to the Deputy. I am not briefed on that particular issue. If there are Customs issues we need to get round them; I am not aware of them. What I can say is that the take-up for exports outside of agriculture are growing. I have written yesterday to all the fishing industry to tell them about the export initiatives to give them all the help that we possibly can to help them grow their businesses.

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

Could the Minister inform the House whether the 3 jobs have yet been filled and, if they have been filled, are they filled by local people, given the one per cent growth is for supposedly local people first? If they have not been filled, are they being advertised to local people or to outsiders of the Island? Thank you, Sir.

Senator P.F.C. Ozouf:

I doubt whether the Deputy needs reminding of the standard procedures of the States that we always recruit from within the States of Jersey and then within the Island as the first call. If we do not find the expertise that we are looking for at the necessary salary levels then we look further afield. There has been some advertising for some of the more senior positions in the Enterprise and Business Centre that have been advertised outside but, of course, it will be the best candidate that will secure that position.

2.4.4 Deputy J.A. Martin:

He did not answer me about the 3, have they been employed and are they local? He did not answer the question. Thank you, Sir.

Senator P.F.C. Ozouf:

There has been some reorganisation within the former Training and Employment Partnership. The 3 jobs are in the process of being filled. Announcements have not yet been made.

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

The Minister mentions quite rightly that Jersey hires first of all from within the States of Jersey and then within the Island in employing people for States' positions. I just wondered, congratulating the States on that approach, whether or not there is any method to facilitate the States of Jersey website to make use of that site in order to make sure these positions are advertised on that site and whether the Minister will indicate whether or not that is available now or would possibly be looked into?

Senator P.F.C. Ozouf:

I am not responsible for the Human Resources Department because, of course, Economic Development, like other departments of the States, uses the corporate resource in H.R. (human resources) which is under the Chief Minister's Department. What I would say to the Deputy is I am aware that now there is a streamlined process of advertising all job opportunities within the States and now there is a streamlined way of reporting and advertising those positions in the *Jersey Evening Post* weekly where all the jobs are in one place. So I think there is now a much better, streamlined way of getting everybody aware of what exciting positions, in the case of these jobs, there are outside in the States and I certainly encourage local people to apply for those jobs.

2.4.6 Deputy R.G. Le Hérissier:

Notwithstanding some of the excellent work now being carried out and planned for this department, could the Minister tell us what has been the net increase in staff since he took over as Minister of that department?

Senator P.F.C. Ozouf:

The department has a total head count, which was explained in my answer to Deputy Southern on 7th November, of 5.5 staff. That was 5.5 F.T.E. (full time equivalent) and we have been asking for an increase in that to deliver this Enterprise and Business Strategy which is designed to help businesses outside the financial services industry raise their productivity, raise their profitability, raise their game, give them more opportunities to develop. We are going to see a showcase of just how much work is done outside of the financial services industry in the Awards for Enterprise on 1st March. That is the showcase of what we are doing and we need staff to deliver those projects.

2.4.7 Deputy R.G. Le Hérissier:

Just on a point of clarification. Does this 5.5 include all the former staff of Tourism and Agriculture and so forth?

Senator P.F.C. Ozouf:

No, this is the department formerly known as T.E.P. (Training and Employment Partnership) which is going to be delivering the Enterprise and Business Strategy. Members will see a great change in the way that Economic Development is going to be organised in the forthcoming months as we move and centralise our activities in Jubilee Wharf, which will be primarily Jersey Tourism and the regulatory side and everybody else - outside Harbours and Airports - will be in the Jubilee Wharf building. That means we will be centralised, as at the moment we are dispersed among a number of different areas around the States, and it will be the centre for business. Just as the individual in Jersey has the one-stop shop in Cyril Le Marquand House, so Jubilee Wharf is going to be the one-stop shop for business and that is a great move forward in joining-up the administrative arrangements of the States.

2.4.8 Deputy G.P. Southern:

A simple yes or no answer will suffice: am I correct in interpreting his previous answer to Deputy Martin as the 3 jobs have not yet been appointed but when they are he will inform her whether they are local or non-local appointees?

Senator P.F.C. Ozouf:

With pleasure, Sir, yes.

2.5 Deputy K.C. Lewis of St. Saviour of the Minister for Transport and Technical Services:
Following the Buncefield oil depot disaster and the gas explosion in Tunnell Street in 1982, what steps, if any, is the Minister taking to ensure the safety of the La Collette area in light of the proposal to locate the new Energy from Waste plant adjacent to the gas holding tanks, the fuel farm, the L.P.G. (liquefied petroleum gas) station, the power station and the composting site?

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):
I realise that some Members consider oral questions to be a bit of a knockabout session but I think States Members should take the questions they put with seriousness and a degree of responsibility. I am disappointed that Deputy Lewis, in dealing with this serious subject, has not seen fit to discuss the matter prior to today with either myself or, as far as I am aware, any senior member of my department. We are, therefore, at a loss to understand why the Deputy conflates the matters that occurred at the gas emplacement in Tunnell Street in 1982 with the La Collette site. The public are concerned about these matters and conflating these issues is, I think, a serious error. To look on the bright side, it may be that the Deputy has been watching too many of his disaster movies but I think the Deputy should be aware that when the public are aware of these types of questions they can create alarm. I wish to assure the House that in general response to the Deputy's question I have taken all appropriate steps with the appropriate authorities and experts to ensure safety at La Collette. The current planning application is subject to guidelines that were brought forward in the 1999 report by the Major Hazards Unit of the U.K. Health and Safety Executive. I am fully confident that everybody involved who takes responsibility for safety in relation to La Collette, the L.P.G. station, the power station, the composting site, and who will do in terms of the E.f.W. (Energy from Waste) plant, take their jobs extremely seriously and that safety is not a major issue.

2.5.1 Deputy K.C. Lewis:

I am saddened that the Minister is disappointed but I consider it my job to ensure that public safety is ensured. Accidents do happen. We cannot eliminate accidents; we can just minimise them. Will the Minister ensure that there are sufficiently high buffering mounds between the various facilities to provide maximum safety?

Deputy G.W.J. de Faye:

If I am advised that buffering mounds are what is required I will certainly ensure that buffering mounds are in place. I repeat once again, I am disappointed with the way the Deputy has put this question. There is absolutely no linkage whatsoever between the gas explosion in Tunnell Street in 1982 - over 20 years ago - and the types of risk assessment and safety procedures that are in hand now. I regret to say that this is a piece of political opportunism that amounts to scare-mongering.

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

I am disappointed with the Minister's answers and his cavalier attitude. Is the Minister familiar with the phrase of having all one's eggs in one basket?

Deputy G.W.J. de Faye:

Yes, I am familiar with that phrase, Sir.

Deputy G.C.L. Baudains:

In that case, what is he going to do about it?

Deputy G.W.J. de Faye:

I am afraid I do not have any eggs in stock at the moment, Sir.

2.5.3 Deputy C.H. Egré of St. Peter:

If I could add confirmation through the Minister. Could the Minister confirm that there is ongoing risk assessment for that area and we are moving forward, other than what happened in 1999?

Deputy G.W.J. de Faye:

Yes, I can confirm that in conjunction with the Planning Department, Fire and Rescue Services and the Health and Safety Inspectorate, the Transport and Technical Services Department is currently considering all aspects of the long-term plans for development of the La Collette 2 site, which includes the potential for hazard by the location of the L.P.G. plant and the fuel depot.

2.5.4 Deputy P.V.F. Le Claire:

I did ask this question in relation to the Buncefield disaster a number of months ago to the Minister and I am just a little bit disappointed, to be honest, with the way that he has answered this question this morning. So I rise to ask a question in particular. Given that his department and he himself are now fully co-operating and investigating the issues for La Collette and the relevant authorities, what if any are the concerns of the Fire Department for the plans that are proposed at this time?

Deputy G.W.J. de Faye:

I believe that I have been through the Buncefield issue in some detail already. For those Members who cannot remember what I said there is a very dramatic difference between...

Deputy P.V.F. Le Claire:

That is not the question. If I might interrupt, I did ask quite specifically what, if any, are the concerns of the Fire Department in relation to the plans for La Collette?

Deputy G.W.J. de Faye:

I am not aware that the Fire Department has any major concerns, other than the ones that you would expect the Fire Department to have about any fuel depot.

The Bailiff:

Now we come to questions to Ministers without notice. The first question period is of the Minister for Treasury and Resources. I invite questions.

3. Questions to Ministers without notice - The Minister for Treasury and Resources

3.1 Deputy F.J. Hill of St. Martin:

I can already see a smile on the Minister's face. Will the Minister give an update on the progress being made on the share transfer legislation?

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

Yes, Sir. My department is in discussion with the Law Draftsman. I am confident that law will be in place at the budget in December 2007.

3.2 Deputy G.P. Southern:

In the light of the Minister's assurances to ensure fair treatment of Jersey Post employees during the restructuring operations, given in November last year, will he undertake to investigate in detail whether the procedures now underway are fair and report his findings back to the States?

Senator T.A. Le Sueur:

When I undertook the sale of Jersey Telecoms I made the importance of the safeguarding of the employees of that company one of my priorities and that remains the case. In my proposition when I bring that forward, I will indicate all aspects of employment matters and the way in which those employees can continue to receive the same sort of conditions as they currently have.

3.2.1 Deputy G.P. Southern:

If I may, I think the Minister has reinterpreted my question. The question was about Jersey Post employees rather than Jersey Telecoms.

Senator T.A. Le Sueur:

Sorry, Sir, I misunderstood that one. I probably expected the wrong question. The same conditions really apply. The States, as the owner of a company, would want to make sure that those employees continue to have good conditions and, to the extent that it is necessary, I will ensure with the management of that company that that does exist.

3.2.2 Deputy G.P. Southern:

Will he report his findings back to the States?

Senator T.A. Le Sueur:

I do not think that needs to be specifically reported back to the States. The States in all its activities and its ownership of utilities and other companies acts as a good employer. The company will publish an annual report each year and I would have thought that within that report there should be adequate information. If on production of that report the Deputy believes that the company has provided insufficient information then I am prepared to report back to the States on specific matters within that.

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

In the light of recent developments with regard to Island pension provision and the proposed capping of tax relief on savings plans linked to life insurance, does the Minister have any plans to introduce any plans and incentives to encourage people to save, such as those that already exist in other jurisdictions? Thank you, Sir.

Senator T.A. Le Sueur:

Yes, Sir. Plans are in an early stage of discussion at the moment with members of the financial service providers who might be interested in those products. Meetings have been held with insurance company providers and at a more general policy level of how to encourage savings within the Islands. I remain committed to trying to find ways of encouraging people to save, which may or may not include tax incentives.

3.4 Senator J.L. Perchard:

The Minister, in an answer to a written question submitted and answered this morning, said that the States administer 154 special funds, the majority of these are as a result of gifts and bequests. The special funds, in the answer to my question, add up cumulatively to £34.67 million. Will the Minister inform Members of the procedures in place to manage the investment of these funds and is he satisfied with the investment performance of the 154 special funds held by the States?

Senator T.A. Le Sueur:

Yes, Sir. The funds which are held in a variety of accounts are part of the cash and investments of the States and the Treasury has a team of investment managers who advise us on the best ways in which these funds are invested. So I have every confidence in that team. They are subject to regular review by myself and my department and they are subject to regular appraisal as to whether their services are up to scratch or not.

3.4.1 Senator J.L. Perchard:

Can I thank the Minister for that answer. It is a great relief to me. Does the Minister agree that to report annually, possibly with an addendum to the States of Jersey annual accounts, on the balance and activities of all these funds during that year is a good idea?

Senator T.A. Le Sueur:

I am all for greater transparency in respect of funds administered by the States. As Members will see, a lot of these are relatively insignificant and certainly I think for all of those with a balance with, say, over £100,000 a report should be given each year. One can go into too much detail, perhaps, and a balance needs to be struck. The general principle is, yes, I would be quite happy to produce these figures, not necessarily in the States accounts because that might give a misleading view that these were parts of funds available to States Members but certainly in some form.

3.5 Deputy R.G. Le Hérisier:

Can the Minister confirm that all his budgetary targets in terms of revenue are indeed on target and any talk of budgetary stress amounts to the usual negative chit chat and has no substance whatsoever?

Senator T.A. Le Sueur:

I am not sure what the Deputy means by budgetary targets. Certainly the revenue forecasts which I have for 2006 and 2007 are at or above expectations. Expenditure targets for last year are just being finalised now. Expenditure pressures for next year and ongoing years are certainly considerable but they are at present on target and in line with current predictions.

3.6 Deputy G.P. Southern:

Can the Minister confirm that in starting G.S.T. (Goods and Services Tax) in April 2008, the impact of G.S.T. on the R.P.I. which will not impact on the R.P.I. for March - which is the basis for pay claims usually - so it is likely that workers will be paying G.S.T. but not receiving compensation for such payments in their March claim?

Senator T.A. Le Sueur:

Whenever G.S.T. is introduced that will have an effect on the R.P.I. for a 12-month period before the effect ultimately drops out. So it may be that it will not be affecting the March 2007 R.P.I.; it will no doubt be affecting the March 2008 R.P.I. So I think it is a question of swings and roundabouts. As far as the effect on the States is concerned, of course any decrease in potential waste within that year would be offset by the fact that there would be a lot of revenue for that year.

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

Reverting to the special funds - which, as the House will have noted, were already on the C.A.G's (Comptroller and Auditor General) programme for this year and in fact he has brought it forward to look at them - would the Minister confirm that there have already been informal suggestions for a more efficient management of these funds?

Senator T.A. Le Sueur:

Yes, I am happy to confirm that with the Deputy.

3.8 Deputy R.G. Le Hérissier:

In his earlier answer the Minister alluded to serious pressures in the next year or so. Could he identify what he sees these serious pressures as?

Senator T.A. Le Sueur:

I think in general the main pressure is that the rising rate of R.P.I. is putting greater strain on our projections which, as the Deputy and Members will recall, were based on a 2.5 per cent growth each year. That was our target and remains our target, and that is the target being achieved for R.P.I.X. Unfortunately, because of seasonal difficulties mainly in terms of bank interest rates, R.P.I. - which is not our target figure - is increasing at a greater rate than our target and that is having an undue effect on our budgetary forecasts of expenditure.

3.9 Connétable D.J. Murphy of Grouville:

I am referring to the answer to a written question which I asked the Treasury and Resources Minister and was answered this morning with regard to the funds in the Drug Trafficking Confiscation Fund. Is he aware that in 1999 £534,000 was given to the Police for confidential purposes? Is he happy that this money has been transferred and passed over to a department without the consent of this House and with only one political person having any input, i.e. himself?

Senator T.A. Le Sueur:

Yes, I am, Sir. There are certain items where confidentiality, particularly in Police and drug trafficking matters, is paramount.

3.10 Deputy G.P. Southern:

Does the Minister consider that his discussion paper on the possible sale of Jersey Telecom met the criteria for public consultation outlined in the Communications Unit report A2 of 8th February 2007, in particular where it suggests under 5(d) that the paper should set out the competing arguments relevant to a decision and, under 3(c), expressing the Minister's own view it might affect people's willingness to engage? Does he consider that he met these criteria?

Senator T.A. Le Sueur:

That is a subjective question, Sir. I think I put out a discussion paper which raised all the arguments in Members' minds and if the Deputy felt that I was swaying in one direction or another that may be because he was perhaps swaying in the other direction.

3.10.1 Deputy G.P. Southern:

If I may have a supplementary? The paper did say: "The Minister's preferred option is ..." but nonetheless under 3(c) it says: "The Minister must be prepared to move ground if the feedback shows significant defects in his or her logic." Is the Minister prepared to move ground should this prove to be the case?

Senator T.A. Le Sueur:

If I have that proof, Sir, I am happy to move ground.

3.11 Deputy P.V.F. Le Claire:

I raised this question in relation to financial accounts being made available or published when we did general regulations 8 for the financial services propositions that came through the States recently. I just wondered, before I begin researching, whether or not the recommendations of the *Edwards Review* that the financial accounts of financial firms in Jersey be published have been undertaken? What exactly exists in Jersey for people to be able to establish an understanding of the financial activities of businesses operating in this Island?

Senator T.A. Le Sueur:

The *Edwards Review* made a number of recommendations, some of which were regarded as important, some less important and some to be done when the time is good. As far as the important ones are concerned, all those have been delivered and indeed we are due for a further review in the next 12 months or so. As far as the publication of financial statements of financial firms is concerned, there is certainly a matter here of confidentiality and privacy for those people concerned. A balance needs to be struck and I have no doubt that at present the balance is being struck in the right way. This subject is constantly being reviewed and revised and as the climate changes no doubt arrangements will also change.

3.11.1 Deputy P.V.F. Le Claire:

May I ask a supplementary, Sir, because that left me as clear as I was before I asked the first question. Could I ask one question which comes out of the answer which is the Minister says there will be a review in 12 months. Does he mean there will be a new *Edwards* type review or does he mean there will be a new review as to what the progress is in relation to *Edwards*? Also, what I was getting at is in other jurisdictions it is possible to ascertain the activities and the memberships and the directorships and the non-executive directorships of companies, what they are involved in, what they are doing and what their bottom lines are, what their investments are. In Jersey I do not believe that is the case. I would like to understand and would like to know if the Minister can tell us what is available in Jersey, because from what I can understand there is not anything and is that really adequate? So the 2 questions are is that adequate - because I do not believe there is anything - and the second one is what does he mean by a review?

Senator T.A. Le Sueur:

No, it is not an extension of the *Edwards Review* but there will be a further review by international finance executives of the way in which the Island does its regulation administration. As far as the disclosure of activities of companies is concerned, of course we need to distinguish between private companies and public companies. Public companies - and the Island has some of those - do have a much greater level of disclosure than do private companies and that is quite appropriate. The level of disclosure of public companies is, in my view, perfectly adequate at the present time.

3.12 Deputy S.C. Ferguson:

The increase in R.P.I. to a certain extent is driven by government spending. How is the Minister thinking of controlling this? What sort of measures is he going to impose on the high-spending departments?

Senator T.A. Le Sueur:

R.P.I. is driven to a very small extent by government spending. I think the indication of the extent of government spending influence would be better seen on the R.P.I.X. The R.P.I. is driven primarily by matters such as interest rates and oil prices, as I previously said. As far as controlling inflation is concerned, that would be the subject of a paper to come before this House in due course, but I would remind the Deputy and Members that the introduction of taxation measures such as G.S.T. will have the effect of taking a lot of spending power out of the economy and that in itself should have a dampening effect on inflation. Where the problem will go wrong is if that money, having been taken out, is then spent rather than held. That is a question which is a matter for this House as a whole to show constraint and responsibility in making sure it does not spend all of that hard-earned... as a way of maintaining and controlling inflation.

The Bailiff:

That concludes the first question period. We now come to the second question period of the Chief Minister and I invite questions.

4. Questions to Ministers without notice - The Chief Minister

4.1 Deputy P.N. Troy of St. Brelade:

In my research regarding our current waste strategy I have visited 2 recycling plants, one in France and one in Wales. Has the Chief Minister personally visited any waste recycling plants in the last 2 years? Does he accept that our waste recycling targets have been set at too low a level and that increased recycling targets could result in the purchase of a lower capacity incinerator with a consequential saving of millions of pounds from the capital budget? Would he be prepared to review the current strategy being proposed by the Transport and Technical Services Minister which is currently out of line with other jurisdictions aiming for much higher recycling targets?

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

I have not visited recycling plants, nor do I consider it necessary for me to do so. I would remind the Deputy that the proposal currently being pursued by Transport and Technical Services was approved by this House, after much debate and much scrutiny, and I am aware from discussions with the Minister that he and his department are constantly keeping under review development of new technologies. I am also aware that the order book for incinerators from around the world is now fuller than it has ever been. Do we have to do better on recycling? Do we have to set ambitious targets? Yes, we do. Will that mean that we can save, as the Deputy suggested in his question, millions or tens of millions of pounds on an energy from waste plant? No, it will not.

4.2 The Dean of Jersey The Very Reverend R.F. Key:

As Members of the House will know, tomorrow is the 25th anniversary service for Jersey Hospice Care. I wonder if it would be appropriate for the Minister to join me in sending the greetings of this House to those involved in the setting-up and continuing ministry of Jersey Hospice Care and paying tribute to this particular manifestation of the honorary principle in Jersey public life?
[Approbation]

Senator F.H. Walker:

I do so most warmly. The support that Hospice Care has given to countless families in desperate health circumstances over the last 25 years is beyond admiration, in my view. They have done a quite superb job and I am sure other Members of this House have personal experience, as do I, of friends and members of family who have benefited enormously from the exceptional care and kindnesses shown by the staff and the volunteers involved in Hospice Care. I also remind the House, if they are not already aware, that there is a church service at 6.00 p.m. tomorrow in the Town Church which is a commemoration service - I am not sure if that is the right description for the service - on behalf of hospice and I hope as many Members as possible will attend. I thank the

Dean for asking the question and for giving me the opportunity to pay warm tributes to Hospice Care and the excellent people who staff it and who work with it and in it as volunteers.

4.3 Deputy S. Power:

I know the Chief Minister will have been a little preoccupied last week with a letter written by Jersey's Health Minister and that is not the subject of my question. My question is related to a letter written by a former member of the States of Guernsey who is a leading member of the Guernsey legal profession. In his letter he suggests the need for a written constitution to protect the Islands against excessive influence from Westminster and the E.U. (European Union). He refers to the European Tax Savings Directive and what other governments force on us here, including in Jersey that means G.S.T. and 'Zero/10.' The advocate's solution was to seek dominion status with a written constitution, unsusceptible to manipulation by outsiders. The advocate finally suggests that Guernsey and Jersey should work together, potentially as an island federation. Does the Chief Minister consider it now appropriate to consider more independence for Jersey and does he agree or disagree with the option of dominion status?

Senator F.H. Walker:

I do not consider that greater independence for Jersey at this stage is the right option, although I can confirm - and this is not news to Members - that the whole option of Jersey's constitutional position is constantly under review. There is a Sub-Committee - formerly of the Policy Resources Committee, now of course of my department - which includes the Bailiff and others, which keeps the position very closely under review. I do not believe that the advocate in Guernsey speaks on behalf of the States of Guernsey. He expressed a view which, of course, he is perfectly entitled to do. I do believe that Jersey and Guernsey should work together totally on these issues but I am also firmly of the view that the work we are currently undertaking, which we share with the States of Guernsey on a slow but purposeful development of our international identity - international personality - is the right way forward. With the greatest of respect to Advocate Perrot, I know he was looking at it from a legal perspective; I am not at all sure that he has looked at the position in the round and particularly taking into account the economic circumstances. Jersey's position has improved internationally very considerably in recent years and I am confident that it will continue to do so.

4.4 Deputy J.A. Martin:

As Chief Minister and our leader and so-called very strong supporter of Scrutiny, is the Minister aware that the Minister for Treasury is going to lodge his proposition on the sell-off of telecoms on 19th or 20th February without even having sight of the scrutiny report on the sell-off? Also, that at that meeting when all States Members, Sir, have been invited but the Minister for Treasury has also refused Scrutiny to take part in an open debate on both sides. Is the Chief Minister aware of this and if so, Sir, is he going to take leadership on his strong support of Scrutiny of this House? Thank you, Sir.

Senator F.H. Walker:

I believe that the Treasury Minister has followed an appropriate procedure in this respect. I wonder also, perhaps, Sir, if Scrutiny can tell us why they intend to publish their report on telecoms without having first shared it, as agreed in the Protocol, with the Treasury Minister? That does not strike me as adherence to the Protocol either.

4.4.1 Deputy G.P. Southern:

It is not for me to answer questions, but that is not our intention at all. In the light of the Chief Minister's repeated and fulsome praise to Scrutiny, and his commitment to full executive co-operation with Panels, will he condemn the refusal by his Assistant Minister and his Chief

Executive Officer on Friday, 9th February, to grant the Corporate Services Sub-Panel access to the discussion documents on the population register, produced by the Population Office and circulated to the Data Protection Commissioner for comment at the end of last year?

Senator F.H. Walker:

I certainly will not condemn it, no.

4.4.2 Deputy G.P. Southern:

Supplementary, Sir. Will he further undertake to ensure that proper access to all background papers which may cross departmental boundaries - including Health, Social Security, Housing and Statistics - are granted in a timely manner in the course of this wide-ranging investigation into the population register and population expanding?

Senator F.H. Walker:

Yes, Sir, I will. I am astonished that the Deputy is asking this question today, and I must wonder why. The Deputy was at a meeting with the Health Minister and I yesterday, as a member of the Chairmen's Committee, at which there was a considerable amount of agreement on how we were currently conducting business. There was an agreement that we could - and should - on both sides, improve an agreement on how we were going to do that. I am astonished that the Deputy seems to be suggesting some other position to that he was a party to at a meeting 24 hours ago.

4.5 Deputy R.G. Le Hérisier:

Going from, in a sense, the sublime to the ridiculous, would the Chief Minister, Sir, confirm that he is satisfied with the new so-called call centre telephone answering system which has been in place? Would he confirm that one of the principles of that system is that one always reaches a live person? Secondly, Sir, would he confirm that one of the downsides of that system is that individual telephone numbers are no longer given out and that, therefore, this impedes contact between the public and individual officers?

Senator F.H. Walker:

I cannot comment specifically on that last point. I can agree with the Deputy that, although the call centre has improved the contact between the public and States' departments, it has some distance to go before I am satisfied with it. I have had a number of discussions with the Chief Executive and, indeed, with other members of the team responsible for the call centre, with a view to getting the standards up to the very high level that I believe we should be working to. There is some distance to go but it is an improvement over previous practice.

4.7 Deputy R.C. Duhamel of St. Saviour No. 1:

In the light of the replies just made to questions put to the Chief Minister by Deputy Troy, will the Chief Minister release to the Environment Scrutiny Panel the evidence on which he bases his opinion that higher recycling rates will not lead to savings on the cost of an end treatment facility for the residual part of the waste plant?

Senator F.H. Walker:

That information has been given to the Scrutiny Panel in enormous quantity. I am sure the House does not need reminding that the Scrutiny Panel spent many, many months - I do not know how many months - scrutinising the proposals for an Energy from Waste plant and opposed those proposals, or members of the Panel certainly opposed those proposals on the floor of this House and were not successful. Sir, the States have thoroughly reviewed the Energy from Waste policy

and taken a decision, a much delayed decision; it should have been taken at least 2, 3, 4 or may be even 5 years earlier. What we do not need... the last thing we need and, indeed, cannot afford - because the plant at Belozanne continues obviously to deteriorate and its life expectancy grows ever shorter - we cannot afford another delay. The States has taken a decision. I believe that decision was right and now we need to move on and implement and commission the new plant just as quickly as possible.

4.7.1 Deputy P.V.F. Le Claire:

If I might, Sir, put over that question I was going to ask on the grounds that this has moved on to the incineration issue, so I would like maybe perhaps Deputy Duhamel to ask the next question if that is okay, Sir? **[Laughter]** Or should I say I would like to waive my right to ask the question, Sir, in deference to the Chairman of my Environment Scrutiny Panel.

The Bailiff:

You have a supplementary question Deputy?

4.7.2 Deputy R.C. Duhamel:

I was going to ask a follow-up. It appears that the Chief Minister is suffering from a certain element of amnesia, and I would like him to repeat, verbatim, to this House exactly the decision that was taken some 2 years ago.

Senator F.H. Walker:

I cannot repeat that decision verbatim. **[Laughter]** Probably the only person in this House who could is the Deputy because he has probably got the papers in front of him, **[Laughter]** but I do not believe anybody else could repeat it verbatim. All I do know is that a decision was taken and we need to get on with the job.

4.7.3 Deputy R.C. Duhamel:

In that case, could I make it easier for the Chief Minister: could he outline, in his opinion, the difference between an End Treatment Facility, which is what the States decided upon, and an incinerator or Energy from Waste plant of some particular description, which is the recollection of the Chief Minister?

Senator F.H. Walker:

We are talking here about detail, in my view. The States have taken a decision, whatever that decision was, let us now get on and implement it.

4.7.4 Deputy P.V.F. Le Claire:

Can I ask that question then, Sir, because many of us **[Laughter]** are wondering whether or not it was splitting hairs? The decision at the time, which was delayed while the States convened for a meeting in the Bailiff's Chambers to discuss the issue, was that the investigation would continue to determine what the actual best result would be and what the best technology would be. Has that actual decision been made? Because I do not believe that that decision has been taken. If the Chief Minister is telling us today that that decision has been taken and it was for an incinerator, then we obviously know where we are. We can go and investigate what the Chief Minister is saying and see whether or not a rescission of that decision is the only way forward, because in our minds - and in many other people's minds - the decision was to look at the best technology available, not necessarily an incinerator.

Senator F.H. Walker:

I did say “Energy from Waste plants” but the Deputy is technically correct; the decision was to look at the best technology available. That is exactly what the Transport and Technical Services Minister and his team are doing. I repeat though, Sir, let us not try to reawaken a debate that we had and - I do not know how long ago - took a firm decision on. This is a rear-guard action by those who oppose that decision to try and open it up again. Now is too late. We need to get on with the job.

The Bailiff:

Well, that concludes the second question period. There are no personal statements. We come to statements on a matter of official responsibility. The first statement is to be made by the Chairman of the Privileges and Procedures Committee.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. The Chairman of the Privileges and Procedures Committee regarding the outcome of an investigation into a breach of the Code of Conduct for Elected Members

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

Members will find on their desks a report setting out the outcome of an investigation under the Code of Conduct for Elected Members, following a complaint received from Deputy G.P. Southern in relation to a written answer tabled on 5th December 2006 by the Chief Minister. Members will note that the Chief Minister has agreed to withdraw the words in the answer that Deputy Southern complained about, and the Committee therefore consider this matter closed.

The Bailiff

Thank you, Chairman. Does anyone wish to question the Chairman on that statement? No. Well, we come next to a statement by the Minister for Economic Development.

6. The Minister for Economic Development in relation to the Fisheries and Marine Resources Panel

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

I wish to inform the Assembly that it is with pleasure that I have appointed the Connétable of St. Brelade as a Member and Vice-Chairman of the Fisheries and Marine Resources Panel. The Panel is an important body, which acts as a liaison between the various different fishery and professional and amateur associations; the fisheries section in the Environment Department and the Harbours Department. The Panel has a long history of positive interaction. It is vital that a highly respected Member of this Assembly takes part in the deliberations of the Panel. Past Panel members have included former Deputy Norman Le Brocq; former Constable of St. Clement, Mr. Stan Le Cornu; Deputy Robert Duhamel; and the current Deputy of St. Martin and former Deputy, Mike Taylor. The Panel acts as an excellent sounding-board, commenting on policies for managing the marine resources in the 800 square miles of sea around the Island, which I know are dear to the heart of many Islanders. Panel members meet with both French and U.K. colleagues and are in an excellent position to provide advice that assists with the ministerial decision-making process and the creation or amendment of legislation to conserve and sustain our marine populations and ecosystems. The Connétable of St. Brelade is uniquely qualified, with a strong maritime background and interest in fisheries. I am delighted that he has accepted and thank him for his future positive contribution to this important Panel.

Deputy G.P. Southern:

I assume that such an appointment will not interfere in any way with the Constable’s activities on Scrutiny, and that he will not be compromised in looking at matters there. I further seek assurance from the Minister that this is not a precursor to some devilish scheme to subvert my favourite Constable into some ministerial role. **[Members: Oh!]**

Senator P.F.C. Ozouf:

On the issue of impartiality and proper probity, in relation to Scrutiny matters I am sure that the Deputy and I will agree on one thing: that the Constable is beyond reproach in that regard and that I am sure the Constable will stand aside for any issues if the Scrutiny Panel wants to examine anything to do with a Scrutiny matter. I share the Deputy's view of the high regard of the Constable. I am sure that he will agree with me that out of all Members of this Assembly, the Constable of St. Brelade is uniquely qualified to assist in the whole maritime area and the development of our important fisheries industry.

Connétable M.J. Jackson of St. Brelade:

I think it is probably appropriate, first of all, for me to thank the Minister of Economic Development for the trust proposed in me on this and, also, to pledge my support to my favourite Scrutiny Panel Chairman. [Laughter]

The Bailiff:

Very well. We come next to statement by the Minister for Treasury and Resources. Minister.

7. The Minister for Treasury and Resources concerning the Drugs Trafficking Confiscation Fund.

7.1 Senator T.A. Le Sueur:

In the States on 30th January this year I gave a written answer to questions raised by Senator Perchard about the Criminal Offences Confiscation Fund and the Drugs Trafficking Confiscation Fund. The Treasury has now confirmed that the information supplied to the States in response to question 3161, regarding expenditure from the Drugs Trafficking Confiscation Fund, was incomplete for expenditure prior to 2001. The information supplied by the Treasury for this prior period was based on incomplete paper records. The error is very much regretted. Following the queries that were raised as a result of my original answer, the Comptroller and Auditor General has commenced a review of both Funds, which would include a detailed review of all expenditure from the Funds. I apologise to Members for inadvertently producing an answer which was initially incomplete, and I assure them that as soon as I am satisfied of the accuracy and completeness of relevant figures, I shall present an amended and updated answer to the Assembly giving a revised statement of expenditure and a full reconciliation of the Funds.

7.1.1 Senator J.L. Perchard:

I am delighted that the Comptroller and Auditor General has decided to review not only the Criminal Offences Confiscation Fund and the Drugs Trafficking Confiscation Fund, but all funds held in the name of the States of Jersey. Does the Minister agree that it would be in the public interest if the Comptroller and Auditor General review not only all expenditure from the funds - particularly the Drugs Offences Confiscation Fund and the Drugs Trafficking Confiscation Fund - but the receipts paid into these Funds and the obvious requirement to reconcile monies paid in to the funds?

Senator T.A. Le Sueur:

I confirm the Auditor General will set his own terms of reference, but I would anticipate that that would include reviewing both the income and the expenditure and reconciling those 2. That is why I said in my final paragraph that my updated answer would give a revised statement of expenditure and a full reconciliation of the funds.

The Bailiff:

No further questions. Well, we come now then to public business.

PUBLIC BUSINESS

8. Composition and election of the States Assembly: options for change (R.97/2006)

The Bailiff:

The Chairman of the Privileges and Procedures Committee has given notice that he will ask the States to agree to defer the in committee discussion until a later date.

8.1 Connétable of St. Clement (Chairman of the Privileges and Procedures Committee):

The Assembly may recall that 2 weeks ago, when the Committee particularly asked that this report was debated in Committee, that the States decided that we should defer it until today. The purpose of having the debate 2 weeks ago was to be able to inform the public prior to the consultation meetings that we had and prior to the M.O.R.I. poll. Both those events have now taken place and the Committee would like you to agree to postponing it until 13th March, solely so that Members can be properly informed of the opinion of the public, the results of the M.O.R.I. poll which took place last week. So, I ask Members if they would agree to the postponement, Sir.

The Bailiff:

Are Member's content to accord? Deputy Fox?

8.1.2 Deputy J.B. Fox of St. Helier:

I wonder if the Chairman could answer whether we are going to have any more public meetings? Because certainly the leaflet that was put out publicly... I did not receive it personally in my letter box until the Thursday, which was 2 days later. I gather there was a problem in distribution. As they are now looking at the second or third M.O.R.I. poll, will there be opportunity for the public again to discuss their views?

The Bailiff:

Well, Deputy, we are not having a general debate upon the Privileges and Procedures Committee's manner of approach. They were only discussing whether or not the Chairman should be allowed to withdraw this particular in Committee debate. But I will allow the Chairman to answer that question very briefly if he would like to.

Connétable of St. Clement:

The Committee has not considered it at the moment, Sir. At the moment, other than public consultation, we are not proposing any more meetings.

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

In a letter to all States Members on this issue the Chairman noted that the reform timetable would not fall behind. Could I ask the Chairman to give an absolute undertaking that any changes will be in place prior to the 2008 elections, and to confirm when he expects to lodge that proposition to make those changes? Could I also ask Senator Shenton and Deputies Southern and Le Claire to comment and to give an indication if they continue to be happy to delay their own propositions on this matter? Sir, the public wants change. The public expects change. We must grasp the nettle and recognise that Christmas is coming.

Connétable of St. Clement:

I can assure the House that everything is on schedule, so that any reforms that are proposed and agreed with this Assembly will be in place for 2008.

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

Within Senator Shenton's projet he was very critical of polls and research in general. Does the Chairman take on board any of that criticism and does he agree with it?

The Bailiff:

Well, Deputy, I am sorry but the question for the Assembly at the moment is whether we are going to defer the in Committee discussion.

Deputy G.W.J. de Faye:

Point of order on that matter: it strikes me that we seem to be asking questions, Sir, when we are on a proposition. I wish to either debate the proposition or put an amendment to it. I personally would like to see this matter deferred to the end of today's business. I am very concerned about the public impression of the States when this important matter is before us and we all leave before 11.00 a.m. in the morning. Therefore, I am seeking to either have the opportunity to speak against this proposition or, if it is possible, Sir, to put that amendment.

The Bailiff:

Thank you for raising the point of order, Deputy. I must say, I had some doubt that it was a proposition. I think, having discussed the matter with the Greffier, Standing Orders are silent on the matter and it probably is better regarded as a proposition, and if Members are unhappy with the proposition then I think it had better be treated as such. So may I, therefore, ask whether there is a seconder to the Chairman's proposition that the in committee discussion be deferred? **[Seconded]** Very well. And you wish to speak on that?

8.1.5 Deputy G.W.J. de Faye:

I wish to speak against it and, as I said, if it was possible I would wish to defeat this and have an alternative proposition to suggest that this matter be put down the agenda until the end of today's business. I am extremely concerned with the entire way that Privileges and Procedures are handling a very serious constitutional reform issue. It does strike me, if the response to public meetings is anything to go by, that what is being offered is not going down very well. I think it is extremely important at this stage, when it appears that far too much weight is being placed on M.O.R.I. polling, which has its merits but I query numerous elements, not least of which is Privileges and Procedures' ability to understand what results of M.O.R.I. polls are telling us. I think that the procedure that we are involved in at the moment is in serious danger of disappearing like water into the sand, is not providing the public with the options that they want. I think it is absolutely important, frankly - so that the States itself is not drawn into disrepute - that when we have a subject of the seriousness of the nature of constitutional reform, that we as a body are not seen to be going home early in the morning because it is simply convenient. I feel extremely strongly on this matter, as I am sure a number of other Members do who look at the options that have been placed before the public and are not at all happy with them. I think it would help the public at this time to hear that there are, in fact, other options. Perhaps it just might be the opportunity - although I do not believe the box is in place - to tick none of the above, because I can say quite frankly I am not at all happy with either the process or what is being presented to the public, and I really think that we should have this discussion as soon as possible.

8.1.6 Senator M.E. Vibert:

As a member of the Privileges and Procedures Committee, I urged Members at the last States sitting to have the in committee debate that they had agreed to have, but they decided not to. The reason for having it at that time was before the public meeting, so that we might have generated some more interest and members of the public would have had the opportunity to hear Members' views before then. As Members in their wisdom decided not to have it at that time, the Privileges and Procedures Committee believe that it would be more beneficial to the public and to Members to

have the debate once the results of the latest M.O.R.I. poll have become known. It never ceases to amaze me, Sir, how people's faith in polls varies proportionately to whether the poll comes out with what they agree with or not. We at Privileges and Procedures are trying to play-down our own views and prejudices, and react to what the public want and what the public have told us they want. But I think most importantly for today, Sir, it would be, I think, a nonsense to have the in committee debate today, when I think Members - because of the notice we have given - are not expecting it to be today. Many Members may have had notes and items they wanted to bring in to inform their discussions, and I think it is only sensible to agree with Privileges and Procedures - who have been charged by the States to work on this issue - that we should put off the debate until after the latest M.O.R.I. poll is known and when Members are expecting to have that debate, Sir.

8.1.7 Deputy A.D. Lewis:

The reason why I asked the question earlier was that I wanted to understand from the Chairman whether it was the only reason he was wishing to delay the debate was because of the M.O.R.I. poll. Was that the only reason, Sir?

8.1.8 Deputy G.P. Southern:

Yes. I think it is a sad day when this process was put in place, in that I believe that the public out there want the States to take a lead and do not want to be questioned again about, "What do you want to do? Which way do you want to go? Left, right, centre, down the middle, round a curly bend?" or whatever. In particular, I have got serious doubts about the use of M.O.R.I. polling, which I share with Deputy de Faye. In particular, one is that I am aware that in the last M.O.R.I. poll I think 3 Members of the States were polled and telephoned, or 4 perhaps. I am told 4 now. No, I counted you; 4. I understand that at least 2 have been 'phoned from the States. It seems to me that the random nature of the poll - the representative nature of the poll - is seriously skewed if there is a selection of 6 Members from 53 in the States. In fact, one of Members was me. I had to say, "Look, I wrote option 5. Please do not ask me about it. Ask my wife". I am grateful to say she did support me. [Laughter] She did support me. Nonetheless, the whole question of M.O.R.I. polling to give us a lead as to what we should do, I believe, is seriously flawed. In particular on the serious point I wonder whether, for example, we are getting our 8,000 Portuguese-speaking voters and 3,000 Polish possible voters into this poll, or are they being ignored altogether? I mean, we are talking over 10 per cent of the possible electorate. I presume. I do not know how many Portuguese speakers they have got on this board, but Fred from M.O.R.I. who 'phoned me, he did not speak Portuguese. I do not know about the others. So, there are significant problems with using the M.O.R.I. poll to give us a steer on this. I believe we should probably be going ahead with the debate so we can give the public a steer and generate some interest.

8.1.9 Deputy R.G. Le Hérisier:

I attended 2 out of the 3 public meetings, and the most lively and the most numerous was St. Martin's. And of course it was very dangerous to draw too much out of some of these meetings because of the small numbers, and there were people there with very strong vested interest from one side or the other, as we well know. But it struck me, Sir, there were a couple of issues arose: one was obviously the role of the Constables. But the other issue that arose - and I thought was being conveyed to P.P.C. and it was going to be reflected in last week's exercise, Sir - was that people were very dissatisfied with the questions and with the options, because they felt the options in part contradicted each other, or overlapped considerably with each other, and they wanted a clearer set of questions.

The Bailiff:

Deputy, sorry to interrupt but you are addressing the question of whether we should defer the discussion.

Deputy R.G. Le Hérisier:

So, did the Committee take that sentiment into account in the way it set up the M.O.R.I. poll, thus informing us better for the forthcoming debate?

8.1.10 Deputy J.A. Martin:

I would just like to add a few points. I will be supporting the proposition that we do discuss this today, because I was quite disappointed when I read this letter and it was taken as a given by the speaker that has been going around this morning, that we will all be off home by dinnertime. The Minister for Education, Sir, although he sits on P.P.C., says, "We did not have the debate last time because we were going to set the lead". It was 5.00 p.m. in the evening on the Tuesday of the first meeting in St. Helier that we decided to defer, and the public leaflets that went out had no mention of the time or date of the meetings, which were Tuesday, Wednesday and Thursday, St. Helier, St. Mary and St. Martin. Now, I think this is just an excuse to put off this debate. I think the public do need to know where we are coming from. If we had had the debate 2 weeks ago we would not have been finished until the Wednesday or the Thursday and all the public consultation was over. I agree it has been a bad process but I agree we should debate it now. Thank you, Sir.

8.1.11 Deputy G.C.L. Baudains:

It does seem to me, Sir, that we should be informed when we have this in committee debate. The tone of the speakers today seems to be that, "We know best and we will tell the public what we want". I would rather hear from the public what it is that they want. Unfortunately it does seem, Sir, that some Members have no confidence at all in the M.O.R.I. poll, Sir. I would ask them what alternative they think is better. The whole idea of the first meeting was to generate interest so that there would be public debate. We have now missed that. So now, surely, the answer is to have the debate when we have the public's information. Now, obviously there are questions. Some people do not like the questions that are being put forward by the M.O.R.I. poll. But they were informed those questions came out of a previous M.O.R.I. poll from what the public told us that they wanted, so we are reacting to what the public want.

8.1.12 Senator P.F.C. Ozouf:

Very briefly. Standing Orders, as I understand it, state in the case of propositions that a Chairman can withdraw a proposition. I came here this morning believing that that is what the position is. I never believed that there was anything else. There is, at best, a lacuna in Standing Orders. The Chairman wrote to us saying that we were not going to have a debate. I did not prepare for that debate. We need a quality debate and we are not going to have one with Members - and I am sure I am not alone - not having prepared thoughts and remarks in a constructive positive way for a debate. There is no way that we can go ahead with the debate, after having had the notice yesterday. And I urge the Chairman of Privileges and Procedures; (a) Members to support him, but secondly (b), to clear up this lacuna so that we can be certain of what we are doing in the next day. There are also meetings organised as a result of the certainty that I thought that we would be adjourning at lunchtime.

The Bailiff:

Well, I call upon the Chairman to reply.

8.1.13 Connétable of St. Clement:

I think really what we need to do now is to make a decision whether we are going to debate it or not, rather than me say a lot. But I would just like to say that we are getting reactions from the public. We have had over 100 replies from the public already and they are still coming in. I still feel it is appropriate to wait until we have had the M.O.R.I. poll results and further opinions from the public - which we are getting daily - so I urge the House to support P.P.C.

The Bailiff:

Well, I put the question? Do Members want an electronic...

Deputy G.W.J. de Faye:

Appel, please, Sir.

The Bailiff:

The vote is for or against the proposition of the Chairman of the Privileges and Procedures Committee to defer the discussion until a later date. I ask the Greffier to open the voting.

POUR: 41

CONTRE: 7

ABSTAIN: 0

Senator S. Syvret

Deputy A. Breckon(S)

Senator L. Norman

Deputy J.B. Fox (H)

Senator F.H. Walker

Deputy J.A. Martin (H)

Senator W. Kinnard

Deputy G.P. Southern (H)

Senator T.A. Le Sueur

Deputy J.A. Hilton (H)

Senator P.F. Routier

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

Senator M.E. Vibert

Deputy of St. John

Senator P.F.C. Ozouf

Senator B.E. Shenton

Senator F.E. Cohen

Senator J.L. Perchard

Connétable of St. Ouen

Connétable of St. Saviour

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of St. Helier

Connétable of Trinity

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. John

Deputy R.C. Duhamel (S)

Deputy G.C.L. Baudains (C)

Deputy P.N. Troy (B)

Deputy C.J. Scott Warren (S)

Deputy R.G. Le Hérissier (S)

Deputy S.C. Ferguson (B)

Deputy of St. Ouen

Deputy P.J.D. Ryan (H)

Deputy of Grouville

Deputy of St. Peter

Deputy D.W. Mezbourian (L)

Deputy of Trinity

Deputy S.S.P.A. Power (B)

Deputy S. Pitman (H)

Deputy A.J.H. Maclean (H)

Deputy K.C. Lewis (S)

Deputy I.J. Gorst (C)

Deputy of St. Mary

9. Draft Departments of the Judiciary and the Legislature (Amendment No. 4) (Jersey) Law 200- (P.169/2006)

The Bailiff:

We return then to Public Business and the next item of Public Business is the draft Departments of the Judiciary and the Legislature (Amendment No. 4) (Jersey) Law 200-, lodged by the Chief Minister. I ask the Greffier to read the principles of the draft.

The Greffier of the States:

Draft Departments of the Judiciary and the Legislature (Amendment No. 4) (Jersey) Law 200-. A Law to further amend the Departments of the Judiciary and the Legislature (Jersey) Law 1965. The

States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

I would like to ask the Connétable of St. Ouen to act as Rapporteur for this.

The Bailiff:

Very well. Rapporteur.

9.1 Connétable K.P. Vibert of St. Ouen (Assistant to the Chief Minister - rapporteur):

The purpose of this amendment is to provide speed and flexibility when dealing with inquests, which may be very important were the Island to be beset by some natural or man-made disaster involving multiple loss of life. At the moment only the Viscount and Deputy Viscount may conduct an inquest. This means that when a relief Coroner is required, he or she has to be sworn in as a substitute Viscount and then, technically, assume office of Acting Deputy Viscount. This cumbersome process does not really serve any purpose and could be a hindrance to dealing effectively with emergency situations. Instead, the amendment would require that a relief Coroner be a person simply authorised by the Viscount, but also approved by the Bailiff, to be absolutely sure that a suitably qualified person has been authorised. The need for this amendment has been highlighted during the planning of the Island's response to a pandemic. Should there be a need for a large number of inquests to be conducted simultaneously, the present Law is ill-suited to cater for such a situation. I therefore commend this amendment to the States and make the proposition.

The Bailiff:

The principles of the draft have been proposed. Are they seconded? **[Seconded]** Does any Member wish to speak on the principles of the Bill? Well, I put the principles. Those Members in favour of adopting them kindly show. Against? The principles are adopted. The Corporate Services Scrutiny Panel is the relevant Scrutiny Panel. Deputy Ryan?

Deputy J.D. Ryan of St. Helier (Chairman of the Corporate Services Scrutiny Panel):

No, thank you, Sir. We do not want to.

The Bailiff:

Very well, the House will then proceed to debate the articles. How do you wish to take the articles, Rapporteur?

9.2 The Connétable of St. Ouen:

Can I propose them *en bloc*, Sir?

The Bailiff:

En bloc, very well. Do you wish to speak in moving them *en bloc* or ...?

The Connétable of St. Ouen:

No. They are fairly simple. Article 1 merely amends the Department of the Judiciary and Legislature (Jersey) Law 1965 to require a person to be appointed under this Law. Article 2 inserts new paragraphs 5(a) and 5(b) into the Article. The paragraph enables the Viscount to authorise the Deputy Viscount, or any other person whether or not of that department, to conduct inquests. Article 3 specifies the name by which this Law may be cited.

The Bailiff:

Well, the Articles are proposed and seconded. Does any Member wish to speak on any of the articles of the Bill? Well, I put the articles. Those Members in favour of adopting them kindly show. Those against? The articles are adopted. And you move the Bill in Third Reading, Rapporteur. **[Seconded]** Does any Member wish to speak on the Bill in Third Reading? Well, I put the Bill. Those Members in favour of adopting it kindly show. Those against. The Bill is adopted in Third Reading.

10. Jersey Child Care Trust: appointment of Chairman (P.11/2007)

The Bailiff:

We come next to Jersey Child Care Trust: appointment of Chairman, in the name of the Minister for Education, Sport and Culture. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to approve the reappointment of Mr. Geoffrey Colin Powell, CBE, as Chairman of the Jersey Child Care Trust, for a further term of 3 years until 31st December 2009.

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

It gives me great pleasure to propose the reappointment of Mr. Colin Powell, CBE, as the Chairman of the Jersey Child Care Trust (J.C.C.T.). Mr. Powell, as Members know, was a former Economic Adviser to the States. He has been Chairman of the J.C.C.T. since 2001 and has been an outstanding leader and done sterling work with young people in the Island and their parents. I commend his reappointment to the House, Sir

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Well, I put the proposition. Those Members in favour of adopting it kindly show. Those against. The proposition is adopted.

11. Jersey Arts Trust: appointment of Chairman (P.12/2007)

The Bailiff:

We come next to Projet 12 - Jersey Arts Trust: appointment of Chairman, in the name of the Minister for Education, Sport and Culture. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to approve the appointment of Mr. Colin Perchard, CVO, OBE, as Chairman of the Jersey Arts Trust, for a further term of 4 years in accordance with the provisions of the Trust's amended Constitution.

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

May I ask that my Assistant Minister with responsibility for Culture, the Deputy of Grouville, makes this proposition?

The Bailiff:

Very well. Assistant Minister.

11.1 Deputy C.F. Labey of Grouville (Assistant Minister for Education, Sport and Culture):

I ask the Assembly to approve the appointment of Mr. Colin Perchard, CVO, OBE, as the Chairman of the Jersey Arts Trust, for what will be his second term of office under the Trust's Constitution. Members will recall that the cultural strategy - which the Assembly adopted in September 2005 - proposed a number of changes in the structure by which Education, Sport and Culture supports the artistic and cultural organisations in the Island. In particular, the strategy proposed focusing the work of the Jersey Arts Trust more specifically to the voluntary arts community and developing direct partnerships between Education, Sport and Culture and the principal cultural organisations which are funded by the States. I am pleased to report that the implementation of these new arrangements is progressing well and that there has been a constructive engagement with the Jersey Arts Trust about the new direction, including discussion on forthcoming revisions to its constitution. The Trustees have indicated that they would wish Mr. Perchard to serve as Chairman for a further 4-year period, and Education, Sport and Culture believes that this would be helpful in achieving this transition effectively. I am therefore proposing Mr. Colin Perchard's reappointment.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak? Well, I put the proposition. Those Members in favour of adopting it kindly show. Those against. The proposition is adopted.

12. Jersey Financial Services Commission: appointment of Commissioner (P.8/2007)

The Bailiff:

We come next to Projet 8 - Jersey Financial Services Commission: appointment of Commissioner. The debate must of course take place in camera, but I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, to appoint Mr. John Richard Harris as a Commissioner of the Jersey Financial Services Commission with effect from 1st March 2007 to 28th February 2010.

The Bailiff:

Now, the law requires that this debate should take place in camera, so I ask the media to cease broadcasting and to vacate the boxes if there is any member of the media present.

[Debate proceeded in camera]

The Bailiff:

Well, I think I can now put the proposition to the vote. Those Members in favour of adopting it, kindly show. Those against. The proposition is adopted. Well, that concludes Public Business. We now come to the arrangement of Public Business for Future Meetings. Mr. Chairman.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

13. Connétable of St. Clement (Chairman of the Privileges and Procedures Committee):

I would just like to propose the arrangements outlined in the pink paper under M, with the addition on 13th March of the in committee discussion on R.97 - the Composition and election of the States Assembly: options for change.

The Bailiff:

Mr. Chairman, I am sorry; I am sure it is my fault but I am afraid I cannot hear you.

Connétable of St. Clement:

Sorry, Sir. The addition is on 13th March R.97, the in committee discussion - the Composition and election of the States Assembly: options for change. That is the addition to the items outlined on the pink paper, Sir.

The Bailiff:

Very well.

13.1 Deputy G.P. Southern:

If I may, I think I would like to seek permission to withdraw P.128, with the satisfactory news that I have come to agreement with the Minister for Social Security. The amendment that he will bring meets with my full approval and therefore I wish to withdraw my amendment P.128.

The Bailiff:

Very well, P.128 is withdrawn. Does any other Member wish to speak?

13.2 Deputy A. Breckon of St. Saviour:

Unfortunately the Minister for Housing has gone, but he has moved back the Social Housing Property Plan to 17th April. I do give notice to Members, Sir, that there are some significant matters involved in scrutinising that Plan - not least the fact that there is about £300 million of public funds involved over 10 years - and I think it is disrespectful to the people involved and to this House to try and force Scrutiny to do that by 17th April, Sir. So what I would suggest, Sir, is I would write to Members outlining why the Panel and the sub-panel will seek this delay. And I give notice of that now, Sir, because I think it is an unreasonable request of the Housing Minister if he maintains that and, if necessary, Sir, I will put that forward and seek a vote of the Members on that.

13.2.1 Deputy J.A. Hilton of St. Helier (Assistant Minister for Housing:

If I can just respond? Senator Le Main is not present in the Chamber because he is at a funeral at the present time. We are just trying to understand the reasoning behind why the 17th April is not going to be possible to debate the Social Housing Property Plan. The Panel concerned have been in receipt of the Property Plan since before Christmas. It does involve a large number of people. We have already had 200 people who have registered an interest in wishing to participate in shared equity and, also, all those people who will be affected by the delay in the refurbishment of their homes. So, really, the Minister and I are really just trying to understand how long the Scrutiny Panel believe that they need to scrutinise this properly. I repeat the request of my Minister, in that we are more than happy to attend on the Scrutiny Panel tomorrow lunchtime, because I understand they are meeting. So, I am just hoping that he can just tell me why he thinks it is going to be delayed past 17th April.

The Bailiff:

May I suggest that Members take advantage of the sensible suggestion of the Chairman of the Scrutiny Panel, that he will advise Members why he thinks that the matter ought not to be debated on the 17th? It will remain on the Order Paper listed for 17th April at the moment, but it can be brought up again at the next meeting of the States.

13.2.2 Deputy S. Power:

For the sake of clarification, Members might be interested to know that, like Deputy Breckon said, it is the most significant policy document that the Housing Department have brought out in

probably 40 years. The Health, Social Security and Housing Panel did not come into existence until the last States sitting of 2006. The sub-panel that has just been formed to review this housing document was formed less than 2 weeks ago. We have had one meeting and we have another meeting tomorrow, as Deputy Hilton has referred to. Because it is such a significant document, because it affects 800 properties, the lives of thousands of people and about £300 million, I think it would be folly for the Scrutiny Panel to not exercise due diligence on scrutinising this report. While the Housing Minister and the Assistant Housing Minister may be uncomfortable with 17th April, I feel that it is slightly more prudent to have this date withdrawn. Thank you, Sir.

13.3 Deputy G.P. Southern:

If I may briefly refer to the 13th March meeting? I have today lodged 2 standalone propositions; “Minimum wage level” and “Minimum wage: youth rate” - P.23 and P.25. They refer to issues addressed in the “Draft Employment (Minimum Wage) (Amendment No. 2) (Jersey) Regulations 200” - P.14/2007. But because the actual core of the amendment is contained in an Order, they cannot be addressed other than in these 2 standalone propositions. I would respectfully ask that in order to get a logical sequence of debate on the 13th, that “Minimum wage level” - P.23 - and “Minimum wage: youth rate” - P.25 - be taken before the Social Security - P.14/2007 - amendment. It will make a logical debate to address the minimum wage level and the way in which it is introduced and the youth rate principle, before we adopt a youth rate.

The Bailiff:

Very well, those matters will be moved in advance of Projet 14.

13.4 Deputy R.G. Le Hérisier:

I was just going to ask, Sir, if we could prevail upon Deputy Southern. We are discussing P.4 - “Electoral Reform.” Are we not in danger, Sir, of having *ad hoc* debates when the P.P.C. is trying to consolidate the debate on electoral and compositional reform? Not only are we discussing P.4 next time, but a few weeks down the road we are then discussing a very similar proposition from Deputy Le Claire, again on the lowering of the voting age, and are we not going off on *ad hoc* debates where we are due to have the big debate, hopefully, at the next sitting?

13.4.1 Senator M.E. Vibert:

It was on the same issue as Deputy Le Hérisier raised, and to say that P.P.C. has been consulting and the Youth Council is trying to get the youth’s views on this, and a number of schools have expressed an interest and there has been at least one debate attended by States Members giving their views on this, so that young people who would be affected by this can give their views. I think it would be better for the States to be fully informed with having this debate, rather than rush it ahead. It certainly will not be coming in until 2008, so I would ask Deputy Southern if he would allow more time for consultation to take place, so that we can have an orderly debate when we take all these things together?

13.4.2 Deputy G.P. Southern:

If I may. Yes, I am aware that I did include, in electoral reform measures, lowering the age to 17. That is an issue that I think we have to get on with before 2008. My worry is that with the system that is envisaged coming out of P.P.C., we may not hit the marks which enable the Law change which this requires, to be through and ready for a 2008 election. I have got a particular problem because the other points that are attached to the electoral reform, I believe, stand in their own right and must be debated soon to get the principles right and to give a steer, absolutely, to P.P.C.

13.4.3 Deputy P.V.F. Le Claire:

I have already spoken with the Minister for Education in relation to the proposition that I have in reducing the age to 16 for the electoral list. I am going to be speaking with the Minister in relation to going around the schools and speaking with the Youth Council, so that I can take a good view

from the youths themselves. But I would just say, Sir, that while there are many issues to be discussed in relation to the composition of the States and, most importantly - as we have found in the last time we looked at this; we have looked at this many times - one of the most important things to take into account is the timetable, as pointed out by Deputy Southern. Whether or not something is agreed in time, it can be agreed upon and set down in law with that effect to take place. Hopefully that will take place. But I would point out, Sir, that if there is a reduction - if the States agree on a reduction of the voting age and then if we subsequently move to put these changes in a referendum - people who are entitled to vote in a referendum are those people that are included on an electoral list. So all of these factors will have to be included. As for my actual actions, Sir, I am going to be in consultation with the Minister for Education and take it from there. But I would point out while we are speaking about this that any referendum that subsequently comes about, if we have already agreed to include these people on a list, it would seem that we are putting the cart before the horse if we agree that they can take part in an election but they cannot take part in a referendum.

The Bailiff:

Well, are Members content?

13.4.4 Senator M.E. Vibert:

Can I formally propose - as I understand, Deputy Southern is not prepared to withdraw or put it off unless he has had his 3 strikes - to now propose that P.4 move to 27th March, which is the same date as I understand it the other propositions regarding the voting age are set down?

The Bailiff:

Very well. Is that seconded? **[Seconded]** Is there anything more, Deputy Southern?

13.4.5 Deputy G.P. Southern:

No, Sir, except to say that the other measures contained in the electoral reform P.4 are equally as important as the issue of lowering the voting age. In particular, I talk about a June election, moving the date. If we are to move to a summer election or a spring election in 2008, that makes the timescale even tighter. I think it is absolutely vital that we debate this. I do not wish to have it put off until 27th March. Much rather I would have Deputy Le Claire's motion moved forward rather than backwards. We are in danger of putting lots off and missing deadlines, which are absolutely vital to electoral reform on the Island in time for 2008.

The Bailiff:

Well, I put the proposition. Those Members in favour of moving Projet 4 to 27th March kindly show. **[Laughter]** **[Aside]** Those against? Well, Projet 4 is moved to 27th March.

The Bailiff:

Subject to those amendments, are members therefore content with the arrangements for public business?

ADJOURNMENT

The Bailiff:

Very well, that concludes the meeting. We stand adjourned until 27th February 2007.