

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 15th MAY 2007

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

QUESTIONS

1. Written Questions

1.1 DEPUTY P.V.F. LE CLAIRE OF ST. HELIER OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE INCLUSION OF UNELECTED MEMBERS OF THE STATES IN REFORM PROPOSALS:

Question

- (a) Has the Committee considered the position of the unelected members of the States as part of the reform proposals and, if so, on how many occasions?
- (b) What possible proposals for change, if any, have been discussed by the Committee?
- (c) Have any background papers relating to the position of the un-elected members of the States been prepared and if so when will these papers be circulated to members for consultation?

Answer

- (a) The present Privileges and Procedures Committee has only considered the position of the unelected members of the States on one occasion since it was appointed in December 2005. On that occasion the Committee agreed that the position of the unelected members was a matter that the Committee did not wish to address at the present time as the Committee's priority is to try to find an acceptable solution on the reform of the composition and election of the States in relation to the elected members.

The Committee's view is that any attempt to consider the position of the unelected members during the on-going process of seeking to reform the overall composition of the Assembly would merely complicate an already difficult issue when there is no evidence of any significant public or political pressure to change the current rôle of these members. The Committee is therefore concentrating its efforts on the position of the elected members and, notwithstanding the outcome of the debates at the last meeting, will be publishing a further report on that matter in the near future.

Any investigation into the position of the unelected members, namely the Bailiff, His Excellency the Lieutenant Governor, the Attorney General, the Solicitor General and the Dean, would raise very fundamental issues relating to the Island's constitution and relationship with the Crown. All of these offices have a long historical significance for Jersey and even small changes to part of the rôle of these members could have wide ramifications. Although PPC has not ruled out the possible need for a review in due course any such review would need to be undertaken with great care and could not be undertaken by the Committee alone. It is probable that the most appropriate way to undertake a review would be establish some form of independent review body with appropriately qualified members.

- (b) and (c)

As stated above there are no current proposals relating to the unelected members and, as a result, no papers have been prepared.

1.2 DEPUTY J.B. FOX OF ST. HELIER OF THE CHIEF MINISTER REGARDING SUCCESSION PLANNING FOR SENIOR POSTS WITHIN THE PUBLIC SECTOR:

Question

Would the Chief Minister advise the Assembly -

- (a) how many departmental heads and other senior posts have been appointed from outside of the Island during the last ten years?
- (b) whether improved succession planning and training measures have been implemented to enhance opportunities for local candidates and increase the Island's ability to provide its own locally trained workforce, of equal professional calibre, skills and experience that would otherwise be obtained through recruitment from outside the Island?

Answer

- (a) This information will take some time to prepare, as departments will need to check through their records covering an extended period, and I regret that it has not been possible to supply this information in the time available. I will provide this information at the next States sitting.
- (b) I am pleased to advise the Deputy that several important steps have been taken to bring about improved succession planning by way of training and development initiatives, which in turn, will enhance opportunities for local candidates. These include the following measures -
 - A **'Modern Manager Programme'**, launched in 2006, which has been specifically designed to provide middle managers across the States of Jersey with a wide range of management skills that will equip them to work successfully in today's States organisation but will also assist them to respond successfully to challenges in the future. This is an 18-month programme with accreditation to a professional management qualification. Almost one hundred managers have embarked on the Programme since its introduction, and it is already proving effective in developing skills and competencies and providing an opportunity for a wide range of managers to work together and share knowledge and experience. The first programme commenced in September 2006 and a second in March 2007, and further programmes will be run over the next couple of years.
 - A **'Future Leaders' programme** is to be launched later this year. This programme has been designed for a small group of up to 12 high potential people from across the organisation, who have the potential to aspire to take on senior manager and Chief Officer roles in the future. The Programme will focus on developing skills in leadership, strategic and business planning, performance management etc. A suitable provider for this Programme is currently being identified from the top ranking business schools in the UK.
 - **Succession planning:** The States organisation is committed to succession planning. In support of this, it is working to enhance performance management and provide a wide range of learning and development opportunities, including secondment, coaching, mentoring from experienced senior managers, and providing opportunities for working in multi-disciplinary groups on projects when there is a clearly-identified business need. In developing the skills and experience of staff in the public sector, it hopes to minimise recruitment from outside the Island, as well as motivating staff to develop their careers and perform to their full potential.

The aim of the succession planning policy is to develop our workforce so that we have a pool of potential successors who are in a strong position to apply for senior positions within the public service when they arise.

1.3 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING A RESPONSE TO THE SCRUTINY REPORT SR1/2007 RELATING TO THE CLOSURE OF WARDS AT OVERDALE:

Question

When will the Minister's response to the Scrutiny Report entitled 'Overdale - the closure of Leoville and McKinstry wards' be published?

Answer

The Minister is currently recovering from surgery and will lodge his response to the Overdale report following his period of recuperation.

1.4 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING THE ELECTORAL REGISTER:

Question

Is the Comité satisfied that the current electoral register is a 'rolling register' and, if not, will the Comité be proposing any reforms in conjunction with the Privileges and Procedures Committee?

Answer

The electoral register is prepared in accordance with the Public Elections (Jersey) Law 2002 and the Comité is satisfied that it is a **3-year** rolling register.

Article 6(1) provides that a register should be prepared "*...for 1st July 2006 and for 1st July in every third year after that ...*".

A new register is therefore started every third year and, for the 3-year period, is a rolling register with names added and deleted as a person becomes, or ceases to be, entitled to have his/her name included on the electoral register.

A person is entitled on a particular day to have his name included on the electoral register for an electoral district if on that day the person is –

- (a) at least 18 years old;
- (b) is ordinarily resident in that district and
- (c) has been -
 - (i) ordinarily resident in Jersey for the period of at least 2 years up to and including that day; or

- (ii) ordinarily resident in Jersey for a period of at least 6 months up to and including that day, as well as having been ordinarily resident in Jersey at any time for an additional period of, or for additional periods that total, at least 5 years.

The information is updated throughout the year as information is received that a person has reached 18 years of age, moved address or satisfies the residence criteria.

An annual check of the information is also undertaken. A statement is sent each year to every unit of dwelling accommodation setting out the names of the persons, if any, whose names are included on the registers. These statements must be checked, corrected if necessary, signed and returned to the Connétable of the parish. The registers are updated with this information. A letter will be sent to every person who does not return a statement, or subsequent reminders, advising that their name will be omitted from the register if they are no longer ordinarily resident in the district.

1.5 DEPUTY R.G. LE HÉRISSIER OF THE CHIEF MINISTER REGARDING THE APPOINTMENT OF CANDIDATES TO SENIOR PUBLIC SECTOR POSTS:

Question

Would the Chief Minister inform members whether all senior positions in the public sector are open to both local and U.K. candidates?

Answer

There is a strong preference for making local appointments to senior positions, but where the post requires specialist experience and it is considered that a suitable appointment may not be made from local applicants then an advertisement may also be placed outside the Island.

In developing the workforce, the States has made a commitment to succession planning, training and development, and further information about these initiatives is given in my answer to Deputy Ben Fox, which has also been tabled for 15th May.

1.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING EFFICIENCY SAVINGS AND HIS DEPARTMENT'S MAINTENANCE BUDGET:

Question

- (a) Will the Minister inform members what is meant by 'favourable variance in staff costs' contained in his written answer on 1st May 2007?
- (b) Will the minister explain why he has further reduced his maintenance budget by £190,000 when, by his own admission, much of the housing stock remains in need of repair?

Answer

- (a) 'Favourable variance in staff costs' are savings accrued as a result of staff vacancies. When staff leave the Department, the recruitment of a replacement can take some time. During this period salary payments cease, which results in a saving.

- (b) 80 per cent of the stock is not in need of repair. The reduction in expenditure of £190,000 relates to a decision made in 2005 for implementation in 2006, as part of required service cuts. It was a ‘one-off’ payment. Since that time the Housing Department has brought forward proposals in the Social Housing Property Plan to address a number of issues, including maintenance funding.

1.7 DEPUTY G.P.SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING EFFICIENCY SAVINGS:

Question

- (a) Will the Minister explain what is meant by ‘calculating staff vacancy factors and reallocating’ contained in his answer of 1st May 2007 relating to cuts required to meet the £698,000 cost of staff pay awards?
- (b) Will he inform members what non staff costs have been reduced in each primary and secondary school and which areas had already been subject to the £350,000 efficiency savings?
- (c) Can the Minister inform members of the average life of a paperback compared to hardback book in library use and advise the Assembly whether the replacement of hardback books with paperbacks will increase replacement costs in the future?

Answer

- (a) The full sentence from which the quotation is taken reads: “This was achieved by reducing non staff costs, calculating staff vacancy factors and reallocating to meet the pay award shortfall”. To achieve savings, staff changes were reviewed and the effect of keeping some posts vacant for a longer period than would normally be the case was calculated. Where it was possible to keep posts unoccupied, budgets were reduced to reflect the saving and the associated funding used to reduce the shortfall in the budget resulting from the pay award. “Reallocating” refers to the transfer of budgets between budget headings in order to meet the expected costs of the pay award.
- (b) The Department does not yet have a breakdown of what measures schools will adopt to minimise the impact of the pay awards on their year end position. Schools operate under a Delegated Financial Management which allows them to carry forward surpluses and deficits from one year to the next and some are using this facility to manage the shortfall over a longer period of time.

The efficiency savings have primarily been met by withholding non-staff inflation and have affected all areas of the service. Some areas have also taken specific cuts as reported in the response to the question tabled for Tuesday 1st May.

- (c) In recent years, it has been the library policy to adjust the balance of paperback to hardback purchases. This approach was approved as part of the Library Improvement Plan published in 2005.

This trend is in response to a range of factors:

- Customer demand: paperbacks are very popular with many readers; they are attractive, light and easy to carry.

- Some titles are published in paperback only.
- Paperbacks are cheaper.

However, bestselling titles continue to be purchased in hardback and additional copies are purchased when the paperback edition is published.

The main change in the last two years has been the purchase of a greater proportion of adult fiction in paperback format. This allows the Library Service to offer a wide range of titles, including multiple copies of very popular titles, and constantly to refresh the shelf stock.

- The average price of hardback fiction purchases in the last 12 months was £12.62 compared to the average paperback price of £5.23.
- The average price of hardback non fiction purchases in the last 12 months was £20.45 compared to the average paperback price of £10.04.

Average life of library books

The average life of each library book depends on a range of factors and, for the bulk of expenditure, is most usefully measured in terms of number of loans, rather than years:

- The minimum expectation for all titles purchased for the library is between 20 – 30 loans. Many popular titles, both fiction and non fiction, exceed this.
- Examination of a random sample of popular paperbacks indicates that a paperback novel can easily achieve in excess of 20 loans. At an average price of £5.23, this represents very good value for money.
- Some very popular fiction titles achieve many loans in a short time and are replaced within 18 months, whether paperback or hardback.
- Some non fiction titles will be removed from the shelves after two or three years with fewer loans because a new edition has been published.
- Key works, classics and local material are purchased with the intention of them being retained in stock and permanently available. This may be in hardback or paperback format depending on availability and the anticipated number of loans. For these purposes rebinding is possible for both paperback and hardback editions and represents good value.

Replacement costs.

Book stock for the library largely consists of the purchase of new titles rather than replacement of existing titles. It is not expected that the move towards the purchase of a greater number of paperbacks will increase the replacement costs in future years.

Replacement titles are purchased as required but these do not form a significant proportion of annual expenditure.

The Library Service aims to maintain a current, clean, and attractive stock on the open shelves.

Books are withdrawn from the shelves as part of a regular programme of stock maintenance according to criteria set out in the library stock management procedures.

In addition to the condition, criteria for withdrawal from the open shelves include the currency of information for non fiction titles and popularity of the author/title for fiction titles.

Some material withdrawn from the open shelves is retained in a 'reserve stock' area. These titles can be identified on the library catalogue and are available on request.

2. Oral Questions

2.1 Deputy P.V.F. Le Claire of St. Helier of the Minister for Social Security regarding the criteria for receiving rent subsidy and rent rebate under the new Income Support system:

May I ask the Minister for Social Security if the Minister would inform Members what the criteria for receiving payments to replace rent subsidy and rent rebate will be under the new Low Income Support system and at what stage will existing claimants who might no longer be eligible be informed before the current system ends?

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

When the States approved the main Income Support Law we agreed to 3 basic criteria: residence, work and income. The detail of these eligibility criteria will be debated by the States in September and I will be proposing that claimants should be resident for 5 years; adults in the household must work, if possible; and the income of the household is below the levels set by the components in the Regulations. These criteria differ from the existing rental subsidy system. The existing claimants can only be informed of the effects on their current benefits once the Regulations and Orders detailing the systems are approved by the States. Existing claimants will be written to individually soon after the debate and will also be informed of any additional payments which may protect their existing benefits.

2.1.1 Deputy P.V.F. Le Claire:

The Regulations have to come before the Assembly, I understand, but in trying to flag this issue - which is a major issue in relation to the ability for Islanders to afford the accommodation in the future - is the Minister able to answer whether he is saying that there will no longer be a requirement for those people to be 21 years of age and that there will only be a consideration that they have been resident for 5 years before that eligibility of rent abatement will fall into their overall assessment? May I also tag on to that question, although it is hard to say precisely, surely the department must have an indication at this time as to how many people will be losing rent rebate and what impact that will be having?

Senator P.F. Routier:

Several questions rolled up into the one there. The States will be debating the Regulations and it will not be until that time that we will be able to definitely say what exactly the criteria will be because amendments may come from other Members within the House. As I said in my opening response, I will be proposing that people will be able to claim Income Support after being in the Island for 5 years. But with regard to the remaining parts of the Regulations, we are looking at that still and working closely with other people and we will be lodging the Regulations in July. It will be for the States to decide on whether they approve of those Regulations or not. We will only be able to inform the public and claimants with certainty once that debate has been had.

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

I am glad that the Minister has clarified that. Could he also clarify - because there seems to be some confusion; not on my part; I think I understand - 5 years for claiming any benefit, but if you leave the Island in 5 years, whether you are Jersey born, you have Jersey children, you have been

here maybe 30 years, if you leave for more than 5 years, is it not true, Sir, that the claimant will then have to do another 5 years before they have any help? That includes any form of rent rebate which they do get now. I do know families, Sir, that have to leave with full intentions of staying away. Some catastrophe happens. They want to come back to their Island and family, and they are given help, maybe through housing and rebate. This is going to cease under the new system. It may be discretionary, but under the Law it is going to cease.

Senator P.F. Routier:

The principles we have been working on - that people need to be on the Island and having contributed for the previous 5 years - is something which is being consulted upon, and with the public, quite widely in the building up of these Regulations. We are proposing to put in a provision that if people do leave the Island for a period, for a year for instance, they would need to be back in a year before they could claim Income Support again. But the Deputy does highlight a problem when she does suggest that once somebody has left for 5 years they would have to be back on the Island for 5 years to claim rent rebate. That is what is being proposed and it will be a decision this House will have to confirm whether they approve of that or not, but that certainly is the recommendation that has come from the consultation which we have had from a number of people.

2.1.3 Deputy A. Breckon of St. Saviour:

Could I ask the Minister if he can confirm that residents will qualify for rent subsidy after 5 years residency?

Senator P.F. Routier:

The whole of Income Support is not just about rent subsidy. Income Support covers various components, whether it be rental, living allowances, carers allowance and all the various components. The proposal we are putting forward is that people be in the Island for 5 years and they would be able to claim Income Support package, and that would include all of the components. It is recognised that the housing benefit currently is only claimable from 12 years when people have qualifications. A calculation has been made with the help of the Statistics Unit and others to ensure that if we do bring this forward - which we will be proposing - that it is affordable. We recognise from the calculations we have done, it will be affordable because the majority of the people who are in that bracket from 12 years to 5 years are either working within the Island currently and are coping with their circumstances. We believe that it is only right and proper that people who have contributed to this Island for at least 5 years do have the ability to be supported if they do fall on hard times. It is a matter of principle, really. How long should people be on the Island before they can claim?

Deputy G.P. Southern of St. Helier:

Will the Minister inform Members of the real reasons underlying his delay in bringing forward Income Support Regulations and state whether that delay has anything to do with problems in processing the 26-page Income Support application forms in time for August? Secondly, will he inform Members today when he will produce for the Income Support Sub-Panel definitive Regulations that we can seriously scrutinise? At the moment, even with the delay, he is unlikely to achieve proper scrutiny.

The Deputy Bailiff:

I think, Deputy, that is a little too far away from the original subject matter of the question. Deputy Le Hérisier.

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

With the Minister having been passing the parcel for 2 major budgets of the States - supplementation and rent rebate - would he not acknowledge, Sir, that the real problem is he is

facing enormous budgetary pressure and, having expanded the eligibility criteria, he is going to have to spread the money much more thinly and, as a result, he will have to reduce the amount of rent rebate given to each individual?

Senator P.F. Routier:

The Deputy has unfortunately got the wrong impression of what Income Support is going to do. What it is going to do is to redirect funds which are currently being paid to people on higher incomes. It will provide perhaps even a greater level of support to people on lower incomes. That is what is going to happen. The whole principle of Income Support is that the budget - it talks about budget pressures - is known. We have the existing budgets from the Housing Department, from the Parish Welfare. The States are already paying for Parish Welfare; our social security benefits; all those benefits are all being rolled into one budget and the system which is coming forward was from a clean sheet of paper, a new system which is being brought forward which will ensure that those who are most in need will receive the support they need. It will, as we all know, redirect funds which have currently been identified. But this House has been complaining about the generosity of the housing benefit system and to some people who are at the top end of the earnings scale, and that will be redirected. It will also redirect money for people who receive Disabled Transport Allowance. That will happen. That is what I have been asked to do by this House and I would be disappointed if Members are now going to say: "Do not redirect Disabled Transport Allowance and do not redirect generosity in the housing benefit." I hope that Members will, when we come forward with the exact proposition, be able to support it.

2.1.5 Deputy R.G. Le Hérisier:

Just a supplementary, Sir, if I may. Could the Minister tell us then, Sir, how does he intend to reduce the apparent inflationary impact of the rent rebate system?

Senator P.F. Routier:

The Deputy does not seem to understand what Income Support is going to do. The rentals are going to be charged by landlords. Landlords will be wanting to charge whatever rent they can but the Income Support system will have to support people to what the Income Support system can afford. That will be the break. We will be working on a similar system to the fair rental system which has been established and we will have to monitor that very carefully. The Income Support system will only be able to pay the amount of rent that it can afford. It will not be able to react to the demands of landlords. We will have to ensure that the rents that we pay - the subsidies we give - are what we can afford.

2.1.6 Deputy J.A. Martin:

I am glad to come in there, Sir. When the Minister accuses other Deputies and Members of the House that they do not understand Income Support, Sir, it rests on the Minister's head. I have been asking him as Chairman of the Sub-Panel to advertise this clearly for members of the public, let alone Members of this Chamber. If Members of the Chamber do not know what is going to be laid before them and quite clearly fundamental changes, how are members of the public? When will the Minister start advertising this in plain English and to take leadership of this new fundamental change? Secondly, Sir, on the inflation...

The Deputy Bailiff:

I think only one question.

Senator P.F. Routier:

I really thank the Deputy for that question because I would like the opportunity to confirm what is going to happen. The timetable, as I announced last Friday - it was after a meeting with the Council of Ministers - we agreed that it would be very useful to put back the introduction to early

2008, in January. That will be the introduction of Income Support. We recognise it is important to communicate with people and that is what we will be doing in this timescale. The view that I have - and it is shared by other Ministers - is that we should make full use of this time and that is exactly what we will do. So, I will be lodging Regulations which will be shared with Scrutiny as soon as we possibly can. It will be lodged in July for a debate in September, and existing claimants will obviously be notified straight after that debate. There will be about 3 months before the payments will be made in January. There is sufficient time there to communicate with not only States Members but the public and existing claimants, and it is going to be... the Deputy is shaking her head, but I believe that that timescale is appropriate and we are very fortunate because the original timescale was set because of the introduction of G.S.T. (Goods and Services Tax) in January. That is why we now have the time to enable us to communicate with everybody in a longer period, and that is what we are going to do. I believe the timescale we have now set is going to be appropriate and we will be able to bring forward Income Support in a smooth and orderly fashion.

The Deputy Bailiff:

Final question, Deputy Le Claire.

2.1.7 Deputy P.V.F. Le Claire:

It is difficult to get a final question when there are so many questions. As succinctly as I can put it, people in Jersey who are receiving rent rebates are considerably concerned that they will fall away from that subsidy for their high rental responsibilities. Can the Minister, therefore, begin a process of assuring us and them that they will be looked after and, in particular, can he tell us today what he envisages as the maximum level of income a family can receive before it is entitled to low income support?

Senator P.F. Routier:

Two things there, Sir: people who are receiving existing benefits who will be assessed under the new system of receiving a lower benefit, the States have already agreed and put £20 million aside to protect those people in a transition payment. They will be protected for a number of years, which this House will decide when we decide on the Regulations and transition amounts. They will be protected. They are not going to have money taken away from them overnight. It will be over a phased period and they will be informed of that as soon as this House has decided on the transition arrangements which will be coming for debate here. The Deputy asks about the maximum amount of income people will need to have to qualify for rent rebate and rent subsidy. Again, he is missing the point of what Income Support will do. Income Support will top-up people's income up to a level...

Deputy P.V.F. Le Claire:

That was not my question. My question was what is the maximum amount of money a family will be able to receive before it will be qualified for low income support?

Senator P.F. Routier:

Income Support will not work that way, unfortunately. Income Support will assess people's needs or will assess their living needs, their housing needs, their care needs; all the various components which make up Income Support. If their own income does not match that, we will top it up, that is how the system will work. It is not the reverse of what the Deputy is saying. It is a totally different way of looking at supporting people. This is fully explained in the Income Support Law which the States have already approved, so I am a bit disappointed that the Deputy has not grasped that point.

2.2 Deputy G.P. Southern of the Minister for Housing regarding proposals to introduce 'baby' (j) category licences:

Would the Minister advise Members whether he has been made aware of proposals by representatives of the finance sector regarding the introduction of intermediate or so-called “baby (j)” category licences and, if so, what his understanding of such proposals is?

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

I have not been made aware of any such proposal nor request by representatives of the finance industry.

2.2.1 Deputy G.P. Southern:

That is very interesting because representatives of Jersey Finance are discussing with members of the finance sector, on very familiar terms, questions like would proposals to introduce an intermediary licence - the so-called “baby (j)” category - help your business?

The Deputy Bailiff:

What is your question, Deputy?

Deputy G.P. Southern:

How come the Minister is unaware of the proposed changes to (j) categories for which he is responsible?

Senator T.J. Le Main:

I have been made unaware because the finance industry has not approached me and once they do so then I am sure I will consider any proposal that comes forward before me. They have not approached me, so I cannot comment.

Deputy J.A. Martin:

I did have a supplementary on basic (j)s, or is that too far?

The Deputy Bailiff:

No, it is very hard to see how any supplementaries could arise out of the questions and answers which are given so far. So, we come next to a question which Deputy Southern will ask the Minister for Economic Development.

2.3 Deputy G.P. Southern of the Minister for Economic Development regarding progress made at Jersey Airport to resolve cash flow issues and to achieve staff savings:

[Aside] Will the Minister inform Members what progress has been made at Jersey Airport to convert States funding into a loan scheme to resolve cash flow issues and to achieve the £1.65 million savings in staff?

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

Can I ask my Assistant Minister Deputy Mclean to be rapporteur for this item as he has official responsibility for the harbours and airports?

The Deputy Bailiff:

Very well. Deputy?

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

I am pleased to report that there has been progress regarding the matter of converting States belowground funding into a loan. The intention is that the loan will fund capital works for the replacement and refurbishment of essential infrastructure. The airport is proposing that the funding of the £2.84 million per annum previously agreed by the States for belowground works is used to

meet the annual payment on a loan. This loan would allow the airport to meet its other significant capital commitments without the trading fund falling into deficit. Constructive discussions are currently ongoing with the Treasury as to the mechanism and basis upon which such a loan could be established. The airport believes that it is essential that the loan is established during this financial year as it is already front-funding the belowground works, such as the recently completed north apron. The Treasury is aware of the urgency of the matter.

Deputy G.P. Southern:

Would the Assistant Minister kindly answer the second half of the question: what about staffing cuts?

Deputy A.J.H. Maclean:

The loan would be for essential capital expenditure only and would not be used for revenue issues. The future direction strategy that I announced last November lays the framework for broad and necessary changes at the airport to make it more efficient and financially viable. Part of that strategy considers staff savings. As previously stated, any staff savings will be achieved within the States human resources policies and, as described in the strategy, be undertaken solely by a voluntary basis.

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

I wonder if the Assistant Minister would some time in the near future make available to Members this loan strategy so we are aware of what the Island might be looking forwards to in the future.

Deputy A.J.H. Maclean:

The loan was agreed - the belowground works were agreed - by the States in 2002 under P.198/2002. I think that was fairly clear. In terms of the strategy of the airport, the airport currently has 2 loans outstanding: one for the departures hall and one for the alpha taxiway. The intention is that the interest on the agreed belowground works would be used to support the loan purely for essential capital infrastructure works. But the final details I am more than happy to make available in due course for the Deputy.

2.3.2 Deputy P.V.F. Le Claire:

I am a bit reluctant to ask because the Minister previously was quite right; I have not grasped what the issues are. I have not grasped the issue on this either, I am afraid. Could I ask who is funding the loans and where the loans are being sought from for funding? Are they being sought from within the States themselves? I have not grasped this and I do not know whether or not we are looking outside into the private sector.

Deputy A.J.H. Maclean:

As I was saying a moment ago, the States agreed in 2002 to provide the airport with £2.84 million per year. This agreement is renewable annually. It is attached to the 3-year capital programme and the intention is rather than to add the £2.84 million per year, it is more sensible to capitalise into a loan. There is approximately £50-60 million of essential infrastructure work needed at the airport. A loan is a far more competitive and sensible way in which to fund such works. The funding itself would be sought from the most competitive source.

2.3.3 Deputy P.V.F. Le Claire:

Would surely not the most competitive source be the States' own funds themselves, as we can offer a zero-rated loan payable back from perhaps a strategic reserve? I am sure we do not want to end up in the same position that the Opera House finds itself in: having to service an extremely expensive loan.

Deputy A.J.H. Maclean:

That is part of the ongoing discussions as to where the most competitive place to get the loan from is, and of course the Treasury Minister will have a great deal to say, I am sure, on the matter. We want it to be the most competitive obviously for the airport and for the States as a whole.

2.3.4 Deputy G.P. Southern:

Will the Assistant Minister inform Members whether such a major decision will come back to the floor of the States before being carried out? Secondly, when will he report to the States on what areas of staffing at the airport are being considered for any cuts?

Deputy A.J.H. Maclean:

As far as the funding is concerned, the funding has already been agreed as belowground works. If this is transferred into a loan, there is no need, as far as I am aware, to come back to the States in order to seek further assurances. It is a matter that has already been discussed. I am advised by the airport management that specific consideration of staff savings is under active review as I speak and that draft recommendations will be available during the third quarter of this year.

2.3.5 Deputy G.P. Southern:

A supplementary, if I may, Sir. Is the Assistant Minister saying that all decisions have been made previously and that there is no need to bring this matter to the House? Surely there is about to be a change in that the £2.84 million which has been agreed will be now used to fund a substantial loan. Is that not the case, and should that not come back to this House?

Deputy A.J.H. Maclean:

I have to say that I am slightly disappointed with Deputy Southern. Very recently we had cause to engage with the Economic Affairs Scrutiny Panel. We arranged for Vector to come over to the Island at great expense. We had the Chief Executive of Economic Development. We had the Airport Director and the Finance Director. We gave a presentation to the Economic Affairs Scrutiny Panel with regard to all these matters, and sadly Deputy Southern was unavailable to be at that particular presentation. Many of these matters were discussed and covered and I really feel that if he had been available we could have covered it at that particular point and certainly his Scrutiny Panel Members are well aware of the position as it stands.

2.3.6 Deputy G.P. Southern:

If I may; it is a final supplementary. Nonetheless, the Assistant Minister has not answered my questions and the fact is that the notes that I have from that meeting are vague and these are follow-up questions to clarify what was stated at that meeting. Just to ask the question: will this major change in funding come back to this House?

Deputy A.J.H. Maclean:

The agreed £2.84 million for belowground works has already been agreed. It is annually renewable and I think that probably answers the Deputy's question.

2.4 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding measures to achieve greater voter turnout:

What measures, if any, does the Committee intend to promote to achieve greater voter turnout?

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

Deputy Le Hérissier is very aware that as a former President of P.P.C. (Privileges and Procedures Committee) there is no magic formula that will increase voter turnout. The present Committee is nevertheless committed to look at measures that might achieve that objective. We have already

stated in our first consultative paper - P.97/2006 - that we were extremely concerned with the current low turnout in elections for the States. It was felt that the general election of all States Members on one day would, over a relatively short period, raise awareness and interest. The previous Committee did run a campaign, firstly to encourage registration, and immediately afterwards to encourage those who had registered to vote. Although this did achieve an increase in those registered which also saw more people going to cast their vote, it did not increase the percentage of the electorate voting. I would hope that P.P.C. would run a similar campaign next year with better results. The former Committee also made it easier to cast a vote by post and it is our intention to improve this further when we lodge a proposition later this year. Online voting has been suggested in the past and it might be a way forward in the future. The system has been introduced in the U.K. (United Kingdom) but doubts have been raised over security and the possibility of fraud. It is possibly too soon to go along this path but one that should be kept under review. I would like to see greater voter turnout but I am not convinced that this can be achieved by tinkering. What is needed is a major issue or issues that engage the public and make them determined to impose their will on the Assembly by voting in Members who support them. Fortunately that is outside the Committee's remit.

2.4.1 Deputy R.G. Le Hérissier:

Would the Chairman acknowledge that reform is needed of the rolling register which seems to be rolling to an end at the end of every year as opposed to rolling ever onwards as was, I thought, the original intention?

The Connétable of St. Clement:

I think that really is a question - because that is not really in our province - to the Chairman of the Comité des Connétables.

2.4.2 Senator P.F.C. Ozouf:

Would the Chairman agree with me that there are very clear concerns about abuse potentially with postal voting and not only on-line retailing? Will he commit to bringing this to this Assembly to further strengthen safeguards against postal voting? Would he also consider 2 other things and that is...

The Deputy Bailiff:

Let him just deal with one question.

The Connétable of St. Clement:

Yes, I would agree that it is essential that postal voting is safeguarded and that it is properly conducted.

2.4.3 Senator P.F.C. Ozouf:

Secondly, Sir, would he agree with me also that one thing that might be considered in terms of engaging the public and informing them of their right to vote would be the issuing of a poll card prior to each Senatorial election and each Deputorial election, giving a clear statement of where they can vote, what they can vote for and what times for voting stations, *et cetera*?

The Connétable of St. Clement:

Yes, I fully support that, Sir. I think a polling card is an essential part of the election process.

2.4.4 Deputy G.P. Southern:

Does the Chairman not agree that the maintenance of an accurate register is of vital importance to all electoral matters on the Island?

The Connétable of St. Clement:

Yes, I do agree, Sir.

2.4.5 Deputy R.G. Le Hérisssier:

The Chairman said that he did not want to tinker and he wanted, I presume, to bring a much livelier political life. Is one of the proposals he is looking at - and they now seem to be flooding in by the day - the direct election of the Chief Minister as a way of focusing attention upon policy and clear policy differences? Thank you.

The Connétable of St. Clement:

No, the Committee is not considering the direct election by the electorate of the Chief Minister.

2.4.6 Senator P.F.C. Ozouf:

I am delighted to hear the Chairman agreeing on polling cards. Would he also agree with me on the requirement potentially also of all candidates to issue a statement of the reasons why they wish to seek election - and that to be publicly funded by P.P.C. or this Assembly - in terms of communicating what candidates' policies are in turn that people may be informed about their choice?

The Connétable of St. Clement:

The Committee is certainly considering a pre-postal distribution of leaflets from each candidate.

2.5 Deputy R.G. Le Hérisssier of the Minister for Home Affairs regarding departmental policies for developing staff to assume senior positions:

Would the Minister outline the policies that are in place within Home Affairs for developing staff to assume senior positions?

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

All operational services within Home Affairs have staff developments in place so that staff can become eligible for senior positions. Individual services have different training and development needs. Moreover, ours are small specialist unitary services so consequently factors such as the age profile of senior staff and resourcing assume greater significance when assessing what can be achieved internally. But the general policies across Home Affairs can be summarised as follows: local recruitment systems for those entering our services; locally-based promotion selection and training to develop staff for more senior ranks and managerial positions; participation in management and leadership training provided by the States such as the new modern manager programme, and external courses such as N.P.Q. (National Professional Qualifications) and the U.K. command staff training. Secondments to other services in other jurisdictions, particularly police constabularies of Devon and the fire and rescue service. Identification of early potential of our staff through performance review and appraisal systems so that individual staff development plans are produced. My department, Sir, continues to encourage and support local development along the lines described so that we have a pool of potential successors in a strong position to apply for senior positions as and when they arise. Should Members prefer to have some detailed information about specific staff development programmes, Sir, I am happy to provide these by email.

2.5.1 Deputy R.G. Le Hérisssier:

Given the excellent array of programmes which the Minister has outlined, does she not think it strange that there has to be a recourse on several occasions to outside recruitment? Could she identify why there is this recourse? Is that because these programmes are, in fact, not working?

Senator W. Kinnard:

They are working very well. One of the recent significant posts was that of the superintendent in the police force, where we originally had a U.K. incumbent in the position. We held a local assessment centre with 3 local candidates with an independent assessor from the U.K. on the panel and a local appointment was made. So, I do believe that these procedures are working, Sir.

2.5.2 Deputy R.G. Le Hérisier:

Would the Minister explain then, given these very strong policies, has it been the custom, for example, in organisations like the police to go down, for example, to the sergeant level where one would have thought there were numerous and some very good candidates to recruit from outside the Island? Could she identify whether that has occurred?

Senator W. Kinnard:

No, it has not, Sir, but I have mentioned that in a small unitary service that we have in the Island, there are occasionally difficulties at certain levels of different staff development, and we have implemented a lot of new procedures and policies within Home Affairs to avoid those kind of bottlenecks that are occurring in future. But inevitably in any small specialist service you are always going to have one or 2 pressure points, but as to that Deputy's specific question, no, that is not the case.

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

Going on from that last question, the police in the U.K. have a staff college at Bramshill which specialise in advanced training for senior officers and succession planning. Perhaps the Minister could advise me whether that college is still being used and how recently have candidates been attending that college?

Senator W. Kinnard:

If the Deputy is referring to the initial training scheme that he mentioned to me in the coffee room recently, I explained that the local training is very, very successful in Jersey for the new recruits. But at the higher levels, of course, we do have our officers going off to the staff training colleges. We have progression to the most senior ranks, of course, through the senior command training course at the police staff college and we have 2 officers at the moment who are in the preliminary stages of working towards being able to make an application to the senior command course. Of course, Sir, there are other ways in which we support officers with wider U.K. experience through secondments to other police forces and, indeed, through leadership and training development programmes which are run between ourselves and also the Home Office.

2.5.4 Connétable T.J. du Feu of St. Peter:

Could the Minister inform the House the membership of the panel who recently made the appointment for the new fire chief, please?

Senator W. Kinnard:

Yes, I can, Sir. I am just checking my notes. In fact it was Mr. Mike Liston representing the Appointments Commission, the Chief Officer of Home Affairs, the Senior Human Resources Manager of Home Affairs, and the Deputy Chief Fire Officer of the Devon Fire and Rescue Service who was present for professional input.

2.5.5 Deputy J.A. Martin:

My memory might be wrong. Could the Minister confirm a few months ago the Chief of Police was asked to stay on for another 3 years? I think at the time it was reported so this would give time to train up a very excellent local candidate. Is this a foregone conclusion and is it so that we will have a local chief of police in 3 years' time?

Senator W. Kinnard:

The hope, Sir, is that that will be the case, but of course we have to be mindful of the fact that we need to prepare our candidates locally to be in a position to compete strongly with any other candidates, and I think that that is as far as one can go. It is a matter of course for the appointments panel of the day to choose the best candidate. We must ensure, though, that we have local people who can compete on an equal basis, and that indeed is what we work towards.

2.5.6 Deputy P.V.F. Le Claire:

Could I ask the Minister for the Home Affairs Department whether or not she actively takes part in these appointments, as the Minister for Health does when he interviews people, I believe? Is there any political oversight into these appointments?

Senator W. Kinnard:

It depends on the level of the appointment. In the case of second tier appointments which are not corporate management board level or chief officer level, then it would be very unusual to have a politician involved. It tends to be only at the chief officer level.

2.5.7 Deputy R.G. Le Hérisier:

Given the array of programmes the Minister has outlined, did she ask the question of why no local candidate, given the wonderful systems in place, was available to step into the fire chief's role?

Senator W. Kinnard:

There were local candidates who did compete for the role but were not, unfortunately, successful on the day.

Deputy P.V.F. Le Claire:

May I ask a supplementary because it was leading from the train of thought that has been going?

The Deputy Bailiff:

One more from you, Deputy, and then a final one from Deputy Le Hérisier.

2.5.8 Deputy P.V.F. Le Claire:

The Minister gave to us the details of who was in attendance, I believe, for the appointment of the fire chief; at least I think that is what was said. I just wondered as she has now stated that normally there would not be oversight at a secondary level, was there oversight at that level when that appointment was made?

Senator W. Kinnard:

I was not on the panel because, of course, it is the level below my Chief Officer of Home Affairs.

2.5.9 Deputy R.G. Le Hérisier:

Could the Minister outline the process - is there a process, for example, given the considerable dedication to succession planning we have heard - where initially the local field is considered and if a person is not available or not suitable from the local field, then the broader recruitment is undertaken? Because if the broader recruitment occurs at the same time, it is quite clear that most people locally are never going to succeed.

Senator W. Kinnard:

I disagree absolutely that the idea that if there is a broader level of recruiting that the local candidate is unlikely to succeed. I think that is a philosophy of despair and I think we have some excellent people in our public service. But indeed when they go on secondments elsewhere I get the word back that they are absolutely excellent candidates and very well done for what we do in

terms of providing the skills and training that we do provide for our officers in the Island. On occasion I believe there have been 2-stage processes, but advice was taken on this appointment and the selection process, as we know, is a very long one and if it had to be repeated more than once, it is likely that if there had been an unsuccessful process the first time around that we would not have been able to appoint a candidate by the time of the retirement of the current chief fire officer. That is why advice was taken on the matter.

2.6 Connétable M.K. Jackson of St. Brelade of the Minister for Economic Development regarding the Port of St. Helier stevedoring contract:

Would the Minister explain the reasons for putting the port of St. Helier stevedoring contract out to tender, and outline the ramifications to the infrastructure of the port should the contract be awarded to a different operator?

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

May I once again pass the baton to my Assistant Minister?

The Deputy Bailiff:

Yes.

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

In order to comply with the Competition Law, the J.C.R.A. (Jersey Competition Regulatory Authority) advised Jersey Harbours that the current stevedoring contract for the Port of St. Helier, which expires on 30th September 2007, should be put out to competitive tender. Jersey Harbours have, therefore, advertised both locally and nationally for expressions of interest for stevedoring services for the port and will be following a tender process concluding with a new licence which will take effect on 1st October 2007. The deadline for expressions of interest is this Friday, 18th May 2007. The current licence for stevedoring services, although not exclusive, has in practice been solely operated by George Troy & Sons who have served the Island with great commitment for many years. I, therefore, both expect and look forward to them submitting a competitive tender for the new licence. The tender award process will ensure the smooth transfer of service should a new operator successfully tender. This will ensure that the needs of the port's customers will be protected and will not result in any negative ramifications for the infrastructure of the port. The new licence will be awarded on commercial terms and in accordance with best port working practices.

2.6.1 The Connétable of St. Brelade:

Would the Minister agree, Sir, that should there be any change in usage of the existing labour force, early negotiations are paramount so that we avoid the messy fire-fighting type of confrontation that we had a fortnight ago with the harbour maintenance engineers?

Deputy A.J.H. Maclean:

Yes, I would thoroughly agree with the Constable and I have to say that we have, from a very early stage, been fully engaging with George Troy & Sons in order to ensure a very transparent and clear process throughout. I should also add that the occasion that occurred recently with the industrial action did not involve in any shape or form any staff from George Troy & Sons. They were not involved at all.

2.6.2 Deputy J.A. Martin:

The Minister has said that it has gone out nationally and in the Island for expressions of interest. He also said that the date for these expressions to end was this Friday. Could he inform the House, Sir, how many people have shown expressions of interest? How many are local and how many are from outside the Island? Obviously I do not want the names; just the numbers.

Deputy A.J.H. Maclean:

The Deputy will understand, Sir, that the expressions of interest at this stage are highly confidential. What I can say is there have been a number of expressions, although because the closing date has not been reached yet, they have not been opened so I cannot, I am afraid, give any further details. But we have had a number of expressions of interest.

2.6.3 Senator J.L. Perchard:

The Assistant Minister informed the Assembly a moment ago that the current relationship with the stevedores is not exclusive, implying that an alternative provider could work in the current regime. Is it his intention to allocate an exclusive contract to a new provider?

Deputy A.J.H. Maclean:

That, Sir, will be part of the tendering process negotiations, but it is highly likely that an exclusive arrangement will be offered for the key areas of the port, for example, the New North Quay and the Elizabeth Harbour area. But, as I say, it is really part of the commercial negotiations that will be undertaken as part of the tender process.

2.7 Deputy P.V.F. Le Claire of the Minister for Housing regarding the possible introduction of a system of rent control following the introduction of Income Support:

Would the Minister inform Members whether he is considering introducing a system of rent control following the introduction of Income Support and, if so, would he support a system similar to that adopted by Guernsey and other jurisdictions?

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

The Housing Department will continue with a fair rent system up to and until the low income scheme and proposals are implemented. By then this Assembly of Members will have been able to input on the review of social housing which has been carried out by the Cambridge Centre for Housing and Planning Research. This will start in June and will go out as a Green Paper for consultation for all. Only then, when this is complete, will we be able to identify our rent structures and I suspect at this present time any rents will be at market rents and not at 10 or 20 per cent below as at present.

2.7.1 Deputy P.V.F. Le Claire:

I am very pleased to hear that the Members of the Assembly will be able to feed into this consultation which is going to be extremely significant for the future of Jersey. Will the considerations cover the private sector as well as the public sector?

Senator T.J. Le Main:

No, Sir. What we are planning to carry out is a review of social housing which is the role of the Housing Department, housing trust subsidies and all relation to that but not involving itself in the private sector.

2.7.2 Deputy J.A. Martin:

I was going to direct this to the Minister of Social Security but I think it falls probably better with the Minister of Housing. We have heard a great deal about the new rent rebate system being paid to people of 5 years residency. Obviously these people, Sir, who will be living in unqualified accommodation... is there any intention from the Housing Department to vet any of this accommodation? Because we could be paying out hundreds of pounds for absolute squalor that we allow people to live in. I agree that we need to pay the money but who is going to vet the accommodation that the taxpayer is subsidising? To say that it is not going to be inflationary and done no research, Sir, I think the Minister needs to explain himself.

Senator T.J. Le Main:

The issue is it will be over my dead body that we are going to start employing staff looking and checking our private unqualified accommodation. We have slimmed down, as required by this Assembly and by the Council of Ministers, our operation now to a point where it is so lean that it is causing us difficulties and having some time lags in processing applications and otherwise. I have no intention, Sir, of getting involved with further staffing in either rental deposits or other things in the private sector, in the unqualified sector. For the sake of clarity, I have some great concerns over this 5 year thing. I know that my fellow Minister will probably kick me to death afterwards but I have some grave concerns.

2.7.3 Deputy J.A. Martin:

Just a supplementary to that. I now have more concerns, Sir, because the Minister of Housing has just said over his dead body we go out and look at the places people are living in that the States are subsidising. So, Sir, I do have a concern and if he is not going to do the job could he suggest who does do it because it does need doing, Sir.

Senator T.J. Le Main:

That is not my role, Sir. The role that I have got at the present time up until the low income scheme comes into being is that eventually the Housing Department will be the provider of social housing. I would suspect, Sir, that in time with the issues of the housing laws being wrapped-up in the population migration policy that there will be probably no need for a Housing Minister in time to come. But that is a view that I perhaps hold not too deeply **[Laughter]** but I know there are Members in this Assembly that feel there should be a political head in social housing in Jersey, but at the end of the day, Sir, the role of the Housing Department will solely end up being a provider of social housing and will not be involved in housing laws and any of the other issues.

2.7.4 Deputy A. Breckon:

I wonder if the Minister could confirm that the Housing Department already inspect lodging houses and the registration and regulation of those which includes inspection, they already do that?

Senator T.J. Le Main:

Yes, Sir, but it has been causing us so much difficulty that that has been slimmed-down considerably. The issue is that eventually we would rather hope that there would be no need for inspecting registered, qualified lodging accommodation but I cannot see that happening for a while yet.

2.7.5 Deputy P.V.F. Le Claire:

The Minister expressed some grave concerns in relation to the 5-year law and it is not the first time that he has mentioned these grave concerns and looked to his Minister on the opposite bench to let him know that he was expecting a kick under the table. Can the Minister explain to us exactly what those grave concerns are? And, if not now, will he shortly bring to the Assembly those grave concerns so that we can understand them?

Senator T.J. Le Main:

I think that in all fairness I have still got a fair amount of discussion to take place with the Social Security Minister, and I would not like to say anything further than that at the moment. We have arranged to meet to have further discussions but the issues are and my gut feeling is that should we go down the road of applying a housing component for those being in the Island for 60 months will, in my view, run away with public funding. I know that the Minister will say it is down to fairness, but at the end of the day I think there is a disparity between 5 years and 10 or 12 years. I believe that we could really be taken for a huge cost like the mobility allowances and other allowances that have gone out of control.

The Deputy Bailiff:

That concludes question time. We now come to questions to Ministers without notice.

3. Questions to Ministers without Notice - The Minister for Treasury and Resources**3.1 Deputy J.J. Huet of St. Helier:**

Would the Minister advise what is the States' policy for the payment of local suppliers for goods and services supplied? Because I believe historically the payment used to be within 7 working days, but I believe this must have changed because I am being informed by local companies that they are waiting 5 or more weeks for payment, which is a long time when they have to pay their bills weekly.

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

I have to admit I do not know the exact policy in terms of payment of suppliers. Normally I thought it would have been in the month following submission of their monthly statements. I agree that it is one of our targets to ensure that suppliers are promptly paid. I am not aware of any undue delays, but if the Deputy would like to give me chapter and verse I would be happy to look into it because I share her concerns that if suppliers are being unfairly delayed in payment by us it damages their prospects.

Deputy J.J. Huet:

I thank the Minister and I will do so because, as I say, I am talking about a lot of money for small people.

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

Will the Minister give an update on the progress of the share transfer legislation and is there any chance of the legislation coming to the House before the summer recess and, if not, why not?

Senator T.A. Le Sueur:

The legislation is due to come in in the Budget in December but there will in June or July be a consultation process where the draft Law will be available. It is, as I think I tried to make clear, a complicated Law and it is only right that it should go out for consultation discussion before it comes to this House for final approval. So that discussion consultation will take place in the summer in order that I can keep to the timetable of this House of having the Law in place by the end of the year.

3.2.1 The Deputy of St. Martin:

Could I just ask a supplementary? Could I ask the Minister then, if indeed the legislation does come to the House and is approved, will it have to go to Privy Council before it can then become adopted in the Island whereby possibly another 6-months delay will be incurred?

Senator T.A. Le Sueur:

Any taxation legislation normally comes into force immediately by virtue of an Acte Operatoire, so if it is passed in the Budget in December it can come into force immediately thereafter.

3.3 Senator J.L. Perchard:

Will the Minister inform the Assembly of the current position of the States of Jersey with regards to the proposed sale of the former Jersey College for Girls school?

Senator T.A. Le Sueur:

The position, Sir, is that the sale is on hold. A Scrutiny Panel has been looking at the process and activities leading up to this sale. That Panel's report is, I believe, imminent. Following their report there will be recommendations of which I shall take account and then proceed accordingly. So at the moment no further progress has been made pending receipt of that report.

3.3.1 Senator J.L. Perchard:

Supplementary: will the Minister consider re-advertising the property?

Senator T.A. Le Sueur:

I have all options open at the moment, Sir. I am doing nothing until I see the conclusions to the recommendations of that report.

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

I would like to ask the Minister a question relating to the old La Pouquelaye School. How does the Minister reconcile his desire to squeeze every last drop of money out of the school for States coffers with the stated principles of the social policy framework that was presented to States Members yesterday which talks about promoting independence, and I quote: "To develop and co-ordinate support services that helps neighbourhoods and communities build social capital."

Senator T.A. Le Sueur:

The Deputy misrepresents me. I am not anxious to squeeze every last drop out of every asset the States owns. Only yesterday I agreed to the sale of a property for social housing purposes at less than market value. What I am anxious to do is to ensure that the States gets reasonable value out of its assets. We have an asset there which is owned on behalf of the public which is there and potentially not being fully utilised at the moment which the proceeds of that could be used for other very necessary States projects. What I aim to do is to ensure that, recognising the objectives of the social policy and the needs of the community in La Pouquelaye, a deal could be arranged with the Parish of St. Helier in order that a fair price can be obtained. I believe the suggested price was unfair to the Island just as much as a full asking price might be unfair to the residents of St. Helier. With some goodwill on both sides - and I certainly have the goodwill on my side - I am going to discuss with the Constable tomorrow and his officers to see if we cannot reach an amicable settlement in the traditional way of a Jersey compromise.

3.4.1 Deputy J.A. Hilton:

Supplementary, Sir. Is the Minister able to give some indication of what exactly he is looking for and what sort of value he feels would be a fair representation?

Senator T.A. Le Sueur:

I go into negotiations with an open mind but with a clear objective that I have to do what is my duty as Treasury Minister, which is to look after the assets of the States just as much as I have a responsibility as a States Member for the people of the Island. I do not want to start giving figures any more than I am sure the Constable would want to start giving figures from his end. I want to go into discussions with an open mind and with a chance for a full but frank negotiation.

3.5 Deputy G.P. Southern:

In the light of the recent rise in Bank of England base rate and predicted further rises, will the Minister revise his predictions for R.P.I. (Retail Price Index) in the business plans currently being under consideration?

Senator T.A. Le Sueur:

Yes, Sir. The inflation assumptions in the Business Plan did assume certain increases in bank rate. If there is a further rise, as may well be, that will also be taken into account just as the last one has been. So, yes, the inflation figures are continually updated as major influences such as that do occur.

3.5.1 Deputy G.P. Southern:

Supplementary if I may, Sir? In the light of such predictions and the recent experience with R.P.I. rising to over 4 per cent causing further cuts in delivery of services, does the Minister consider that with hindsight his decision to operate without any form of contingency fund is, in fact, a mistake?

Senator T.A. Le Sueur:

The short answer is no, I do not think it is a mistake. The Deputy also assumes that the tax of 4 per cent has been cut from delivery of services; that is not necessarily the case. It is a matter which can be managed but I would remind the Deputy that this R.P.I. increase has not been totally unexpected. The bank rate increases have been widely predicted over the last 12 months or so and our projections have been adjusted accordingly. I would also remind him that our main targets for inflation is that of R.P.I.X. (R.P.I. excluding mortgage interest payments) and it is that which I am primarily interested in maintaining and controlling.

3.6 Deputy J.A. Martin:

Given that we seem to still have so many concerns about Income Support, can the Minister confirm that if this fourth target date is missed that the introduction of G.S.T. will also be put back because I think even at this timescale it will only be in at 4 months when it was guaranteed to be... Income Support to be in 6 months before G.S.T. But if this is missed will he please confirm to the House he will definitely put back the introduction of G.S.T.?

Senator T.A. Le Sueur:

Members will be aware that the early introduction of G.S.T. is crucial to maintaining our agreed policy of budgets over a 5-year period and any delay in the implementation of G.S.T. will have an adverse effect on that. For that reason I have been very anxious to ensure that Income Support is in place in advance of G.S.T. and that is why the Minister of Social Security is working very closely with me to ensure that happens. Because the implementation of G.S.T. has been delayed for a couple of months, it does give the Minister of Social Security additional breathing space which he can use to full advantage to give further explanations about income support. But my objective and that of the Minister of Social Security is to ensure that this timetable is adhered to and G.S.T. does come in on time and our budgets and our financial planning is in accordance with what we expect.

3.6.1 Deputy J.A. Martin:

Supplementary, Sir. The Minister did not answer the question. We got G.S.T. passed through this House on the definite understanding that people on low incomes would be supported. Will he put off G.S.T. if the low income support implementation date moves again?

Senator T.A. Le Sueur:

That would be a matter for the House to decide, Sir, and they will have to decide that in full, like the consequence of doing that. I believe that that is a premature question. The question really is, is this House committed to an income support system and, if it is, let us bring it in at the appropriate time in advance of G.S.T. as we have agreed.

3.7 Deputy P.V.F. Le Claire:

Is the Minister able to give directions to the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) Committee of Management in respect of ethical investing in relation to some of the investments the management is currently pursuing in relation to tobacco companies? Surely it is not an ethical investment on behalf of the Island of Jersey to invest in an expanding tobacco company which is the third world's largest tobacco producer, and is he able to give directions in that regard?

Senator T.A. Le Sueur:

I have to say I believe the answer to that question is no, Sir. The Committee of Management of P.E.C.R.S. is an independent body of quasi-trustees. They appoint investment managers and they

have an investment management brief set out. It would be for the Committee of Management themselves to decide their investment policy, including whether or not they invest in ethical investments.

3.8 Deputy P.J.D. Ryan of St. Helier:

Could the Minister detail for us the progress that he has made on the formation of the advisory committee to the States on economic and fiscal policy agreed in the Strategic Plan?

Senator T.A. Le Sueur:

That Fiscal Policy Panel is to me an integral part of our future anti-inflation strategy. I am anxious that it does come in before the end of the year. It is progressing more slowly than I would have liked to see, but it is still our hope and target to be delivered before the end of this year.

3.8.1 Deputy P.J.D. Ryan:

Is the Minister considering and should we, in fact, therefore, be considering or be planning for fiscal surpluses at this time while economic growth is at a high point with a view to increasing the size of the Stabilisation Fund, so to speak, making hay while the sun shines?

Senator T.A. Le Sueur:

I have made it clear that I believe it is the right policy that in times of economic growth like this, when there are funds available, we should add to the Stabilisation Fund or Strategic Reserve or both, that would be the subject of a proposition to the States in December, at the time of the budget, and just as last year when we proposed and agreed to transfer £10 million to that fund I would hope to be able to do a similar sort of proposal in the forthcoming debate next December.

3.9 Deputy C.F. Labey of Grouville:

Will the Minister inform the Assembly what arrangements his department is making to alleviate his discriminatory proposals to charge G.S.T. to the 2 colleges and none of the other secondary schools in the Island?

Senator T.A. Le Sueur:

I have put forward suggestions, Sir, to the Director of Education and the Minister for Education to take it up with the colleges concerned. I believe there are ways in which this problem can be resolved but that requires also the view and acceptance of those proposals by the bodies concerned. Those discussions are ongoing, Sir, although I share the Deputy's concerns that there is apparently at the moment some discrimination or some inconsistency in the treatment of those different schools.

3.10 Deputy J.J. Huet:

Mine is back to La Pouquelaye, Sir. Is the Minister aware that the community centre has been well utilised and many of our volunteers are putting in many, many hours of unpaid work? Would the Minister advise us if we could maybe come to an agreement with St. Helier - because I know we have to look after our monies - to maybe do a land swap in exchange so we could still have La Pouquelaye as a youth centre or a community centre and the Island gain money other ways?

Senator T.A. Le Sueur:

Yes, Sir. I am aware that the buildings at La Pouquelaye are being used for a variety of community purposes and very well used, too. I am more than happy to talk to the Constable about a land swap. Indeed, that was one of the proposals which I put in my comments last week and which I will be talking to the Constable about tomorrow morning.

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

Can the Minister confirm to the House as to whether he feels that the Property Services Department, which I believe is one of his charges, has an important strategic role to play and is not simply a property management agency?

Senator T.A. Le Sueur:

The objectives of the Property Services Department, or Property Holdings as it is now called, have been agreed by the States for some time. That department is still in the course of development and we have recently appointed a new chief officer to that department or that section who will be taking up post in September. His additional expertise will, I am sure, enable Property Holdings to have a wider and stronger remit because it is, as the Deputy rightly says, far more than simply a property management operation; it is a whole strategic plan for the future use of the major assets of the States and major assets owned by the people of the Island.

3.11.1 The Deputy of St. John:

Does this mean that the Property Services Department will consider strategic property purchases if appropriate and will they consider funding independent feasibility studies to ensure that such purchases are appropriate?

Senator T.A. Le Sueur:

I am always prepared to look at strategic property purchases when they are in the public interests. I find it is rather easier for the States to decide to buy more and more properties than it is for them to sell properties, and in order to buy those properties we have to have the funding to do that. That is why we need overall an agreed Property Plan, which is why we have that in each year in the Business Plan. I accept that property purchases will come up outside of that Annual Business Plan process and that requires that there is funding available to achieve that. Any individual properties, such as the Deputy might be thinking - and I am sure I can think of one he is thinking about - needs to be looked at on their own merits and if there is a case to be made, yes, then the States should certainly acquire it. But I do not want the States to simply acquire a land bank for no particular public good.

The Deputy Bailiff:

I appreciate there are at least 2 Members who still wish to ask but I am afraid the time has expired.

4. Questions to Ministers without Notice - The Chief Minister

4.1 Deputy R.G. Le Hérissier:

In the written answer to me this morning, Sir, the Chief Minister said in reference to senior appointments: "Where the person requires specialist experience and it is considered that a suitable appointment may not be made from local applicants, then an advertisement may also be placed outside the Island." Could the Chief Minister please tell us, Sir, who makes the decision that an appointment is going to be made from outside the Island?

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

If an appointment is made outside the Island it is generally speaking for a very high level job; not always because there may be positions where particular expertise - in health for example or education - is simply not available in Jersey. But generally speaking it will only be for senior appointments, and of course the decision then is taken by the interview panel advised by and assisted by and working to the rules of the Appointments Commission.

4.1.1 Deputy R.G. Le Hérissier:

Could the Chief Minister identify the role that a Minister plays in this process?

Senator F.H. Walker:

Ministers tend to play little part in the process and rightly so. That is why the States appointed the Appointments Commission to set up procedures and all senior appointments adhere rigidly to the procedures of the Appointments Commission. The Appointments Commission are directly involved in the process and there is always a member of the Appointments Commission involved in the interview panel.

4.2 Deputy J.A. Hilton:

Members were presented with this document yesterday, which was the Social Policy Framework for Jersey, and I have not had a proper opportunity to read it from cover to cover, but the question I would like to ask the Chief Minister is that this document no doubt contains words such as “inclusive”, “fair” and “equitable”. The States of Jersey is the biggest employer in the Island and the question I would like to ask is when does the Chief Minister intend to bring to the House a policy that promotes the employment of people with special needs in the States of Jersey?

Senator F.H. Walker:

I cannot give the Deputy a specific date. What I can say to her is that the Council of Ministers will be receiving a major presentation by the Director of Human Resources next month and that is one of the topics that he has been asked to address. So the Council of Ministers will be discussing it and I would hope I would be in a position to come back to this House very shortly thereafter.

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

We have heard this morning from the Treasury Minister that we have no control over the investments made into the P.E.C.R.S. I would like to ask the Chief Minister what control we have over other States investments and when will the report on ethical investments be made available to the House?

Senator F.H. Walker:

The control that I have over States investments is limited at probably nil. From a political point of view it is very much a matter for the Treasury and Resources Minister but, of course, there are some investments that come under specific funds which are administered differently, not least, for example, the Social Security Fund where there are different controls. There are trustees in place, as the Treasury and Resources Minister said, also for other funds. So far as the report on ethical investments is concerned, I still await it. I am anxious... and it is not the first time the Deputy has asked me the question. She knows that I have been attempting to get an answer to her question. I am saddened and disappointed that that has not yet come through. I will continue to apply pressure.

4.4 Deputy G.P. Southern:

At the Council of Ministers on 4th May a decision was made to further delay the Income Support Scheme. Could the Chief Minister inform Members what the major reasons were for implementing such a delay and will he state to us what minutes are available of this particular decision?

Senator F.H. Walker:

The minutes dealing with that second point: the minutes are available as always. They are standard Council of Ministers minutes and the Deputies are well aware of the rules governing those. I think the Social Security Minister has already dealt with this point. The major reason for deciding to defer the introduction was to give the Social Security Minister and his team and, more importantly, the beneficiaries of the Scheme and the public generally and, of course, not least States Members more opportunity to consider all the ramifications of what is an extremely complicated Scheme. I believe the Deputy is seeking to suggest that the Scheme was not ready to go according to the original start date; it was, and that was not the reason it was deferred. The reason it was deferred was to make use of the additional time the States now has at their disposal because of the delay of introducing G.S.T. That is the principal and, effectively, the only reason.

4.5 Deputy R.G. Le Hérisssier:

Would the Chief Minister, in elaborating upon the appointments process, say at what point a department is asked to produce a succession plan so that evidence is produced that a thorough process of development of candidates has occurred but none of those is eligible?

Senator F.H. Walker:

That will depend on the situation. It will depend on whether a retirement is known to be occurring within a certain period of time and/or depend on whether there is a sudden resignation or illness or whatever, so I cannot give a specific process there. What I can say to the Deputy is that there are robust processes in place and I would invite him to either discuss them with me or with the Director of Human Resources so that I can fully apprise him of how they are implemented.

4.5.1 Deputy R.G. Le Hérisssier:

As a supplementary, Sir, would he not accept that a lot of the concern about recent appointments is that particularly in the discipline services matters like retirement dates are, generally speaking, highly predictable and there is enormous latitude for preparation in those cases?

Senator F.H. Walker:

No, Sir, I do not accept that at all. I think the States have a very good record of late in appointing the right people to the right job, and there is no doubt in my mind at all that the quality and the ability level of chief officers and other senior officers has gone up considerably in recent years. Now, should local people be given priority? Yes, wherever possible. But quality is what we are looking for, and ability. I am constantly reminded by the Deputy and other Members of this House of the need for efficiency. You only get efficiency with able senior officers, and we can all remember - we do not have to cast our minds too far back - a couple of occasions at least where local candidates have been chosen against candidates with more ability to the detriment of their department and the States.

4.6 Deputy A. Breckon:

I wonder if the Chief Minister would like to comment on the present high level of inflation, the rumoured double digit rise and the overheating of the residential property market. Does he think this is good news for residents, the economy and economic growth?

Senator F.H. Walker:

High inflation is never good news, at least not for the majority. But I do not know where the Deputy gets his concerns about double digit increase in house prices from. That is not borne out by the facts. What we are facing here, of course, as I think the Treasury and Resources Minister has made clear, is a great deal of our inflation being affected by circumstances completely beyond our control, i.e. bank interest rates. R.P.I.X., which is within our control, has been within half a percent of our target of 2.5 per cent now for I think it is the last 9 quarters.

4.7 Deputy J.B. Fox:

The Chief Minister has just referred in succession planning to the quality of candidates and giving assurance about local succession planning, but I wonder if the Chief Minister could identify - not necessarily today - that some departments in their cutbacks that were submitted have deleted training and succession planning commitments in their budgets. That part concerns me. I wonder if the Minister would arrange for having an answer as to how many departments and how much and did that affect that some of our candidates for recent applications have not been successful because of lack of training.

Senator F.H. Walker:

I absolutely acknowledge the point the Deputy is making and it would concern me as well if there was a general trend throughout the States to cut back on training and management development. I

think the written answer I have given to his question confirms that that is most definitely not the case and the Human Resources Department is moving in exactly the opposite direction, seeking to ensure that as many internal candidates as possible are eligible and capable of taking on more senior positions. But I will look into the question he has raised and provide him with an answer as soon as possible.

4.8 Deputy S. Pitman of St. Helier:

Would the Chief Minister not agree with me that the fact that there is no requirement upon Ministers to answer questions from Back-Benchers during a debate makes a mockery of Ministerial accountability?

Senator F.H. Walker:

No, Sir. I think the fact that most of my Ministers are on their feet at every sitting of the States absolutely renders the question frankly superfluous and irrelevant. Basically wrong.

4.9 Deputy J.A. Martin:

I will try and get an assurance from the Chief Minister. He seems to have informed the House to a question from one of my members of the Sub-Panel that Low Income Support is not being delayed because they are not ready. Sir, there are concerns; there is not even one service level agreement signed with the Parishes and from our point of view it has just been lifted from the Poor Law as being put into the Regulations and it will not float. What I am asking the Chief Minister is we should not be chasing G.S.T. to bring in something that has taken 10 years. It must be gotten right and it must be passed by this House. We have heard this morning...

The Deputy Bailiff:

Sorry, your question please, Deputy.

Deputy J.A. Martin:

My question is I want an assurance from the Chief Minister that G.S.T. will not be introduced until we have had Low Income Support in at least 6 months as originally planned, or 4 months.

Senator F.H. Walker:

There is a difference between 4 months and 6 months but, Sir, the principle has been, I think, an absolute pledge has been made to this House and through this House and the media to the public that G.S.T. will not be introduced until Income Support has been introduced and is up and running, and I confirm that position.

4.10 Deputy G.P. Southern:

Following the Chief Minister's absolute assurance that the Income Support proposals are ready to go, will he seek to ensure that his Minister gives those proposals and the Regulations drafted to the Income Support Sub-Panel in the shortest possible timescale - within the next 10 days - so that we can properly scrutinise them?

Senator F.H. Walker:

Yes. The Social Security Minister will make that information available not only to the Scrutiny Panel concerned but other relevant parties at the earliest possible date. Sir, I just have a slight inkling that there may be a sub-plot being worked out here through one means or another to delay the introduction of G.S.T. and I assure any Member who is seeking to follow that plot that that will be vigorously resisted.

4.11 Deputy P.V.F. Le Claire:

The theme of today seems to have been succession training and I wonder whether or not the Chief Minister might follow up on that theme of succession training by letting us know whether or not

there is going to be a new chairman at W.E.B. (Waterfront Enterprise Board) any day soon? We were told that there was an interim appointment and we have not had any news on that front and I wondered what was happening.

Senator F.H. Walker:

Yes, Sir, I will be coming back to the House with proposals in the very near future.

4.12 Deputy J.B. Fox:

The Chief Minister recalls he started off in No. 3 and 4 district, and going back to La Pouquelaye, does the Chief Minister recognise that there is and always has been an urgent need to improve the community facilities within that area? Does he also recognise that upfront monetary finances are not the only way to assess the true value of the community centre? It is not only the community but the planning gains that can be had for providing more houses and less other centres around there. To have one comprehensive centre in the centre is far more beneficial.

Senator F.H. Walker:

I do, and not only do I do that but the entire Council of Ministers takes that view. But as the Treasury and Resources Minister has said, he has - and the Council of Ministers has, indeed every Member of this House has - a duty not just to protect the ratepayers and look after the ratepayers and the people of the area but a duty at the same time to protect the interests of all taxpayers. The Treasury and Resources Minister has said very clearly he is meeting with the Constable of St. Helier tomorrow to seek to negotiate a compromised solution where the absolutely necessary community facilities in that district are provided but in some way a deal is put together which protects the interests of the taxpayer as well, which has to be surely the objective of every Member of this House.

4.13 Deputy D.W. Mezbourian:

I wonder if the Chief Minister will advise how the succession planning is going for the role of Chief Minister? **[Laughter]**

Senator F.H. Walker:

The appointment or election of the next Chief Minister will be entirely out of my hands because I will not be a Member of this House when it takes place, and I might very well ask the Deputy how she is doing in her planning for the succession of the Chief Minister. **[Laughter]**

4.14 Deputy J.A. Martin:

As we could not get an answer from the Housing Minister because under the new system of population office (j)s are going to licences, could the Chief Minister shed any light on what is a so-called 'Baby (j)' that is being offered to the finance industry? I would just like to ask him that, thank you, Sir.

Senator F.H. Walker:

Let us be clear, let me correct what the Deputy has just asked in her question. No 'Baby (j)' category has been offered to the finance industry. Now, the finance industry apparently are talking among themselves about 'Baby (j)' categories. We have heard from the Housing Minister; he has not been approached by it, certainly I have not been approached about it and, indeed, until this morning I had never even heard of it.

The Deputy Bailiff:

That completes the questions to the Chief Minister.

5. Urgent Question - The Minister for Planning and Environment

The Bailiff:

I think Members have been notified that I have given leave under Standing Order 15 for Deputy Le Fondré to ask an urgent question of the Minister for Planning and Environment. Deputy, perhaps this is the right time for you to ask that question.

5.1 Deputy J.A.N. Le Fondré of St. Lawrence:

Further to the email by the Assistant Minister yesterday referring to the protection of nesting birds under the Conservation of Wildlife (Jersey) Law 2000, would the Minister undertake to ensure that no work, particularly tree felling or scrub clearance, is carried out in the development site colloquially known as Goose Green Marsh until the season for nesting birds has passed, namely until the end of July 2007?

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

Firstly, I must say that I must take full responsibility for this situation as the current Planning Minister. Just to give a little recap: in 2004 the public consultation at St. Lawrence Parish Hall requested the relocation of the entrance to relieve congestion and allow for further road improvements. In May 2005 the Planning Sub-Committee accepted that the safety and road benefits outweighed the retention of the trees, albeit I have no doubt that this was a very difficult decision for them. When I first looked at this application I was very concerned at a proposed loss of the trees and instructed planning officers to do everything possible to retain the trees. Regrettably this would have compromised safety and on the advice of T.T.S. (Transport and Technical Services) was not possible. The Conservation of Wildlife (Jersey) Law makes this an offence to damage or destroy the nest of any protected bird while that nest is being used or built. We need to determine if any such nests have been destroyed or damaged. When an officer from the Environment Department visited yesterday no nests were found, but I have an email from a conservationist stating that he saw damaged nests. We need to get to the bottom of this. Thankfully the developers yesterday agreed in writing not to fell any further oak trees until the end of July. I will be asking the Environment Department to carry out a full survey of the site and to ensure that in the case of each and every tree that is proposed for felling that we are absolutely sure that there are no protected nests before it is felled. The loss of nests is unacceptable. The Conservation of Wildlife (Jersey) Law provides a mechanism effectively after the event. It may be time to review the process to ensure that this is better controlled by a more proactive method.

5.1.1 Deputy J.A.N. Le Fondré:

I thank the Minister for his reply. Just to clarify; will that review be extended - not being an ornithologist, I hasten to add - to the habitat areas and not just be restricted to trees?

Senator F.E. Cohen:

I think that my proposal is related specifically to trees and shrubs. The Wildlife Jersey Law, which is what effectively I will be using as the guide, specifically refers to protected birds and the nests of protected birds and that is what I will be endeavouring to protect.

5.2 Deputy D.W. Mezbourian:

I too thank the Minister for his detailed reply, but I suggest that regrettably the delay in felling these oaks has been prompted only by the public outcry at the inappropriate timing of the felling. We have learned from the Assistant Minister that an Environment Department officer visited the site only yesterday. I would like the Minister to advise the House whether before he signed the formal permit on 8th May he had been advised of the Article to which he has just referred, namely Article 6(1)(b) of the Conservation of Wildlife Law? If he had not been advised will the Minister comment on the implied grave lack of co-ordination between the planning section of his department and the environment section which is, as we know, currently promoting an eco-active initiative?

Senator F.E. Cohen:

I am afraid that I cannot defend that which is indefensible and the position is very simple: that it would have been far better had I spotted earlier in the process that the permits that were being issued would allow trees to be felled immediately. I am not an ornithologist; I am afraid I did not consider the issue. I never considered that the permits that I was allowing to be sent out would result in the destruction of nests. I am not certain yet that it has resulted in the destruction of nests, but undoubtedly it would have been better had this been better controlled, but I am afraid I was not aware of it.

5.3 Connétable G.W. Fisher of St. Lawrence:

I understand that the copse in the northeast area of the site was also partially felled only yesterday. Why did the Minister, wearing his environment hat, feel justified in allowing 12 houses to be placed on the site of this copse which the Island Plan states should have been preserved?

Senator F.E. Cohen:

I think that the Connétable is well aware of the very long history of this site. The fact is that I have managed to achieve a very significant reduction in the number of houses built on the site. We are down to 102, which I think is the absolute bare minimum we could - and I cannot think of a better expression - have got away with and whether they are sited in the copse area or elsewhere I think that we should be satisfied that the number is not very significantly more.

5.3.1 The Connétable of St. Lawrence:

Could I just follow up on that? Is the Minister saying that the Island Plan is irrelevant?

Senator F.E. Cohen:

No, Sir. The Minister is saying that when I spoke to the Connétable early last year the Connétable himself told me on the telephone that if I could get the number down to around 100 he would be satisfied.

The Connétable of St. Lawrence:

No, Sir, that is not entirely correct. [Laughter] I agree we had a conversation on the telephone, I think it was the first time I had spoken to the Minister, and I said that the parishioners may be satisfied with that number but I could not speak for everybody.

The Deputy Bailiff:

We have gone slightly off the point of the urgent question, which was to do with the trees rather than development as a whole.

5.4 Deputy C.H. Egré of St. Peter:

With reference to the oak trees, there had been several references and various officers' reports prior to their destruction regarding the supposed poor health of those trees. On Sunday after the trees had been felled I did have a look at them and was concerned that I did not see the illness that was supposedly apparent in these trees. So I asked for an independent qualified specialist to have a look at them and he confirmed to me that these trees were in generally good health - all the trees were in generally good health - and did not need felling. Would the Minister please review how his assessment from his officers was made in light of this information?

Senator F.E. Cohen:

The information I have which was reported yesterday to States' Members is that of the trees there were 3 which were Grade A, 6 were Grade B, 4 were Grade C and 3 are Grade D. I presume that these are standard classifications but I am afraid I know little more about it. While I can remember the content of the telephone call, I am neither an expert of trees nor birds.

5.4.1 The Deputy of St. Peter:

Would the Minister please review how this information was gained with the current information that I have passed on?

Senator F.E. Cohen:

Yes, I most certainly will.

5.5 Deputy R.G. Le Hérisier:

Would the Minister acknowledge that in the light of this incident and this whole saga that now is the time to separate Planning from Environment?

Senator F.E. Cohen:

There are very often conflicts between Planning and Environment and the Deputy is not the first person who has raised it. But I think that the present system does work quite well. There is an effective separation between the 2 departments and, in fact, in many cases - and this perhaps is one - it may have been a case where if the departments were more integrated we may have had a better result.

5.6 Senator J.L. Perchard:

Does the Minister agree with me that all Members of the States in 2002, at the time of the approval of the Island Plan, must take responsibility for the development at Goose Green and all that goes with it?

Senator F.E. Cohen:

It is very easy to blame others and I do not seek to do that. It is also very easy to not think of the full consequences of legislation that we approve, and I am sure that there are things that I have been party to approve that in time I may change my mind or wish I had been a bit more careful in my decision making. I was not a politician in 2002, I do not know fully the processes that Members went through, but I do not think Members can be blamed for the Island Plan mistakes of 2002, if there were any.

5.7 Deputy G.P. Southern:

I am pleased to hear that the Minister has said he will take full responsibility for the actions down at Goose Green. I also refer to his description of some of the actions as being indefensible. If, after inquiry, these actions do turn out to be indefensible, will his full responsibility extend to considering his position?

Senator F.E. Cohen:

I do not think that question really needs an answer. **[Laughter]**

The Deputy of St. Martin:

Could I ask the Minister was an environmental impact study carried out at Goose Green Marsh prior to the consent being given, and also what is the policy in respect of environmental impact studies, particularly in the countryside where new green fields are opened-up?

The Deputy Bailiff:

I am sorry, Deputy, this is an urgent question in relation to protecting these particular trees. Does anyone have a question on this particular matter?

5.8 Deputy P.V.F. Le Claire:

I for one - I am sure shared by other Members - congratulate the Minister for accepting that he has not got the power of God and he does see areas where he needs to be looking now that he has not looked up until now. I am comforted by his words today. Will he also look, while he reviews the

issues from this incident, at the facilities that are provided to other forms of wildlife, other than nesting birds that trees provide, such as squirrel corridors, *et cetera*?

Senator F.E. Cohen:

Yes, I am quite happy to undertake to do that.

5.9 Deputy J.A.N. Le Fondré:

I do not know if you will allow this one or not, Sir. Given the responses of the Minister, does he perhaps feel that the ecological review performed by the developer on the site should have been much more detailed, especially in dealing with the timing of the tree felling and scrub clearance, to ensure that relevant laws such as the one referred to earlier were complied with?

Senator F.E. Cohen:

I think we are just going round and round in circles. The fact is that if bird nests were destroyed that is a terrible error. I do not know presently whether bird nests were destroyed. I am going to do everything I possibly can to try and find out. All I can conclude from this is that it would clearly have been far better had we stipulated that the trees should not be felled during the nesting season. The fact is we did not. We learn from our mistakes and there is nothing more I can say.

5.10 Senator P.F.C. Ozouf:

I rise as a previous president of Environment and Public Services who, like my friend on the right, is one of those Members of this Assembly who has had to deal with the consequences of this Assembly's 2002 Island Plan. Would the Minister - who I sympathise with and is in the same position as I, who has to deal with former decisions of former States Assemblies and Committees - agree with me that this important issue of the trees should be added to the Committee of Inquiry terms of reference?

Senator F.E. Cohen:

I think that is a jolly good idea, and I think we should do so.

The Deputy Bailiff:

I think that is probably sufficient on that subject for today.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

6. The Bailiff:

There are no matters under J, so we come then to K, Statements on a Matter of Official Responsibility, and first of all the Chairman of the Privileges and Procedures Committee will make a statement regarding electoral reform.

6.1 The Chairman of the Privileges and Procedures Committee regarding electoral reform

The Connétable of St. Clement:

At its last meeting the P.P.C. considered the outcome of the debates on 1st and 2nd May concerning the composition and election of the States and discussed the way forward. P.P.C. considers that the debates that took place at the last meeting were very disappointing, particularly as the media coverage that followed suggested that the States had now abandoned all attempts at reform. Although a few Members made it clear during the debates that they were not in favour of any reform at all at this stage, P.P.C. noted that many Members were still keen for work on reform proposals to continue. The Committee considers that the negative outcome at the last meeting arose possibly as a result of the somewhat confusing nature of the debate together with a feeling by some Members that such a significant issue should not be decided on the basis of a private member's proposition with a large number of amendments. As explained in the report

accompanying our amendments to Senator Shenton's proposal, P.P.C. only brought those amendments as a safeguard to ensure that P.145 of 2006 was meaningful and workable if adopted. The lodging of the amendments was not, therefore, intended to be the final outcome of P.P.C.'s work on this important issue. Members are aware that P.P.C. has been consulting on reform proposals for many months and the Committee agreed at its last meeting that the rejection of the proposals at the last meeting should not signal an end to this work. We are, therefore, now working on a report that will summarise the outcome of the process followed by P.P.C. to date and that will set out what P.P.C. sees as the only workable way forward. It will, of course, be a matter for the Assembly to decide in due course whether or not to support any of the proposals put forward.

6.1.1 The Deputy of St. Martin:

The Chairman has said in his last paragraph: "We therefore are now working on a report and will summarise the outcome." Have we got a timing for when this report is going to come to the States?

The Connétable of St. Clement:

It will be discussed at the next meeting of the Committee which, I think, is on 23rd May and it will come forward to the States shortly afterwards.

6.1.2 Deputy A. Breckon:

On the same lines, I wonder if the Chairman can give an assurance that Members would have access to the draft report and also some idea of the timescale the Deputy of St. Martin has mentioned. But I think the answer was a little bit vague when it might be debated by the States again, for example.

The Connétable of St. Clement:

Yes, it is intended to put it in the public domain as soon as possible so that Members can see it and it will be lodged in time for it to be debated before the summer recess.

6.1.3 Senator P.F. Routier:

Would the President welcome Deputy Le Claire's proposition to be withdrawn at this stage in anticipation of the report and your recommendations to be put forward to the House so that we can have an orderly debate on the matter?

The Connétable of St. Clement:

Yes, we were rather disappointed, as a Committee, that Deputy Le Claire had put forward yet another proposition before the Committee had a chance to put their proposal forward and we would hope, at least, that Deputy Le Claire would at least defer debate from, I think, 5th June. We would hope that he would at least defer it from that.

6.1.4 Senator P.F.C. Ozouf:

Would the Chairman be good enough to explain and elucidate a little further what he means when he says in the penultimate paragraph sentence of his statement: "As the only workable way forward." Could he elucidate what workable way forward he is thinking about?

The Connétable of St. Clement:

I hope the Senator will patiently wait until he sees our proposals.

6.1.5 Deputy R.G. Le Hérisier:

Given the concern that the next set of proposals may be amended out of existence, at the same time it has to be acknowledged that Back-Benchers have a very vital role to play and it also has to be acknowledged that Deputy Le Claire's proposal brings some new and interesting variance to what is being proposed. Rather than the Chairman suggesting he may have - and which he will need - the wisdom of Solomon in this instance, is there going to be an attempt to bring people on board

and to try and work out a common way forward so we do not end up going off in all sorts of directions?

The Connétable of St. Clement:

I think over the many months that we have been consulting, we have done just that. We have asked people to come forward with their ideas to share with us and some people have.

6.1.6 Deputy P.V.F. Le Claire:

I find it rather amazing that the Privileges and Procedures Committee can be rather disappointed that I have lodged a proposition this morning, given that it was only approved yesterday afternoon by the Bailiff. I wondered when the Privileges and Procedures Committee met to discuss the Chairman making that statement, that it was disappointed and that it would be happy for me to withdraw that proposition so that it could become a later date or at least defer it? It would appear that the Chairman of the Privileges and Procedures Committee has made a statement on behalf of that Committee and given a Committee position that has not been achieved. In respect of that comment in relation to his proposals that are coming forwards, once he has answered that question, would he be able to indicate to me and other Members whether or not my proposals - which were predominantly set out as the key proposal in option 1 of their own consultation to the people of Jersey, only Senators and Deputies in the States of Jersey - whether or not the proposals that are coming forward will give the facility for independent Members like me that have waited patiently for years to go about debating these issues, and whether or not that will be part of the options that are available? Otherwise I certainly will not be seeking to defer for more years these debates on whether or not we should have Constables and Senators in the States of Jersey.

The Connétable of St. Clement:

The Committee have not met as a Committee but I have...

Deputy P.V.F. Le Claire:

Then I ask him to withdraw the remark because I think that is rather unfortunate.

The Deputy Bailiff:

Just let the Chairman finish what he was going to say.

The Connétable of St. Clement:

As I said, the Committee has not met formally but I have had indications from all members of the Committee that they do not support Deputy Le Claire's proposition.

Deputy P.V.F. Le Claire:

Could he answer the second part of the question as to the fact that I have been waiting for years to debate something along the same proposals as they outlined in option 1 as set out in my proposition? Are his proposals that are coming forward before summer to be debated going to allow for the facility of an amendment to debate those kinds of reforms?

The Connétable of St. Clement:

I am not certain that I have any authority about who amends propositions.

Deputy P.V.F. Le Claire:

What I am asking is, is the proposition going to be amendable in the form that will allow such? That is what has been the problem. For years I have been unable to bring an amended proposition because the basis for that proposition has not included, for example, the States will decide to reform the States of Jersey and A, B, C, D, E. Will the Committee be bringing forward proposals that allow individual Members such as myself to bring forward these types of proposals? Certainly, it is just a matter of drafting it correctly.

The Connétable of St. Clement:

I still do not think the Committee has any remit about suitable amendments to its proposals, so that is a matter for the Chair.

The Deputy Bailiff:

You have already asked questions, Senator. Senator Perchard?

6.1.7 Senator J.L. Perchard:

I wonder if the President could clarify the position of the Privileges and Procedures Committee with regards to the questions he has been answering this morning. I believe the P.P.C. will have to lodge on or before 5th June if a proposition is to be debated this side of the summer recess. That is one month away. I thought I heard him say that there would be a measure of consultation with the P.P.C. proposals with States Members. That means, to use an agricultural term, he will have to pull his finger out, and I am not sure whether the P.P.C. are able to act at such speed.

The Connétable of St. Clement:

I think we are quite capable of achieving our objectives.

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

I think I welcome the Chairman's indication that the Privileges and Procedures Committee will be pursuing what they see as the only workable way forward. Does the Chairman agree with me that it might be a helpful principle to establish what the basic areas for reform should be and why before we decide what the reforms are?

The Connétable of St. Clement:

That is what we have been endeavouring to do since November.

6.1.9 The Deputy of St. John:

Does the Chairman agree that trying to get consensus amongst all groups of Members is extremely difficult and would his Committee seriously consider establishing an independent electoral commission?

The Connétable of St. Clement:

That would be debated at the next Committee meeting.

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

The Chairman was appointed as Chairman 18 months ago now. I really would like to tie him down on this question of when he will be bringing his proposals forward and can he confirm a date that he anticipates when he will have proposals before this Assembly?

The Connétable of St. Clement:

I think I can do that but it will depend on the Committee's meeting, I think on 23rd May, approving the draft projet.

Deputy P.V.F. Le Claire:

On a point of information, may I just let the Assembly and the Chairman know that I would be happy to meet with the Privileges and Procedures Committee? Should their proposals that are coming forward be blocked in some way by my current opposition, or be stymied in some way or be replaced in some way by my proposition, I will happily consider withdrawing my proposition to enable the House to consider that but I would need to be invited to hear that.

The Deputy Bailiff:

I am sure that is very helpful, Deputy. That brings questions to an end. We come next to a statement which the Chief Minister will make regarding the development of the new Jersey Brand.

6.2 The Chief Minister regarding development of the new Jersey Brand

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

I am, of course, aware that there has been some considerable criticism of the logo that forms a small part of the new brand that is being developed to improve the marketing of Jersey and its businesses to current and future clients. Given what the public have so far seen of the brand through the media and the misunderstanding that the brand simply consists of the flying golden 'J' logo and the associated "Jersey Life Enriching" line, I am not at all surprised by these criticisms. I am not at all surprised by the allegations of a waste of money. Had we actually spent £240,000 on just the logo and the line I think the criticisms would be entirely justified. The truth is, of course, that the brand consists of much more than the logo and the line, which are but 2 very small parts of a carefully designed, complete marketing package. Jersey has to be successful in an increasingly competitive market base where many of those with whom we compete have already achieved new levels of success with the assistance of well-designed and well-marketed brands. We cannot afford to be left behind. The Jersey Tourism 'J' logo, which some have compared the new brand with unfavourably, was just that: a brand for the tourism industry which, incidentally, was much criticised when it was launched some 11 years ago. If Jersey is to be as successful as possible then we have to present a united, high quality image for all economic sectors which sets us apart from our competitors. That is why we commissioned Corporate Edge, who are acknowledged world players in branding and who have worked with great success with New Zealand and other countries, to research and develop a new Jersey brand. The £240,000 that is quoted as having been spent on the brand was, in fact, spent undertaking thorough market research, the feedback from which was overwhelmingly favourable, and developing a whole suite of new marketing information. We now have an outline for a new website for all business sectors, a prototype film to be used in marketing the Island, new and much improved tourism advertising campaigns and a new brochure and marketing guide. However, in view of the controversy I have decided that we should lay all of this out before States Members, the media and the public so that they can see what is intended and have a better understanding not only of the significance of the work but also see that what they have been shown so far is a very insignificant part of the whole. We will, therefore, be organising a full presentation at the time of the next States sitting on 5th June where all Members will be able to see and to judge the complete branding exercise for themselves. I will also be inviting the media, our public critics and anyone who is interested to see firsthand what is really involved and where their money has been spent.

6.2.1 Senator B.E. Shenton:

Will the Chief Minister not concede that a logo that needs a full presentation to explain what it means is a bit of a failure and a waste of money?

Senator F.H. Walker:

No, because the Senator, like so many others, misinterprets the point. The logo, as I said in my statement, is a very small part of the overall brand and it is a brand that the Senator and other Members and the public will be presented with and it is a brand that will come to recognise as being a step forward for Jersey, not just a logo.

6.2.2 The Deputy of St. Martin:

I am a little intrigued as to why the Chief Minister is making a statement and not the Minister for Economic Development. Could I ask who commissioned this brand of work? Was it the Chief Minister's office or was it the Minister for Economic Development?

Senator F.H. Walker:

It was jointly commissioned and because this is an all-Island covering brand I have agreed to take, and I am happy to take, personal responsibility.

6.2.3 The Deputy of St. John:

Does the Chief Minister agree that in order to have a successful brand it is vital that it is fully supported by all stakeholders such as local industry and in particular the finance industry? Does he believe that he has that support?

Senator F.H. Walker:

Quite clearly not everyone is supportive of the brand and that is possibly an understatement, but I have yet to come across any brand that has been introduced that has not been the subject of criticism at the time of its introduction. To answer the question posed by the Deputy more accurately, a completely independent firm of expert market researchers was engaged who undertook market research to establish market research procedures in the U.K. and also in Jersey and the feedback on the research conducted in Jersey; the majority of those from the finance industry were in support.

6.2.4 Deputy G.W.J. de Faye:

Is it not the case - and I am slightly surprised it did not come out more strongly in the Chief Minister's statement - that the whole point of this branding exercise is to brand Jersey to people who live outside the Island who are potential customers, potential visitors, who may live in Europe or elsewhere who have probably very little knowledge of Jersey? Whether local people find the logo appealing or not is, in fact, largely irrelevant.

Senator F.H. Walker:

The principal objective of the brand - and let us focus on the brand as a whole not the logo - is to enable Jersey to be promoted more effectively overseas, and the Deputy is quite right in that respect. But I will come back to it, if I may. The market research conducted in the U.K. was overwhelmingly favourable and in support of the brand that has now been produced, but I will concede that there is a secondary objective and the secondary objective is for local people to sign-up behind the way Jersey is promoted with enthusiasm. At the moment that clearly represents a problem and that is why I think it is important that we put the whole brand before as many people as possible and as many people who are interested.

6.2.5 Deputy P.V.F. Le Claire:

Not wishing to criticise the brand, I believe there is enough of a statement here today for us to be able to wait and judge for ourselves, and the offer has been extended to the media and members of the public which is the way it should be, I believe. Would the Minister undertake to consider whether or not in the future any expenditure on such branding or, in particular, bronze trees or yellow cows or pink surfboards are brought before the States Assembly, especially if considerable amounts of money are expended in those areas? I can for certain say that the vast amount of people that I speak to do question our expenditure in these areas and, in particular, the bronze tree. I know we are not talking about it but people have questioned that in particular.

Senator F.H. Walker:

I cannot agree to that request. I think Members' reaction to the Deputy's question mirrors mine, and that is no; that is micro-management. In any case, the chances of persuading all 53 Members to sign-up behind any one particular brand such as this I would have thought are fairly slim.

6.2.6 The Connétable of St. Peter:

Given that we constantly get told by the Treasury Resources Minister and, indeed, the Chief Minister that we have to be conscious of the spending power in the Island and the amount of money that everything is costing and we have to cut services here and cut services there, does he accept

that the spending of quarter of a million pounds on something like this is, quite frankly, a sheer waste of money?

Senator F.H. Walker:

I do not, and I do not think the Constable can make that statement until he has seen for himself the entire brand. Also, this is an investment and if used correctly it will earn far more in income for the Island than it has cost to develop and that, of course, is the objective.

6.2.7 Deputy J.A. Martin:

Just to follow on, whatever my own feelings might be of the flying 'J' - which I always thought was a flying golden bird but I have now been enlightened - what the Minister for Transport said about attracting other markets, did the Minister just say there had been thorough market research done in the U.K. and, if this is the case, did we not miss a golden opportunity to go to the rest of Europe, which is something that we really do need to attract? Could he confirm it was just the U.K. and Jersey?

Senator F.H. Walker:

It was just the U.K. Of course, we could have gone further afield but had we done so the cost would have been very considerably greater. We should never forget that the U.K. remains, by no means our exclusive marketplace, our major marketplace for most of our industries. The reaction of the U.K. market is fundamental to the success or otherwise of the new brand.

6.2.8 Senator J.L. Perchard:

Did the Chief Minister not recognise the new logo resembled a banana skin before he stood on it?

Senator F.H. Walker:

I will answer any serious questions. **[Laughter]**

6.2.9 Deputy D.W. Mezbourian:

Will the Chief Minister not agree that this has been handled very badly and that had this statement been made much earlier in the process we would not have come in for the criticism that we have done?

Senator F.H. Walker:

Yes, in part, but I have to say that all the media were sent a complete P.D.F. file on the complete brand, or much more of the brand than has been represented. For whatever reason the media have chosen to focus purely on the logo and the strap line and I regret that. Could we have handled it better by making a statement such as this earlier, perhaps making presentations earlier? I think I have to accept the answer is yes.

6.3 The Chairman of the Economic Affairs Scrutiny Panel regarding the use of question time by Scrutiny

Deputy G.P. Southern (Chairman of the Economic Affairs Scrutiny Panel):

Members will recall that last week I chose as the Chairman of the Economic Affairs Scrutiny Panel to explore potential funding issues contained in the proposed Economic Development Business Plan in question time. In his response the Economic Development Minister objected to my use of question time for this purpose, referring to the process as points scoring. I remind Members that the Scrutiny process is one of examination of evidence in public thereby holding the Executive to account for the consequences of its policies and actions. I view question time in all its formats, written or oral and without notice, as part of the Scrutiny process. In many cases issues can usefully be explored in question time as a preliminary to fuller investigation as part of the more

formal Scrutiny process. Also, given the limited resources available to Scrutiny with the consequent limitation on the number of reviews that can be undertaken at any one time, question time also enables the exploration of a variety of issues which otherwise might not receive appropriate attention from Scrutiny. As Chairman of the Economic Affairs Scrutiny Panel, I shall continue to use question time to hold Ministers to account in this way and I would encourage all Scrutiny chairmen to continue to do likewise. I call on all Ministers to accept and to co-operate with this use of question time for Scrutiny purposes as we continue to develop the relationship between our 2 branches of government.

6.3.1 Senator P.F.C. Ozouf:

I have been referred to in the statement and I wish to make a point of clarification and also to raise a point of order, if I may. Firstly, the Chairman of the Panel said that I said he was point scoring and I just wish to clarify to the Assembly that I used that statement in the context of his remarks casting aspersions on my department and myself in not supporting agriculture and tourism on a draft Business Plan. Secondly, may I raise a point of order? This statement appears to me to uncomfortably muddle and indeed straddle the rights of a chairman to hold a Minister to account and the rights of an individual to answer questions. Nothing should undermine the rights of a Member to answer questions as an individual. This appears to be straddling both of those areas. It appears to straddle the right of a Member and the rights of a Scrutiny Panel chairman. I have to say I am concerned about this. I was concerned about the use of question time. I do not know whether or not you can make any helpful rulings on this matter and if you do agree with me that this is an area of confusion or muddle, could I ask if you would meet with the Chairman of the Privileges and Procedures Committee so that we may get some clarity on this issue? I, as a Minister, am not clear when I can be an individual Member and when a chairman of a Scrutiny Panel can be an individual Member versus a chairman of a Panel. He is not asking a question as chairman of a Panel. He is doing it as an individual name and I am confused.

The Deputy Bailiff:

Ultimately, of course, it is a matter for Members and Privileges and Procedures if they wish to explore this matter at all. For my own part as the Chair, it seems to me quite proper for any Member to ask questions of a Minister. You have sought to draw a comparison with the position of Ministers but the Chair has held that the purpose of question time is to question Ministers by those who are not Ministers. Ministers have plenty of opportunity to question their colleagues in the Council of Ministers. Therefore, we give preference to Members who are not Ministers when asking questions of Ministers. The chairman of a Scrutiny Panel is not in the same position at all as a Minister. The chairman of a Scrutiny Panel is a Member who is not a member of the Executive. Therefore, it seems to me on the face of it there is nothing wrong with a Member who happens to be chairman of a Scrutiny Panel asking whatever questions of a Minister he likes.

Senator P.F.C. Ozouf:

May I just follow that up? You said the words “happens to be a Member” but we have Deputy Southern who is asking questions as the chairman of a Scrutiny Panel. That is what he is asking me questions for and his statement today is using, effectively, his right as a Back-Bencher. His statement is making a statement as a chairman of a Scrutiny Panel using his position as an individual Member. You say that Ministers have rights to question other Ministers but we have established Scrutiny procedures; there are arrangements where a Scrutiny Panel chairman can ask Ministers and hold them to account. Is oral question time the appropriate place for Scrutiny Panel chairmen to further fortify their powers that they already have? We have powers but so do Panel chairmen.

The Deputy Bailiff:

As I say, this is a matter ultimately for Members on the advice of P.P.C., but certainly unless or until there are any changes when I am in the Chair I see nothing wrong with, as I say, a person who happens to be a chairman of a Scrutiny Panel asking questions. Technically, he asks questions as an individual Member. He does not ask questions as the chairman of a Scrutiny Panel. He may, of course, ask questions about matters which have come up in a Scrutiny Panel. I see nothing in Standing Orders which would render such questioning inappropriate or improper.

6.3.2 Senator M.E. Vibert:

I wonder if I can ask the Chairman of the Panel if he accepts that if the questions he asked were more constructive and less adversarial and points scoring he is likely to get a better response?

Deputy G.P. Southern:

Absolutely.

6.3.3 Deputy A. Breckon:

I wonder if I may ask a question that may cross over what Senator Ozouf said and what has been said in his statement. I wonder if the Chairman would agree that it is the role of all Members of this House when appropriate to ask questions of post holders to get the information in the public domain.

Deputy G.P. Southern:

Yes, I would absolutely agree with that. It is about a public process; question time is a public process and is part, therefore, of the Scrutiny process.

6.3.4 Deputy G.W.J. de Faye:

I do consider it is unfortunate to perhaps unwittingly mislead the House and where the Chairman of the Economic Scrutiny Panel refers to the limited resources available to Scrutiny, would he care to advise the House of the under-spend of his Panel over the last budget year? Would he also care to reflect on the fact that the under-spend of the Scrutiny Panels in whole funded an entire fifth Scrutiny Panel with money over? Specifically, would he tell us to what extent his Panel under spent given the alleged limitation of resources?

Deputy G.P. Southern:

Part of the mechanism by which we managed to achieve an under-spend, would that some Ministers could do similar, is the appropriate use of question time.

6.3.5 Senator P.F.C. Ozouf:

Would the Chairman confirm whether or not he discussed this statement because clearly he is encouraging other chairmen to act in a similar way as himself? Would he confirm whether or not he did discuss it with any of his other fellow chairmen and, if he did not, would he undertake to do so, so that there can be a common approach of Scrutiny Panel chairmen in holding Ministers to account?

Deputy G.P. Southern:

I have on many occasions discussed this issue with my fellow chairmen and will continue to review the position.

Senator P.F.C. Ozouf:

May I press the Chairman? Is he saying that his other Scrutiny Panel chairmen agree or disagree with this approach? Is he basically paddling his own canoe in terms of process or do they agree with him and does he agree that there should be a common approach so that there is clarity between Ministers and the Scrutiny Panels?

Deputy G.P. Southern:

In answer to the question, I believe there is a common approach.

6.3.6 Deputy G.W.J. de Faye:

I have given the Chairman a little time to think and I would like to press for an answer. Would he care to tell the House how much his Panel under spent last year?

Deputy G.P. Southern:

I do not have the figures in my hands but I will endeavour to get them to him by the end of the day.

6.3.7 Senator P.F.C. Ozouf:

May I further question the Chairman on the issue of a common approach? I am not aware of any other chairman of a Panel asking questions in the way that he has done to me last week. Could he undertake to go back to the Chairmen's Panel and get an agreement between the chairmen and to perhaps document what the common approach is because I do not think it is right to say there is a common approach?

Deputy G.P. Southern:

I believe there is a common approach and I will endeavour to get that on paper for him if that will keep him happy.

PUBLIC BUSINESS

7. The Draft Employment (Minimum Wage) (Amendment No. 3) (Jersey) Regulations 200-The Deputy Bailiff:

Very well, that concludes matters under K. We then come to Public Business and the first item is the Draft Employment (Minimum Wage) (Amendment No. 3) (Jersey) Regulations 200-(P.46/2007) in the name of the Minister for Social Security. I will ask the Greffier to read the citation.

The Greffier of the States:

The Draft Employment (Minimum Wage) (Amendment No. 3) (Jersey) Regulations 200-. The States, pursuant to Article 17, 18 and 104 of the Employment (Jersey) Law 2003, have made the following Regulations.

7.1 Senator P.F. Routier:

Today I am proposing this amendment to the Employment (Minimum Wage) Regulations as a consequence of the States' decision to remove the ability to prescribe by Order a different minimum wage for employees aged 16 and 17. On the basis of a recommendation from the Employment Forum, I had hoped to introduce a new student rate equivalent to the trainee rate for young people who are undertaking holiday, weekend and evening work while in full-time education. However, the States decided on 13th March to reject that recommendation. This amendment will, therefore, only allow 2 minimum wage rates to be set by Order: the minimum wage itself and the trainee rate. I propose the Regulations.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

7.1.1 Deputy G.P. Southern:

I thank the Minister for bringing this to the House and point out that there is an oversight that happened when we first debated the minimum wage. There was the possibility of a youth rate that

was left in the Law even though this House rejected it. This merely takes out that possibility so that should we at any stage in the future decide that we want to consider bringing a youth rate to the minimum wage we have to amend the Law itself.

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

It is with a heavy heart that I rise to speak this morning. In fact, I take no pleasure in speaking against the proposition that has been brought by my friend, the Minister for Social Security. We have before us a proposition which if approved would limit the ability of the Minister in future to propose any further minimum wage rates other than the existing adult and trainee rate. Not only would we be tying the hands of the Minister but, more to the point, we would in all probability be limiting the Employment Forum from making any future recommendations regarding other rates. Importantly, having appointed an independent body to review employment issues we will effectively be saying to them whatever their review, their evidence or the employment market might show we are not interested - the States are not interested - in evidence. All we want to know about is the 2 rates. I realise that the Minister is bringing this proposition in response to a request from Deputy Southern which was approved by this House. It is important that we consider that decision and the report of the Employment Forum which led to it. However, the real issue or question before us today is this: do we think that at any time in the future we might need to introduce another minimum wage rate? If Members have any doubt about the answer to this question then they must vote against this proposition. I believe that the only answer to that question is yes and I will return to why in a few moments. Let us look now at how we arrived here by approving P.25 minimum wage youth rate despite the Employment Forum's recommendation. Both that proposition and its mover's speech cast doubt on the evidence presented by the various submissions to the Employment Forum, insinuating that the submissions had been hijacked by a particular individual and by the employers' representatives and, therefore, they were to be disregarded. I find it ironic that the mover was able to dismiss that evidence in such a cavalier manner, but perhaps that is a debate for another day. P.25 also stated the principle of a fair day's adult pay for a fair day's adult work is a good one and fits appropriately with the exception made for trainees who obviously cannot be doing a full adult job until properly trained. Others have also said to me that it cannot be fair that a young person or student can work in a High Street chain on a Saturday and receive less than an adult who does exactly the same job during the week or even on the same day, thus there cannot be either a need or a case for a youth rate. To an extent I agree with that sentiment. Unfortunately, I believe that is a very well intentioned piece of wishful thinking. Why do I say that? For a number of reasons. The reality is that, yes, young people might get jobs in retail but they are already finding it more difficult to gain work in other employment areas. I recognise that there may be a number of reasons for this. Government, however, must encourage a range of solutions to these problems. One of the solutions must be equipping young people with the right skills for the marketplace. This will be one of the primary aims of the new Skills Executive which was announced last week. However, I digress. Another string to our bow of dealing with youth unemployment might be the creation of a youth rate minimum wage, an incentive or carrot for employers to employ young people, something that they are not currently doing to the degree that we would wish. I am sure that Members are aware that youth unemployment in Jersey is running at 31 per cent of those registered unemployed with Social Security. I will say that again. Under-24s represent 31 per cent of those unemployed. I for one believe that this is an issue that we should not ignore, nor should we ignore future recommendations from the Employment Forum on possible ways to alleviate it. I am not saying we must have a youth minimum wage. What I am saying is that we must not at this stage rule it out. I understand that youth unemployment might be an issue that Scrutiny wishes to review. We should not limit the scope of their possible recommendations at this time. In the U.K. the minimum wage is dealt with by the Low Pay Commission; think in terms of a scaled-up version of the Employment Forum. The Low Pay Commission only introduced a youth development rate in the U.K. in October 2004 some years after the original minimum wage was introduced. It would seem to me

that we are at that stage now. Indeed, the U.K. along with some other E.U. (European Union) countries has a rate for 16 to 17 year-olds; a rate for those aged 18 to 21; and an adult rate. The most recent Low Pay Commission report stated that it remained concerned about youth unemployment in the U.K. and that it was the right approach to retain the youth rate. In addition to the possible consequences for youth unemployment of adopting this proposition today, I am also concerned about the constraints the minimum wage imposes upon organisations offering therapeutic work for disabled people. I am well aware that it was intended that the payment of a therapeutic wage to the people doing therapeutic work would not fall within the remit of minimum wage legislation. It was hoped that this type of work would be covered by the codes of practice as in the U.K. However, as the Minister is aware this has not been the case and organisations have, to some extent, withdrawn from offering a therapeutic work service because they could not afford the minimum wage and certainly did not want to be seen to be abusing their clients. I hope that in future the Employment Forum might recommend that the Minister makes changes to the primary legislation to exempt therapeutic work. However, they may not. The Forum might alternatively consider that it would be preferable to set a separate rate for therapeutic work. If we support this proposition today we would again be closing that door to the Forum. I urge Members to reject this proposition not for some ideological reasons but because I am a realist. I recognise that a carrot can work better than a stick, that we have a duty not only to those currently in employment but also to those without work and to those members of society who most need our help.

7.1.3 Deputy G.C.L. Baudains:

I wonder in his summing-up whether the Minister could clarify - in light of the speech made by my fellow Deputy - whether my understanding of this proposition is correct and that is the Social Security Minister's ability to prescribe by Order does not necessarily rule out a youth rate made by other means?

7.1.4 Deputy J.B. Fox:

I voted for the previous proposition for having a standard rate whether you are a young person or whether you are a mature citizen except, of course, if you are in a training process which I think then is only fair because part of that time that you are in employment you are being trained for further skills at life. But one must bear in mind that we are not in the business of subsidising through a business of having a lower rate *per se*. The person who goes to work as a young employee contributes to a company as much as any other employee but he also has responsibilities. You have to bear in mind that nowadays many of our young people are already independently living; it is part of wishing to leave home. Indeed, I think the Housing Department puts a charge on their parents that they still remain within housing qualified accommodation. I do not know what it is but it used to be £25. It is additional to that now so they still have responsibilities. Indeed, many of them are married and have children and have the commitments that any other parents have. Increasingly, as we know, from September we are going to have student loans so there are top-up fees which have been forced on us, if you like, from outside the Island. Again, there is an expectation that we want to have the best qualified local people to fill local jobs and to return to the Island but to do that we need to encourage them to do so. Having a lower rate for doing a job which helps support them during the time they are studying, whether it is here on the Island or at a university or college overseas, then I think that sends out a very negative message. I also am aware from speaking to many small businesses that they pay above the minimum wage anyway for their employees whether they be mature employees or whether they be youth employees. So, really, if one is going to look at a youth rate and unemployment, unemployment can be for a number of different reasons. At the end of the day we as an Island should celebrate the fact that we are having young people joining the workforce who have been well educated and provide a good long-term stability to the Island and we should encourage supporting them to have a quality of life at the same time and not be penalised by their age.

7.1.5 Senator M.E. Vibert:

My understanding is that we are not today debating the desirability or otherwise of having a youth rate at the present time, that was decided earlier this year when Members voted against. As I understand it, what we are really debating today is whether we should remove from the Law the ability for such a rate to be introduced by Order. I would remind Members that by Order means it would have to come back to this Assembly to approve but it would enable it to be a quicker process than having to re-change the Law back again if a future States decided it did want a youth rate. I think that Members need to think very seriously about whether we should be tying the hands of not only the Employment Forum but of future States if they want to take a different view to the present Assembly. It would still be a States decision because it would have to come back by Order but it would mean that a future Employment Forum could recommend under different economic circumstances the introduction of a youth rate and it would mean that a different States in future could decide whether they thought it was the time to introduce - and right to introduce - such a rate without having to go to the long-winded process of a change to the Law. The Law merely allows the Minister to bring in by Order and that would need the approval of the States. It does not mean that there has to be a youth rate; it just does not tie the hands of future employment forums to even consider the issue or future States to consider the issue without having to change the Law. I see no reason to change the Law at present. It has been quite clear the States have said no youth rate at present and the Minister involved knows that. If he or if the Employment Forum through him wanted to change it, it would have to come back to this House in future. I think it is quite unnecessary to change the Law and it simply ties the hands of future employment forums and the States unnecessarily. I do not think it reflects well on one States trying to tell future States how and why they can do things. I think the present situation is perfectly satisfactory and I am afraid I will not be supporting the Minister's proposal in this respect.

Deputy G.P. Southern:

On that point of clarification, Sir, the Minister has just stated that an Order would have to come to the House and be accepted by the House. Is it not the case that, in fact, an Order is treated differently to Regulations in that the Minister can say: "By Order" and all he has to do is table that Order and that the only thing that the States can do is to rescind that Order and leave the *status quo*; that it does not go through to the States in a normal way that a Regulation or a Law would have to?

The Deputy Bailiff:

Yes. That is correct, Deputy.

Senator M.E. Vibert:

Further clarification to say the States would have control as to whether to rescind the Order or not.

The Deputy Bailiff:

They would but some Member would have to lodge a proposition to rescind the Order. You are both right in a way but it is different for a Regulation. A Regulation has to be passed by the States whereas an Order is made by a Minister but can be set aside by the States on the proposition of some Member of the States.

7.1.6 Senator W. Kinnard:

I just really want to say that this should have been a very straightforward proposition. We had the main debate last time and I am rather disappointed by some of my Ministerial colleagues. This is what gives our Ministers a bad name when we do not listen to the States and we try to undo what the States decided. The States has had the debate. The States has made the decision; we should

just get on and vote it through as drafted. One other point I would like to make is that there is a lot of concern about youth unemployment. Those Members who were at the meeting yesterday, the Minister for Social Security said that on average young people are in unemployment on average 3 months. It is nothing like the levels of youth unemployment that we have seen in the United Kingdom in the past. Thank you, Sir.

The Deputy Bailiff:

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

7.1.7 Senator P.F. Routier:

Well, I was not expecting that but there we go. The reason I brought this originally was because the States had decided that that was the route they wanted to take. I do understand Deputy Gorst's concern for the lack of the ability to have a youth rate. When I proposed the original employment minimum wage rates I did propose a youth rate and Deputy Southern at that stage was successful in persuading the House that there was not a need for a youth rate. Sticking to the youth rate, there has been concern even from the Scrutiny Panel in the recent days about the concern with regard to youth unemployment. My department is being asked to provide information with regard to that issue and I have to say it is a concern. Admittedly, Senator Kinnard has just enlightened the House with the comments I made yesterday with regards to the length of time that people are unemployed for. But a day unemployed is too long. The reality of the matter is that it is perhaps not attractive to employ young people as opposed to people from outside the Island who have skills. The people who come to the Island are being employed and preferred by employers to employ them in their workplaces rather than local people. Unfortunately the local young people are being disadvantaged at the current time. That is a view that has been put to me and that is what I am reflecting. I think that is what Deputy Gorst is trying to reflect as well, that there is a concern for the availability of young people to get into the job market. Deputy Gorst also mentions the issue with regard to therapeutic wage and was hoping that at some stage we might be able to resolve that issue. The Employment Forum will be looking at the mechanisms which were put in place with regard to the Code of Practice for enabling people to receive a therapeutic wage so that they can get into the workplace and help to support themselves by having therapeutic work and, hopefully, moving on to full-time work. We will be looking at those with the Employment Forum and I am looking forward to their recommendations so that if it does require any change in legislation I will endeavour to bring that forward as soon as possible. The ability of this House to look at having a youth rate at a later stage will be there. The Employment Forum came forward with the recommendation that a youth rate should be available. If that happened I would obviously have the ability to bring forward a proposition to bring forward the Regulations to enable that to happen. I will leave it to the Members of the House to decide which way they want to vote. I have brought forward the proposition and I will leave it entirely to Members to make a decision.

Deputy I.J. Gorst:

Can I call for the Appel, Sir?

The Deputy Bailiff:

The Appel is called for. Very well, I invite Members to return to their seats. The matter before the Assembly is for or against adopting the principles of the Regulations.

POUR: 31		CONTRE: 15		ABSTAIN: 0
Senator F.H. Walker		Senator L. Norman		

Senator W. Kinnard		Senator M.E. Vibert		
Senator T.A. Le Sueur		Senator J.L. Perchard		
Senator P.F. Routier		Connétable of St. Peter		
Senator P.F.C. Ozouf		Connétable of St. Lawrence		
Senator T.J. Le Main		Connétable of Grouville		
Senator B.E. Shenton		Connétable of St. Brelade		
Senator F.E. Cohen		Connétable of St. Martin		
Connétable of St. Ouen		Connétable of St. John		
Connétable of St. Mary		Deputy J.J. Huet (H)		
Connétable of St. Clement		Deputy P.J.D. Ryan (H)		
Connétable of St. Helier		Deputy J.A.N. Le Fondré (L)		
Deputy R.C. Duhamel (S)		Deputy A.J.D. Maclean (H)		
Deputy A. Breckon (S)		Deputy I.J. Gorst (C)		
Deputy of St. Martin		Deputy of St. Mary		
Deputy G.C.L. Baudains (C)				
Deputy P.N. Troy (B)				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy D.W. Mezbourian (L)				

Deputy of Trinity				
Deputy S. Pitman (H)				
Deputy of St. John				

The Deputy Bailiff:

Deputy Breckon, as Chairman of the relevant Scrutiny Panel, do you wish to have this matter referred to your Panel? Then, Minister, do you propose Regulations 1 and 2 *en bloc*?

Senator P.F. Routier:

Yes, Sir.

The Deputy Bailiff:

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

8. Draft Loi (200-) (Amendment No. 4) sur les teneures en fidéicommiss et l'incorporation d'associations (P.50/2007)

The Deputy Bailiff:

We come next to the draft *Loi (200-) (Amendement No. 4) sur les teneures en fidéicommiss et l'incorporation d'associations* - P.50/2007 - lodged by the Chief Minister. I will ask the Greffier to read the citation.

The Greffier of the States:

Draft *Loi (200-) (Amendement No. 4) sur les teneures en fidéicommiss et l'incorporation d'associations*.

Loi pour modifier en plus la Loi (1862) sur les teneures en fidéicommiss et l'incorporation d'associations. Les Etats, moyennant la sanction de Sa Très Excellente Majesté en Conseil, ont adopté la Loi suivante.

Senator F.H. Walker:

I would be grateful if my Assistant Minister, the Connétable of St. Ouen, would deal with this matter for me, not least because I cannot even pronounce the title.

8.1 Connétable K.P. Vibert of St. Ouen (Assistant Minister, Chief Minister's Department - rapporteur):

The amendments to this *Loi (200-) (Amendment No. 4) sur les teneures en fidéicommiss et l'incorporation d'associations* will enable the Royal Court to more easily consider applications for incorporation. The purpose of the original 1862 Law was to empower the Royal Court to grant acts of incorporation as an alternative to forming a limited liability company or petitioning Her Majesty through a Law passed by the States known as a "short Law". The 1862 Law nevertheless restricted the granting of incorporation at: "(2) ... *les associations commerciales ou industrielles* [industrial or commercial associations]." The amendment of 1963 brought in the objects of: "... *les sociétés de bienfaisance, des beaux-arts ou de sports* [those associations established for philanthropic

purposes for fine arts and for sport].” This amendment if accepted today would now include 3 further objects for the Court to consider when incorporation is requested, namely: “*Pour toute cause d’utilité publique* [for any public utility purpose].” “*Pour servir au culte de l’Église Anglicane, ou à un autre culte religieux* [for furtherance of the Anglican Church or for any other religious following]” and: “*Pour l’établissement d’écoles et de maisons d’éducation* [to establish schools and places of learning].” This amendment would allow the Royal Court to grant an act of incorporation in such cases without the matter having to be first subject of a States decision as has been the case in the past. As an example of what has happened in the past, I take the example of the incorporation by a short Law, sanctioned by Her Majesty, of the Jersey Heritage Trust in 1982. It is important to point out a defect of incorporations by this peculiar form of short Law, namely that the Royal Court does not enjoy the jurisdiction over the incorporated body that it enjoys pursuant to Article 9 of the Law of 1862 over associations to which it has granted an act of incorporation. Once incorporated, bodies such as the Jersey Heritage Trust or any other of the remaining 28 bodies incorporated in this way fell outside the scope of the Law of 1862 and could, and still can, alter their constitutions as they choose except, presumably, that they cannot dissolve themselves. Their activities and the activities of their officers and members are subject to no judicial or statutory check other than the ordinary criminal and civil law. This amendment of the Law of 1862 to widen the jurisdiction of the Royal Court is straightforward and I recommend it to the Assembly.

The Deputy Bailiff:

Is the principle seconded? [**Seconded**] Does any Member wish to speak on the principles? Very well, all those in favour of adopting the principles of the Law kindly show? Those against? The principles are adopted. Deputy Ryan, do you wish to have this referred?

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

No, Sir.

The Deputy Bailiff:

Rapporteur, do you wish to propose the Articles *en bloc*?

The Connétable of St. Ouen:

Yes.

The Deputy Bailiff:

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

9. Jersey Financial Services Commission: Re-Appointment of Commissioners and Chairman (P.58/2007)

The Deputy Bailiff:

We come next to the Jersey Financial Services Commission, reappointment of Commissioners and Chairman. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion: (a) in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998 to reappoint Mr. Geoffrey Colin Powell, C.B.E.,

as a Commissioner of the Jersey Financial Services Commission with effect from 1st June 2007 to 17th September 2009; (b) in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998 to reappoint Dr. Frederik Christiaan Musch and Mrs. Jacqueline Anne Richomme as Commissioners of the Jersey Financial Services Commission with effect from 1st June 2007 to 31st May 2010; and (c) to re-appoint Mr. Geoffrey Colin Powell, C.B.E., as Chairman of the Commission.

The Deputy Bailiff:

This is a matter which has to be dealt with *in camera* pursuant to the legislation. Therefore, I must ask that the gallery be cleared, please.

Senator B.E. Shenton:

I run a company that is regulated by the J.F.S.C. (Jersey Financial Services Commission) so as such I think I will withdraw from the debate.

The Deputy Bailiff:

Thank you, Senator.

[Debate proceeded in camera]

The Deputy Bailiff:

So, as Senator Ozouf says, for votes to be taken we must return to open session. I invite the usher to invite the media and other representatives back. I understand that the doors have been opened. The Minister has called for the Appel in relation to the Projet, proposition 58. The matter before the Assembly is for or against that proposition.

POUR: 43

CONTRE: 1

ABSTAIN: 0

Senator L. Norman

Deputy S. Pitman (H)

Senator F.H. Walker

Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.F. Routier

Senator M.E. Vibert

Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator F.E. Cohen

Senator J.L. Perchard

Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
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 A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)

Deputy of Trinity

Deputy A.J.D. Maclean (H)

Deputy of St. John

Deputy I.J. Gorst (C)

Deputy of St. Mary

The Deputy Bailiff:

Very well, that concludes public business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

9. The Deputy Bailiff:

We come now to arrangement of public business for future meetings. I invite the Chairman of the P.P.C. to propose it.

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

I would like to propose the arrangements that are listed in the pink sheets under M with the addition on 3rd July of the former school premises, Clearview Street, St. Helier, sale to Scott Gibaut Homes Trust - P. 65/2007.

9.2 Senator M.E. Vibert:

Could I ask leave? It seems to me that on the next sitting at the moment is Deputy Le Claire's composition election of the States and also the composition election of the States Assembly election dates for Constables. I am particularly concerned with Deputy Le Claire's proposition. I do not believe the States should be debating that in such a short time span. Also, the Deputy was kind enough to say that if P.P.C. would have discussion with him he would consider the situation regarding his own proposition. So, I would ask if the Deputy was prepared to withdraw his proposition from the date of 5th June and instead move it temporarily to 3rd July, which is the date the Deputy of Grouville has got her proposition for proposing the reduction of the voting age lodged at the same time, so we can try to get some order to this? I would also ask what the view of the Comité of the Connétables is as to whether theirs should go ahead or should they wait a little bit longer until they see what P.P.C.'s overall proposition is?

9.2.1 Deputy P.V.F. Le Claire:

I think it would be wise of me to accede to the request of Senator Vibert, Sir, and, therefore, I shall. I do think it is appropriate that we have an opportunity to see what is coming before us from Privileges and Procedures. But as I said before, I would really like to be called by the Committee to see. In that respect, Sir, just taking one more minute of Members' time, I would like to ask this. In acceding to move that a Back-Bencher's rights are determined by 3 strikes, 3 requests for debate and then that Member has a right for debate, in acceding to that request I wonder whether or not this is one of those strikes or not or whether that is going to be seen as just...

The Deputy Bailiff:

You have agreed to do it, Deputy, as I understand it.

Deputy P.V.F. Le Claire:

Right, so it is not a strike. In that respect, Sir, then I will accede to the request. I think it is only fair and reasonable. But should I not receive something along a similar line as to what they propose and what I propose then I shall be seeking a debate for that in due course.

The Deputy Bailiff:

So it is agreed then that that item should be moved to 3rd July for the time being.

9.2.2 The Connétable of St. Ouen:

While not wanting to oppose the idea, when the last debate took place the Connétables were not allowed to put their proposition in with it because it was a stand-alone proposition. I do not see any change in that particular stance. The Connétables' proposition merely deals with the role of Connétable, not with any other States Member. I have had not a chance to speak to my fellow Connétables about it and I am sure that we probably would not object to moving it. But at the same time, I think I should point out that the decision last time was that it was a stand-alone proposition.

Deputy P.V.F. Le Claire:

May I ask the Chairman of the Connétables Committee, Sir, that the proposition before us by the Comité des Connétables includes the provision for a 4-year term of office which during the last States session I asked if it was going to be amended. If it was not going to be amended by the Comité themselves, which it does not look like it has been, I then asked if that could be made known so that an individual Member could bring that amendment.

The Connétable of St. Ouen:

It is the intention of the Connétables to amend it.

The Deputy Bailiff:

To change 4 years to 3 years?

The Connétable of St. Ouen:

Yes, Sir.

The Deputy Bailiff:

Greffier, that has got to be 2 weeks before, does it not? Connétable, I just wanted to be sure, if you are going to lodge you must lodge 2 weeks before. Is that sufficient time for you to do that for that meeting?

The Connétable of St. Ouen:

Yes, Sir.

9.2.3 Senator M.E. Vibert:

Just on that point, is the Constable thinking of the difficulty there is if the States shortly afterwards debated a proposition and decided to change the length of the term, we would have 2 conflicting propositions passed? So, I would urge the Connétables if they are going to do it to leave the term indefinite or the same term as other States Members rather than fix a specific yearly term to it.

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

I do not have the proposition in front of me but does the proposition allow for the term of years separately, Sir? Could the Constable just not withdraw that section and leave the rest standing?

The Deputy Bailiff:

Well, I think it is a matter for the Connétable how he achieves it. The question really, Connétable, is do you wish at the moment to maintain the date of 5th June or are you willing to put it off?

The Connétable of St. Ouen:

The Connétables have been advised over a number of years to wait until the big decision was made and I am fearful that we will wait for ever. The Connétables are keen to be elected on a single day where they may take the opportunity of raising the profile of the post of Connétable and I feel that we should get on with it.

The Deputy Bailiff:

Does anyone else wish to raise anything in relation to future business?

9.3 The Connétable of St. Helier:

Could I ask for P.55, which I have agreed to defer for 2 weeks in order for the Treasury Minister to have discussions with me, to go to the head of the Agenda for the next meeting, please?

9.3.1 Senator F.E. Cohen:

I would rather that the Water Resources Law remains as the first item. I think it will be a pretty lengthy item.

The Connétable of St. Helier:

Could I ask it to go in second place on the agenda, please?

9.3.2 Senator M.E. Vibert:

For similar reasons, second at the moment is Student Loans. It is very important that that is done as soon as possible to give final clarity to students and I would hope the Constable would settle for third.

The Connétable of St. Helier:

Third strike, yes, please, Sir.

The Deputy Bailiff:

Very well. So, do I take it that Members agree to the items listed for debate on 5th June be taken but with the Connétable's proposition moving up to third place with a late run?

Senator M.E. Vibert:

Sorry, Sir, it is really fourth because Student Loans is 2 separate propositions.

The Deputy Bailiff:

Behind your 2 propositions and, as we have already seen, Deputy Le Claire is moving out. Is that agreed by Members? Very well, that concludes the business of the Assembly.

Senator F.H. Walker:

If I can just get in a plug; I hope Members will recall that there is a presentation by 2 Ministers at lunchtime today and I hope as many as Members as possible will come. I can promise a cold but excellent sandwich lunch and some very tasty and hot information.

ADJOURNMENT

The Deputy Bailiff:

With that information, the Assembly will adjourn and reconvene on 5th June 2007.