

Price : £3.00

THE STATES assembled on Tuesday,
13th May 1997 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache

All members were present with the exception of -

Alastair John Layzell, Deputy of
St. Brelade - out of the Island.

Prayers

Tribute to the late Mr. A.T. Chamier, former
Member of the States

The Bailiff paid tribute to the late Mr. Anthony
Trenham Chamier, a former Deputy and Connétable
of Grouville.

THE STATES observed one minute's silence as a
mark of respect.

Subordinate legislation tabled

The following enactments were laid before the
States, namely -

1. Disability Transport Allowance
(General Provisions) (Jersey) Order
1997. R & O 9080.
2. Collective Investment Funds
(Permit Fees) (No. 2) (Jersey) Order
1997. R & O 9081.
3. Matrimonial Causes (Amendment
No. 5) (Jersey) Rules 1997.
R & O 9082.

4. Food Hygiene (General Provisions) (Amendment No. 4) (Jersey) Order 1997. R & O 9083.
5. Import and Export (Control) (Amendment No. 5) (Jersey) Order 1997. R & O 9084.

Matters presented

The following matters were presented to the States -

1. Ecology Fund: Report for 1996 - R.C.25/97.
Presented by the Planning and Environment Committee.
2. International Conventions and Agreements: progress report for the period ended 30th March 1997 - R.C.26/97.
Presented by the Policy and Resources Committee.
3. Draft Natwest Offshore Limited (Jersey) Law 199 (P.67/97): comments - P.72/97.
Presented by the Finance and Economics Committee.
4. Supermarket on Fields 24-27, St. Brelade: petition (P.25/97) - report - P.75/97.
Presented by the Harbours and Airport Committee.

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

The following matter was presented to the States on 29th April 1997 -

Department of Postal Administration:
report and accounts for 1996.
Presented by the Committee for
Postal Administration.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 28th April 1997, recording the following decisions of the

Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Planning and Environment Committee, the lease from Dr. John Thomas Renouf, junior, of the 4/5 bedroom '(j)' category property known as Maison Petit Port, La Route du Petit Port, St. Brelade, required in order to accommodate a Senior Planner of the Planning and Building Services Department, for a period of five years from 1st April 1997, at a commencing annual rent of £13,000 with an annual review in line with the Jersey Retail Prices Index, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (b) as recommended by the Planning and Environment Committee, the sub-lease to the Jersey Brook Advisory Service of the first floor of Axminster House, Devonshire Place, St. Helier, for a period of nine years from 1st January 1997 at an annual rent of £10,200, with a three yearly open market review, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Harbours and Airport Committee, the extension of the lease to Lynx Express Delivery Network Limited of freight bays Nos. 7 and 8 at Jersey Airport Freight Terminal, for a period of three years from 1st January 1997, at a total annual rent of £13,564.80 (representing £6,782.40 for each bay), to be reviewed annually on 1st January, on the basis that these arrangements would be subject to the condition that the lease would not be renewed upon termination of the period unless it could be demonstrated that at least 75 per cent of the business conducted in the premises was related to air freight;
- (d) as recommended by the Harbours and Airport Committee, the extension of the lease to G.P. Express (C.I.) Limited of two freight bays known as Lettings B120 and B121 and office accommodation known

as Lettings B133 and B134 at Jersey Airport Freight Terminal, for a period of three years from 1st January 1997, at a total annual rent of £14,663.08 (representing £5,443.20 for each of B120 and B121, £1,938.60 for B133 and £1,838.08 for B134), to be reviewed annually on 1st January;

(e) as recommended by the Planning and Environment Committee, consent to the share transfer between Hout Holdings Limited and Eden Consultants Limited in respect of 3A Hue Street, St. Helier, for a consideration of £70,000 between the parties, on the basis that there was to be no distinction between the sale of residential or commercial accommodation;

(f) as recommended by the Education Committee, the grant of a wayleave to Mr. Roger Quail, of Les Ruelles, Rue du Mont Pellier, Trinity, in order that he might connect his property to the mains water supply across land which formed part of Trinity School in return for a single payment of £500, on the basis that Mr. Quail would be responsible for both parties' reasonable legal costs and for the reinstatement of all disturbed surfaces to the satisfaction of the Committee;

(g) as recommended by the Health and Social Services Committee, the sale to Mrs. Kathryn Florence Squire, of La Blanche Maison, Five Oaks, St. Saviour, of a strip of land (measuring approximately 300 square feet) to the north of Les Amis, Five Oaks, St. Saviour, for the sum of £300, on the basis that each party would be responsible for its own legal costs arising from the transaction;

(h) as recommended by the Harbours and Airport Committee, the lease from Mr. Arthur Philip Querée of the three-bedroom '(j)' category property Bamfield, La Route D'Ebenezer, Trinity, required to accommodate the Assistant Divisional Officer, Airport Fire Service, for a period of three years from 1st May 1997, at an annual rent of £11,640, subject to annual review

having regard to the Jersey Retail Prices Index, with both parties having the right to break the lease after 18 months' having given six months' notice, on the basis that each party would be responsible for its own legal costs arising from this transaction. (The Committee accordingly rescinded its Act No. 2(b) of 24th March 1997);

(i) as recommended by the Education Committee, a Deed of Arrangement with Uphill Properties Limited in respect of a block of apartments presently under construction adjacent to the eastern boundary of Seaton Youth Club, St. Helier, in order to confirm the boundary between the two properties and to grant access rights to permit building to be undertaken against the existing gables and walls and to gain access to the Youth Club premises, subject to no such access being exercised without prior written notice of an agreed period, and with the public not being prevented from redeveloping the Youth Club premises, on the basis that the company would be responsible for both parties' legal costs and for any damage caused to Seaton Youth Club;

(j) as recommended by the Harbours and Airport Committee, the sale by way of exchange to the Parish of St. Peter of land to the north of the new boundary fence of the airfield which was required for the establishment of a footpath, for a nominal sum of £10, and by counter-exchange, the purchase from the Parish of St. Peter of the site of the former 'La Rue du Mont au Guet', for the nominal sum of £10, on the basis that each party would be responsible for its own legal costs arising from the transaction.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Draft Policing of Parks

(Amendment No. 12) (Jersey) Regulations
199 - P.68/97.
Presented by the Public Services
Committee.

2. 100 Halkett Place, St. Helier:
sale - P.69/97.
Presented by the Planning and
Environment Committee.
3. Contract lease properties: sale
of freehold - P.70/97.
Presented by the Housing
Committee.
4. Bequest of the late Mr. H.E. Le
Seilleur - P.71/97.
Presented by the Health and
Social Services Committee.
5. Draft Health Insurance
(Amendment No. 9) (Jersey) Law 1996
(Appointed Day) Act 199 - P.73/97.
Presented by the Employment and
Social Security Committee.

The following matter was lodged ``au Greffe" on
6th May 1997 -

Draft States of Jersey (Amendment
No. 6) Law 199 - P.74/97.
Presented by the Policy and
Resources Committee.

Arrangement of public business for the
next meeting on 20th May 1997

THE STATES confirmed that the following matters
lodged ``au Greffe" would be considered on 20th
May 1997 -

States of Jersey Airport: operation of jet
aircraft - P.24/97.
Lodged: 18th February 1997.
Harbours and Airport Committee.

States of Jersey Airport: operation
of jet aircraft (P.24/97) - amendment -
P.65/97.
Lodged: 22nd April 1997.
Tourism Committee.

Haut de la Garenne, St. Martin:
conversion and redevelopment - P.64/97.
Lodged: 22nd April 1997.

Planning and Environment Committee.

Draft Natwest Offshore Limited
(Jersey) Law 199 - P.67/97.
Senator C. Stein.

Draft Natwest Offshore Limited
(Jersey) Law 199 (P.67/97): comments -
P.72/97.
Presented: 13th May 1997.
Finance and Economics Committee.

Draft States of Jersey (Amendment
No. 6) Law 199 - P.74/97.
Lodged: 6th May 1997
Policy and Resources Committee.

Audit Commission: appointment - P.59/97 and
Bailiff's Consultative Panel: States nominees -
P.61/97

THE STATES acceded to the request of the
President of the Finance and Economics Committee
that the propositions regarding the Audit
Commission and the Bailiff's Consultative Panel
be taken as the first items of matters lodged
under Public Business at the present meeting.

Tax liability - answer (Tape No. 390)

Senator Frank Harrison Walker, President of the
Finance and Economics Committee, replied to a
question concerning tax liability asked in the
House on 22nd April 1997 by Senator Stuart
Syvret as follows -

Tax liabilities by industry
(rounded to nearest thousand)

1992 1993 1994

1. Agriculture £1,442,000 £1,093,000 £1,345,000
2. Quarrying Information not provided (included under the heading for construction industry).
4. Manufacturing £922,000 £1,014,000 £1,202,000
5. Electricity gas and water supply Information not provided (not all these accounts are published).

6. Construction These figures include all building and construction and allied trades (such as shopfitting and signwriting) together with engineering and quarrying

£4,274,000 £4,867,000 £4,126,000

7. Wholesale and Retail £9,664,000; £8,658,000; £7,728,611.

8. Hotels and restaurants These figures include guest houses, cafés and public houses as well

£3,874,000 £3,743,000 £3,821,000

9. Transport and communication including travel agents

£1,186,000 £1,050,000 £973,000

10. Financial intermediation £102,745,000 £100,536,000 £102,395,000

11. Real Estate The 1995 index breaks this down into three categories

(i) Development and selling of real estate. These figures are included at 6 above under the heading for Construction.

(ii) Letting of own property. As explained in the covering letter, tax on income from letting property is part and parcel of all the tax liabilities given elsewhere in this answer. A rough estimate of the amount of those liabilities which arises by reason of the inclusion of property income is

£6,802,000 £7,159,000 £7,726,000

(iii) Real estate activities on a fee or contract basis

£159,000 £119,000 £141,000

12. Public administration and defence No figures - see covering letter.

13. Education No figures - see covering letter.
Information not provided for the small number of people who run private educational establishments.

14. Health and social work No figures for these services provided by the States - see covering letter. The figures for private providers are

£1,188,000 £1,389,000 £1,495,000

15. Other community social and personal services
No figures for these services provided by the States - see covering letter.

(i) Other business activities (Section J No. 74 of the 1995 index)

£4,467,000 £7,254,000 £6,883,000

(ii) Other community social and personal services (Section O of the 1995 index)

£5,315,000 £4,528,000 £4,506,000

16. Private households with (not ``and'') employed persons No records are kept.

17. Additional information

(i) Tax payable by wage earners across all industries

£42,114,000 £44,987,000 £48,359,000

(ii) Tax payable by rentiers and the retired

£18,520,000 £15,510,000 £15,035,000

(iii) Tax payable by Investment holding companies (mainly local residents' corporate bodies set up to hold their investments)

£3,656,000 £4,033,000 £4,504,000

(iv) Company tax payable not classified

under any heading

£909,000 £1,213,000 £1,443,000

Covering letter

Dear Senator Syvret,

TAX LIABILITIES BY INDUSTRY

Further to the answer the President of the Finance and Economics Committee gave in the House at its last sitting, I am sending you the figures he said would be provided if they were available before the House next met.

Compiling these figures has presented a few difficulties -

1. The sectors listed in your question seem to be taken from the Jersey Standard Industrial Classification issued by the Chief Adviser's Office two years ago (the "1995 index"). The 1995 index encompasses "economic activities" in the widest sense of the phrase and those you have reproduced towards the end of the list are services which are provided exclusively (or almost exclusively) by the States themselves. The provision of these services does not of itself produce any direct tax revenue (because, of course, the States doesn't pay tax on its own income). But there are indirect tax benefits which do accrue because we do tax States' employees on their wages. However, my computer system hasn't been programmed to analyse employees' tax liabilities by reference to the nature of their employment (I don't need this information and it's frightening to contemplate the size of the task of setting up the coding - not to say maintaining it because people change their jobs so often: four or more times a year in some cases).

For that reason none of my figures include tax on wages (but at the end of the list I've given a separate figure for the total tax paid by employees).

Senator S. Syvret 2nd May, 1997

2. Some of the sectors you ask about are so

narrow (e.g. quarrying where only two or three firms are involved) that to supply this information would be to breach their privacy.

Where this applies I have said 'information not provided'.

3. As a general point, the tax liabilities listed reflect the tax payable by each person classified as being within a certain sector. So if, for example, a farmer also had income from other sources (say bank interest, dividends and income from letting property) his total tax liability on his total income from farming, interest, dividends and rents will be included in the figures for the Agriculture industry.

I have highlighted this point under the heading for Real Estate.

4. Other small points arose and I have dealt with them under the various headings.

If there's anything I haven't made clear then please give me a ring. I'd be happy to go through the figures with you.

Yours sincerely,

Deputy Comptroller"

Agricultural industry - questions and answers
(Tape No. 390)

Senator Richard Joseph Shenton asked Deputy Jeremy Laurence Dorey of St. Helier, President of the Agriculture and Fisheries Committee, the following questions -

1. Will the President inform the House of the amount of financial aid distributed to the various sectors of the industry, and would he accept that these large amounts of public money are provided to the industry in order that the countryside may be protected and would he agree that this is being spoiled by the introduction of large mechanical equipment, including tractors and juggernauts?

2. Will the President inform the House if he is concerned about the increase in factory farming which is foreign to the character of the Island?
3. Will the President give the House a breakdown of the size of dairy units in Jersey and compare this with those on the Continent?
4. Will the President inform the House how much assistance is allocated to encourage organic dairy farming and if he is aware of the successful marketing of organic products in United Kingdom supermarkets and the premium that they attract, and whether he considers that organic milk should be available in the Island and, if so, advise the House what action will be taken to end the present restriction?"

The President of the Agriculture and Fisheries Committee replied as follows -

1. The vast majority of the agricultural budget is used to encourage good agricultural practice by both growers and dairy farmers alike. The aid takes the form of grants, loans, subsidies and services and is available to large and small growers. In terms of direct financial aid, however, as far as possible, the approach of this Committee will be to encourage investment in viable sectors of the industry rather than hand-outs designed to prop up inherently unviable sectors.

The total of direct aid in the Agriculture and Fisheries Committee's budget for 1997 is £3,388,800 and in 1996 agricultural loans amounting to £1,778,660 were made to 15 growers and farmers.

While I would agree that one of the main purposes of financial aid is to ensure that the countryside is maintained as a green backcloth to the Island, it is of paramount importance that those who farm make a profit that enables them to play their part in

protecting the countryside. In farming, as in other industries, machines have tended to get bigger and I am sure there are cases where banks and hedges have been damaged, just as buildings have been damaged in town by oversized lorries. In general this damage has been minimal. It should also be remembered that the farming community carries the brunt of the responsibility for caring for the appearance of the countryside, through its responsibility for the branchage and maintenance of hundreds of miles of hedges.

Farming is not a quaint countryside pursuit. It is a business which is dependent on both modern techniques and machinery. Even so, I can assure Senator Shenton and the House that my Committee and the farming industry take very seriously their duty of guardianship of the countryside.

The Jersey Farmers' Union, with the help of my Department, is in the process of preparing a Code of Practice to place before the Comité des Connétables. When agreed, this Code will reinforce the proper management of large vehicles on country roads. I applaud this initiative and believe that in doing this the farming community is acting in a responsible way.

2. I would be concerned about any increase in factory farming, however, as far as I am aware there is no factory farming on the Island. There are of course holdings that are farmed intensively; providing all reasonable standards of good husbandry and environmental care are observed then these units are part of the farming scene to be observed anywhere in the world.
3. I believe the clearest method of presenting the information requested by the Senator is in the form of a table -

Analysis of dairy herd sizes shown as a percentage

Size of Jersey Guernsey Isle of *France

herd	Man			
1 - 9	25	20	4 less than 1%	
10 - 19	10	7	5	4
20 - 29	5	11	10	17
30 - 49	17	27	41	49
50 - 69	5	16	16	21
70 and over	38	19	24	9

*Figures for France are for La Manche only.

- The Committee does not give any specific financial support to encouraging any form of organic farming, but existing farmers and even those wishing to enter the industry are given access to all the Department's services.

Organic products do attract a premium but it is an overstatement to talk of successful marketing of organic products in United Kingdom supermarkets - the perceived demand is very small indeed. Where there has been some success has been in 'box marketing' of horticultural crops. Box schemes allow the consumer to obtain a mixed box of organic vegetables on a weekly basis in exchange for a fixed contribution. Such schemes work well on a small scale, highly localised basis, but it would be unrealistic to expect to be able to use box schemes to market large quantities of local produce.

There is already one producer of organic milk on the Island whose product is marketed by the Jersey Milk Marketing Board but mixed with the milk from other producers. If there is a strong local demand for organic milk - and there has been no indication of this - then customers should identify their need to the Board, who in turn will have to assess if the extra cost of processing this milk separately would give the producer an adequate return.

The Committee has no wish to discourage organic production; however, we believe that continued efforts to reduce chemical inputs and deal efficiently with waste products are far more likely to have a large-scale impact on further enhancing the quality of production and the impact of farming on the environment.

The Department recently held a one-day environmental conference with a number of very knowledgeable speakers. Unfortunately, although the conference was well supported by the industry, and generally considered to have been a great success, it did not receive the support from States members which I believe it deserved. Those who did take the trouble to attend will be aware of how much the industry in Jersey has already achieved in environmental terms, and how strong is the will, on the part of both the industry and the Committee, to build on our successes in the future."

Decision Conferencing Programme - question and answer (Tape No. 390)

Senator Richard Joseph Shenton asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

``Will the President inform the House of the total cost to date of employing consultants for the Decision Conference programme for prioritising revenue and capital budgets and the Law Drafting programme, and state the period of the consultants' contract and if there is to be a review of the present procedure?"

The President of the Policy and Resources Committee replied as follows -

``The cost of consultants for the decision conferencing undertaken in 1995, 1996 and 1997 (excluding the cost of training local analysts in the latter two years) is £21,000 for 1995, £75,500 for 1996 and estimated at £83,000 for 1997 - a total of £179,500 over a three year period when combined capital and revenue expenditure

will total well over £800 million.

The present contract which covers revenue, capital, law drafting and I.T. is limited to the 1997 programme (which commenced in November 1996 and which will be completed by June of this year).

As in previous years, my Committee will be undertaking a full review of the corporate resource allocation strategy in the light of the 1996/1997 experience, including a review of decision conferencing procedures, with particular reference to revenue expenditure. The way forward will be included in the 1997 Strategic Policy and Action Plan, which is scheduled for debate in September of this year."

Hospital consultants - questions and answers
(Tape No. 390)

Deputy Frederick John Hill of St. Martin, asked the Connétable of St. Saviour, President of the Health and Social Services Committee, the following questions -

1. Will the President inform the House if he is concerned about the public's disquiet relating to the long waiting lists for initial consultation and subsequent medical or surgical treatment from hospital consultants, and advise of the delay in the following departments -

- (a) Orthopaedic
- (b) E.N.T
- (c) Ophthalmic
- (d) Dermatology
- (e) Paediatric
- (f) Surgical.

2. Will the President state how many hospital consultants are on full-time contracts, how many hours they are contracted to work for the hospital's 'public' patients, and to what extent these contracts allow for private work?

3. Will the President inform the House how many consultants are on part-time contracts, and the minimum hours that they have to work for the Department of

Health and Social Services, and explain the monitoring system to ensure that the conditions of the contracts are being fulfilled?

4. As the consultants achieve housing status on the basis of their hospital public work, will the President explain why they are not all on full-time contracts to ensure that the public's needs are provided before the needs of private patients?
5. Would the President advise if the Health and Social Services Committee has considered introducing a Hospital Patients Charter?"

The President of the Health and Social Services Committee replied as follows -

1. I appreciate that patients wish to receive medical or surgical treatment at the earliest opportunity and assure members of the House that every effort is made to minimise delay. I would point out that all emergency cases are dealt with immediately and urgent cases are seen within a very short time.

The waiting times for non-urgent out-patient appointments for the specialities listed are as follows -

Orthopaedics 16 weeks (although children will be seen within five weeks)
E.N.T. eight weeks
Ophthalmology nine weeks (although children will be seen within seven weeks)
Dermatology 11 weeks
Paediatrics seven weeks
General surgery six weeks

The out-patient waiting time can, however, be greater if the patient prefers to see a particular consultant.

The priority for out-patient appointments is determined according to the clinical need, which is indicated by the general practitioner when he refers his patient to a hospital

consultant. If any patients feel their condition has changed and that the waiting time is unacceptable, they should discuss the matter with their general practitioner who will decide whether he should indicate a higher priority.

The waiting times for non-urgent in-patient treatment vary significantly according to the clinical priority. However, the Health and Social Services Committee has set a standard that no patient should wait in excess of 12 months for non-urgent treatment, and most patients wait considerably less than this time. The in-patient waiting times in the specialities listed are as follows -

Orthopaedics: 66 per cent of patients are admitted within three months and 96 per cent are admitted within six months.

E.N.T.: 67 per cent of patients are admitted within three months and 90 per cent are admitted within six months.

Ophthalmology: 30 per cent of patients are admitted within three months and 52 per cent are admitted within six months.

General surgery: 94 per cent of patients are admitted within three months and 100 per cent are admitted within six months.

In dermatology and paediatrics patients are treated without delay and there is no waiting list as such.

In regard to the waiting list for non-urgent ophthalmology treatment, a small number of patients wait for slightly more than a year; however, measures are already being taken by my Committee to ensure that the waiting times are reduced for this speciality.

Whilst I am aware that a minority of patients have complained about waiting times, I and members of my Committee

are not aware of any general public disquiet as suggested by the questioner.

2. Eight hospital consultants are employed on full-time contracts and are required to work for the public service substantially the whole of their professional time. This involves a commitment of 11 sessions each week, with each session lasting approximately 3½ hours - that is a total of 38½ hours a week.

It should be noted that, in addition to day-time work programmes, consultants cover out-of-hours emergencies and the on-call rota is part of the practitioners' contractual obligation. A consultant is required to be immediately available when he is 'on-call' and to attend the hospital in person if necessary. In smaller departments with few doctors, for example paediatrics, ophthalmology or E.N.T., the greater out of hours demands are recognised by allowing a reduction in fixed contractual commitments. These on-call allowances vary depending on the speciality concerned, the number of consultants providing cover for the service, and the level of demand made upon them.

In addition to their public work, full-time consultants are permitted to undertake a limited amount of private work, up to a maximum income of ten per cent of their whole-time earnings. Consultants may undertake this work provided their essential commitment to the public service is not diminished.

3. Twenty-seven consultants are currently employed on maximum part-time contracts. This involves a commitment of ten sessions of 3½ hours, making a total of 35 hours a week. Maximum part-time consultants are also expected to devote substantially the whole of their time to public duties. These consultants also provide significant out-of-hours cover as indicated in the previous answer.

Each consultant has a negotiated job plan which provides a detailed description of the duties and responsibilities of his position. The job plan identifies the nature and the timing of the consultant's fixed commitments, for example operating theatre sessions or out-patient clinics, which account for between five and seven sessions a week. The precise arrangement for each consultant depends on the out-of-hours commitment expected of him. The arrangements are monitored and reviewed annually on the Committee's behalf by the Service Directors. The remainder of the contracted hours comprise ward rounds, administration, teaching and medical audit. There is also a detailed breakdown of the average number of hours spent each week on Health and Social Services Committee business.

4. As indicated in my previous answers, most consultant contracts in Jersey are maximum part time, which require that the consultant devotes substantially the whole of his professional time to public work. There is good evidence that consultant medical staff significantly exceed their contractual obligations to the public service. This is particularly so in a small acute general hospital, where the demands placed on medical staff can be disproportionately high. I wish to put on record my Committee's appreciation for the sterling work done by local doctors and the commitment and dedication they show towards the service.

The local terms and conditions of employment for medical consultants are very similar to those in the United Kingdom National Health Service and this consistency is important to ensure that candidates of the highest calibre will continue to be attracted to work for the Health and Social Services Committee. In the United Kingdom, consultants have the option of working full time or part time and the Committee believes that to change this particular term and condition of service would not be in the Island's

interests.

The Deputy infers that private patients are being treated to the detriment of public patients. I wish to reassure members of this House that this is not the case. As I have already stated, consultant medical staff on maximum part-time contracts devote substantially the whole of their professional time to public work.

5. The Health and Social Services Committee considered the introduction of a Patients' Charter soon after the idea was launched in the United Kingdom and decided against it.

The key elements of the United Kingdom Patients' Charter comprise a process of standard setting and performance monitoring. In addition, a range of public information is made available to help people understand what standards they should expect. Patients are also encouraged to indicate if the treatment they have received does not meet the expected standards.

However, the United Kingdom Patients' Charter initiative has been the subject of major criticism. Concern about meeting the Charter standards can detract from good patient care. For example, efforts to meet waiting time standards have led to patients with minor conditions being treated before those with more serious conditions in order to ensure the hospital does not fall short of the waiting time standard. Another illustration relates to Accident and Emergency Departments, where a patient may be briefly assessed by a triage nurse within the required Charter time, but may then be left waiting for hours on a trolley before receiving treatment.

These are some of the reasons why the Health and Social Services Committee has decided to take a different approach. My Committee undertook an extensive public consultation exercise when it was developing the current strategy for Health and Social Services, approved by this House in

October 1996. Many members of the public contributed their views on our services and the standards of health and social care they expect to receive.

The Committee is now implementing its strategy and developing performance indicators to monitor the standards of its service. The department has also published a wide range of public information booklets and introduced a Health and Social Services telephone information line to inform people of the services available to them and how to get the help they need and when they need it. More recently, my Committee has published a magazine called *Lifespan*, which is distributed to every home in the Island. The publication informs people about the services available, and also invites comments on what people feel about them. For example, we recently asked disabled people to complete a questionnaire about their difficulties with mobility. Staff in various departments also formally survey the views of patients on their services.

In 1993, my Committee launched an initiative to promote improvements in the quality of its services. The annual Quality Awards competition has been a resounding success, and local projects have regularly gone on to achieve national recognition in United Kingdom quality competitions.

We are different to the United Kingdom, and members of this House know how accessible the majority of us are to the public. We are all aware that the public are not reticent in telling us if they have received treatment which does not meet their expectations. My Committee has taken the view that we can do better than the United Kingdom Patients' Charter, and has sought to develop a local approach which we feel is more appropriate to the needs of Jersey."

Ash - question and answer (Tape No. 390)

Senator Stuart Syvret asked Senator Nigel Lewis

Québec, President of the Planning and Environment Committee, the following question -

“For a number of years the combined ash produced by the municipal waste incinerator was dumped in the land reclamation sites abutting St. Helier Harbour. This ash contains - amongst other substances - dioxins, furans and cadmium. Will the President confirm that this ash - if ingested or inhaled - constitutes a human health hazard?”

The President of the Planning and Environment Committee replied as follows -

“Whilst it may be correct that the ingestion or inhalation of ash may present potential health risks, it is important to recognise that a risk is dependent on the combination of a number of variables including -

- * The nature of the contaminant in terms of toxicity, amount and concentrations.
- * The potential pathways available to allow the contamination to spread. This includes inhalation or ingestion in terms of human health risks. The exposure to the material would need to be considered.
- * The circumstances of the receptor. This includes whether exposure is acute or chronic, the concentration taken in over what amount of time and in what circumstances. It also includes the individual characteristics of the receptor in terms of health and susceptibility.

Therefore, given the wide range of variables above, whilst it is likely that most things can represent a potential health risk under particular circumstances, in answer to the Senator's specific question whether the ash should be seen as a human health hazard, this depends upon the other factors being taken into account. Further studies would be required to establish a more definitive answer.

Specifically, health concerns would need to be considered by the Medical Officer of Health and the Health and Safety

Officers."

Information on death certificates - questions and answers (Tape No. 390)

Senator Stuart Syvret asked the Connétable of St. Mary, President of the Etat Civil Committee, the following questions -

- ``1. Will the President provide the House with a full explanation of the theory and practice involved in the recording of information on death certificates in Jersey?

2. Will the President compare and contrast the procedures used in Jersey with those of the following EU Member States - Austria; Belgium; Denmark; Finland; France; Germany; Ireland; Italy; Luxembourg; Netherlands; Portugal; Spain; Sweden and the United Kingdom?"

The President of the Etat Civil Committee replied as follows -

- ``1. The registration of deaths in Jersey is prescribed by the Loi (1842) sur l'Etat Civil. The registrar of each parish is responsible for recording every death that occurs within his parish. When a death occurs the law requires either the nearest relative of the deceased or the person having care of the deceased or any person present at the death or the person in charge of the funeral to register the death within five days. It has for some time been common practice in Jersey for deaths to be registered by the funeral directors who provide the parish registrars with the information they are obliged to record. The details to be recorded are contained in Formule `C' to the 1842 Loi. Briefly they are the date and place of the death, the names of the deceased, the age of the deceased and the cause of death.

The cause of death is provided by the

doctor who had been treating the deceased or who pronounced him dead or, in the case of a post mortem, the pathologist. The cause of death is provided in accordance with Formule 'J' of the 1842 Loi, which requires primary and secondary causes of death to be recorded. A doctor may when appropriate also include a tertiary cause of death. The details of every death that occurs in the Island are sent on a regular basis to the Medical Officer of Health for statistical purposes.

2. As far as I am aware there is no agreement within the European Community that standardises the procedures or the information to be recorded when a death is registered. As far as I can ascertain it is up to each government to specify how deaths will be recorded within its country. There is an agreement, which I believe pre-dates the European Community that provides for the issue of multi-lingual certificates. I am informed that the United Kingdom and Jersey do not subscribe to this agreement as it does not include the medical cause of death being entered on the certificate.

Most countries record the date of death, the names and the age of the deceased, but some countries do not register the cause of death as a matter of public record. The World Health Organisation is attempting to standardise the recording of causes of death throughout the world. This is I believe primarily for statistical purposes and the United Kingdom is fully supportive of this effort."

Audit Commission: appointment - P.59/97

The President of the Finance and Economics Committee nominated for appointment as Chairman of the Audit Commission Mr. John Clark Averty.

Ms. Gill Curtis was proposed by Senator Stuart Syvret.

Advocate Christopher Gerrard Pellow Lakeman was proposed by Senator Richard Joseph Shenton.

THE STATES having proceeded to a secret ballot,

the Bailiff declared that Advocate Lakeman had been appointed as Chairman of the Audit Commission.

The results of the ballot were as follows -

Mr. Averty - 21 votes
Ms. Curtis - 4 votes
Advocate Lakeman - 25 votes

The result of the further ballot between Mr. Averty and Advocate Lakeman was -

Mr. Avery - 22 votes
Advocate Lakeman - 28 votes.

THE STATES thereupon adopted the proposition of the Finance and Economics Committee, as amended, and -

- (a) appointed Advocate Christopher Gerrard Pellow Lakeman as Chairman of the Audit Commission for a period of three years, with immediate effect; and
- (b) agreed revised terms of reference for the Audit Commission, as set out in the Appendix to the report, dated 24th March 1997, of the Finance and Economics Committee.

Bailiff's Consultative Panel: States members - P.61/97

Senator Richard Joseph Shenton nominated for appointment as States members to serve on the Bailiff's consultative Panel the following -

Senator Jean Amy Le Maistre
Iris Medora Le Feuvre, Connétable of St. Lawrence
Deputy Paul Francis Routier of St. Helier.

Deputy Alan Breckon of St. Saviour was proposed by Deputy Imogen Stephanie Nicholls of Grouville.

Senator Leonard Norman was proposed by Senator Ann Bailhache.

THE STATES having proceeded to a secret ballot, the Bailiff declared the following results -

Senator Le Maistre - 20 votes
Senator Norman - 25 votes

Connétable of St. Lawrence - 29 votes
Deputy Routier - 28 votes
Deputy Breckon - 32 votes

THE STATES, referring to their Act, dated 7th July 1992, in which they established a Consultative Panel of elected members of the States with whom the Bailiff would be able to meet in order to consult on a confidential basis in appropriate cases, thereupon approved the appointment of the undermentioned persons as members nominated by the States -

Iris Medora Le Feuvre, Connétable of St. Lawrence
Deputy Paul Francis Routier of St. Helier.
Deputy Alan Breckon of St.Saviour.

Army Cadet Force Detachment - P.55/97

THE STATES rejected a proposition of the Defence Committee -

- (a) to request the Bailiff to inform the Secretary of State that it is the wish of the Assembly to enter into a Joint Agreement with Her Majesty's Government for the establishment in the Bailiwick with effect from 29th May 1997, of an Army Cadet Force detachment, which is to be funded on a joint basis as follows -
- (i) the United Kingdom authorities to provide and retain ownership where appropriate of the items listed in Annex A of the report of the Defence Committee dated 13th March 1997; and for
 - (ii) the insular authorities to provide and retain ownership of furnished accommodation of items listed in Annex B of the report of the Defence Committee dated 13th March 1997;
 - (iii) the appointment of a Cadet Administrative Assistant (Captain), paid for by the Ministry of Defence (Army) with partly furnished accommodation provided free of charge by the insular

authorities.

(b) to agree to make funds available to support the development of the Army Cadet Force detachment to correspond with the Joint Agreement;

(c) to authorise the Greffier of the States to sign the Agreement.

Members present voted as follows -

``Pour" (13)

Senators

Shenton, Le Maistre.

Connétables

St. Lawrence, St. Mary, Trinity.

Deputies

Wavell(S), H. Baudains(C), Johns(H), Breckon(S), St. John, Blampied(H), de la Haye(B), St. Peter.

``Contre" (31)

Senators

Horsfall, Quérée, Bailhache, Syvret, Norman, Kinnard.

Connétables

St. Brelade, Grouville, St. Helier, St. Martin, St. John.

Deputies

Le Sueur(H), Coutanche(L), St. Mary, S. Baudains(H), Le Geyt(S), Trinity, Pullin(S), Duhamel(S), Routier(H), Dorey(H), Grouville, Huet(H), St. Martin, Le Main(H), Rabet(H), Crowcroft(H), Vibert(B), Le Cornu(C), Dubras(L), St. Ouen.

`Frisco' No. 3 Clos de Clement, St. Peter:
purchase - P.58/97

THE STATES, adopting a proposition of the Harbours and Airport Committee -

- (a) approved the purchase on behalf of the public from Mr. Albert Edward Colback of the property known as 'Frisco', No. 3 Clos de Clement, St. Peter, as shown on drawing No. 550/1, which is situated within an area designated as Aircraft Noise Zone 1 on the Island Map, as amended 1/87, for the sum of £80,000 with each party being responsible for the payment of its own legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts that it might be found necessary to pass in respect of the purchase of the said property and any interests therein;
- (c) authorised the Treasurer of the States to pay the expenses connected with the purchase of the said property and any interests therein from the Planning and Environment Committee's Capital Vote of Credit 'Acquisition of Land - Major Reserve' (Vote No. C0904).

The Lord Portsea Gift Fund (Jersey) Act 1971
(Amendment No. 2) Act 1997 - P.60/97

THE STATES, adopting a proposition of the Education Committee and with the approval of the Royal Court, made an Act entitled The Lord Portsea Gift Fund (Jersey) Act 1971 (Amendment No. 2) Act 1997.

Racial discrimination: report and recommendations - P.213/96

THE STATES, adopting a proposition of the Policy and Resources Committee, received the report of the Policy and Resources Committee dated 15th October 1996 on the extent of racism and racial discrimination in Jersey, and charged the Committee -

- (a) to take the necessary steps to enable legislation to be assessed for priority for inclusion in the States legislation programme -
 - (i) to render racial discrimination unlawful;

- (ii) to prevent the dissemination of ideas and propaganda based on racial superiority;
- (iii) to prevent activities inciting racial discrimination or hatred which falls short of constituting a breach of the peace or other contravention of existing Jersey law;
- (iv) to proscribe organisations promoting or inciting racial discrimination, and of participation in the membership of such organisations;

(b) to encourage more enlightened attitudes through education and a promotional campaign, which would incorporate the Island's response to the proclamation by the European Union of the year 1997 as "European year against racism".

Members present voted on paragraph (a) as follows -

"Pour" (37)

Senators

Shenton, Horsfall, Le Maistre, Stein, Bailhache, Syvret, Norman, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Brelade, Grouville, St. Helier, St. John.

Deputies

H. Baudains(C), Coutanche(L), St. Mary, S. Baudains(H), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Routier(H), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Blampied(H), Crowcroft(H), Vibert(B), de la Haye(B), Le Cornu(C), St. Peter, Dubras(L), St. Ouen.

"Contre" (3)

Connétable

Trinity.

Deputies

Dorey(H), St. John.

Magistrate's Court (Miscellaneous Provisions)
(Amendment No. 6) (Jersey) Law 199 - P.62/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Magistrate's Court (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Law 199 .

Costs in Criminal Cases (Amendment) (Jersey) Law
199 - P.63/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Costs in Criminal Cases (Amendment) (Jersey) Law 199 .

THE STATES rose at 4.42 p.m.

C.M. NEWCOMBE

Deputy Greffier of the States.