

**THE STATES assembled on Tuesday,
19th April 2005 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

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

All members were present with the exception of –

Senator Jean Amy Le Maistre– out of the Island
Senator Richard Joseph Shenton – ill
Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier– out of the Island.

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Postal Services (International) (Jersey) Order 2005. <i>Policy and Resources Committee.</i>	R&O 24/2005.
Road Racing (Hill Climbs and Sprint) (No. 2) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 25/2005.
Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Order 2005. <i>Finance and Economics Committee.</i>	R&O 26/2005.
Royal Court (Remuneration of Commissioners) (Jersey) Order 2005. <i>Finance and Economics Committee.</i>	R&O 27/2005.
Competition (Mergers and Acquisitions) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 28/2005.
Royal Court (Competition) Rules 2005. <i>Superior Number of the Royal Court.</i>	R&O 29/2005.

Matters presented

The following matters were presented to the States –

Code of Practice on Public Access to Official Information: Annual Report for 2004. <i>Presented by the Privileges and Procedures Committee.</i>	R.C.22/2005.
Public and private sector construction workflow projections. <i>Presented by the Economic Development Committee.</i>	R.C.23/2005.

Equalisation of Welfare (P.57/2004): comments. <i>Presented by the Finance and Economics Committee.</i>	P.57/2004. Com. (3)
Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: rezoning (P.33/2005) – comments. <i>Presented by the Environment and Public Services Committee.</i>	P.33/2005. Com.
Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: rezoning (P.33/2005) – additional comments. <i>Presented by the Environment and Public Services Committee.</i>	P.33/2005. Com. (2)
Economic Growth Plan (P.38/2005): comments. <i>Presented by the Policy and Resources Committee.</i>	P.38/2005. Com.
Economic Growth Plan (P.38/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.38/2005. Com. (2)
Land in St. Clement: rezoning (P.40/2005)– comments. <i>Presented by the Environment and Public Services Committee.</i>	P.40/2005. Com.
Fiscal Strategy (P.44/2005): amendment (P.44/2005 Amd.)– comments. <i>Presented by the Finance and Economics Committee.</i>	P.44/2005. Amd.Com.
Draft Planning and Building (Amendment No. 2) (Jersey) Law 200 (P.47/2005): amendments (P.47/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.47/2005. Amd.Com.
Draft Planning and Building (Amendment No. 2) (Jersey) Law 200 (P.47/2005): amendments (P.47/2005 Amd.)– comments. <i>Presented by the Environment and Public Services Committee.</i>	P.47/2005. Amd.Com.(2)

The following matters were presented on 12th April 2005 –

Public Sector Manpower Report: December 2004. <i>Presented by the Finance and Economics Committee.</i>	R.C.20/2005.
Review of Higher Education: the next steps. <i>Presented by the Education, Sport and Culture Committee.</i>	R.C.21/2005.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 14th April 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Donald Ernest Brook Duckworth and Mrs. Siobain Nicolette Duckworth, née Wade, of the three bedroom property known as 5 Clos de la Baule, La Rue des Prés, Grouville, for a period of three year deemed to have commenced on 1st April 2003, at an annual rent of £17,068, with the lessee having the option to renew for a further two-year period. All other terms and conditions would remain as set out in an Act, dated 7th April 1999, of the Health and Social Services Committee, with each party to be responsible for its own legal fees arising from this transaction;

- (b) as recommended by the Environment and Public Services Committee, the lease to Mr. Scott Meadows of the three-bedroom house with garden known as No. 1 Howard Davis Farm, forming part of the Howard Davis Farm complex, Trinity for an initial period of 12 months from 21st October 2004, at an annual rent of £11,166, subject to annual rent review in line with the Jersey Retail Price Index, with the Lessee being required to pay the full market rental value after the initial 12-month period. The agreement was to be terminable by either party upon one month's notice, with the lease being granted upon tenant's internal repairing terms and the public being responsible for the structural items, external repairs and decoration, the lessee also being responsible for the payment of occupier rates and utility invoices;
- (c) as recommended by the Housing Committee, the lease to the Jersey Gas Company Limited of an area of land (approximately 2.6 metres long and 2 metres wide) at Maufant Village, La Grande Route de St. Martin, St. Saviour, to facilitate the provision of a Ground Pressure Reduction Station, for period of 99 years for a one-off payment of £999. The Company would be granted rights to lay buried pipes from its gas main to the Station and rights of access for monitoring and maintenance purposes, and would be responsible for undertaking any remediation works associated with the production of the Station. The Company would also be responsible for both parties' legal costs arising from the transaction;
- (d) as recommended by the Environment and Public Services Committee, the sale to C. Le Masurier Limited of an area of land (measuring 270 metres in length) on the eastern extremity of the site of the property known as l'Auberge du Nord (including Fields Nos. 223, 219 and 220 and the eastern part of Field No. 221), St. John, in order to clarify title of the property for the new owner, Landmark Retail Limited with the public, for a consideration of £10,000 plus the public's reasonable legal and surveyor's fees. The public would retain access rights onto that area of land being sold for the maintenance, upkeep and renewal of the gullies and all associated pipes therein;
- (e) as recommended by the Housing Committee, the sale to the undermentioned of the following areas of land at Parc du Pont Marquet, St. Brelade–
 - (i) a parcel of land (measuring approximately 110 square metres) adjacent to No. 9 Parc du Pont Marquet to Mr. Roger Charles Pugsley and Mrs. Susan Linda Pugsley, née Hartley, for consideration of £5,000; and,
 - (ii) a parcel of land (measuring approximately 116 square metres) adjacent to No. 48 Parc du Pont Marquet to Mr. Trevor Henry Le Masurier and Mrs. Sheran Gean Le Masurier, née Vitel, for consideration of £5,000,

on the basis that the purchasers would be responsible for their respective legal fees and also for the public's legal fees (expected to be in the region of £350 in each case) arising from this transaction;

- (f) as recommended by the Environment and Public Services Committee, the lease to The First Tower Community Association of Units 1 and 2 OTC Building, La Route de St. Aubin, St. Helier, to facilitate the creation of a multi-purpose community centre for the First Tower area so as to provide facilities such as a drop-in point for residents to meet the Community Police Officer and activities for school-age residents, for a period of 9 years from 1st January 2005, for a one-off payment of £25 payable on the date of passing contract. Either party would have an option to break the agreement after 3 or 6 years. The lease was to be granted upon tenant's internal repairing terms and the public would be responsible for maintaining the premises in a wind and watertight and structurally sound state. The lessee would be responsible for payment of occupier rates and utility invoices and would pay a quarterly service charge in respect of other costs incurred in connection with the occupation of the building;
- (g) as recommended by the Education, Sport and Culture Committee, the sale to the Parish of St. Helier of a certain footpath (measuring approximately 106.3 square metres) located adjacent to the western boundary of Claremont Road, St. Helier (indicated on Drawing No. M712/02), for a consideration of £10, on the basis that the Committee would be responsible for both parties' legal fees arising from this transaction;

- (h) as recommended by the Education, Sport and Culture Committee, the lease to La Petite Ecole (Jersey) Limited of the property known as N34 Nursery, East Ditch, Fort Regent, St. Helier for use of the building and yard (measuring approximately 5,360 square feet net and 979 square feet respectively), for use as a nursery and after-school facilities, for a period of 9 years from 1st January 2005, at a commencing annual rent of £23,500 payable quarterly in advance with the rent to be reviewed every three years in line with the increase in the Jersey Retail Price Index. Parking would be agreed from time to time between the lessee and the Manager of Fort Regent or such other specified party, and each party would be responsible for its own legal costs arising from this transaction;
- (i) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. Derek Horsfall and Mrs. Eileen Doris Horsfall, née Chapron, of the three-bedroom property known as Holly Tree House, La Grande Route de St. Jean, Trinity, required for occupation by a Staff Grade in the Accident and Emergency Department, for a further period of 2 years from 1st August 2004, with an option to renew for a further year, at a commencement annual rent of £20,000 with an increase as at 1st August 2005, in line with the Jersey Retail Price Index. The agreement would be on an internal repairing basis and each party would be responsible for its own legal costs arising from this transaction; and,
- (j) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. Stephane Michael Fosse, owner of Neville Holt Cottage, adjoining the south-western corner of La Rue de la Croix au Maître, St. Martin, in order to clarify the boundary between Neville Holt Cottage and La Rue de la Croix au Maître following certain road improvement works in close proximity of the junction of La Rue de la Croix au Maître and Le Rond Collas and bordering Neville Holt Cottage, and to grant Mr. Fosse access rights on to the pavement for the purposes of building, maintaining or renewing the roadside wall, subject to reasonable notice being given. The Committee would be responsible for both parties' reasonable legal fees arising from this transaction.

Matters lodged

The following matters were lodged "au Greffe" –

Fiscal Strategy (P.44/2005): second amendment. <i>Presented by Senator S. Syvret, and referred to the Finance and Economics Committee.</i>	P.44/2005. Amd. (2)
Draft Housing (General Provisions) (Amendment No. 22) (Jersey) Regulations 200-. <i>Presented by the Housing Committee.</i>	P.71/2005.
Freedom of Information: proposed legislation. <i>Presented by the Privileges and Procedures Committee.</i>	P.72/2005.
Draft Children and Day Care (Amendment) (Jersey) Law 200-. <i>Presented by the Health and Social Services Committee.</i>	P.73/2005.
Caledonia Close, Pier Road, St. Helier: sale of property. <i>Presented by the Housing Committee.</i>	P.74/2005.
Privileges and Procedures Committee: revised terms of reference. <i>Presented by the Privileges and Procedures Committee.</i>	P.75/2005.
Jersey Law Commission: appointment of Commissioners. <i>Presented by the Legislation Committee.</i>	P.76/2005.
Island Plan 2002: changes to Built-up Area boundary.	P.77/2005.

Presented by the Environment and Public Services Committee.

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200-. P.78/2005.
Presented by the Legislation Committee.

Day Surgery Unit Extension and Accident and Emergency Extension Phase 1: P.79/2005.
approval of drawings.
Presented by the Health and Social Services Committee.

Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) P.80/2005.
(Jersey) Law 200-.
Presented by the Home Affairs Committee.

Arrangement of public business for the present meeting

THE STATES granted leave to the President of the Policy and Resources Committee to defer consideration of the following matter from the present meeting to a later date –

Machinery of Government: relationship between the Parishes and the Executive. P.66/2005.
Lodged: 22nd March 2005, *and referred to the Comité des Connétables.*
Policy and Resources Committee.

Machinery of Government: relationship between the Parishes and the Executive P.66/2005. Amd.
(P.66/2005) – amendment.
Lodged: 5th April 2005.
Connétable of St. Helier.

Scrutiny of the proposed Goods and Services Tax – statement

Deputy Robert Charles Duhamel of St. Saviour, one of the Chairmen of the Shadow Scrutiny Panels, made a statement in the following terms –

“The Scrutiny Panel, which I chair, has decided, and the Privileges and Procedures Committee has agreed, that it will scrutinise the proposed Goods and Services Tax within the following terms of reference –

1. To review the economic and fiscal environment that has led to the need to consider the introduction of a goods and services tax particularly in respect of –

- (i) recent events within the European Union;
- (ii) recent events within the financial offshore community;
- (iii) the consequences of moving to a zero 10 tax structure; and,
- (iv) the consequences of not making such a move.

2. To review the specific proposals put forward by the Finance and Economics Committee to introduce a goods and services tax particularly in respect of –

- (i) the level of tax ;
- (ii) the range of goods and services covered by the tax;
- (iii) the administrative arrangements required to collect the tax, including arrangements to collect tax

on goods ordered by mail or over the Internet; and,

- (iv) the impact of the tax on various sectors of the community.

The timeframe set for the completion of this task is three months with the intention to report at the beginning of the autumn session before the Assembly dissolves for the elections. I trust that members will do all they can if called upon to do so, to help the Scrutiny Panel meet this demanding timetable.”

Arrangement of public business for the next meeting on 10th May 2005

THE STATES rejected a proposition of Senator Edward Philip Vibert that the proposition of the Finance and Economics Committee regarding the Fiscal Strategy, (P.44/2005 lodged “au Greffe” on 8th March 2005), be not considered at the next meeting on 10th May 2005.

Members present voted as follows –

POUR: 23

Senator S. Syvret
Senator L. Norman
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Connétable of St. Martin
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 25

Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy of St. Mary
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)

ABSTAIN: 0

THE STATES rejected a proposition of Senator Paul Vincent Francis Le Claire that the draft Housing (General Provisions) (Amendment No. 22) (Jersey) Regulations 200, (P.71/2005 lodged “au Greffe” at the present meeting), be not considered at the next meeting on 10th May 2005.

Members present voted as follows –

POUR: 16

Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire

CONTRE: 27

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur

ABSTAIN: 0

Senator E.P. Vibert
 Connétable of St. Martin
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy M.F. Dubras (L)
 Deputy G.C.L. Baudains (C)
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy J.A. Bernstein (B)
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy G.W.J. de Faye (H)

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. John
 Deputy of Trinity
 Deputy A. Breckon (S)
 Deputy of St. John
 Deputy T.J. Le Main (H)
 Deputy J.L. Dorey (H)
 Deputy P.N. Troy (B)
 Deputy F.G. Voisin (L)
 Deputy C.J. Scott Warren (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Mary
 Deputy of St. Ouen
 Deputy M.A. Taylor (C)

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 10th May 2005, and, adopting a proposition of the President of the Policy and Resources Committee, agreed that they would be considered in the following order –

Fiscal Strategy. Lodged: 8th March 2005. <i>Finance and Economics Committee.</i>	P.44/2005.
Fiscal Strategy (P.44/2005): amendment. Lodged: 15th March 2005. <i>Senator S. Syvret.</i>	P.44/2005. Amd.
Fiscal Strategy (P.44/2005): amendment (P.44/2005 Amd.)– comments. Presented: 19th April 2005. <i>Finance and Economics Committee.</i>	P.44/2005. Amd.Com.
Draft Employment Relations (Jersey) Law 200-. Lodged: 1st February 2005. <i>Employment and Social Security Committee.</i>	P.19/2005.
Draft Employment Relations (Jersey) Law 200- (P.19/2005): comments. Presented: 8th March 2005. <i>Finance and Economics Committee.</i>	P.19/2005. Com.
Draft Employment Relations (Jersey) Law 200- (P.19/2005): amendments. Lodged: 1st March 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.19/2005. Amd.
Draft Employment Relations (Jersey) Law 200- (P.19/2005): amendments (P.19/2005 Amd.)– comments. Presented: 15th March 2005.	P.19/2005. Amd.Com.

Employment and Social Security Committee.

Machinery of Government: relationship between the Parishes and the Executive. P.66/2005.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Machinery of Government: relationship between the Parishes and the Executive P.66/2005.
(P.66/2005) – amendment. Amd.
Lodged: 5th April 2005.
Connétable of St. Helier.

Draft Housing (General Provisions) (Amendment No. 22) (Jersey) Regulations P.71/2005.
200-.
Lodged: 19th April 2005.
Housing Committee.

Caledonia Close, Pier Road, St. Helier: sale of property. P.74/2005.
Lodged: 19th April 2005.
Housing Committee.

Newspaper recycling scheme – question and answer

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

“With regards to the proposed expansion of the Committee’s newspaper recycling scheme halfway through the six-month trial, would the President advise members –

- (a) of the cost of this scheme to date?
- (b) of the return to the Committee to date, if any?
- (c) whether the scheme was put out to tender originally, and, if so, what terms and conditions were agreed with the contractor for the provision of this service and what was the successful tender price; if the scheme was not put out to tender, would he state the reasons why? and,
- (d) whether the Committee intends to invite competitive tenders in view of the proposed expansion of the scheme, and, if not, would he state the reasons why?”

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

“(a) The set up and operational costs of the scheme to date total £31,134 and are as follows –

Summary of costs up to March 31st 2005	
<i>Set up costs:</i>	
Purchase of 26 No. glass recycling banks from Parish of St Helier @ £150 per unit	3,900
Modification of banks to accept paper	2,600
Minor civil engineering for new sites	7,500
<i>Total</i>	<i>£14,000</i>
<i>Operational costs:</i>	
Collection	9,266
States Subsidy to cover export	7,868

- (b) The collection, processing and shipping costs are considerably higher than the value of this grade of material to the reprocessors. There is no return to the Committee.
- (c) Due to the short-term nature of this initial pilot scheme (6 months), a full competitive tendering process was not deemed a necessary or efficient way of procuring this service.

For the collection process, three haulage companies were approached and invited to submit proposals of how they would go about emptying the recycling banks chosen for the scheme and to provide a quote based on an hourly rate for that service. A selection was made based on the merits of the solutions put forward.

For the reception, baling, export and delivery to a U.K. reprocessor, the Committee decided that the material collected would be handled by the contractor who was already operating the Committee's cardboard recycling scheme. Again, for a short-term trial this was deemed the most efficient way forward.

A simple set of terms and conditions were agreed for these services and the scheme commenced on 21st December 2004.

- (d) The scheme was expanded to one extra site as part of the trial. A further expansion is planned to trial a high capacity recycling point at Bellozanne which may assist in reducing collection costs.

As part of its Draft Solid Waste Strategy, the Committee is proposing to expand the existing recycling 'bring' system to make recycling more convenient to the public and increase participation rates for recycling in the Island. If the States approve the Strategy, further work will be required to identify the most cost effective way of delivering these services. Any contracts developed as part of this process will be let in accordance with States procedures."

Long-term incapacity allowance – question and answer

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

“Will the President inform members –

- (a) of the comparative figures of long-term incapacity allowance (LTIA) claimants in the 4th quarter of 2004 and the equivalent for the 4th quarter of 2003 (invalidity and disablement benefit claimants) showing the difference in numbers of claimants, the percentages of their awards and the total sums paid out in these periods?
- (b) In response to my question of 15th March 2005, the President suggested that it would be possible to see how many of the 125 claimants of LTIA in the last quarter of 2004 had returned to work when the quarterly returns from employers were processed in April 2005. Will the President confirm that this information will be provided to all members and indicate when this might happen?
- (c) Also in his answer to the aforementioned question, the President spoke of the interaction between LTIA and health insurance exemption (HIE) claimants. Will the President inform members how many of the 125 LTIA claimants for the last quarter of 2004 who were given 100% assessment applied for and were given HIE?
- (d) Will the President inform members of the numbers of LTIA applicants for the 1st quarter of 2005 together with the numbers assessed and at what percentages of incapacity?"

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

- “(a) Claimants to invalidity benefit do not have percentage awards so comparisons on this basis are impossible between the 2 quarters. The old Disablement Benefit is the same as LTIA with percentage awards based on loss of faculty however these awards are not static and move up and down over time. Awards made in D Quarter 2003 have very likely changed and tracking back to make comparisons would involve a disproportionate amount of resource time as each individual assessment would have to be identified and could not be produced in the time allowed. The Department would need to analyse legacy data.

However, the awards made for LTIA assessments for claims/reviews made in D2004 are produced here although some assessments have been made in 2005.

The following tables draw the comparisons requested. They show that overall expenditure in the 2004 quarter was, in fact, greater than the same quarter of the previous year, before the reforms took place –

Quarter	Benefit	New or Reopened Claims	Total Number of Claims Authorised at Quarter End	Amount of Benefit Paid £
D2003	Disablement	41	777	775,600.18
D2003	Invalidity	271	1,954	4,305,713.57
Totals		312	2,731	5,081,313.75
D2004	LTIA	137	935	1,049,652.65
D2004	Invalidity	134	2,094	4,935,573.80
Totals		271	3,129	5,985,226.45

LTIA awards assessed for claims/reviews in D2004 –

Assessment	<10%	10-20	20-30	30-40	40-50	50-60	60-70	70-80	80-90	>90
Number	6	33	21	17	15	31	15	16	25	35

- (b) It is possible to identify how many of the claimants to LTIA are actually paying contributions and receiving benefit. This will be dependent on contribution returns from employers and the self-employed being returned and processed for the A quarter 2005. Returns from employers were due on 15th April 2005, and the self-employed are due on 15th June 2005. The information should, therefore, be available by the end of June 2005. However, as already advised in answer to a previous written question, the Committee will be undertaking a full evaluation at the end of the first year when more meaningful trends can be established. On a point of clarification, backdated assessment (due to claims being made late) have increased the number of claimants from 125 to 132.
- (c) The answer is that no new claimant to LTIA in 2004 with an assessment of 100% has been given HIE. However, for ease of reference I repeat my answer to the question on 15th March 2005.

‘There are several non-financial criteria for the award of HIE which can include the circumstances of other members of the household. There is no criterion that states that a person must be 100 per cent incapacitated. However, there is a criterion that a person of working age who is not working can qualify if it is likely that he or she would be unlikely ever to work again due to incapacity. In the past this was authenticated by a letter from the claimant’s general practitioner but the new incapacity pension is based on the same criteria and can be used as a passport to HIE if other criteria are met including the income test. The Committee is also considering if such an automatic provision could be extended to claimants with high rates of LTIA without breaching the cash limit set by the States as the HIE scheme is partially funded from general revenues.’

- (d) From 1st January to 31st March 2005, 203 claims to LTIA were received for assessment by the Department. The breakdown of these claims reveals 133 assessed, 26 disallowed, 8 suspended and 36 pending awaiting further details. The analysis of percentage loss of faculty is as follows –

Assessment	<10%	10-20	20-30	30-40	40-50	50-60	60-70	70-80	80-90	>90
Number	3	17	20	13	14	10	9	14	14	19

Oral questions

1. The Deputy of St. Martin of the President of the Environment and Public Services Committee:

“What proposals, if any, are there to carry out work in the first area of gardens at the Gorey Pier end of Gorey Coast Road?”

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

“Public Services has been approached by the Sculpture Trust, who have expressed an interest in creating a garden and sculpture in the first area of the Promenade Garden, leaving Gorey heading back to St. Helier. The garden and sculpture would be in memory of the Trust’s founder, who died in 2004, Mrs. Pat Carter. The matter will be brought to the Committee for an in-principle decision on the merits of the scheme at the end of May, and if the Committee is supportive of the Trust’s proposals, then the Trust can pursue planning permissions, funding and consultations with interested parties.”

1(a) The Deputy of St. Martin:

“Could I inform the President that this issue has raised a certain amount of concerns in the Gorey area and what they are asking, and indeed I am also seeking an assurance from the President, is would the President give an assurance that there will be full consultation with the residents and also possibly with the Constable and the Deputy of the Parish, Sir, before any decision is made?”

Senator P.F.C. Ozouf:

“I am very happy to give that undertaking, Sir. We have been approached by the Sculpture Trust and, of course, they will need to carry out consultation, but I give the undertaking of consulting with both the Deputy and the Connétable on the issue.”

The Connétable of St. Martin:

“And also the Gorey Improvement Group, Sir.”

Senator P.F.C. Ozouf:

“With pleasure, Sir.”

1(b) Deputy R.G. Le Hérisier:

“Who will finance the actual sculpture were it to go ahead?”

Senator P.F.C. Ozouf:

“The Sculpture Trust is an independent body which funds sculptures in a variety of different ways. Certainly we haven’t been approached, or the Committee hasn’t been approached, for funding. That is an issue which I am afraid I cannot report because I simply don’t know, Sir.”

2. The Deputy of St. Martin of the President of the Economic Development Committee):

“Would the President inform members whether there is any procedure for independent investigation of complaints against the Jersey Financial Services Commission and, if not, whether the Committee will be reviewing this as well as considering commissioning the appointment of an independent audit of the Commission?”

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

“The law that the Jersey Financial Services Commission acts under provides for appeals against the regulatory decisions of the Commission. In addition, the Commission has an established procedure for handling complaints where the complainant is dissatisfied with the actions of the Commission or its staff. This is published on the Commission’s website. Complaints received are investigated by the Director-General, with the right of appeal to the Chairman of the Commission. Whilst the procedure works

reasonably well, the Commission acknowledges that it may not appear sufficiently independent. The Commission has therefore already proposed to the Economic Development Committee that a mechanism should be established for an independent person to investigate complaints made against the Commission in cases where the complaint could not be resolved through the Commission's own internal procedures. The Commission has incorporated this proposal in its business plan for 2005 and is currently examining various options. It is intended that the Commission will revert to the Economic Development Committee with details of a specific proposal later in the year. In relation to an independent audit of the Commission, the answer is that my Committee did consider this matter only last month and decided, after seeking the advice of the Chief Internal Auditor, that any such any audit should most properly be carried out by the Comptroller and Auditor-General when he or she is appointed. Upon that appointment being made, it is a matter that my Committee will address."

2(a) Senator E.P. Vibert:

"Would the President confirm that at a meeting held with myself, Senator Walker, himself and the Commissioner, I informed him that I would be bringing forward a proposition calling for a full public inquiry into their activities? Would he agree that he agreed to it, that the President of Policy and Resources agreed to it and the Commissioner agreed to it, and could I put to him, when I bring that proposition, that his Committee will continue to agree that there is a need for a full public inquiry?"

Deputy F.G. Voisin:

"No, I did not agree to that public inquiry. I listened and I said nothing. I remained silent. The Chairman, from my recollection, said that they were happy, always happy, to co-operate and, indeed, that is always the stance of the Commission. From my own personal position, I will wait to see what the content of the proposition does actually state."

2(b) Deputy R.G. Le Hérisier:

"Would the President inform the House, Sir, where he feels the current system for investigation of complaints is deficient?"

Deputy F.G. Voisin:

"What I think is what I said in my answer, Sir, that where a complaint can be dealt with by the court, then that provides an independent forum to listen to that complaint, but where a complaint is against the Commission itself or staff of the Commission, then there should be an independent body to hear that complaint. That is what is being addressed by the Commission."

2(c) Senator E.P. Vibert:

"Would the President accept the fact that a complainant, or a company who has a complaint, can only go to the Royal Court once a decision has been made, and they can be kept four years waiting for a decision, during which time they can go bankrupt?"

Deputy F.G. Voisin:

"In relation to regulatory matters, that is correct."

2(d) Senator E.P. Vibert:

"So do you think that is acceptable?"

Deputy F.G. Voisin:

"I feel that the Senator is referring to one particular matter, where a company applied for a licence and the Commission was actively trying to work with the company concerned to help them improve the systems within the organisation so that they could indeed comply with the requirements and successfully gain a licence. It is always very easy for the Commission to give a quick answer, which unfortunately would be 'No'. It is better, I would have thought, for them to work to be positive, to work with the organisations involved, so that they can try and comply with the requirements of the Commission."

2(e) Deputy G.P. Southern:

"Nonetheless, to go to the individual case and say that is all right, if that is possible – if it is possible – for

a company to be in suspension without a decision and not have a means of redress, then that should not exist, surely?"

Deputy F.G. Voisin:

"That would constitute... that would almost certainly, I would have thought, if there was no foundation for an answer not being given, then I would have thought that would form the basis of a complaint against the Commission, which is precisely the sort of complaint that we are talking about today."

2(f) The Deputy of St. Martin:

"I do not know if Senator Vibert wants to ask a question, but I would like to thank the President for his answers, but what I would ask is would he come back to the House maybe within three months to give us an update on the actions he has taken to get this independent body formed?"

Deputy F.G. Voisin:

"I will certainly endeavour to keep the House informed as to progress."

2(g) Senator E.P. Vibert:

"I wonder if the President is aware that I met with the Director-General 6 months ago to discuss this very issue and is he aware that at that meeting he agreed for the need for an independent review, and he said that he would be coming back to me with a proposal within 3 months? I have heard nothing."

Deputy F.G. Voisin:

"I am not aware that the Director-General gave the Senator a commitment to come back to him within 3 months, but certainly, as I have just stated on a number of occasions now, the matter is being considered by both the Commission and the Economic Development Committee."

3. Deputy G.C.L. Baudains of St. Clement of the President of the Economic Development Committee:

"What measures, if any, are open to the Committee to review the methods and practice of the Jersey Milk Marketing Board in relation to matters such as doorstep deliveries of milk in view of the comparatively higher price of milk in Jersey?"

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

"It would appear that the only measure open to the Committee to review matters such as doorstep deliveries of milk would be to ask the States to appoint a Commission of Inquiry under Article 13 of the Agricultural Marketing (Jersey) Law 1953."

3(a) Deputy R.G. Le Hérisier:

"Does the President realise that the system of – if I may put it this way – ‘free-standing milk delivery persons’ was instituted by the last management and it led to very severe staffing restrictions on the delivery of milk? Is he in consultation with the Board to see if the system could somehow be modified and made more flexible?"

Deputy F.G. Voisin:

"I am afraid I am not privy to the detail of the structure of milk deliveries. The question related to the Committee's powers. I do know that there have been a number of changes concerning milk delivery and the old system of basically making roundsmen self-employed was stopped when the new management took over; and it was stopped because there was a significant amount of bad debt being accrued, a matter that was addressed in the accounts of the Milk Marketing Board."

3(b) Deputy G.C.L. Baudains:

"Would the Committee at least investigate why there appears to be one area that is at a level which is unsustainable? We are talking about deliveries and possibly not enough staff to carry over emergencies such as periods of sickness and things like that, whilst, on the other hand, the price of milk is relatively high in Jersey. Would the President undertake to make an investigation and to bring forward any resolution that his Committee may think appropriate?"

Deputy F.G. Voisin:

“Well, Sir, the fact of the matter is that the Milk Marketing Board that manages the dairy has been put under pressure not only by the Committee but also this Assembly to bring down the price of milk, and it is looking to drive out efficiencies within the whole range of activities undertaken by the dairy. I think this is really a commercial activity for them and I don’t see that it is at the stage where it is serious enough to ask the States to appoint a Commission of Inquiry.”

3(c) Deputy G.C.L. Baudains:

“I think the President misses the point. When hundreds of people, some quite elderly pensioners, are left wondering day after day whether the milk supply is going to arrive or not and when there are rumours going around that there will no longer be any milk supplies – that the dairy has now stopped doing that – really, I think it is an unsatisfactory situation that the Committee should be looking into. Would the President agree to at least investigate?”

Deputy F.G. Voisin:

“There was, as I understand it, a problem with deliveries on one day because of sickness and holiday, but I am afraid I don’t believe that that is a sufficient problem to warrant the Committee getting involved with the commercial activities of the dairy. Obviously the dairy has an interest in providing a service to its customers and it doesn’t want to lose business by not having some sort of delivery system available. I understand that milk deliveries have resumed and that these problems have been sorted out.”

4. Deputy J.A. Martin of St. Helier of the President of the Privileges and Procedures Committee:

“Would the President inform members (a) why it is necessary to appoint a Scrutiny Manager and how many staff will the postholder manage; (b) is it necessary for the postholder to have a university degree; (c) is the appointment going through the normal public service recruitment procedures; and (d) where will the manager be based?”

Deputy R.G. Le Hérissier (President of the Privileges and Procedures Committee):

“Answer (a) – is it necessary to appoint a Scrutiny Manager, as the Scrutiny team will likely grow to ten people, some of whom will be (as is the current nucleus) appointees on competition from the States Greffe. Currently the management is carried by the Deputy Greffier of the States. This is imposing on her other rôles and, furthermore, when we move to ministerial government, it will be necessary to have a clearer separation and a separate manager. I should also add, Sir, that the manager of Scrutiny will be expected, in addition to the managerial rôles, to perform the normal Scrutiny duties (e.g. attending upon Panels). Answer (b), Sir – it is not absolutely necessary that the holder have a university degree, but it is preferable. If, for example, Sir, an applicant has a combination of relevant experience and a professional qualification, this will be considered. Answer (c) – yes, indeed, absolutely the appointment is going through the public service recruitment procedures. It is our intention, Sir, that it should be open to all suitably qualified persons on the Island who meet the basic recruitment criteria. Answer (d) – it is likely to be the case, but yet I cannot be absolutely firm, that the Scrutiny function will be based at Morier House.”

4(a) Senator E.P. Vibert:

“Would the President accept that in fact, to appoint a manager when there are only four Scrutiny Officers in the understanding that there is ultimately going to be ten, is a piece of empire building and is quite unnecessary; and would he also inform the House whether the Scrutiny Officers themselves, who have actually been carrying out Scrutiny for the last year, weren’t actually consulted about whether they had any difficulty in handling the matter themselves? Could he also answer, whilst he’s on his feet, Sir, whether he thinks it is right that the Scrutiny function should move across to the government side of the building rather than stay independent, because surely a geographic location puts a kind of pressure on an office that really is not right to have and it should remain totally independent geographically as well as physically and as well as mentally?”

Deputy R.G. Le Hérissier:

“In regard to the allegation that there is empire building, that, Sir, I would dispute strongly. As far as we are concerned, there has been a need for some time now for one person to take responsibility for the

function. There are, as befits the quality of people we have there, strong personalities and there are issues of a somewhat routine as well as more complex management nature that need to be dealt with, and they need to be dealt with, Sir, through one person. Clearly, Sir, that one person should operate in terms of consultative leadership. I wouldn't expect them to be autocratic in their style and we certainly would not be seeking such a person. Secondly, Sir, have the persons been consulted? Not directly, no, because the feeling is, Sir, that Scrutiny has grown to be a much bigger function. It is moving to be a much more independent function, as indeed we have seen this morning in various answers, and we are trying to plan for the future and for a new kind of Scrutiny. Thirdly, Sir, will the move compromise the independence of Scrutiny? The Senator has raised a valid point, but in Morier House there are discrete floors and discrete departments already operating within Morier House. There is no evidence, Sir, that being in the presence of each other, albeit physically removed on different floors, they are contaminating each other. I feel, Sir, that the independence of Scrutiny is not only upheld by its physical location, but it is upheld by its robust defence of the kind, for example, we have heard about this morning; it is upheld by the quality of its staff; and it is upheld by a clear understanding of its rôle vis-à-vis the executive."

4(b) Deputy T.J. Le Main:

"Could the President inform the House at what grade it is proposed and salary the Scrutiny Manager would be on and how was the grading achieved and arrived at?"

Deputy R.G. Le Hérisier:

"The grade will be 12. I have not got the salary details at hand, but I could come back to the Deputy with them. It was arrived at on a simple formula. On the basis of the size of the department and of the complexity of the rôle, it leads to that particular finding."

4(c) Senator S. Syvret:

"Would the President agree with me that actually having a properly managed and resourced Scrutiny function means that it will actually be able to do its job better and more effectively and, presumably, satisfy many of the Scrutiny requirements of Senator Vibert?"

Deputy R.G. Le Hérisier:

"Yes, Sir, I would totally agree with the Senator. We have often been criticised – indeed sometimes by the Senator – that we have been in some respects doing Scrutiny on the cheap and I would totally agree with him that this will enhance, hopefully, its growing if contentious reputation."

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

"Would the person also be instructed to assist the Committee to review the existing Scrutiny reviews that have been carried out in order that reports can be considered by the Committee about the lessons learned of the shadow Scrutiny function?"

Deputy R.G. Le Hérisier:

"No, Sir, I doubt that, because if, for example, there were to be an appointment from outside the public service, I think this person, although they would obviously by definition bring a fresh viewpoint, they clearly would not be up to speed. There is a process in place – indeed we hope the Senator will be playing a lively rôle in this process – where Scrutiny reports are being evaluated. This has happened, as we know, Sir, with the report chaired by Deputy Dorey on the drugs issue. This will happen with the waste report issue, which I know is of importance to the Senator. The hope is that, Sir, these will be public. Indeed, the findings – if I could divert slightly – I am fairly certain in saying that the findings of reflection, so to speak, on the drugs report are on the website."

4(e) Senator E.P. Vibert:

"Finally, I wonder if the President is aware that actually no determination has yet been made about the Public Service grading of Scrutiny Officers themselves and that in fact at the moment they are on Committee Clerks' grading, despite the fact that the workload is far more demanding, because they are researchers as well as organisers and report writers? Would the President agree to look into this matter urgently, as at this moment I personally believe that the Officers are being exploited and I think it is unfair?"

Deputy R.G. Le Hérisier:

“As members know, the current small group of 3 Officers, they are ----

Senator E.P. Vibert:

“Four.”

Deputy R.G. Le Hérisier:

“Sorry, 4, my apologies. They were recruited from the Greffe on a form of internal competition and if indeed this has proved to be the case, yes, we will look at it with some urgency.”

5. Deputy J.A. Bernstein of St. Brelade of the President of the Environment and Public Services Committee:

“What progress, if any, has been made by the Committee to secure an appropriate parking and fuelling site for Tantivy Blue Coach vehicles and what impact does this have, if any, on the provision of the current school bus service?”

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

“The Department has been instructed to progress this matter to see what we can do. Officers are discussing options and it is hoped that a firm proposal will be discussed with Tantivy very soon. We are aware of the timescale and will do everything possible to facilitate a solution. Assuming this is achieved, there will be no impact on the school bus service.”

5(a) Deputy G.P. Southern:

“Would the President say whether any consideration has been given to the option of sharing the current site of Connex down at La Collette, where I believe there are 17 parking places spare, which might actually generate a little more income either for Connex or for Public Services themselves?”

Senator P.F.C. Ozouf:

“All options are being considered. I am not really willing to be drawn on the options that are available as they are obviously commercial issues that need to be dealt with between Tantivy and the Committee and any other operators. Suffice it to say that this matter is being progressed and we are attempting to find a solution.”

5(b) Deputy G.P. Southern:

“Is the President fully aware that the issue is not just parking but of fuelling, and that consideration has been given to bringing into the Island a portable tanker, which might be moved around the Island, containing fuel for coaches and that may produce a health risk to the public and that the date for leaving the Weighbridge site is May 16th, which is not very far away?”

Senator P.F.C. Ozouf:

“I am aware that this is an issue not only of parking but of fuelling too. I am also aware that it is not necessarily of the Committee’s making that the company concerned finds themselves in the difficulties that they have in terms of exiting their premises. We are nevertheless attempting to assist the company in finding a solution to both the parking and refuelling issues and I note the comments or observations in relation to the moveable fuelling facility that he mentions.”

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

“I take the President’s point that it is an issue about parking and fuelling, but obviously the first issue is about parking and Deputy Le Main and myself have shown a willingness to meet with the Committee. I know Deputy Le Main has been kept in the loop as to what is happening and being moved forward, but I have not been kept in the loop and I wondered what was actually occurring at the moment in regards to looking at the suggestion that Deputy Le Main and I had in relation to the parking facility. That would at least solve the problem in the short-term and not see extreme difficulties to this company, which has now stopped its approach on what was a contentious site in regards to having taken on board the views of the residents.”

Senator P.F.C. Ozouf:

“I think that such matters are best dealt with by professional officers and they are progressing matters. I don’t really think that I have anything further to add. I have, I think, endeavoured to keep Deputy Le Main informed because he requested to be. I will share with Senator Le Claire and any other member who asks me on a confidential basis exactly what we should be doing. The matter is being progressed, but I would reiterate the point that this issue is not an issue of the Committee’s making. The fact is that the company concerned has made a decision themselves to exit the Weighbridge site. We are attempting to assist them after having made their decision.”

5(d) Deputy G.P. Southern:

“To put the blame back to the company, I think, is going a step too far. Is the President aware that in fact a request to find a suitable site out of town has been lodged with his Committee, although previous Committees, for the last 10 years and it was flagged-up on September 14th to his Committee as a matter of urgency?”

Senator P.F.C. Ozouf:

“The Committee is responding to the requests made, and I can’t really add any further comments. I am optimistic that a solution will be found, subject to commercial terms.”

6. Deputy R.G. Le Hérissier of the President of the Health and Social Services Committee:

“What will be the impact, if any, of the closure of Bon Air Nursing Home upon the planned provision of residential care for the elderly?”

Senator S. Syvret (President of the Health and Social Services Committee):

“The nursing and residential care sector currently has a significant number of bed vacancies, a situation not seen for a number of years. It would appear that there is over-capacity in the market, with the prospect of further beds being available in the sector with the recent approval of new nursing and residential home premises by the Planning Committee. We expect there to be a further rationalisation of bed space in the coming months, which may result in yet further closures of premises. We do not expect the closure of Bon Air to have any negative impact on the general level of service provision in this sector. The discussions held with the owners of Bon Air have indicated their intention for the future of these premises to be for conversion to sheltered accommodation, subject to any necessary approvals from Planning. This will significantly increase the number of beds in that particular sector and provide much needed alternative options for Islanders.”

6(a) Deputy R.G. Le Hérissier:

“Notwithstanding the President’s good news that there is an increase in sheltered beds, does he believe that this closure and those that he is referring to are helpful in terms of the long-term demographics; and, secondly, Sir, why isn’t this demand that is being placed bringing about a lowering of what people consider the quite excessive fees that they are often paying?”

Senator S. Syvret:

“The first part of the Deputy’s question is that, yes, this is a temporary situation in the market and the probability in the long-term, given the age of the population, is that more beds will be needed in the long-term. That is certainly true. As to the second part of the Deputy’s question, I really find it difficult to provide an answer. He is correct. These beds are often extremely expensive. Some homes are actually finding it difficult to have sufficient occupants to enable them to make their operations viable, yet we don’t appear to be seeing any significant drop in the cost. That is a sad fact, but there is not actually anything within the powers of the Health and Social Services Committee that we can do in respect of the prices charged by the private sector – if only there was, given the amount of money that we actually spend with them.”

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

“I believe, although it has been a while since I have been on the Committee, that they were carrying out medical procedures at this location. Will those continue? Also, was any thought given to perhaps

developing the Bon Air Nursing Home as a centre for doctors to receive patients as it already is?"

Senator S. Syvret:

"My Committee was approached, or I was approached certainly, by the then owners of Bon Air some 2 or 3 years ago now to ask whether Health and Social Services may be interested in purchasing the site. The absolutely clear professional advice we received was that it was not a good move. The standards of the site certainly were not up to the requisite standard, particularly for medical procedures, the area referred to by the Senator."

6(c) Deputy R.G. Le Hérissier:

"Broadening out the question: given that people are getting exceptionally concerned about the costs of their residential care and the Parishes, as we know, are facing enormous pressures in paying for this care, is the President and his Committee looking seriously, for example, at the Guernsey solution of instituting long-term insurance so that people have some comfort in their old age and don't meet this crisis which a lot of people are now meeting?"

Senator S. Syvret:

"I agree with the Deputy's concerns, and the Guernsey system would appear to offer a number of significant advantages. The Committee has considered that on a couple of occasions in the past, but really we felt that it was more of a social insurance and social security-type system that needs to be put in place to address this issue, so the actual benefit scheme of funding residential and nursing home places is probably more appropriately a matter for the States' Benefits Department, which is the Employment and Social Security Department."

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

"Given the President's reassurance in the States, on 1st March 2005, that delays associated with the new computer system were *'being identified quickly and rectified'*, why have statements of Class 2 contributions for Quarter A 2005 contained the following statement: *'We apologise for the late issue of this statement and therefore, on this occasion, request that payment be made by 30th April 2005'*?"

Senator P.F. Routier (President of the Employment and Social Security Committee):

"The late issue of the statement was not due to a computer system problem at all or anything to do with the computers in any way. It was simply due to a backlog of self-employed accounts, and that was also compounded by 400 individual accounts arriving on the last day, the due date, from one particular accountancy practice. The Department felt it unfair that some Class 2 contributors might be disadvantaged by this, so allowed an additional amount of time – which was 2 weeks – for payments to be made. The statement from the Comptroller reflects this, and so the Department will be looking at procedures to chase Class 2 contributors more effectively in the future. I would like to thank all those self-employed people and their agents who do make their returns well before the due date."

7(a) Deputy G.P. Southern:

"Is the President aware that late return by the self-employed results inevitably in loss of benefit? Is there any sanction, does he think, that his Department should be liable to over this lateness?"

Senator P.F. Routier:

"I don't believe that we should be held to any sanction. We are trying to be helpful to people here."

8. Senator E.P. Vibert of the President of the Economic Development Committee:

"Is the Committee prepared to take action to change the regulation régime whereby local banks deem States members as being 'politically exposed' and subject to a special investigation, which can take up to 8 weeks to complete, when being put forward as an authorised signatory by a charitable body attempting to open a bank account?"

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

"The money laundering guidelines in Jersey are in line with international standards and I cannot foresee

circumstances where my Committee would direct the Commission to regulate contrary to such standards. These standards require banks to perform additional checks when opening accounts for certain high profile individuals such as politicians and senior government officials. The regulatory régime in Jersey does not single-out States members as requiring special attention by banks. Banks are expected to adopt a risk-based approach when opening accounts. This can lead to some variation in the approach adopted by different banks. The scope for such variation should be reduced following publication of the Jersey Financial Services Commission's revised anti-money laundering guidelines in the next few months. These will provide additional guidance on how to apply the risk-based approach."

8(a) Senator E.P. Vibert:

"Is the President implying that in fact the States of Jersey cannot suggest to the Jersey Financial Services Commission (JFSC) that members of the States of Jersey should not be classed in the same category as somebody from President Mugabe's government and in fact the same checks have to be carried out on a States member – which actually does take weeks, and I have personal experience of it?"

Deputy F.G. Voisin:

"First of all, Senator E. Vibert's experience may well not be the experience of all people; it all depends upon the bank with whom you are dealing. Frankly, I am quite astonished that a States member is asking me a question to basically put pressure on the Financial Services Commission to give the States member a better position than they would have under international regulatory standards. I find it quite extraordinary. So, no, the Committee is not going to ask the Commission to run contrary to international standards."

8(b) Connétable D.J. Murphy of Grouville:

"It may interest the House to know that in fact Connétables are not considered politically exposed people, and do you think that has any effect on the integrity of the rest of the House?"

The Bailiff:

"I do not think that requires an answer."

8(c) The Deputy of St. John:

"I am appalled that the President of the Economic Development Committee yet again is throwing his weight around and not willing to speak to the Financial Services Commission (FSC), given that I understand where the Senator is coming from. I am regularly in correspondence with various finance houses and banks and there is a delay because a States member in fact is exposed. I would have preferred if the President would have been more conceding and actually taken it on board, because there is a problem and 6 to 8 weeks' delay in opening additional accounts can be a real bugbear."

Deputy F.G. Voisin:

"I sympathise with the exposed Deputy. I think that we acknowledge that there is a difference in the procedural standards that are applied among banking institutions, which is precisely why some time ago the Financial Services Commission decided to issue guidelines in the form of a handbook, and this we hope will clarify the situation so that we do have a more consistent procedure across all institutions. As far as his comment about throwing my weight around is concerned, I am very sorry that he believes that, but really it would be thoroughly contradictory to the recommendations of the Edwards Report if the Committee were to start giving directions to the Commission on detailed matters of regulation. The Edwards Report clearly stated that in its view it was wrong for the States to have any power of direction whatsoever. In actual fact, we do retain power of direction, and it is very important that we only use those powers where they are really necessary, and I don't believe that it would be right for the Committee to use those powers to require the Commission to enforce regulatory standards which are contrary to those very international standards that we have actually been involved in setting up in the first place."

8(d) Senator E.P. Vibert:

"Would the President not accept that, in view of the fact that a booklet of guidelines is being issued to the banks so that they have uniformity about the matter, so that there is no confusion, he couldn't accept the fact that he could make suggestions to them? Nobody is suggesting that he could order them, but he could make a suggestion to them that parts of these regulations, which are extremely irritating and upsetting to

the people Jersey trying to open bank accounts, that in fact they include that in the handbook? Could he also accept the fact that one of the requirements of the Jersey Financial Services Commission (JFSC) is to trace the origin of the funds, and is he aware that a cheque from the States of Jersey was held back for nearly four weeks whilst they checked the validity of the funds? That is the sort of thing that is happening around the Island that is causing a lot of problems for the people of Jersey, and I am so sad that he takes the matter so lightly.”

Deputy F.G. Voisin:

“I repeat what I said a few moments ago, that we have not ignored the comments of the industry. We have taken them on board. The matter that you refer to is a good example of where perhaps a little more of a sensible approach by the bank should have been taken, which is precisely what the Commission and the Committee hope to address in providing these guidelines with the handbook. That is in process and we hope to have these guidelines and handbook issued in the next few months.”

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

“I am pleased to hear that there is going to be a set of clear guidelines issued to banks and the finance industry operators in the Island. Will the President of the Economic Development Committee also ensure that those guidelines cover States’ Committees and States bodies such as the Waterfront Enterprise Board (WEB)? We recently had a case which was highly publicised of the involvement of money being invested in the Tourism development lease which had exposure to an individual that was an ex-Vice-President of Sinn Fein and a close friend of the IRA. If that is not politically exposed, I do not know what is. And are these procedures going to cover and guide people in banks that are dealing with States’ bodies to ensure that people that have that level of exposure are put through the same rigour and procedure that members of this States’ Assembly are?”

Deputy F.G. Voisin:

“The procedures – the guidelines – relate to those organisations that are regulated by the Financial Services Commission, so obviously any States’ body will not be required to abide by those guidelines. There is a difference though, and I am sure the Senator understands this, between the guidelines and the actual standards themselves. The standard is that a politically exposed individual should receive some special attention, and that is within the international regulatory standards. The guidelines are going to set out or give guidance as to the level of investigation that should take place by that regulated body. As far as the comment about the individual related to, I think, some sort of illegal funds – that there was somebody associated with illegal funds dealing with the Waterfront Enterprise Board (WEB) – I understand that the Waterfront Enterprise Board (WEB), or I know that the Waterfront Enterprise Board (WEB) take every precaution to ensure that the businesses they deal with are *bona fide*.”

Senator P.V.F. Le Claire:

“Just to help the President, there was no suggestion that the Waterfront Enterprise Board (WEB) was dealing with illegal funds; and nor is there a suggestion on my part. To help the President, there was no suggestion that there were illegal funds being dealt with in relation to the Island Site either. For clarification, it was somebody’s political involvement, not their financial involvement.”

Deputy F.G. Voisin:

“Thank you for that clarification.”

8(f) Deputy L.J. Farnham:

“Just very simply, Sir, coming back to the original question in relation to States members, I just wondered if the President was aware during his presidency of any problems there have been with States members apart from the one just mentioned by Senator Vibert? I must say from my own experience, I have been made signatory since my time in the States for a number of organisations and charities and never had any problem whatsoever.”

Deputy F.G. Voisin:

“No, I am not aware of any other States member who has had problems.”

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

“Has the Committee analysed the economic reasons for the 25% growth in private sector “(j)” category housing consents over the past 3 years as revealed in the latest job market figures, and how does this align with the proposal outlined in the ‘Growth of Financial Services Plan’ for more than 60 “(j)” category licences to expand the Hedge Fund sector?”

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

“The Committee has not analysed the economic reasons for the 25% growth in private sector “(j)” category housing consents over the past 3 years. Housing consents are of course granted by the Housing Committee and the Economic Development Committee currently has no involvement in those decisions, but, of course, the new Migration Policy seeks to rectify this. The three-year increase in “(j)” category staff employed in the private sector was 130, made up of the following: 60 in finance; 20 in education, health and other services (and, of course, that is within the private sector); 20 in wholesale and retail; 10 in transport and communication; and 20 in other sectors. Therefore, in terms of relationship to the Financial Services Growth Plan, the pattern of 60 additional finance sector “(j)” category permits over the past 3 years, averaging 20 annually additional per year, is reflected at a similar rate in the future planned “(j)” category growth emanating from the Hedge Fund initiative.”

9(a) Deputy G.P. Southern:

“The figures you have just been discussing relate to the period 2001 to 2004, at a time when economic growth was not enormous – it was a fairly flat period – and yet we saw an increase in the number of “(j)” categories whilst the overall employment in most sectors was actually going down. If that is happening when the economy is flat, how does the President expect to grow the economy by 2% per annum (which is 7% in real terms) over the next few years and not suck-in additional immigrants?”

Deputy F.G. Voisin:

“I cannot comment on the specifics about granting the additional “(j)” categories in the 3 years that we are talking about simply because I have not been involved by the Housing Committee in those decisions. What I can say is that “(j)” categories are granted by the Housing Committee and, under the new Migration Policy, those “(j)” categories will be transferred to licensed staff and they will be granted jointly by the Economic Development Committee and the Housing Committee. There is never any assumption that any organisation that applies for “(j)” category licences or new licensed staff will actually be granted the numbers that they seek. Indeed, in my experience, dealing with the Regulation of Undertakings and Development, it is actually very rare for a company to be given the full compliment of staff that they request. There is always some sort of discussion with the office of the Regulation of Undertakings and Development and we come to some sort of agreement.”

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

“Will the President agree that the issue of a “(j)” licence does not always mean that the employer will take up that post if in fact he can find a local person?”

Deputy F.G. Voisin:

“Yes. I have anecdotal evidence that that is the case, but I have no statistical information on that.”

9(c) Senator E.P. Vibert:

“Is the President comfortable with the situation whereby the law says that a person in “(j)” category cannot buy a property and yet the Committees involved actually have created a device which allows them to circumvent the law? Is he comfortable with that situation?”

Deputy F.G. Voisin:

“I think the Senator is referring to a mechanism for approval by the Housing Committee. I think that question should be referred to the Housing Committee, Sir.”

9(d) Deputy G.P. Southern:

“I do not believe my question has been answered, in the sense of, if we have got this growth in an overall reducing job market, how is he going to control the input of “(j)” categories and immigrants in a rising

market?”

Deputy F.G. Voisin:

“Well, I think that the problem is that I do not know the basis upon which the original – in the case of finance – I do not know the basis upon which that original 60 were granted. What I can say to you is that in the future any additional licence permits will be granted based on the economic argument and whether the company involved is actually generating growth and tax revenue for the Island. I can only say that any further licence permits will comply with the Migration Policy and also with the States’ Strategic Plan to limit the growth in the workforce.”

9(e) Deputy G.P. Southern:

“Is the President aware that the Economic Growth Plan that his Department put out this week suggested that this 60-plus “(j)” categories that would be required to grow the Hedge Fund sector would probably not be subject to the normal ratio of one “(j)” category to 3 or 4 local jobs in the initial setup years, and what does he think of this?”

Deputy F.G. Voisin:

“Well, in the speech that I am going to give to introduce the Economic Growth Plan I talk about having a flexible approach. We have to have a flexible approach if we actually want businesses to come to the Island. In the long-term, we certainly hope that these Hedge Funds that are being referred to in the Financial Services Plan are going to bring employment for local people and significant tax revenues. If we want to achieve the long-term goal of that aim, then we have to adopt a flexible attitude from day one.”

9(f) Senator E.P. Vibert:

“Does the President actually mean by ‘flexible approach’ that some people will be treated differently to others and that in fact there won’t be a common policy? Is that what he is telling the House?”

Deputy F.G. Voisin:

“Not at all. I think that States’ policy in general should be perhaps a little more flexible in the future, but we will come on to that in the future. I am quite sure that the proposals contained within the Financial Services Plan will comply with the new policies that are going to have to be issued under the Regulation of Undertakings and Development Law if the Migration Policy is to be adopted. But I think, Sir, that we should not forget that it is a strategic aim of this States. It is clearly a strategic aim contained within the States’ Strategic Plan that we should encourage high value business such as these Hedge Funds, and that was a decision that was approved by the States, by this Assembly.”

9(g) Senator E.P. Vibert:

“So the President is actually saying that people who are going to be involved in the high Hedge Fund business are actually going to be treated differently than somebody, for instance, from the tourism industry. How on earth is that going to be controlled in terms of fairness and equity?”

Deputy F.G. Voisin:

“I do not think that we can assume that because we do not have the policies. First of all, the Financial Services Plan is just a draft and I do not know how much it will change, but the other thing is that we are going to have to provide new policies to manage the Regulation of Undertakings and Development Law, and those policies will apply to all businesses in the whole economy.”

9(h) Senator E.P. Vibert:

“When does the flexible approach come in? You can’t have a flexible approach if you are going to apply rigid standards. It is impossible.”

Deputy F.G. Voisin:

“No, that flexibility will apply to the whole economy, Sir.”

10. Deputy M.F. Dubras of St. Lawrence of the President of the Privileges and Procedures Committee:

“(a) Given the thrust of the recommendation in R.C.7/2005 to extend postal voting and make it available to any voter on request, is the Committee revisiting its proposals in the light of recent U.K. experience; and (b) when does the Committee expect to publish its final conclusions and bring forward amendments to the Public Elections Law?”

Deputy R.G. Le Hérisier (President of the Privileges and Procedures Committee):

“Deputy Troy will act as rapporteur.”

Deputy P.N. Troy (Member of the Privileges and Procedures Committee – rapporteur):

“The postal election fraud in the U.K. occurred due to certain groups being able to exploit the procedures for bulk postal voting. The Privileges and Procedures Committee is satisfied that the procedures in Jersey would not allow a significant number of postal votes to be successfully processed if originating from the same address. The Parishes and the Judicial Greffe ensure that postal applications are processed effectively and are all checked against the voting register. The U.K. has a large register to administer, with limited resources; whereas, in Jersey, the exact opposite is true. We can take satisfaction in having an electoral system which is superbly managed and, as such, are confident that the risk of a similar incident occurring in Jersey is very low. Members may also wish to note that the Committee has been advised that the Judicial Greffe would not expect to send postal ballot papers to the headquarters of a political party in the Island and also that, under Privileges and Procedures Committee proposals, it will be an offence for a candidate or their representatives to facilitate, interfere with or oversee the postal vote of another person. The Committee continues to believe that the rules on eligibility for postal and pre-poll voting should be relaxed to allow any person entitled to vote in this way to do so without having to give a reason for being unable to attend the polling station in person on the polling day. Item (b) – R.C.7/2005 suggested many recommendations which cannot all be implemented prior to this year’s elections due to insufficient law drafting time. Any changes would have to be lodged, debated and approved in Privy Council by July, which means that the timetable is extremely limited. The Committee broadly supports many of the recommendations in the report and will be taking these forward at the earliest opportunity. Law drafting time in 2006 is being sought. However, there is a possibility that the 10 a.m. start time coupled with removal of providing a reason for the postal voting, could be introduced prior to this election and possibly some other changes; and the Privileges and Procedures Committee will be considering this in its totality at the end of this month.”

10(a) Deputy M.F. Dubras:

“I appreciate the answer and, of course, my expectation is that indeed there would be no exploitation in Jersey, but surely the rationale that was expressed in R.C.7 is exactly the same as that expressed in the U.K. and I am not convinced that that necessarily is the right way to go. Surely, Sir, my question is would the rapporteur not agree that it would be far more effective to enable more people to vote in advance of the normal elections under the pre-polling approach rather than put them through the convoluted process of postal voting as presently organised? That would make it a lot easier.”

Deputy P.N. Troy:

“The Privileges and Procedures Committee is attempting to improve the system so that it becomes easier to vote, and postal voting is definitely the way forward in this regard. As I have previously said, the systems in Jersey are sufficiently controlled that we would not have this bulk mailing problem. Certainly in the case in the Midlands, the police raided the premises and they found 300 postal votes being completed at that particular time when they raided the premises. That would not and could not occur here. The Greffe checks each individual application against the register and this system could not happen here.”

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

“The rapporteur stated that he would want to, and his Committee wants to ensure that no person could interfere with a postal voter. Would this be one of the issues that will be addressed by the Committee for the forthcoming elections? Would he agree that if a provision is not in place to ensure that nobody could interfere with a postal voter, then we have a problem in relation to postal voting? Is he aware of this problem and what does he propose to do about it?”

Deputy P.N. Troy:

“This is one of the areas that the Committee will have to consider, because it would appear that there may not be sufficient law drafting time to bring that amendment in. So what would happen is, if we did move forward with an amendment for relaxation of the rule that one has to give a reason for not being able to be present at the poll, then in 2005 I admit that there could be a risk in 2005. That would have to be a political decision that would have to be weighed up by the Committee at the end of this month before it brought that proposal forward.”

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

“Does the Deputy, Sir, understand the issue that I am putting forward? It is not an issue of simply cross-checking that the voter exists, but some sort of protection needs to be put in place to ensure that a postal voter cannot be influenced; and would he agree with me that this is a most urgent issue that must be dealt with by the Committee and, if it isn’t dealt with by the Committee, then alternative – perhaps suspension – of the particular postal voting arrangements must be and ought to be considered?”

Deputy P.N. Troy:

“The Committee does wish to strengthen this area. The Senator is absolutely correct. It is an area where a candidate can, in overseeing any person, influence their vote. This is a problem area. We are committed to changing the structure, but the law drafting time is the problem for this election. We have operated in the past without this safeguard and we may have to for just one more election period, but we are committed to bringing it forward in the future.”

10(d) Deputy G.P. Southern:

“I am very concerned with the use of the word ‘*facilitating*’, because that is very broad. If I were to go along on my canvassing and ask a voter whether he or she wants a postal vote and then say ‘Well, you sign this form here and you get a postal vote’, would that constitute facilitating? Because if it would be and I am not allowed to do that, then I suspect that, contrary to encouraging the vote, you will actually discourage many of my voters from actually voting because, without the postal vote, they won’t get there.”

Deputy P.N. Troy:

“The Committee views the situation that it would be protecting people from candidates who might oversee their vote and who might influence their vote, so what a candidate would be able to do is to advise the prospective voter how to obtain a form. The candidate would not be permitted to hand a form to that person, because that is when the facilitating starts, because then you begin to oversee the prospective voter’s position.”

10(e) Senator P.F. Routier:

“Would the Committee consider, if they are saying there isn’t sufficient time for law drafting, to issue a code of practice or guidelines to candidates at the time when the elections do take place?”

Deputy P.N. Troy:

“We would certainly consider that and I will take it forward at the meeting at the end of this month, but it is certainly a problem for new candidates for the position of this Assembly. Anyone standing who has not stood previously possibly could benefit from guidelines being introduced.”

10(f) Senator M.E. Vibert:

“Would the rapporteur accept that this is a decision that the States should make and that to many of us it would be unacceptable for it to continue in this unsatisfactory manner, and that the Privileges and Procedures Committee should come back to the States either to get law drafting done or to suspend the current postal election for the coming election?”

Deputy P.N. Troy:

“I do not think it is actually possible to do that. We are limited on the law drafting time, and there really is a problem with what we can take forward on this occasion. I think members will have to accept that some of these changes will not be completed until 2006.”

10(g) Deputy M.F. Dubras:

“I regret that I don’t believe the rapporteur answered my earlier question about actually facilitating and enabling people to make their vote in a pre-poll or in an advanced poll without the necessity for getting involved in postal balloting, and I would have thought it was not expensive and it didn’t require any law drafting time. To connect with that, Sir, has the Committee considered ways to enable students who are offshore – because we are all wanting young people to participate in this process – have they looked at special requirements to enable students to vote in a more effective way during the forthcoming elections?”

Deputy P.N. Troy:

“I think I can say no more than we are committed to bringing forward these proposals. They are clearly outlined in R.C.7 and we do want to bring them forward; we do want to encourage people to vote; and I certainly do feel that we will look at the student situation – well, we will look at the student situation – but if we can bring these proposals forward, it will vastly improve the accessibility to the vote.”

The Bailiff:

“That, I am afraid, concludes Oral Questions.”

Proposed future structure of Jersey Harbours – statement

The President of the Harbours and Airport Committee made a statement in the following terms –

“The future of Jersey Harbours has been under discussion for many years; whether it should follow Postal and Telecoms route to incorporation or its own more distinctive form of corporate governance, has never formally been agreed by the States.

The Harbours and Airport Committee has been working with the Policy and Resources, Economic Development and Finance and Economics Committees to develop an effective and sustainable proposal for the future structure of the Harbour in the best interests of the Island.

In less than nine months time there will no longer be a Harbours and Airport Committee. This statement is made because it is now very important that both States members and the staff at Jersey Harbours should know more clearly what the plans are for the future: for too long a decision has seemed elusive. Whilst there have been good reasons for this, it has not been good for morale and is not good for the efficient management of the organisation.

Under the Machinery of Government Reform programme (P.70/2002) the continuation of a Harbour Master with statutory enforcement powers was envisaged. The projet also stated that ‘for the time being’ Jersey Harbours would be part of Economic Development. The plan was, and still is, that the Economic Development Minister should have ‘policy oversight’.

Members will be aware that a high-level review of the best corporate governance of the organisation was undertaken by Deloitte and Touche in the autumn of 2003 leading to major presentations to the Committees concerned and to all staff in February 2004. The study compared a wide range of governance options against an agreed list of key objectives for Jersey Harbours. The outcome was a strong recommendation that the best way Jersey Harbours could serve the Island was to become a Jersey limited company, wholly-owned by the States.

Based on the recommendation that Jersey Harbours should have its own corporate identity, a thorough in-depth and cautious Strategic Analysis and Business Plan has been developed over the last year. As its primary goal this analysis had to deliver a definitive proof whether or not a separate entity could exist in the long-term as an efficient and sustainable organisation. We have been prudent in this matter. We needed to be as certain as is possible that we had found the right way forward.

In parallel with this, a Shadow Scrutiny Panel undertook its own enquiry and on 15th February 2005, it published the report 'Future of Jersey Harbours' (S.R.2/2005). The Assembly will appreciate, as the Committee does, that Scrutiny carried out a thorough and very helpful enquiry. I endorse its key findings and recommendations.

The Policy and Resources, Finance and Economics and Economic Development Committees have now received the Strategic Analysis. The analysis points clearly to the benefit of a new corporate governance structure with legally accountable directors, financial independence and a property portfolio supported by WEB. At the same time, policy oversight and ultimate control will still rest with the States. Together these changes will provide best value for the Jersey taxpayer.

The joint Committees recommend firm political endorsement for the formation of a wholly States owned Limited Company.

However, the Machinery of Government Reform programme must be allowed to take priority for States time during 2005. The Committee understands this, and in the light of the firm political endorsement received from the tripartite Committees we can positively progress a number of the recommendations whilst planning for a report and proposition to be brought forward for debate during 2006.

Members will be pleased to note that the Harbours and Airport Committee will pursue the following matters in particular –

1. Responsibility for maritime safety regulation, shipping policy and legislation will be separated out so as to rest appropriately with central government enabling Jersey Harbours to focus on business development and its core business.
2. The formal partnership with the Waterfront Enterprise Board, as envisaged by the Scrutiny Panel, will continue to develop and ensure that the Island and the port get best value for money for property within the port area.
3. The Jersey Appointments Commission will convene a Board to formally appoint a Chief Executive and Harbour Master for Jersey Harbours. This will end the uncertainty of a continuing acting-up role and make a clear statement about the continued existence of the Harbours department as a separate trading operation.
4. The Chief Executive under the direction of the Harbours and Airport Committee will put in place the necessary management changes in preparation for the new organisation and bring forward formal proposals for determination by the States.
5. The project management team will be formalised further to progress the recommendations, operating under the direct guidance of the Chief Executive and an independent project Chair.
6. A consultation and communications strategy will be implemented for all staff and stakeholders.
7. A formal report and proposition will be developed to be presented during 2006 and once the change to Ministerial government has taken place. The report will give detailed proposals for the corporate governance of Jersey Harbours. States members will then have the final say on the long-term future of the organisation.

I should like to emphasize that over the last year the work carried out by the Acting Chief Executive and his team to produce the analysis has been prolific and highly commendable. It has been carried out 'in house', through the commitment and dedication of senior management across all the relevant States departments. It has involved extensive consultation. It has been verified by external experts with extensive experience in such matters. Taken together with the original Strategic Service Review in 1999, Deloitte's review of 2004 and Scrutiny's report of 2005, I cannot believe any more time or resources ought to be spent on analysis.

The time has come for actual implementation of what have been consistent recommendations. I am confident that the above offers a clear statement of what the Committee will do in the remaining period of its existence, setting and progressing the clear direction for the future of Jersey Harbours.”

Senator Edward Philip Vibert– personal statement

Senator Edward Philip Vibert made a statement in the following terms–

“I wish to announce to the States of Jersey that I have now sold the websites which I owned – and which caused so much angst to members of this Assembly – back to their former owner.

I wish to make it clear that this is in no way connected with the proposition approved by the States at the last meeting but is simply because the former owner’s employers have given all their staff three months notice – following the rejection by the Jersey Financial Services Commission (JFSC) of their application for a licence. The former owner is therefore free to act without any constraint by his employer.

As a result of this sale, I now have no responsibility for what appears on the 4 websites –jpsc.com; jerseyjpsc.com; jerseyjpsc.net; and jpsc.co.uk.

With respect to my own website, tedvibert.com, I am removing any reference to the Director General of the JFSC, the JFSC and its employees, again not because of the decision of this Assembly but because it simply is a dead story and there is nothing as dead as yesterday’s news.

The history of the possible sale of the websites to the JFSC was explained by the Deputy of St. John who has made his position very clear on this. He approached me and asked me if I would meet Senator Walker and Mr. Colin Powell on the day before the States debate to discuss the purchase of the sites. I agreed to attend even though it was a last minute request and when I arrived Deputy Voisin was also there.

I made the point to them that the agreement I had with the former owner was that I would not sell on the sites without his authority and he would set the value of them. These are active sites, not just domain names similar to those purchased recently by the JFSC, but have a real commercial value for advertising and so on. I made it clear to all that any monies paid for these sites would go to the original owner.”

Economic Growth Plan – P.38/2005

THE STATES commenced consideration of a proposition of the Economic Development Committee regarding an Economic Growth Plan and, following consideration, Deputy Geoffrey Peter Southern of St. Helier proposed that the matter be referred back to the Committee.

THE STATES, during consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier regarding a reference back, adopted a proposition of Deputy Michael Andrew Taylor of St. Clement that, in accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows –

POUR: 36

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Connétable of St. Ouen

CONTRE: 8

Senator S. Syvret
Senator M.E. Vibert
Senator E.P. Vibert
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy of Grouville

ABSTAIN: 1

Senator P.V.F. Le Claire

Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)

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

THE STATES rejected the proposition of Deputy Geoffrey Peter Southern of St. Helier that the proposition of the Economic Development Committee regarding an Economic Growth Plan be referred back to the Committee.

Members present voted as follows –

POUR: 11

Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of Grouville
Deputy G.W.J. de Faye (H)

CONTRE: 37

Senator L. Norman
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
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity

ABSTAIN: 0

Deputy R.C. Duhamel (S)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)

THE STATES resumed consideration of the proposition of the Economic Development Committee regarding an Economic Growth Plan.

Slovenian Potato Appreciation Society – welcome

The Bailiff, on behalf of all members, welcomed to the Chamber a delegation from the Slovenian Potato Appreciation Society.

Changes in Presidency

The Bailiff retired from the Chair prior to the consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier that the proposition of the Economic Development Committee regarding an Economic Growth Plan (P.38/2005 lodged “au Greffe” on 1st March 2005), be referred back to the Committee, and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

The Bailiff returned to the Chair during debate of the proposition of Deputy Geoffrey Peter Southern on the reference back, and the meeting continued under his presidency, before retiring again from the Chamber following the rejection by the States of that proposition. The meeting then continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Adjournment

THE STATES then adjourned, having agreed to resume consideration of the proposition of the Economic Development Committee regarding an Economic Growth Plan, (P.38/2005 lodged “au Greffe on 1st March 2005), together with the other outstanding matters of public business the following day, Wednesday 20th April 2005.

THE STATES rose at 5.30 p.m.

M.N. DE LA HAYE

Greffier of the States.