

**THE STATES assembled on Tuesday,
10th May 2005 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esquire.**

All members were present with the exception of –

Gerard Clifford Lemmens Baudains, Deputy of St. Clement– ill
Celia Joyce Scott Warren, Deputy of St. Saviour– ill.

Prayers

Tribute to the late Jurat Lester Vivian Bailhache, former member of the States

The Deputy Bailiff paid tribute to the late Jurat Lester Vivian Bailhache, former Deputy of St Clement.

The States observed one minute’s silence as a mark of respect.

H.R.H. The Princess Royal – visit

The Deputy Bailiff advised the States that Her Royal Highness The Princess Royal would be visiting the Island on 18th and 19th July 2005 in order to visit Jersey Hospice Care and the Durrell Wildlife Preservation Trust as their patron, and to attend the Jersey Workplace Challenge dinner as President of the Save the Children Fund.

Liberation 60 celebrations

The Deputy Bailiff advised the States that Her Majesty The Queen and His Royal Highness Prince Philip were departing that day following the Liberation 60 celebrations, which had been a resounding success. On behalf of the Bailiff he paid tribute to Senator Jean Amy Le Maistre, Chairman of the Liberation 60 SubCommittee and all those who had worked so hard to make the event a success.

Herr Roland Buerkle, Burgermeister of Bad Wurzach – welcome

The Deputy Bailiff, on behalf of all members, welcomed Herr Roland Buerkle, Burgermeister of Bad Wurzach, who was present in the gallery, having attended the Liberation 60 celebrations.

Senator R.J. Shenton – welcome back after illness.

The Deputy Bailiff, on behalf of members, welcomed Senator Richard Joseph Shenton O.B.E. back to the Assembly following a period of illness.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Employment (Fixed Term Contracts) (Jersey) Order 2005.
Employment and Social Security Committee.

R&O 34/2005.

Teachers' Superannuation (General Provisions) (Amendment No. 2) (Jersey) Order 2005. <i>Education, Sport and Culture Committee.</i>	R&O 35/2005.
Electronic Communications (Amendment) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 36/2005.

Matters presented

The following matters were presented to the States –

Draft Employment Relations (Jersey) Law 200- (P.19/2005): third amendments (P.19/2005 Amd.(3))– comments. <i>Presented by the Employment and Social Security Committee.</i>	P.19/2005. Amd. (3)Com.
Fiscal Strategy (P.44/2005): second amendment (P.44/2005 Amd.(2))– comments. <i>Presented by the Finance and Economics Committee.</i>	P.44/2005. Amd. (2)Com.
Fiscal Strategy (P.44/2005): third amendments (P.44/2005 Amd.(3))– comments. <i>Presented by the Finance and Economics Committee.</i>	P.44/2005. Amd. (3)Com.
Machinery of Government: relationship between the Parishes and the Executive (P.66/2005) – comments. <i>Presented by the Connétable of St. Martin.</i>	P.66/2005. Com.
Caledonia Close, Pier Road, St. Helier: sale of property (P.74/2005)– comments. <i>Presented by the Finance and Economics Committee.</i>	P.74/2005. Com.
Day Surgery Unit Extension and Accident and Emergency Extension Phase 1: approval of drawings (P.79/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.79/2005. Com.
Income Tax: additional liability (P.81/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.81/2005. Com.
Social Security Fund: removal of earnings limit (P.82/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.82/2005. Com.
Social Security Fund: removal of earnings limit (P.82/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.82/2005. Com.(2)
Social Security Fund: removal of earnings limit (P.82/2005) – comments. <i>Presented by the Economic Development Committee.</i>	P.82/2005. Com. (3)
Draft Employment (Jersey) Law 2003 (Appointed Day) Act 200- (P.88/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.88/2005. Com.
Island Plan 2002: amendment to policy H8 (Housing Development within the Built-up Area) (P.90/2005) – comments. <i>Presented by the Environment and Public Services Committee.</i>	P.90/2005. Com.

The following matters were presented on 26th April 2005 –

Responding to Drug Use (S.R.1/2004): response of the Health and Social Services and Home Affairs Committees. <i>Presented by the Health and Social Services Committee.</i>	S.R.1/2004. Res.
Draft Employment Relations (Jersey) Law 200- (P.19/2005): addendum. <i>Presented by the Employment and Social Security Committee.</i>	P.19/2005. Add.
Machinery of Government: relationship between the Parishes and the Executive (P.66/2005 Amd.) amendment – comment. <i>Presented by the Policy and Resources Committee.</i>	P.66/2005. Amd.Com.

The following matters were presented on 3rd May 2005 –

Financial Report and Accounts 2004.
Presented by the Finance and Economics Committee.

Jersey Competition Regulatory Authority: annual report 2004.
Presented by the Economic Development Committee.

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 3rd May 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Vue de la Corbière avec Responsabilité Limitée, owners of the flats known as “Seagrove Apartments”, which flats gained access to La Rue de la Corbière, St. Brelade via a section of roadway in public ownership (Drawing No. 425 D1 refers). The company would pay to the public the sum of £2,840 for the grant of enhanced access rights to the abovementioned flats, and would also be responsible for both parties’ legal fees incurred in drafting, approving and passing the contract before the Royal Court;
- (b) as recommended by the Environment and Public Services Committee, the purchase from JCN Trading (Jersey) Limited of a small parcel of land (measuring approximately 50 square feet) at Field No. 78 (playing field), Wellington Road, St. Saviour, to be incorporated into the pavement along Wellington Road, for a consideration of £10, on the basis that the company would be responsible for setting-back the wall to be re-built and for making good the pavement, all at its own cost, with each party to be responsible for its own legal costs in the preparation and passing of the contract before the Royal Court.

Matters lodged

The following matters were lodged “au Greffe” –

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – third amendments. <i>Presented by Deputy J.A. Hilton of St. Helier.</i>	P.77/2005. Amd. (3)
Draft States of Jersey (Amendment) Law 200- (P.83/2005): amendment. <i>Presented by Senator S. Syvret.</i>	P.83/2005. Amd.
La Pouquelaye School, Le Hurel, St. Helier: transfer of administration. <i>Presented by the Education, Sport and Culture Committee.</i>	P.94/2005.

Solid Waste Strategy. P.95/2005.
Presented by the Environment and Public Services Committee.

New Urban Square in Broad Street: relocation of taxi rank. P.96/2005.
Presented by the Connétable of St. Helier and referred to the Environment and Public Services Committee.

The following matters were lodged on 26th April 2005 –

Draft Employment Relations (Jersey) Law 200- (P.19/2005): second amendments. P.19/2005. Amd.
Presented by the Employment and Social Security Committee. (2)

Draft Employment Relations (Jersey) Law 200- (P.19/2005): third amendments. P.19/2005. Amd.
Presented by Deputy G.P. Southern of St. Helier. (3)

Draft States of Jersey (Amendment) Law 200-. P.83/2005.
Presented by the Policy and Resources Committee.

Draft Employers' Liability (Compulsory Insurance) (Exemption) (Amendment No. 2) (Jersey) Regulations 200-. P.84/2005.
Presented by the Employment and Social Security Committee.

Draft Employers' Liability (Compulsory Insurance) (General) (Amendment No. 2) (Jersey) Regulations 200-. P.85/2005.
Presented by the Employment and Social Security Committee.

Income Support System. P.86/2005.
Presented by the Employment and Social Security Committee.

Draft Employment (Amendment) (Jersey) Law 200-. P.87/2005.
Presented by the Employment and Social Security Committee.

Draft Employment (Jersey) Law 2003 (Appointed Day) Act 200-. P.88/2005.
Presented by the Employment and Social Security Committee.

Commission Amicale: appointment of President and Chairman. P.89/2005.
Presented by the Policy and Resources Committee.

The following matters were lodged on 3rd May 2005 –

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – amendments. P.77/2005. Amd.
Presented by Deputy G.C.L. Baudains of St. Clement.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – second amendments. P.77/2005. Amd.
Presented by Senator L. Norman. (2)

Island Plan 2002: amendment to policy H8 (Housing Development within the Built-up Area). P.90/2005.
Presented by Deputy G.C.L. Baudains of St. Clement.

School admissions policy: review. P.91/2005.
Presented by the Deputy of St. John and referred to the Education, Sport and Culture Committee for a report.

Draft Licensing (No. 16) (Jersey) Regulations 200.
Presented by the Economic Development Committee. P.92/2005.

States of Jersey Property Holdings: establishment.
Presented by the Policy and Resources Committee. P.93/2005.

Draft Employment Relations (Jersey) Law 200 – (P.19/2005): amendments – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), Deputy Geoffrey Peter Southern of St. Helier had instructed the Greffier of the States to withdraw the following matter, having lodged “au Greffe” a revised projet on 26th April 2005 –

Draft Employment Relations (Jersey) Law 200- (P.19/2005): amendments. P.19/2005.
Lodged: 1st March 2005. Amd.
Deputy G.P. Southern of St. Helier.

Draft States of Jersey (Amendment) Law 200- P.26/2005 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Policy and Resources Committee had instructed the Greffier of the States to withdraw the following matter, the Committee having lodged “au Greffe” a revised projet on 26th April 2005 –

Draft States of Jersey (Amendment) Law 200-. P.26/2005.
Lodged: 8th February 2005.
Policy and Resources Committee.

Island Plan 2002: amendment to Policy H8 (Housing Development within the Built-up Area) – P.69/2005 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), Deputy Gerard Clifford Lemmens Baudains of St. Clement had instructed the Greffier of the States to withdraw the following matter, having lodged “au Greffe” a revised projet on 3rd May 2005 –

Island Plan 2002: amendment to policy H8 (Housing Development within the P.69/2005.
Built-up Area).
Lodged: 5th April 2005.
Deputy G.C.L. Baudains of St. Clement.

Arrangement of public business for the present meeting

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the present meeting –

Draft Employment (Amendment) (Jersey) Law 200-. P.87/2005.
Lodged: 26th April 2005.
Employment and Social Security Committee.

Draft Employment (Jersey) Law 2003 (Appointed Day) Act 200-. P.88/2005.
Lodged: 26th April 2005.
Employment and Social Security Committee.

Commission Amicale: appointment of President and Chairman. P.89/2005.
Lodged: 26th April 2005.
Policy and Resources Committee.

Arrangement of public business for the next meeting on 24th May 2005

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 24th May 2005, and in the following order –

New Urban Square in Broad Street: relocation of taxi rank. P.96/2005.
Lodged: 10th May 2005.
Connétable of St. Helier.

Draft States of Jersey (Transfer of Functions from Committees to Ministers) P.55/2005.
(Jersey) Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) P.56/2005.
Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 2) (Jersey) P.57/2005.
Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) P.58/2005.
Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) P.59/2005.
Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 6) (Jersey) P.60/2005.
Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) P.61/2005.
Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) P.62/2005.
Regulations 200-.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Draft States of Jersey (Amendments and Construction Provisions No. 9) (Jersey) P.63/2005.
Regulations 200-.

Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	
Draft States of Jersey (Amendments and Construction Provisions No. 10) (Jersey) Regulations 200-. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.64/2005.
Draft States of Jersey (Amendments and Construction Provisions No. 11) (Jersey) Regulations 200-. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.65/2005.
Privileges and Procedures Committee: revised terms of reference. Lodged: 19th April 2005. <i>Privileges and Procedures Committee.</i>	P.75/2005.
Jersey Law Commission: appointment of Commissioners. Lodged: 19th April 2005. <i>Legislation Committee.</i>	P.76/2005.
Day Surgery Unit Extension and Accident and Emergency Extension Phase 1: approval of drawings. Lodged: 19th April 2005. <i>Health and Social Services Committee.</i>	P.79/2005.
Day Surgery Unit Extension and Accident and Emergency Extension Phase 1: approval of drawings (P.79/2005) – comments. Presented: 10th May 2005. <i>Finance and Economics Committee.</i>	P.79/2005. Com.
Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 200-. Lodged: 19th April 2005. <i>Home Affairs Committee.</i>	P.80/2005.
Draft States of Jersey (Amendment) Law 200-. Lodged: 26th April 2005. <i>Policy and Resources Committee.</i>	P.83/2005.
Draft Licensing (No. 16) (Jersey) Regulations 200-. Lodged: 3rd May 2005. <i>Economic Development Committee.</i>	P.92/2005.

Passengers carried to and from the Elizabeth Terminal – question and answer

Deputy Roy George Le Hérisssier of St. Saviour tabled the following written question of Senator Philip Franci Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President identify the number of passengers carried to and from the Elizabeth Terminal by bus during the last 12 months, and at what cost?”

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

“Information provided by Connex reveals that 2,731 passengers boarded the bus on Route 19 at Elizabeth

Terminal. It is not possible to determine the numbers who got off the bus at that stop as the ticketing system does not identify where a passenger alights – it simply records which fare band the passenger wishes to travel to. There is no cost to the taxpayer of this stop as it is part of the existing network – similarly, there was no increase in cost when the changes to the Route 19 were implemented.

Although this equates to about only 7 people per day, this is the sole public transport link between the Waterfront complex and the town and will, inevitably, become more popular as development progresses. Furthermore, I believe the Committee would be severely and properly criticised if it were to suggest that this link would no longer run. The Deputy is also reminded that one of the main reasons for providing this route was to allow children living on the Waterfront to access La Pouquelaye and Haute Vallée schools. With more residents moving into the area, this will also be likely to increase ridership.”

Public sector workforce numbers – question and answer

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

“Would the President –

- (a) explain why the public sector authorised workforce has increased by 89 for the year ending December 2004, at a time when the private sector is decreasing?
- (b) confirm whether this increase is consistent with the Five Year Vision for the Public Sector, approved by the States in May 2004, and, if so, how?
- (c) confirm when the Committee intends reducing the authorised public sector headcount limit?”

The President of the Finance and Economics Committee tabled the following written answer –

“(a) One has to be very careful to understand the terminology used in presenting the annual manpower statistics. It is certainly true that the authorised public sector workforce has increased by 89 for the year ending December 2004, and R.C.20/2005 clearly shows that the growth has been primarily in the fields of education and health, two core social services where manpower plans had been approved over an extended period.

However, whilst the Deputy asks about the number of authorised posts, by far the more illuminating statistics that fall from the Public Sector Manpower Report for December 2004, are in respect of the actual number of employees.

As at December 2004 the data apparently shows there to be 21 more employees than at December 2003. However, after allowing for the Met Office staff transferred from the Airport to Environment and Public Services during that year, the underlying figures show an actual fall in headcount over 2004, albeit only one. (Trading Committees are not included in the Manpower Report.)

This fall was despite the actual staffing for the Education, Sport and Culture and Health and Social Services Committees increasing by 72, for reasons I have already explained. It therefore follows that there must have been a corresponding reduction in other areas.

- (b) The fall in actual employees and authorised headcount cap, outside of the frontline service growth awarded by the States, reflects the efficiencies which Departments are having to achieve as a result of the tight spending controls overall.

Those tight spending controls demand that more is done with the same or less resources, which is entirely consistent with the Five Year Vision for the Public Sector approved by the States in May 2004, which requires efficiency savings of £20 million per annum by 2009. That cash saving will inevitably result in

manpower savings over the period.

Those significant efficiencies and the associated reduction in headcount will occur over the five years to 2009, the first year of which is 2005. Although it pre-dates the five year plan, the 2004 figures represent a worthwhile preliminary move towards a better, simpler and cheaper public service, and shows firm commitment by all Committees involved.

- (c) The Committee fully expects that as a result of the Five Year Vision for the Public Sector and a reduced funding allocation there will be cuts to both the authorised manpower levels and actual numbers employed this year.

Whilst the analysis of authorised posts is not very meaningful, the important statistic being the actual number of staff employed, there have been instances where Committees have hung on to unfilled posts, and I will be approaching all Committees to ensure that unnecessary vacant posts are returned.”

Derelict H4 site, St. Clement– question and answer

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Given the possible danger to children from, for example, broken glass, unused fuel containers, and a disused reservoir using the derelict, privately owned H4 site No. 15 in the Island Plan (Samarès Nurseries St. Clement) for recreation and in view of its close proximity to large housing estates at Le Squez an Le Marais in particular, would the President inform members whether the Committee has any powers to restrict access or make safe this site and, if so, will it be exercised in this case?”

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

“Following concerns expressed by Senator P.V.F. Le Claire, and Deputies J.A. Martin and C.J. Scott Warr an officer of the Planning Department attended a meeting at the site with the 2 Deputies and the owners on 5th April 2005.

The glasshouses have been out of use for some time, and I am advised that children are gaining access to the site and throwing stones at a glasshouse from the bank of the reservoir. The potentially dangerous situation that has arisen at Samarès Nurseries is primarily the responsibility of the owner and requires improved site security and notices warning of danger. The owner of the site has been advised that it is in his own interests to secure the site.

The Committee has no powers to restrict access to a private site or to make such a site safe. The Island Planning Law 1964, at Article 13, confers powers on the Committee to serve notice on an owner of land where ‘the amenities of any part of the Island are seriously injured by the condition of any land’, ‘requiring that such steps for abating the injury’ are taken.

It cannot be said that the amenities of this part of the Island are seriously injured by the condition of the land, and thus Article 13 does not apply.”

Medical costs incurred by LTIA recipients – 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 –

“Has any research has been carried out by the Committee into the medical costs incurred by recipients of Long Term Incapacity Allowance (LTIA) or the previous Invalidity benefit, and, if so, what does it reveal?”

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

“There has not been any specific research on the medical costs of people on benefit, other than HIE. The variety and nature of illness would suggest that medical costs would vary between beneficiaries and even between beneficiaries with the same medical condition. A similar feature was found within the research performed by the Centre for Research into Social Policy into disability which Deputy Southern has received.

Of more practical value to claimants of LTIA is the removal of the requirement for medical certification. This means that visits to the doctor and the expense incurred to satisfy Social Security procedures have been reduced markedly. Coupled with procedures for repeat prescribing which mean that a person can obtain one original and three repeat prescriptions at one time, the medical costs are dependant on the advice of the GP as to frequency of visits rather than the needs of the Employment and Social Security Department.

Members might also like to be reminded of the financial assistance given to claimants and businesses to adapt working environments to help people stay or return to employment with an illness. The old system of benefits did not allow people to work and receive benefit and so was a barrier to work.

In the past the Department has undertaken research into the ailments that appear on medical certificates and these have been published on the website. Unfortunately, until this year this could not be linked to GP visits but with GP surgery computerisation, and with the implementation of the new computer system, this will be possible in the future, once sufficient data has been collected.”

Possible new art gallery on the Waterfront – question and answer

The Deputy of St. John tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee –

“In July 2004, the Education, Sport and Culture Committee received a presentation on a possible new art gallery on the Waterfront to be funded by a benefactor.

Would the President inform members what progress, if any, has been made in moving this forward, and if so, would he advise –

- (a) whether the building work has been estimated, together with the annual running costs, and if so, how much and from where these funds will be sourced?
- (b) of the proposed location and size of the site?”

The President of the Education, Sport and Culture Committee tabled the following written answer –

“(a) On 28th July 2004, the Education, Sport and Culture Committee met with representatives of the Waterfront Enterprise Board, the Jersey Arts Trust, and a company of architects to consider an oral and visual presentation on a proposed Art Gallery to be situated on a development site on the Waterfront.

The Committee was informed that a benefactor had been identified who might be prepared to offer a sum of approximately £9 million for the capital development of an Art Gallery in the Island. Whilst this sum represented one of the largest donations in British cultural history, the Committee was informed that the development costs would be in the region of £7.5 million leaving only £1.5 million for running costs. It was estimated, however, that running costs would be in the region of £600,000 per year.

The Committee commented that the issue of running costs threatened the development unless further funds could be identified once the initial investment had run out.

- (b) Following further discussion at the meeting, the Committee recognised the Art Gallery’s potential to become an iconic exhibition centre and cultural facility and it agreed that it would champion the scheme as much as

possible in light of its responsibility for culture but that the current economic climate would limit its ability to offer financial support. The Committee, therefore, agreed to await the publication of a detailed business plan before it could identify how assistance could be offered.

Subsequent to that meeting the Committee has been informed by the Jersey Arts Trust that the offer of support from the benefactor did not materialise, and, in consequence the Committee has had no further involvement in this matter.”

Payment of salaries in error within the Health and Social Services Department –question and answer

The Deputy of St. John tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee –

“As an error was made in the payment of salaries within the Health and Social Services Department, would the President inform members of the following –

- (a) the full amount of the error?
- (b) whether there are any payments outstanding, and, if so, how much?
- (c) whether the Committee has responded to assist any staff who have encountered difficulties with their banking arrangements as a result of the error?
- (d) give details of the five highest individual payments made to staff?
- (e) what safeguards, if any, are in place for the future?
- (f) what action, if any, has been taken against the payroll staff concerned?”

The President of the Finance and Economics Committee tabled the following written answer –

“The recent wages overpayments to 500 weekly paid Health and Social Services staff has received much media attention.

Although the circumstances which gave rise to this overpayment are rather complex it is appropriate that some background be provided to members in order to avoid confusion and provide reassurance regarding the systems and processes in place.

The States run a number of payrolls, one of which is for weekly paid Health and Social Services staff, many of whom are paid directly into their bank account via BACS. Pay details are entered into this payroll to calculate the pay amounts and contributions in respect of pension, social security etc.; these amounts are automatically compared to established parameters to ensure that the details input are ‘reasonable’. This process ensures that any exceptionally large or small amounts are highlighted and reported. This payroll data is used to update the financial system. The payroll data also automatically produces a file for the BACS payments, which is subsequently handled completely independently from the payroll system.

In the case of the recent error the payroll data was input correctly and checked for ‘reasonableness’, the financial system was then correctly updated. The BACS file was created correctly by the payroll system but, regrettably, the transmission of the file to BACS contained an error which led to the overpayment.

Members should be reassured that both the payroll and financial systems contain various automated processes which highlight unusual transactions. The error originates from a failure to apply established processes in the handling of the BACS interface.

In answer to the specific questions raised –

- (a) the correct amount of the payroll was £165,781.38, due to the error this was multiplied by 100 and passed to the banks in the sum of approximately £16.6 million. The difference between the 2 amounts is £16,412,356.62;
- (b) 9 repayment authorisations have been received from all staff, none remain outstanding;
- (c) offers of assistance have been made to those affected by the error; all issues raised have been dealt with;
- (d) it would be inappropriate to report individual payments in detail, however, the highest payment made was approximately £120,000, the next highest payments were in the range of £105,000 to £90,000, there were 6 payments in this range;
- (e) the BACS interface, which caused the errors has been thoroughly reviewed by external auditors and the processes and controls have been reinforced to prevent any re-occurrence of the error;
- (f) as outlined above, the error did not arise from a payroll error, but from a BACS error, it did not involve payroll staff. Investigative arrangements are being progressed which, if necessary, will be followed by disciplinary procedures against the staff involved.

This unfortunate incident has demonstrated the consequences which can arise when the robust systems, processes and controls upon, which the States prides itself, are compromised. Fortunately such incidents are rare.

I would like to take the opportunity to thank staff at Health and Social Services, Treasury and Human Resources for all their efforts to address this incident and praise them for the professional and prompt manner in which they did so.”

Protection of sea fisheries officers – 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 –

“Following the recent incident in which Guernsey Sea Fisheries Officers were taken to France aboard a French fishing vessel, would the President inform members what safeguards, if any, exist for Jersey’s Sea Fisheries Officers in the event of an incident at sea and whether these officers are armed, and, if not, is the Committee to review this as an option?”

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

“The most common incident that faces Fishery Officers is that of the master of a detained vessel refusing to comply with the instructions to take his vessel to a port as instructed by the Fishery Officer and heading for another port with the Officer onboard. In such circumstances the best immediate protection available to a Jersey Fishery Officer, in addition to his skills at avoiding confrontation, is the trust and understanding that has developed from the long-term relationship between fishermen and the authorities of Jersey. Any person obstructing a Jersey Fishery Officer is also liable on conviction to a severe fine.

In a serious incident Jersey Fishery Officers are able to call for assistance from the States of Jersey Police, the Royal Navy’s Fishery Protection Squadron and from French enforcement officers based at Cherbourg.

In common with their U.K. and Guernsey counterparts, Jersey Fishery Officers are not armed and there is no intention to review that position.”

Education arrangements for children of 1(1)(j) approved residents and returning local persons – question

and answer

The Deputy of St. John tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee –

“Would the President advise members what arrangements, if any, are in place within the education system to accommodate children of approved 1(1)(j) housing consent employees who arrive in the Island at short notice, and what system, if any, is in place to accommodate children of local people returning to the Island who need to be placed in full-time education?”

The President of the Education, Sport and Culture Committee tabled the following written answer –

“The Committee’s admissions policy and procedures makes provision for families who arrive in the Island ‘at short notice’. The policy does not discriminate between the children of parents who are allocated 1(1)(j) consents and ‘local’ parents who are returning to the Island.

Within the non fee paying sector, places are allocated according to availability subject to the Committee’s policy for maximum class size. For children of primary school age, places are offered at the school which serves the catchment area within which the family will live. If no places are available within the relevant year groups, places would be offered at an alternative primary school which is closest to or convenient to the family home and where places are available.

For children of secondary school age, places are allocated on a similar basis to primary schools. However parents of children who are to enter Year 10 or above are advised that they may make application to Hautlieu School, admission to which is determined by ability.

Parents may also make application to the fee paying provided schools, (Victoria College, Jersey College for Girls and their respective preparatory schools). Admission to these schools is dependent upon both the availability of places and the pupils meeting the criteria for entry.”

Economic Growth Plan on the Economic Development Committee – question and answer –

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

“Following the States adoption of P.38/2005, ‘Economic Growth Plan’ of the Economic Development Committee, will the President inform members where the £2.7 million required to fund the Plan will be sourced?”

The President of the Finance and Economics Committee tabled the following written answer –

“The Finance and Economics Committee, in its comment to the report and proposition P.38/2005, has stated that the on-going costs for the Economic Growth Plan will have to be found from within existing resources, and will ensure that this is built into future resource allocation processes.

It has already been agreed by Presidents, in the 2006-2008 resource allocation process, that £400,000 is to be provided for a further grant to Jersey Finance Limited. This will reduce the overall estimate of additional funding required for the Economic Growth Plan which will need to be considered in the Resource Allocation Process from 2007 onwards.

Over the initial period the Committee will identify and make available adequate pump priming funding to enable preliminary investment to occur as a matter of priority. The Committee has identified funds from the 2004 Carry Forward process, which can be allocated to the Economic Growth Plan, and is currently in communication with the relevant Committees to secure that funding.”

Funding of post-19 education in the resource period 2006 to 2008 – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee—

“Would the President provide members with full details of the proposed post-19 educational provision included as a growth item with funding of £1.3 million for the resource period 2006 to 2008?”

The President of the Education, Sport and Culture Committee tabled the following written answer –

“The figures quoted in the Jersey Evening Post on 27th April 2005, for growth in States Committees’ budgets for the period 2006 to 2008 are proposals following a recent meeting of Committee Presidents. The proposals are based on impacts and risks identified by officers and have not yet been considered, or accepted, by Committees.

The £1.3 million relates to full and part time post 19 courses and represents the shortfall between the current funding and projections for 2006. In order to fund existing provision, the Education, Sport and Culture Committee is already making up part of the current shortfall from within its 2005 cash limit.

The Committee has not yet discussed its proposed 2006 – 2008 cash limits, nor the allocation of its 2006 budget, and until such time it would be inappropriate for me to comment on how the proposed net changes in funding for 2006 – 2008 will be allocated to meet the Committee’s priorities for Education, Sport and Culture.”

Oral questions

1. Deputy J.L. Dorey of St. Helier of the President of the Policy and Resources Committee:

“Is the Committee satisfied that adequate arrangements are in place for the accurate and objective recording of decisions under ministerial government?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“Yes, Sir. The Policy and Resources Committee is satisfied that adequate arrangements are in place. Working jointly with the Privileges and Procedures Committee, my Committee has developed a framework for the recording of decisions in the ministerial system. Each decision will be recorded in a standard format containing all the key information, including the reasons for a decision, the details of the decision and any actions required. The record of decisions will be prepared by individual States departments for signature by the minister who is legally responsible for such decisions and will then be forwarded on to the States Greffe. The Greffe will continue to play an important rôle in the record keeping process, firstly by checking the records to ensure their completeness and, secondly, by acting as a central repository of records for both the executive and the scrutiny functions. The States Greffe will also prepare the record of the meetings of the Council of Ministers. Some members will already be aware that we are conducting a trial of the new arrangements involving the Education, Sport and Culture Committee, and this is providing an opportunity to test out the framework and make any final adjustments before the new system comes into place. I would be pleased to provide members with full details of the new arrangements and will arrange for this information to be circulated.”

1(a) Deputy J.L. Dorey:

“I have to say I’m a little surprised at the President’s and the Committee’s satisfaction with the arrangements, even given that they are currently under trial. But if I could press the President for a little more detail, having read the Policy and Resources Committee report and seen the draft template. What will happen in future terms to a précis of discussions leading to a decision? At the moment, a Committee Clerk obviously supplies a précis of any discussions round the table, but there doesn’t seem to be space for that. What if there is an argument? There is no space on the template. Can the President confirm that

there is no place on the template for argument? There is no provision on the template for a situation where a minister might disagree with either his officers or his assistant ministers. Can the President confirm that? And can he say whether he is actually entirely satisfied with the notion of two different points? One is that the involvement of an experienced Committee clerk is deemed appropriate for minuting the proceedings of the Council of Ministers, but in some way not appropriate for decisions made by individual ministers/departments; and, secondly, is he totally satisfied that it is appropriate in future for the decisions to be recorded by the people with most at stake, the officers who have produced the report which went to the minister in the first place? Is that what he would class as independent recording of a decision?"

Senator F.H. Walker:

"I think there were a number of questions there. I think, firstly, of course, in a ministerial system the type of debate and opportunity for disagreement that exists in a Committee will of course be very different because the structure will be very different and the individual minister, as approved by the States, is legally responsible for the decision taken by his or her department. I think the Deputy, however, has a point when he talks about discussions or possible disagreement with assistant ministers. I have no problem (and I am sure my Committee would have no problem) in refining the system so that such debates could in some way be logged, but the important thing is that the minister is legally responsible for the decision and the decision has to be recorded in an approved format. It has to be registered at the Greffe, and the plan is that it would then be posted on the States' website within 3 working days so that everyone will have pretty well immediate access to the decision, but at the end of the day, the minister is legally responsible. I think that answers the point really about the departmental involvement. At the end of the day, the minister will take a decision based on the advice he or she receives. They will either accept that advice or not, but the minister is legally accountable and legally responsible and it is therefore for the minister to sign off the decision."

1(b) Deputy G.P. Southern of St. Helier:

"I get the impression that the President is suggesting that the level of debate and the amount of debate and argument will be less under this ministerial system than in a Committee system. Can he confirm that that is actually what he is saying?"

Senator F.H. Walker:

"It depends on the matter at hand. It may well be, and of course in many cases it will be, that the minister will take his or her own decision within the parameters that ministers are allowed to work as approved by this House. Should there be a major matter, particularly which may lead to disagreement with fellow ministers, then of course it has to be referred to the Council of Ministers and an officer of the Greffe will, as they do with Committees today, be present at all Council of Ministers' meetings and will create and prepare and obviously publish a full log of those meetings, subject to exactly the same provisions as we have today with Committees with no exemptions."

1(c) Deputy J-A. Bridge of St. Helier:

"Given that in the past the Courts and the Review Boards have actually criticised planning where there has been a lack of detail in the argument that Deputy Dorey has mentioned in the minutes of planning decisions, is it the intention that the planning minister will be using exactly the same template in recording that minister's decisions?"

Senator F.H. Walker:

"No, Sir, there are different arrangements to take place as far as planning submissions are concerned. I am surprised the Deputy isn't aware of those because the Privileges and Procedures Committee have been fully consulted throughout this entire process and have actually signified their preliminary agreement with what is being planned. But I would emphasize that we are in new territory here. The proposals do draw on best practice elsewhere in other assemblies, where a number of members have visited and carefully noted the practice, but we are in new territory and that is precisely why a trial is being undertaken, and I have no doubt we will learn from the trial and I have no doubt that members will have very helpful suggestions which we may seek to incorporate before finalising the system; and, of course, the system is not itself a

finalised entity. It is subject to amendment and improvement as we go along.”

1(d) Deputy J.L. Dorey:

“We clearly cannot go into this topic in the detail that it deserves – it is a big topic, possibly too big for Question Time – but the President himself said we are in new territory here. Would he concede that accurate and objective, fair recording of decisions is arguably significantly more important under ministerial government than it has ever been under the Committee system and would he undertake to bring a formal proposition to the States laying out Policy and Resources’ view of how the system of recording decisions should operate in future?”

Senator F.H. Walker:

“The answer to the first question is a wholehearted yes. As for the proposition, I think that is more appropriately handled by the Privileges and Procedures Committee, but, if it is the will of the House, I have no problem whatsoever – and I am sure my Committee will have no problem – in bringing such a proposition forward for debate, because we do acknowledge the absolute importance of getting this right.”

2. Deputy J.A. Martin of St. Helier of the President of the Policy and Resources Committee:

“Would the President inform members which new hotels, opening shortly, and other developments he was referring to when he addressed a group of business interested parties recently in Dubai and stated that there would be private investment of \$400 million in what promised to be one of Europe’s most exciting new waterfront developments?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“There are two hotels currently being actively progressed as part of the St. Helier Waterfront development. The main Waterfront hotel will be the 195 bedroom Radisson SAS Hotel on the Marina frontage, about which an announcement is expected imminently. The second will be a Boutique Hotel, which is in the early stages of planning and will form part of the Island Site redevelopment. There are also plans for a 68 bedroom Aparthotel on the Island Site. The general estimate of the likely construction cost for the remainder of the St. Helier Waterfront is circa £350 million, to be borne entirely by the private sector. This will take place in phases over the next 8 to 10 years. This is the investment being referred to and the result will be a Waterfront which will make a material contribution to local amenity and also to our economy, particularly the tourism and finance industries.”

2(a) Senator E.P. Vibert:

“Wouldn’t the President accept the fact that, to tell a group of people that new hotels will be opening shortly when in fact none of them are even started yet, is highly misleading and likely to embarrass the Island when the true facts come out?”

Senator F.H. Walker:

“No, Sir, the true facts are well known.”

2(b) Deputy J.A. Hilton of St. Helier:

“Would the President, in the light of recent opinions expressed by a world renowned architect, confirm whether the Waterfront design framework published in November 2000, which indicated a maximum of 5 to 7 storeys on the Waterfront, has been superseded by another report concerning development that the Public and Planning authorities are unaware of?”

Senator F.H. Walker:

“I am not aware of the report the Deputy refers to. What I can say is I know that the Waterfront Enterprise Board plans a full presentation within the next 2 or 3 weeks to States members on their overall proposals for the development of the Waterfront.”

2(c) Deputy J.A. Hilton:

“Could the President assure the House that the Waterfront Enterprise Board will not give preliminary indications or advice to potential developers without the direct involvement of the planning authorities?”

Senator F.H. Walker:

“Yes, Sir, I certainly can, and the Waterfront Enterprise Board has also commissioned the Commission for Architecture and the Built Environment (CABE) to advise both it and the Planning Committee on all the major issues of design on the Waterfront. Design is, of course, a matter for the Planning Committee and not for Policy and Resources.”

2(d) The Deputy of St. John:

“Within the Waterfront responsibility and remit, is the Waterfront Enterprise Board yet again looking at re-siting the States Police Headquarters within the Esplanade car park?”

Senator F.H. Walker:

“No, Sir.”

2(e) Senator P.F.C. Ozouf:

“Would the President just confirm that it is not in fact the Waterfront Enterprise Board that has commissioned the Commission for Architecture and the Built Environment (CABE) but the Planning Authority that has commissioned them in order to ensure that we are appropriately advised on issues of design?”

Senator F.H. Walker:

“I accept that and I apologise for the error.”

2(f) Senator E.P. Vibert:

“Would the President also confirm that in that speech he told the gathering ‘There is a renewed interest amongst wealthy individuals in coming to live in Jersey, which is an economic sector in its own right’? Could he tell the House how many of these people have shown an interest in coming to Jersey?”

The Deputy Bailiff:

“I am sorry, Senator, I know it is pretty wide-ranging now, but this is to do with the Waterfront.”

Senator E.P. Vibert:

“But it is about a speech that the President made to people in Dubai.”

The Deputy Bailiff:

“It is a question about the Waterfront, yes.”

2(g) Senator R.J. Shenton:

“All I would say is would the President accept that it is most unfortunate when outsiders know what is going on in the Island before the States members themselves?”

Senator F.H. Walker:

“There is no question of outsiders having any information other than that quoted in the question by the Deputy and, indeed, that quoted by Senator Edward Vibert. All that information is in the public domain in Jersey and has been for some time.”

The Deputy of St. John:

“On a point of order, if I may, some months ago when we reviewed the Question Time procedure we were told we would have a much wider remit on being able to question the Presidents. Today, Sir, you have just stifled a member from asking a legitimate question.”

The Deputy Bailiff:

“It is indeed much wider, but there must be a limit to the width a little.”

2(h) Senator E.P. Vibert:

“Would the President inform the House of the timetable of the new hotel development and could he put a

scotch to the rumours, or get rid of the rumour, that the financial deals have yet to be finalised?”

Senator F.H. Walker:

“I think I can. The hotel is progressing. Preliminary agreements have been signed and I understand that the Waterfront Enterprise Board is currently awaiting the return to the Island of the Solicitor-General to sign the necessary agreements. I said in my answer that we expect an announcement to be made imminently.”

3. Deputy G.P. Southern of St. Helier of the President of the Finance and Economics Committee:

“Will the President inform members how many people and from which sectors of the community will be protected from the additional costs of the proposed 3% Goods and Services Tax (GST) by the £2 million the Committee has set aside for such protection?”

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“All those who will receive benefit under the new proposed income support system will also benefit from the cover for the imposition of a 3% rate of GST. Our estimate is that will be approximately 7,500 households – households – and they will comprise all sectors on low incomes, including pensioners, the disabled and single parents.”

3(a) Deputy G.P. Southern:

“In arriving at the much reduced sum of £2 million; (a) what were the original numbers put into the calculation to produce figures such as £9 million to £13.5 million; and (b) to what extent has reliance been made of the new figures accompanying the Fiscal Report that suggest that 3% GST is only mildly regressive?”

Senator T.A. Le Sueur:

“In answer to the first question, the figure of £9 million to £13.5 million to which the Deputy refers was based on a completely different set of parameters to what we are talking about in this particular question, so the two cannot be compared. In terms of reliance on figures, the figures we are relying on is a combination of the figures within the Income Distribution Survey and the detailed research work carried out by OXERA in coming up to their GST calculations. Those have been used by my Committee, in conjunction with the Employment and Social Security Committee, and we are advised that that is the most likely sort of figure that we are talking about. But if, of course, the figure turns out to be a little more or a little bit less, then my Committee will make available a little bit more or a little bit less as required.”

3(b) Deputy G.P. Southern:

“Is the President completely confident that the figures produced of around 2.7% varying to 2.6% in the papers he has presented with the Fiscal Report are totally accurate and that to compare regressiveness and the damage done to the low-end of the income spectrum is best assessed by examining the total consumption spent by each sector rather than their total income?”

Senator T.A. Le Sueur:

“All things are subject to some margin of error. I am satisfied that these figures are as accurate as one can reasonably estimate. They are not my figures, they are figures which have been produced by independent examination. They have been cross-checked by reference to other data available, and I have every confidence that those figures are sound and should be used for the purposes of our calculations.”

3(c) Deputy J.A. Martin of St. Helier:

“Could the President confirm that it is only £2 million that will cover low income families if 3% GST is introduced and not the £20 million that you are giving on the low income support for a transitional period for people going from different benefits to the low income support, where some will be worse off and some will be better off, because it was reported to me by Senator Walker this morning – this is his reading and understanding – that the £20 million that you giving in the low income support will protect all the families on the low incomes from the Goods and Services Tax?”

Senator T.A. Le Sueur:

“I think we may be talking at cross-purposes here because the question from Deputy Southern related to

the additional cost of GST and the impact that would have on income support. I do confirm to Deputy Martin that my Committee will also make available £20 million in order to achieve a successful transition from the existing income support system to the improved low income support system which the Employment and Social Security Committee wishes to introduce.”

4. Senator E.P. Vibert of the President of the Policy and Resources Committee:

“Can the President confirm that an architect who has recently made presentations on behalf of a development company regarding the future development of the Waterfront area is now working on behalf of the Waterfront Enterprise Board (WEB), and is this a matter on which the Committee would consider giving directions to the Board?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“I can confirm that the Waterfront Enterprise Board has recently stated that it intends to appoint Mr. Eric Kuhne, a civil designer and architect of Eric R. Kuhne & Associates, to develop, co-ordinate and deliver a series of public space design concepts for the St. Helier Waterfront. I emphasize public space design concepts and not any proposed developments. Mr. Kuhne has been working on detailed proposals for the Castle Quay Development Area of the St. Helier Waterfront, which is a joint venture between the Waterfront Enterprise Board and a private development company. Through the joint venture, Mr. Kuhne’s expertise and involvement in this project should help to bring enhanced value to this site, and this will help create a higher financial return for the public of Jersey. WEB reports that its experience of working with Mr. Kuhne has confirmed his already excellent international reputation. The Policy and Resources Committee does not consider there is any conflict of interest, nor that it is necessary to give any directions to the Waterfront Enterprise Board in relation to this matter.”

4(a) Senator E.P. Vibert:

“Does the President seriously suggest that there is no conflict of interest between an architect working for a developer on the Waterfront and the rest of the development on the Waterfront? How could that possibly not be so?”

Senator F.H. Walker:

“Because, Sir, as I emphasized in my answer, Mr. Kuhne will probably— no decision has finally been taken — be engaged by the Waterfront Enterprise Board to advise on matters of public space and design only.”

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

“Would the President not agree that designing public space and designing space is not integral to designing-out the areas that will be built and public space, if you design a public space, you can actually factor-in the availability of allowing more building? Is the actual space that Mr. Kuhne has been appointed to design specific, or can it be designed in such a way as to maximise the building potential?”

Senator F.H. Walker:

“It is not yet specific, but of course it will have to conform to the master plan prepared by the Waterfront Enterprise Board and have to be approved by the Planning Committee.”

4(c) Senator E.P. Vibert:

“Could the President explain how planning for space can include 15-storey skyscrapers?”

Senator F.H. Walker:

“That is a deliberately misleading question. I said very clearly in my answer that Mr. Kuhne is engaged as part of a joint venture with a private development company on proposed developments on the Waterfront; and no decisions, as the Senator well knows, have been taken on the mass or the design of those buildings at this point, and they are all subject to the approval of the Planning Committee.”

4(d) Deputy R.G. Le Hérissier of St. Saviour:

“Would the President not accept that the commentary by the architect, notwithstanding his eminent reputation, was a speculator own public relations goal, in the sense that he was trying to develop the

Waterfront as a replication of Le Marais and he had been totally, totally ill-informed about the kind of planning constraints and the planning sensitivities that existed in the Island?"

Senator F.H. Walker:

"I wasn't present at the meeting, but I understood from other impartial attendees that in fact Mr. Kuhne made a very impressive presentation."

4(e) The Deputy of St. John:

"Is the President aware that, at a half hour's notice, a meeting between myself and the Managing Director of the Waterfront Enterprise Board (WEB) was cancelled, where we were going to discuss the possible 15-storey block of units on the Waterfront, so that he could continue a meeting with Mr. Kuhne? Given that I am a representative of the Island, it is rather discourteous for the Managing Director to cancel a meeting at a half hour's notice to cover areas within the Waterfront that are of great concern to Islanders."

Senator F.H. Walker:

"I have no knowledge of that meeting. I can only assume that there was a very good reason. If I know the way the Chief Executive of the Waterfront Enterprise Board normally conducts himself, I would be astonished if he didn't agree to rearrange that meeting very shortly thereafter. That would be his normal style."

5. Deputy R.G. Le Hérissier of the President of the Education, Sport and Culture Committee:

"Would the President advise members what progress, if any, has been made in achieving a resolution of the Opera House funding crisis?"

Senator M.E. Vibert (President of the Education, Sport and Culture Committee):

"I can confirm that meetings have taken place between Jersey Opera House Limited, the Jersey Arts Trust and my Committee. These meetings have been amicable and have looked at various options. All parties have agreed not to make further comment until the result of these negotiations is known. My Committee will report to the States as soon as there is further news."

5(a) Deputy R.G. Le Hérissier:

"Would the President confirm whether or not there is on the agenda the question of the long-term issue of the loan or whether he is trying to deal with the immediate crisis?"

Senator M.E. Vibert:

"I repeat, Sir, that all parties have agreed not to make further comment until the result of these negotiations is known."

5(b) The Deputy of St. Martin:

"Could I ask the President whether he has any date in mind for these negotiations to be concluded so that obviously the Opera House can get on with its business?"

Senator M.E. Vibert:

"As soon as possible."

6. Senator P.V.F. Le Claire of the President of the Education, Sport and Culture Committee:

"Did the Committee make the decision to close St. Mark's and La Pouquelaye Schools 3 days early at the end of the summer term and to close for 2 days at the beginning of the autumn term while moving into the new combined D'Auvergne Primary School and, if so, what arrangements, if any, have been put in place to allay parents' possible concerns about this closure?"

Senator M.E. Vibert (President of the Education, Sport and Culture Committee):

"My Committee confirmed arrangements previously agreed by the Director of Education, Sport and Culture with the headteacher of D'Auvergne School at its meeting on 27th April 2005. With each new school redevelopment in recent years time has been allocated to facilitate the move. This move, which involves the amalgamation of St. Mark's and La Pouquelaye, is particularly complex, not least because

we will not have full access to the new buildings until the end of the summer holidays. During the closure period at the end of this term (3 days), staff will sort and pack-up materials in existing schools which will then be taken to the new school for consolidation, ready for distribution to classes. As much work as possible will be completed over this period, but, to give some idea of scale, the removal firm has estimated that there will be around 1,000 packing cases of equipment and resources from the 2 schools which need to be sorted, packed, relocated, unpacked and put in place. As we do not have full access to the building until late in the summer holiday, the 2 closure days in September are necessary to ensure that all is in place when the children start their new school year in their brand new, excellent school. There will also be an opportunity for the combined staff to work together to ensure a common understanding of procedures at the new school. The headteacher has written to all parents explaining the arrangements and inviting them to contact her if they have any specific queries. We regret the need for the closure and any inconvenience which may result, but the intention is to make the children's transfer to the new school as seamless as possible so that they have a smooth and confident start to the new school year. Any parents who have particular difficulties in arranging childcare for the period of the closure should contact the headteacher, who is already considering a range of possibilities to meet differing circumstances; and of course we will be doing everything we can to ensure parents are inconvenienced as little as possible by these exceptional but necessary closure dates."

6(a) Deputy J-A. Bridge of St. Helier:

"How long did the Committee take to discuss this verbal report by the Chief Officer and was the Committee really able to give a decision, given the fact that the meeting was on 27th April and that was the date on the letter that went out to the parents; was the Committee apprised of the magnitude of stress and inconvenience likely to be caused to the parents, given that some parents do not have a spare 5 days or 25% of their annual leave, or cannot get childcare at short notice, or cannot afford the loss of income of time off without pay, or cannot afford 5 days' increased childcare costs; does the Committee accept any responsibility for the care of these children; and have the officers contacted providers such as Centrepont Trust or have parents been asked to do this themselves individually?"

Senator M.E. Vibert:

"I hope I got some of the questions in there, Sir. How long we took to debate it? I can't say. I didn't have a stopwatch on it at the time, but we have been kept aware of the situation at D'Auvergne School for some time. We have regular, in fact at every Committee meeting we have capital project reports and we knew the time when the school would close. We were advised by the Director of Education that these days were necessary and we confirmed that decision. It is unfortunate that we need it, but we feel it is necessary to ensure a smooth transition. Have the officers contacted Centrepont and so on? Yes, Sir, they have, and we will make arrangements that if any family is seriously inconvenienced we will ensure that they are not inconvenienced or the finance will be arranged so that we would pick up any extra cost they may have in their childcare arrangements for those 5 extra days."

6(b) Deputy M.F. Dubras of St. Lawrence:

"I am amazed at the policy of a Committee that agrees to close a school prematurely and delay its opening, losing 5 days of education. Surely to goodness the extra effort should be put into the holiday period engaging with the education staff, not putting the children and the parents at a disadvantage?"

Senator M.E. Vibert:

"I repeat my answer. The Deputy is right and we are concerned about the loss of days, but we do not have access to the school, the whole school. We only have access to part of the school because the contractors do not finish until the end of the summer holidays. Therefore, it is not possible to rearrange and amalgamate 2 schools and put everything in place while the contractors are on site. Stuff is going to be stored, a thousand packing cases etc, in the school hall and then the materials will be relocated. These children are going to have a brand new, excellent school with superb facilities and, though we regret these closure days, I believe that it is in the best interests of the children that the school is ready for the start, that things are in place and they can have a smooth, confident start. We will ensure, as much as we can, that there is no adverse effect from these closure days and that the full curriculum will be covered in the school year."

6(c) Deputy J.A. Martin of St. Helier:

“I am on Education – although I might not be on it for much longer – but this was not discussed at Committee. It was noted. We had no discussion, and I can assure my President that, if it had been discussed, I would have completely dissented. He knows that on one day it closed last year at the beginning of term and, while I didn’t dissent, we had a very long, heated argument. It was put on the D’Auvergne ... which we have updated schools ... and if you read it – and I haven’t got it with me – it just says ‘Parents will be notified that the school ...’ It doesn’t mention closure. Unless you actually asked at the meeting what was going to happen, we didn’t know. I can only speak for myself. I have spoken to other members on the Committee because I have had phone calls from parents.”

The Deputy Bailiff:

“Sorry, your question?”

Deputy J.A. Martin:

“My question is to the President, will he not agree that this is not a Committee decision? It was from the Director, and I do not personally remember discussing this on the agenda. Although it might have been on, we had no discussion. Would he please confirm that?”

Senator M.E. Vibert:

“I regret that the Deputy, who is a valued member of my Committee and I hope she will continue to be a valued member of the Committee, was unaware of the situation and what she was agreeing to when we noted and confirmed the Director’s decision.”

6(d) Deputy M.F. Dubras:

“I would like to ask a follow-up question to my earlier one. Surely to goodness, in the planning of this arrangement, it is incumbent upon the project management for the schools to ensure that the contractor is off-site well in advance of the opening date for the new term, allowing all of the necessary prerequisite work to be completed? That, surely, is incompetence on the part of the Committee.”

Senator M.E. Vibert:

“Can I really object to the language used by the Deputy? As I am sure he may be aware, building projects do run over on occasions for a number of reasons. It was planned that the school would be finished before the end of the summer term. Unfortunately, some problems and disagreements over the steel structural work involved and the difficulty in sourcing steel – because there is a world shortage of steel for this – proved impossible to make up this lost time. These were architect agreed.”

Deputy M.F. Dubras:

“That is nonsense.”

Senator M.E. Vibert:

“These were agreed by the architect. They were unavoidable delays. We did everything we could to catch up. We have managed to stay within budget, as we have for every project that we have done so far, unlike some previous projects under previous Committees, and I can assure members we are doing the very best we can to ensure we have a brand new school, fit for purpose, for these children to move into and that they will get the best education possible to the highest standard that we produce in this Island.”

6(e) Deputy M.F. Dubras:

“Would the President agree he is wriggling, both from me and from the member of his Committee?”

Senator M.E. Vibert:

“No, Sir.”

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

“Just as a passing comment, Sir, we also made a note that Presidents would keep their answers succinct. I would like to ask a supplementary question, although I feel it is really the same question that I asked in the beginning of this question, and that is did the Committee make the decision? From the long-winded

responses that we have heard from the President this morning, obviously the Committee didn't make the decision. It confirmed arrangements made by the Director of Education. I didn't get any answer in relation to concerns that parents had were allayed until the second or third question had been put in respect of the President saying that there would be some financial compensation, so may I ask a supplementary question along these lines and hope for an answer, possibly succinct: is the President happy that this level of authority is given to the Director of Education to make these kinds of decisions with the absence of Committee participation?"

Senator M.E. Vibert:

"I did say at the beginning of my answer that the Committee confirmed arrangements previously agreed by the Director with the headteacher of D'Auvergne. These are operational issues and the Director, under the delegation of powers, had absolute right to make this and to bring it to Committee for confirmation, which he did."

7. The Deputy of St. John of the President of the Environment and Public Services Committee:

"Has any new funding been set aside for the extension of mains drains extensions in 2005 and, if not, has all the existing funding for mains drains extensions been exhausted or are there further projects still ongoing and what action, if any, is the Committee taking to identify funding to connect remaining unconnected parts of the Island to mains drains?"

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

"In 2005, the Committee requested £5 million for the sewers capital programme. This was reduced to £3 million as a result of FSR and this was confirmed by the States in the Resource Plan and the Budget Debate. The Committee's first priority is a programme for maintenance within the existing sewerage network, to ensure that the structural condition of the existing network is maintained. Any remaining available sums are then utilised for extension projects. The Committee still has yet to approve the reconstruction schemes to be undertaken this year, but current indications are that the funds voted are unlikely to be sufficient to enable any extension schemes this year. All of the existing funding allocated in previous years have also been committed. The Deputy will be aware of one project going on in St. John at La Perruque and there is one scheme in St. Ouen which remains to be completed. For the period 2006 to 2009, early indications are that the allocation that the Committee has will ensure that unfortunately no further extension schemes are available, with all of the monies being used for reconstruction works. The Committee is going to press the Presidents and Finance and Economics Committee hard for money for capital for extensions. The Island has approximately 14% of properties unconnected. We hope to get funding in the longer term for an extension for those remaining 5,000 properties, but it will take time and certainly at a slower pace than in the past."

7(a) The Deputy of St. John:

"Would the President confirm or otherwise that his Committee are still looking at satellite stations, sewerage plants etc, around the Island to cover the areas which are not covered and, if so, would he give an indication of the areas concerned?"

Senator P.F.C. Ozouf:

"The Deputy is correct that the Committee has invested in one satellite location down at Bonne Nuit. That has unfortunately had difficulties, partly because ... we remain convinced with the technology, however, there has not been a sufficient amount of flow going into the facility, as the Deputy is aware. I can't tell him exactly where we would be considering other plants such as the Bonne Nuit plant because the funds are not available. We have a difficult issue. Not only have we got areas around the Island which are very difficult to connect to the main sewerage network, but we don't actually have any money in the next few years to do that and those are expensive technologies."

7(b) The Deputy of St. John:

"Will the President accept, if I bring an amendment to the Budget later in the year for additional funding, that his Committee would give me the necessary support?"

Senator P.F.C. Ozouf:

“The Committee is going to be – and indeed having done media interviews this morning in relation to the Waste Strategy – the Committee is going to be asking this Assembly to support it to a very great extent in getting funding for infrastructure projects. I have got another question coming up afterwards concerning roads. The Committee needs for infrastructure in terms of roads, in terms of sewer replacement and in terms of ...”

The Deputy Bailiff:

“So the answer to the question is, Mr President?”

Senator P.F.C. Ozouf:

“Yes, well, the answer is that we would be pleased to support the Deputy, but the Committee President is realistic in understanding that there is a shortage of money available. So, yes, providing other Committees don’t have their ‘nice to have’ projects.”

7(c) Senator E.P. Vibert:

“I just wonder whether the President can inform the House whether he finds his position as Vice-President of Finance and Economics difficult in terms of the position that he has on Environment and Public Services, trying to get money from the same Committee that he sits on?”

Senator P.F.C. Ozouf:

“Perhaps I shouldn’t have used that money ... that in fact it is the money, or that somehow the Finance and Economics Committee is the golden tree that has all the cash. Of course, it is all of our money and we have a shared responsibility to deal with the money and the resources available according to the priorities of this Assembly. So, no, the President doesn’t feel that he is compromised in any way on sitting on Finance and Economics. In fact, most Presidents either sit on Finance and Economics or on Policy and Resources and, in relation to the Waste Strategy, the President is actually using his position to make sure that there is funding for the Waste Strategy.”

8. Deputy R.G. Le Hérissier of St. Saviour of the President of the Economic Development Committee:

“Would the President outline the conditions, for the purposes of the Regulation of Undertakings and Development permit, under which Guardian Care Homes U.K. Limited operates a nursing home in the Island and indicate whether or not these conditions have been contravened by the partial closure of Bon Air Nursing Home?”

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

“First of all, if I may say, being consistent with other questions that have been asked concerning the Regulation of Undertakings and Development Law, the office that administers the law does not disclose information to third parties without of course the express consent of the business concerned because of confidentiality. Consent has, however, been obtained to say the following. Guardian Care Homes U.K. Limited operates a nursing home in the Island, through the acquisition of an existing undertaking, and trades as Bon Air Nursing Home (2003) Limited. The only condition under which Guardian Care Homes U.K. Limited operates is to comply with an agreed maximum staffing level. The Regulation of Undertakings Law Office is not aware that Guardian Care Homes U.K. Limited has contravened any provision of their licence or of the Regulation of Undertakings Law 1973.”

8(a) Deputy R.G. Le Hérissier:

“Would the President inform the House whether or not in granting the licence any assessment is made as to the viability of the organisation or the viability of the business?”

Deputy F.G. Voisin:

“No.”

8(b) Deputy R.G. Le Hérissier:

“Would the President then say whether in granting a licence there exists the possibility that people may, for example, be here for reasons other than the operation of a business for which they have originally entered the Island, e.g. property development?”

Deputy F.G. Voisin:

“If the Deputy is asking in relation to this particular matter, Guardian Care Homes Limited acquired through acquisition the shares of Bon Air Nursing Home Limited. So the Committee wouldn’t have been involved in any way.”

8(c) Deputy S.C. Ferguson of St. Brelade:

“Is the President aware that the indications are that the type of business operated at Bon Air is going to be changed significantly?”

Deputy F.G. Voisin:

“Well, if the mode of business changes, then they may need to seek approval through their licence, depending on what their licence is for.”

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

“Is the President aware that, under the Regulation of Undertakings and Development Law, there is an annual review undertaken by the Department to find out and to ascertain in particular whether or not the licence and the number of people that have been granted within that maximum is currently being used for the purposes it is being used, whether there is any programme to train up local people, for example, and to find availability within the employment sector that may be local? Is the President going to progress this annual review? Is there an annual review that is in line with the States’ policy, which we have been told there should be?”

Deputy F.G. Voisin:

“In this particular case, the review is 3-yearly and the triennial review is, therefore, up for review as normal and these things happen today as they will in this case.”

Senator P.V.F. Le Claire:

“On a point of order – sorry to interrupt the President – but there is an annual review of the three year licence.”

Deputy F.G. Voisin:

“Well, I understand it is reviewed when the licence comes up. There is no point in having an annual review of a licence that has been granted for 3 years.”

Senator P.V.F. Le Claire:

“On a point of order, it is the Committee’s own policy, Sir. I don’t know if the President finds that there is no point to his own policy, but it is the Committee’s policy.”

9. The Deputy of St. John of the President of the Environment and Public Services Committee:

“In view of the apparent deteriorating condition of some of the Island’s main roads, what expenditure, if any, has been made in respect of road repairs for the first quarter of 2005 and what action, if any, is the Committee taking to dedicate funding for 2006 and onwards for road repairs now that the Parishes will not be taking over this responsibility?”

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

“Of the £950,000 available in the Committee’s cash limit for repairing roads, nearly £670,000 has already been committed. This includes £180,000 to cover emergency and patching repairs for the year, £245,000 for resurfacing work currently underway in the middle of town and £60,000 for a surface dressing trial in St. Ouen. In addition, works will be currently shortly underway to repair the damaged embankment at La Grande Route de Rozel. Minor capital funding will pay for stabilising the road edge along a section of St. Peter’s Valley in addition to that. A similar amount of funding for highway maintenance will be in our revenue expenditure cash limits, we hope, for 2006. The Committee requested capital in the sum of £3.1 million over a 10-year period to deal with the backlog. Whilst the capital programmes have obviously not been finalised, initial indications suggest that the Committee may be getting an allocation of something in the order of £1 million for each of 2006, 2007, 2008 and 2009 and £500,000 from 2009

and thereafter for restoration works. These funds will start to deal with the problem and we are looking to alternative funding mechanisms with Finance and Economics to achieve more.”

9(a) The Deputy of St. John:

“Is the President in a position to give us any details of any claims that may have been made against his Committee in recent months where accidents have occurred because of the poor quality of our roads?”

Senator P.F.C. Ozouf:

“I am afraid I haven’t got any information concerning insurance claims. Those are all dealt with under the insurance policies that the States have.”

9(b) Senator E.P. Vibert:

“From the answers to questions this morning, it is quite clear that a lot of our infrastructure is in grave danger and has been for some time. Could the President inform the House whether he is comfortable that we have over £400 million in the Strategic Reserve and yet our infrastructure is so poor?”

Senator P.F.C. Ozouf:

“I would not wish to give any indication at all that our infrastructure is in grave danger. I would refute such suggestion completely. I answered questions some moments ago concerning the sewerage network. We have a sewerage network which is in an excellent state of repair and we want to ensure that it is continued to be maintained. The question that the Deputy of St. John asked me was one of extensions. So as far as sewers are concerned, the news is good. We have got an issue concerning road repair and maintenance and that has been known for some time. The fact that the Committee is securing, at last, additional capital funding for roads etc. is an indication that this Assembly understands what the Deputy of St. John has gone on about for some time, that we need to do more, and the Committee is doing more. If it relates to the Solid Waste Strategy, well, the Committee is ...”

The Deputy Bailiff:

“I think probably that is sufficient at the moment. Thank you, President.”

9(c) Deputy R.G. Le Hérisier:

“Would the President outline why the Committee has not been successful in getting money for extensions to the sewerage system but yet is fighting to get money for the repair and refurbishment of the road system? Why is one winning over the other, it appears?”

Senator P.F.C. Ozouf:

“The issue for roads is that we are wanting money for restoration and refurbishment of existing roads. With the sewerage network, we are wanting to maintain the existing infrastructure as opposed to extensions. So if the Deputy would ask me what the highest priority was, whether or not it is actually getting money for looking after the existing roads or extending sewers, I would say that the Committee’s priority is to keep the roads up to date. But we are, and the clear message that I got from Presidents last week was that they wanted Finance and Economics and Environment and Public Services to look at further and additional revenue streams for the roads, and that may well involve increasing the cost of actually driving vehicles in the Island. That is the potential revenue source for roads.”

9(d) The Deputy of St. John:

“Prior to the decision being made that the Comité of Connétables or the Parishes would not take over the roads, we were told that somewhere in the region of £30 million to £35 million was required to put the roads in a good state of repair. Given that you have just given us figures up until 2010 which amount to somewhere in the region of £5 million, will the President please explain, if we were told several years ago that £35 million or thereabouts was required, what good a small amount of £4½ million to £5½ million will do other than probably just fill up potholes for the next 5 years? We need to know what the real big picture is and, as we are going into ministerial government, we need to know prior to the ministerial government coming into being.”

Senator P.F.C. Ozouf:

“The figure for the total bill of putting Jersey’s roads back into the state that they should be, and that is an excellent state of repair, was estimated to be approximately £35 million. That is the whole of the cost. We never envisaged that that would be spent all in one go, it would be over a period of years. That is why the Committee bid for a figure of £3 million each and every one of the next few years in order to carry out a programme of work. I would state that all that work does not need to be done now. We are planning for it in the next few years. We appear to have got some of that funding. We appear to have got £1 million certainly out of the decision conference last year. We need more. We have been instructed to work with Finance and Economics to identify revenue streams and we will do so. But the Committee is also asking the States to put a great deal of other Environment and Public Services’ capital projects in – such as the Waste Strategy – and that is important. The public don’t want to see additional charges. If the public don’t want to see additional charges, then we are going to have to pay for it out of the capital programme, and I hope the States will agree the Committee’s proposals in that regard.”

10. Senator E.P. Vibert of the President of the Education, Sport and Culture Committee:

“Would the President explain (a) why the deficit in the Teachers’ Pension Fund has risen from £86,959,000 in 2002 to £141,595,000 in 2004; (b) whether the Committee is satisfied that the 2004 figure is accurate and whether any independent actuaries have determined otherwise; and (c) why the Committee has not presented proposals dealing with this shortfall even though they have known about it for some time?”

Senator M.E. Vibert (President of the Education, Sport and Culture Committee):

“I apologise to members for the necessarily technical nature of part of the answer to a question I believe better suited to a written answer, but the answer is that the figures quoted by the Senator are from page xiv of the States’ Financial Report and Accounts 2004, and they have been prepared in accordance with the requirements of Financial Reporting Standard (FRS) No. 17 and have been prepared by the actuary to the Public Employees’ Contributory Retirement Scheme. It could be argued that the requirements of FRS 17 are more stringent than a routine actuarial valuation; indeed, Note 2(d) to the States’ Accounts – ‘Additional information required by FRS 17 – makes that point; and I will not read all that note, members can look it up if they wish. In addition, the Senator will no doubt be aware of the difficulties of the Stock Market during 2003 and 2004, and this has also had a detrimental affect on the FRS 17 valuation of the scheme, in common with virtually every other pension scheme throughout the U.K. For the Senator’s information, based on the current scheme rules and the fact that pension increases are currently funded from my Committee’s revenue budget, the most recent actuarial valuation as at 31st December 2001 indicated that the scheme had a small actuarial surplus and there is no threat whatsoever for the continued payment of teachers’ pensions. The figures have been prepared by independent actuaries and the Committee has been aware for some time of the funding issues relating to the Teachers’ Pension Fund and the continuing pressure on its revenue cash limit resulting from the funding of annual pension increases. Consequently, it was intended that the members of the scheme would transfer to the Public Employees Contributory Retirement Scheme (PECRS) with effect from 1st January 2002. However, due to the PECRS Committee of Management’s desire to seek a solution to the funding of past service liabilities within that scheme, the transfer was put on hold. Negotiations have recently resumed with the Committee of Management and officers of my Department are also investigating alternative solutions to the future of the scheme, which my Committee will consider later in the year.”

10(a) Senator E.P. Vibert:

“Is the President aware that actuarial experts, Bacon and Woodrow, investigated the Teachers’ Pension Fund in 2003 and calculated the deficit was £195 million, as at December 2003? Is the President also aware that the Committee of Management of the PECRS was approached and was not prepared to take on the underfunding liability? Is he also aware that consultants Bacon and Woodrow advised that, because of the smaller group involved, it was not possible to make any correction over a realistic period and recommended that £100 million be paid into the fund immediately? Has the Committee met with Policy and Resources and Finance and Economics to provide a solution to the serious problem and what is this solution?”

Senator M.E. Vibert:

“Yes to all the questions, Sir, and, as to whether we have met with Finance and Economics and Policy and

Resources, our own officers are looking at the scheme. They meet with officers regularly and my Committee will be considering options later in the year.”

10(b) Senator E.P. Vibert:

“Is the President suggesting that Policy and Resources and Finance and Economics should not in fact be involved in dealing with a serious problem? I would like to ask the President whether he is aware that in fact enquiries were made of the President of Finance and Economics and he did say that ‘The solution will take long and mature consideration, and I am sure that Policy and Resources and Finance and Economics will play a full part in this.’ Have they played a part in it and what is the answer?”

Senator M.E. Vibert:

“There have been discussions at officer level and the proposals, options and negotiations will be coming to my Committee later in the year for consideration. We will of course be discussing it with Finance and Economics and Policy and Resources.”

10(c) Senator S. Syvret:

“Given that the report by Bacon and Woodrow does in fact display a liability, a debt, of £195 million doesn’t the President feel he should have included that in his initial answer, and would he agree with me that, realistically, if we have these kind of potential liabilities on the horizon, they really ought to be shown up quite clearly in the accounts of the States because they are not at present and, therefore, I do not think the present States’ accounts that have recently been published are compliant with the Generally Accepted Accounting Practices (GAAP).”

Senator M.E. Vibert:

“The situation with the Teachers’ Pension Fund is complicated. It is complicated because it is a different fund to the Public Employees’ Contributory Retirement Scheme, because when it was set up it was decided that the Education Committee of the day would pay pension increases from revenue budgets rather than be included in the scheme, as in the PECRS. Therefore, the actual scheme – the last actuarial valuation that we had – showed a small surplus. What the difficulty is is how the increases are going to be funded in the future. If they continue to be funded from Education, Sport and Culture Committee revenue balances – the States’ revenue balances that are given to it – then the actual funding of the scheme doesn’t come into question. The funding of the scheme ... the difficulty arises if you wish to include in that scheme the ability of the scheme to pay the pension increases rather than the basic pension. It is a complicated matter, Sir. We have been wrestling with it, previous Committees have wrestled with it and we did begin negotiations with the PECRS, but they were put on hold. We are re-opening those and we are also looking at the options and we will be discussing them with Policy and Resources and Finance and Economics and what we are trying to do is to solve a very knotty problem.”

10(d) Senator E.P. Vibert:

“Could the President give some indication as to how he believes, or how the Committee believes, that a solution can be found for this and, in addition to that, on Senator Syvret’s question, why on earth was this House not informed of how dangerous this situation was a long time ago? We have had budget reports. We have had ...”

The Deputy Bailiff:

“Well, I think that is your question then.”

Senator E.P. Vibert

“It is my question.”

Senator M.E. Vibert:

“I don’t like the word ... like the use of ‘dangerous’ in relation to these funds. There is a fund that pays the teachers’ pensions and it is accepted policy that, from the Revenue Budget, pension increases are paid. This has all been well known for some time. The States have in the past looked at these things. We bring out regular reports and accounts. I am sorry the Senator doesn’t seem to feel these are sufficient. We are dealing with the issue. It is a difficult problem. We were hoping to deal with it through the Public

Employees' Contributory Retirement Scheme. We were asked not to pursue that while the past service liabilities of the Public Employees' Contributory Retirement Scheme, which was another difficult problem which it is proposed this House will solve shortly, were dealt with. We are re-opening negotiations there. We are looking at the various possibilities of trying to resolve this issue."

11. Deputy G.P. Southern of St. Helier of the President of the Finance and Economics Committee:

"Will the President advise members whether the Committee sought legal advice regarding any human rights considerations that might arise from the Income Tax (Amendment No. 24) (Jersey) Law in relation to the requirement for an employee to reveal full income to his or her employer under the ITIS scheme in view of an individual's right to privacy under the provision of the Human Rights (Jersey) Law 2000?"

Senator T.A. Le Sueur:

"There was no need to ask for such advice on that particular point, because an employee does not need to reveal his or her full income to an employer under the ITIS Scheme. All that is revealed to the employer is the effective rate applicable to that employee, which enables the employer to deduct the appropriate amount of tax from an employee's wages or salary. The law in question was also reviewed by the Crown Officers to enable me to sign a certificate confirming that the law is indeed human rights compliant."

11(a) Deputy G.P. Southern:

"Does the President not accept that (a) knowing the full rate of tax chargeable to an employee by the employer is effectively knowing what his total income is; and (b) since this issue is one that involves data protection, does he not think the matter routine that the Data Protection Registrar should be involved in matters of legal issues – legal considerations – in the light of, particularly, the Migration Policy which got so far and had to be called back in by the Data Protection Registrar herself?"

Senator T.A. Le Sueur:

"No, Sir. All the employer gets is an indication of a range of income, and that is perfectly legitimate and certainly has been considered by the European Court and, under grounds of proportionate policy, it is not a breach of human rights. But I would say to the Deputy and to members that if any person chooses alternatively, they can simply be coded the maximum rate and pay the full rate, as would a new employee, but this law, as far as human rights are concerned, is completely human rights compliant."

11(b) Deputy G.P. Southern:

"Is the President aware that, as part of the Data Protection Law, as currently constituted, an appeal cannot be made under data protection against a different law being enacted by the States because as soon as that law comes into force it is deemed to have been checked for human rights compliance? Where data protection issues are involved, is it not suitable – is it not appropriate – that law being enacted goes before the Data Protection Registrar herself?"

Senator T.A. Le Sueur:

"I cannot at the moment see a direct link between the Data Protection Law and the Income Tax Law, Amendment 24 in question."

Deputy G.P. Southern:

"I am sure the Data Protection Registrar will be informing him."

11(c) Senator E.P. Vibert:

"I just wanted to ask a question as to whether in fact the Data Protection Office had been informed of this and whether an opinion had been sought on it."

Senator T.A. Le Sueur:

"I repeat, Sir, in my view this is not a matter of data protection. Employees' salaries are a matter of record between the employer and the employee."

11(d) Senator E.P. Vibert:

"But, surely, the President must accept that a breach of that becomes a data protection matter?"

Senator T.A. Le Sueur:

“I am at a loss, Sir, to know what the breach concerned would be.”

The Deputy Bailiff:

“Very well. I think we have probably taken that one as far as we can for the moment. I think that concludes question time.”

Scrutiny Report on the proposed Migration Policy – statement

Deputy Geoffrey Peter Southern of St. Helier, one of the Chairmen of the Shadow Scrutiny Panels, made a statement in the following terms –

“In undertaking a review of the proposals in P.25/2005, ‘Migration: monitoring and regulation’, in February 2005, the Scrutiny Panel, which I chair, was conscious that the Policy and Resources Committee was keen to request a date for debate in the States in April 2005. The Panel gave an undertaking to the Committee that it would set itself a tight timetable to report to the States on its review within 2 months, at the beginning of May 2005.

The Panel was grateful that the Policy and Resources Committee was prepared to defer its request for a debate in order to give it the opportunity to conduct its review.

In the event, the Panel has found that its programme for public evidence sessions has taken longer than originally anticipated. In part, this was due to the fact that the planned schedule of meetings immediately before Easter proved unrealistic for both Panel members and witnesses, given the States’ workload during the same period. The Panel also felt, after carefully examining the transcripts from the witness sessions, that it was necessary to call further witnesses in order to clarify a number of issues arising from the evidence sessions.

The Panel has made every effort to keep within its promised deadline. However, it believes that it is essential to deal fully with the issues raised in the review and that it would ultimately be unhelpful to the States to produce a report which failed to examine key concerns with sufficient rigour.

The Panel is aware that the Policy and Resources Committee intends to ask for a date for debate on its proposals of 7th June 2005, and it will do all it can to finalise its report for presentation to the States two weeks before that date, namely 24th May 2005, in order to give members sufficient time to absorb its findings. I am aware, however, that this deadline will give members no opportunity to lodge any amendments to the proposition should they choose to do so.

I should like to add one further comment. At present we are in a Shadow Scrutiny phase, which is designed to help members prepare for the full establishment of the Scrutiny function within the new ministerial system of government. An important lesson that has been learned during this period is the need to build sufficient time into the Executive’s programme for Scrutiny to examine key policy initiatives. Scrutiny should not be left as an afterthought but be made aware in good time of the Executive’s future plans so that work programmes can be planned in advance and adequate time allocated to in depth enquiries.”

**Caledonia Close, Pier Road, St. Helier: sale of property– P.74/2005
Comments**

THE STATES, adopting a proposition of the Housing Committee –

- (a) authorised the sale with vacant possession on behalf of the public, of the eight one-bedroom flats, five garages, yard and the public right of way known as Caledonia Close, Pier Road, St. Helier, (as shown in the attached drawing dated 19th April 2005) to the Royal Yacht Group Limited for £650,000 (six

hundred and fifty thousand pounds) with each party responsible for their own legal fees associated with the transaction;

- (b) agreed that the £650,000 be received by the Treasurer of the States in two payments to be £65,000 on passing of Contract of Sale and the balance of £585,000 on or before 30th June 2006;
- (c) agreed that the said balance of £585,000 be secured by judicial hypothec on the property which is the subject of the sale;
- (d) authorised the proceeds of sale be paid into the Environment and Public Services Committee Vote of Credit C0904 Acquisition of Land – Major Reserve;
- (e) approved the purchase of suitable replacement property to be used as social rented accommodation upon terms to be approved by the Finance and Economics Committee with costs to be met from the Environment and Public Services Committee Vote of Credit C0904 Acquisition of Land – Major Reserve, to a maximum value of £650,000;
- (f) authorised the Attorney General and the Greffier of the States to pass, and the Greffier of the States to sign as appropriate, on behalf of the public, such contracts or agreements as may be necessary.

Members present voted as follows –

POUR: 44

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
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 Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)

CONTRE: 5

Deputy A. Breckon (S)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

ABSTAIN: 0

Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy S.G. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Social Security Fund: removal of earnings limit – P.82/2005

Comments

THE STATES commenced consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier requesting them –

- (a) to agree that, with effect from 1st January 2006 –
 - (i) the earnings limit for employee contributions to the Social Security Fund, and
 - (ii) the earnings limit for employer contributionsshould be removed, and
 - (iii) the overall contribution rate should be increased from that date by 0.5% annually (made up of a 0.25% increase in the employer contribution and a 0.25% increase in the employee contribution), until the requirement for supplementation is eliminated;
- (b) to charge the Employment and Social Security Committee, in conjunction with the Finance and Economics Committee, to bring forward for approval the necessary legislation to give effect to the proposal.

Change in Presidency

The Deputy Bailiff retired from the Chair during consideration of the proposition of Deputy Geoffrey Peter Southern regarding the Social Security Fund: removal of earnings limited (P.82/2005 lodged “au Greffe” on 20th April 2005), and the meeting continued after the lunch adjournment under the Presidency of Mr. Michael Nelsor de la Haye, Greffier of the States.

Adjournment

THE STATES, adopting a proposition of Senator Stuart Syvret that the States adjourn forthwith, duly adjourned until 11th May 2005 when they would resume consideration of the proposition of Deputy Geoffrey Peter Southern regarding the Social Security Fund: removal of earnings limited (P.82/2005 lodged “au Greffe” on 20th April 2005) and the other outstanding items of public business.

Members present voted as follows –

POUR: 28

CONTRE: 22

ABSTAIN: 0

Senator J.A. Le Maistre

Senator T.A. Le Sueur

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy L.J. Farnham (S)
Deputy J-A. Bridge (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of Grouville
Deputy of St. Peter

Senator P.F. Routier
Senator P.F.C. Ozouf
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (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 J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES rose at 5.38 p.m.

M.N. DE LA HAYE

Greffier of the States.