

**THE STATES assembled on Tuesday,
29th November 2005 at 9.30 a.m. under
the Presidency of Mr. Michael Nelson de la Haye,
Greffier of the States.**

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

All members were present with the exception of –

Senator Jean Amy Le Maistre – out of the Island
Senator Frank Harrison Walker – out of the Island
Senator Michael Edward Vibert – out of the Island
Senator Philip Francis Cyril Ozouf – out of the Island
Kenneth Priaulx Vibert, Connétable of St. Ouen – out of the Island
Deputy Maurice François of St. Lawrence – out of the Island
Carolyn Fiona Labey, Deputy of Grouville – out of the Island

Prayers.

Connétable of St. Brelade – welcome

The Greffier of the States, on behalf of the Bailiff and all members, welcomed the newly-elected Connétable of St. Brelade, Mr. Michael Keith Jackson.

Connétable of Trinity – congratulations

The Greffier of the States, on behalf of the Bailiff and all members, congratulated the Connétable of Trinity, Mr. John Le Sueur Gallichan, who had recently taken the oath of office of Connétable for a further term.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Police Procedures and Criminal Evidence (Application to Customs and Excise) (Amendment) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 166/2005.
Terrorism (Proscribed Organizations) (Amendment No. 2) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 167/2005.
Extradition (Treatment and Rights) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 168/2005.
Cremation (Fees) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 169/2005.

Dentists (Ancillary Dental Workers – Fees) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 170/2005.
Food Safety (Ice-Cream Stalls etc.) (Amendment No. 26) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 171/2005.
Food Safety (Labelling) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 172/2005.
Medicines (General Sale List) (Amendment No. 6) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 173/2005.
Medicines (Prescription Only) (Amendment No. 7) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 174/2005.
Nursing Agencies (General Provisions) (Amendment No. 21) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 175/2005.
Amendment No. 30 to the Tariff of Harbour and Light Dues. <i>Harbours and Airport Committee.</i>	R&O 176/2005.
Social Security (Collection of Contributions) (Amendment) (Jersey) Order 2005. <i>Employment and Social Security Committee.</i>	R&O 177/2005.
Road Traffic (Grouville) (Amendment No. 2) (Jersey) Order 2005. <i>Environment and Public Services Committee.</i>	R&O 178/2005.
Diseases of Animals (Avian Influenza) (Jersey) Order 2005. <i>Environment and Public Services Committee.</i>	R&O 179/2005.
Electronic Communications (Amendment No. 2) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 180/2005.
Financial Services (General Insurance Mediation Business (Client Assets)) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 181/2005.
Financial Services (General Insurance Mediation Business (Accounts, Audits, Reports and Solvency)) (Amendment) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 182/2005.
Airport Dues (Tariff) (Amendment) (Jersey) Order 2005. <i>Harbours and Airport Committee.</i>	R&O 183/2005.

Matters presented

The following matters were presented to the States –

States of Jersey: Independent Investigation into Court and Case Costs: Report by the National Audit Office.
Presented by the Finance and Economics Committee.

Solid Waste Strategy – Technology Review: Report by Babbie Fichtner.
Presented by the Environment and Public Services Committee.

Safer Routes to School. R.C.86/2005.
Presented by the Environment and Public Services Committee.

States of Jersey Law 1966, as amended: delegation of functions – Fire R.C.87/2005.
Precautions (Jersey) Law 1977, as amended.
Presented by the Home Affairs Committee.

Draft Water Resources (Jersey) Law 200- (P.206/2005): second amendments P.206/2005. Amd.
(P.206/2005 Amd.(2))– comments. (2) Com.
Presented by the Environment and Public Services Committee.

Budget 2006: amendment (P.259/2005) – comments. P.259/2005. Com.
Presented by the Finance and Economics Committee.

Budget 2006: second amendments (P.266/2005) – comments. P.266/2005. Com.
Presented by the Employment and Social Security Committee.

Budget 2006: second amendment (P.266/2005) – comments. P.266/2005. Com.
Presented by the Finance and Economics Committee. (2)

Budget 2006: fourth amendment (P.272/2005) – comments. P.272/2005. Com.
Presented by the Finance and Economics Committee.

Budget 2006: fifth amendment (P.273/2005) – comments. P.273/2005. Com.
Presented by the Finance and Economics Committee.

The following matter was presented on 8th November 2005 –

States of Jersey Law 1966, as amended: delegation of functions – Medical Officer R.C.83/2005.
of Health.
Presented by the Health and Social Services Committee.

The following matters were presented on 22nd November 2005 –

The Jersey Employment Trust: Financial Statements at 31st December 2004. R.C.84/2005.
Presented by the Employment and Social Security Committee.

States of Jersey Law 1966, as amended: delegation of functions – harbours. R.C.85/2005.
Presented by the Harbours and Airport Committee.

Provision of Legal Advice to Scrutiny Panels. S.R.8/2005.
Presented by Deputy G.P. Southern of St. Helier.

Draft Water Resources (Jersey) Law 200- (P.206/2005): amendments P.206/2005.
(P.206/2005 Amd.)– comments. Amd.Com.
Presented by the Environment and Public Services 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 10th November 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Harbours and Airport Committee, the lease to Aqua-Mar Fisheries Limited of the small bunker room beneath Port Control, Victoria Pier, St. Helier Harbour (Letting No. V32A—measuring 450 square feet), for the use of storing live fish, for 3 years from 1st August 2005, at an annual rent of £2,133.00 (representing a rate of £4.74 a square foot), payable 6 months in advance, and subject to annual review in line with the Jersey Retail Price Index;
- (b) as recommended by the Environment and Public Services Committee, the lease to Mr. Michael Le Broc of the one-bedroom flat with garage and garden forming part of the Maison St. Louis Observatory Highlands Lane, St. Saviour, for a period of 12 months from 1st November 2005, at an annual rent of £8,640.00, to be subject thereafter to annual review in line with the Jersey Retail Price Index, with the agreement to be terminable by either party upon one month’s notice, on the basis that the tenant would be responsible for occupiers rates, an appropriate share of the water and heating costs, together with electricity and telephone charges, both of which were separately metered at the flat; and,
- (c) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Pomme d’Or Hotel (1932) Limited in order to ratify the present south-west facing and north-west facing facades of the Pomme d’Or Hotel, St. Helier (specifically the projections over the highways) in perpetuity, for a consideration of £10 payable by the company, and on the basis that the company would pay the public’s reasonable legal fees arising from the transaction.

Matters lodged

The following matters were lodged “au Greffe” –

Television licences for the over-75s funded from stamp duty on share transfer properties. P.274/2005.
Presented by the Deputy of St. Martin, and referred to the Finance and Economics and the Employment and Social Security Committees.

Censuses and the development of official statistics for Jersey. P.275/2005.
Presented by the Policy and Resources Committee.

The following matters were lodged on 8th November 2005 –

Draft Taxation (United States of America) (Jersey) Regulations 200-. P.264/2005.
Presented by the Policy and Resources Committee.

Draft Amendment (No. 4) of the Standing Orders of the States of Jersey. P.265/2005.
Presented by Deputy R.G. Le Hérissier of St. Saviour.

Budget 2006: second amendment. P.266/2005.
Presented by Senator M.E. Vibert.

The following matters were lodged on 15th November 2005 –

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) (No. 3) Act 200-. P.267/2005.
Presented by the Home Affairs Committee.

Draft Police Force (Amendment No. 9) (Jersey) Law 2003 (Appointed Day) Act 200-. P.268/2005.
Presented by the Home Affairs Committee.

Budget 2006: third amendment. P.269/2005.
Presented by the Economic Development Committee.

Draft Employment (Amendment No. 2) (Jersey) Law 200.
Presented by Deputy G.P. Southern of St. Helier.

P.270/2005.

Draft Employment Relations (Amendment) (Jersey) Law 200-.
Presented by Deputy G.P. Southern of St. Helier.

P.271/2005.

Arrangement of public business for the present meeting

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Economic Development Committee had instructed the Greffier of the States to withdraw the following matter set down for consideration at the present meeting –

Budget 2006: third amendment.
Lodged: 15th November 2005.
Economic Development Committee.

P.269/2005.

THE STATES, adopting a proposition of Deputy Roy George Le Hérissier of St. Saviour, agreed that the following matter lodged “au Greffe” would be considered at the present meeting –

Draft Amendment (No. 4) of the Standing Orders of the States of Jersey.
Lodged: 8th November 2005.
Deputy R.G. Le Hérissier of St. Saviour.

P.265/2005.

Members present voted as follows –

POUR: 36

Senator S. Syvret
Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Saviour
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
Connétable of St. Brelade
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy C.J. Scott-Warren (S)
Deputy R.G. Le Hérissier (S)

CONTRE: 7

Senator P.F. Routier
Deputy J.J. Huet (H)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy of St. Mary
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)

THE STATES rejected a proposition of Deputy Roy George Le Hérissier of St. Saviour that the following matter set down for consideration at the present meeting, be taken as the first item of public business –

Draft Amendment (No. 4) of the Standing Orders of the States of Jersey.
Lodged: 8th November 2005.
Deputy R.G. Le Hérissier of St. Saviour.

P.265/2005.

Members present voted as follows –

POUR: 18

Senator S. Syvret
Senator P.V.F. Le Claire
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Brelade
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy R.G. Le Hérissier (S)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)

Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)

CONTRE: 25

Senator L. Norman
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Connétable of St. Peter
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott-Warren
(S)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

Elizabeth Harbour Phase I warehouse – lease to Channel Express (Jersey) Limited – P.189/2004 – withdrawn

THE STATES noted that, in accordance with Standing Order 17(6), the following matter was deemed to have been withdrawn –

Elizabeth Harbour Phase I warehouse – lease to Channel Express (Jersey) Limited. P.189/2004.
Lodged: 2nd November 2004.
Harbours and Airport Committee.

Elizabeth Harbour Phase I warehouse – lease to Ferryspeed (C.I.) Ltd. – P.190/2004 – withdrawn

THE STATES noted that, in accordance with Standing Order 17(6), the following matter was deemed to have been withdrawn –

Elizabeth Harbour Phase I warehouse – lease to Ferryspeed (C.I.) Ltd. P.190/2004.
Lodged: 2nd November 2004.
Harbours and Airport Committee.

A People's Advocate – P.202/2004 – withdrawn

THE STATES noted that, in accordance with Standing Order 17(6), the following matter was deemed to have been withdrawn –

A People's Advocate. P.202/2004.
Lodged: 16th November 2004.
Senator S. Syvret.

A People's Advocate (P.202/2004): comments. P.202/2004
Presented: 18th January 2005. Com.
H.M. Attorney General.

A People's Advocate (P.202/2004): comments. P.202/2004.
Presented: 25th January 2005. Com.(2).
Policy and Resources Committee.

A People's Advocate (P.202/2004): comments. P.202/2004.
Presented: 1st February 2005. Com.(3)
Privileges and Procedures Committee.

A People's Advocate (P.202/2004): comments. P.202/2004.
Presented: 1st February 2005. Com.(4)
Finance and Economics Committee.

Contribution statements – question and answer

The Deputy of St. John tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

“Over the last 9 months some contribution statements have been received by the public at very short notice just days before the closing date of the 15th of the month in which the contribution falls due. What has caused this, what, if anything, is being done to rectify the problem, and has this caused claimants to lose any benefit?”

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

“The problem referred to in the question concerns self-employed contributors who have applied to pay earnings related Class 2 contributions. Employed contributors are handled differently but overall the statements for employed and self-employed contributors are now processed to the same timescale. Unlike

employers, however, self-employed contributors are notified of their contribution liability at the beginning of the year and, therefore, are well aware of the amount that should be paid by the due dates in each quarter. The Department moved over to a new computer system on 10th January 2005, when contributions for October, November and December 2004 were being collected and opening balances calculated. In April and July 2005, the process dates for Class 2 contributions fell at the weekend causing a two-day delay which meant that some, but not all statements for the self-employed were received close to the deadline of 15th. After the Deputy's intervention the computer programmes were changed to ensure that these processes take place on the first day of the month, regardless of which day of the week to give the maximum time possible before the deadline. The only down side of this approach is that in cases of certified sickness where contribution credits are awarded, the exact contribution liability shown on the statement will need to be adjusted at a later date. The next stage in the Department's drive for efficiencies in the collection system is the use of direct debits which is currently being piloted by some self-employed contributors.

No self-employed contributor should have lost or been denied benefit because of this two-day slippage as contribution payments are processed later in the quarterly cycle to count for future benefit entitlement. If there are real or theoretical examples of claimants losing benefit, the Department would be grateful to know."

Parish electoral rolls – questions and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of the Connétable of St. Martin, Chairman of the Comité des Connétables–

“Would the Chairman advise members whether there are any names on any of the Parish electoral rolls of persons who are either deceased or have changed address and, if so, how many of the 54,000 names on the electoral roll are affected and in which Parishes do these apply, what measures, if any, are being taken to rectify the situation and in what time scale particularly in light of the potential distress that may be caused to some on receiving election material addressed to a long-deceased partner?”

The Chairman of the Comité des Connétables tabled the following written answer –

“The current electoral registers were prepared on 1st July 2004, and will continue in force until 30th June 2006, as required by the Public Elections (Jersey) Law 2002. They are ‘rolling registers’ and the names of those registered change on a daily basis as persons qualify to be registered, or cease to qualify because they are no longer ordinarily resident in a Parish.

The electoral register in force for a particular public election is the register as at midday on the day before the nomination meeting for that election. All Parishes ensure that the registers are updated immediately prior to this ‘cut-off’ date with all information available. However, an electoral register is likely to include the names of persons who are deceased or who have changed address as this information is not always immediately made known to the Parish. Whilst every person who is eligible to have their name included on a register has a duty, under the Law, to apply for registration as soon as practicable, it may take several days or even weeks for a person who has moved to deal with the administrative ‘change of address’ notifications required.

It is not possible to place a figure on the number of names affected. However, the Connétable of St. Helier recently estimated the names of 200 deceased persons were on the electoral register in force for the election of Senators last month.

The Public Elections (Jersey) Law 2002 requires the Connétable of a Parish to prepare the electoral register for the Parish and to include the name of a person if he has been furnished with or has obtained information in respect of that person sufficient to satisfy him that that person is entitled to have his name included on the register for the electoral district. This information is gathered annually by sending a form to every unit of dwelling accommodation for completion and return to the Parish and also by notifying any person who contacts the Parish to advise a change of address, for example on a driving licence. In addition those who become eligible during the year will complete and return a registration form to the Parish. The information

contained on this form should include previous addresses where a person has been registered so that all registers may be updated but often this information is not provided. There is no requirement for persons who move away from the Island to notify the Parish that their names should be removed from the register and this information may not be brought to the attention of the Parish especially if the new occupants of the property fail to register (either because they are not eligible or do not wish to be registered). Likewise, the Parish is not always notified of the names of deceased persons and even when subsequent registration forms are returned omitting the name of a person previously registered there has been a presumption that this may be an oversight and, unless the Parish is notified otherwise, names may remain on the register so as not to disenfranchise a person.

The Parishes do receive information of deceased persons from time to time from the Registrar and these names are deleted from the electoral registers. The Parishes are already reviewing the frequency of such reports to ensure that this information is provided regularly and used immediately to update the registers. The Parishes are also reviewing the administrative arrangements when a person notifies a change of address to ensure that all records are updated as soon as possible. A number of improvements could be made to the current Law with regard to the registration procedure and the Connétables advised the Privileges and Procedures Committee of their views during the recent consultation process on possible changes to the Law. However, no law drafting time has been allocated for this work and, therefore, no such improvements will be made in the foreseeable future.

In the meantime, the Connétables will continue to gather all relevant information to ensure the electoral registers are correct and up to date and apologise for the distress caused to those who have received election material addressed to a deceased partner or relative.”

Maintenance and emergency repair work carried out by nominated contractors – questions and answers

Deputy Geoffrey Peter Southern of St. Helier tabled the following written questions of Deputy Terence Johr Le Main of St. Helier, President of the Housing Committee-

- “1. Would the President confirm whether the tendering process for maintenance and repair has been changed in recent years to a fixed-price contract basis and, if so, whether this has reduced the number of companies competing for such States contracts and further outline what measures, if any, are in place to monitor –
 - (a) the professional qualifications and skill levels of the workforce employed;
 - (b) the quality and standards of work completed;
 - (c) whether pay rates are below Building Federation levels; and,
 - (d) whether health and safety regulations are consistently adhered to?
2. Would the President inform members of the number and names of those building contractors who were employed on –
 - (a) routine maintenance, including re-lets; and,
 - (b) emergency repair contracts,and the proportion of total work allocated to each contractor, along with the value of the contracts, in 2004?”

The President of the Housing Committee tabled the following written answers –

- “1. A schedule of rates was introduced for void property work in 1999 and was updated in 2003.

A schedule of rates was introduced for response repair work in 2005.

The number of contractors employed on both void property work and response repair work has reduced as a result, together with costs. Performance statistics have improved significantly as a result.

With regard to the additional questions –

- (a) At the time that the fixed price schedule of rates was introduced, contractors were assessed for competence and their ability to perform to the performance criteria set out in the relevant contracts. This process was overseen by an independent firm of Chartered Surveyors.
- (b) A percentage of all work is routinely inspected in order to ensure quality. In addition, surveys of customers in receipt of repair work are carried out. A recent survey undertaken in respect of repair works carried out between April and July 2005 has thus far returned a satisfaction rate of 97%.
- (c) Those contractors employed on the schedule of rates system, contract to undertake ‘day work’ at rates below those recommended by the Jersey Building and Allied Trades Employers Federation. This was part of a package of measures introduced as a result of a competitive tender process. However, the vast majority of work is undertaken on a fixed price basis.
- (d) The Committee requires that all Contractors comply with the provisions of Article 3(3) of the Health and Safety at Work (Jersey) Law 1989. Accordingly, all contractors are expected to maintain the highest health and safety standards. However, the Committee is not the regulator of health and safety standards, albeit it does work closely with the Health and Safety Inspectorate to ensure that concerns of a health and safety nature identified by the Inspectorate in respect of work undertaken by Contractors are properly investigated and the appropriate action taken.

The Housing Committee, through the Housing Department, is only too willing to brief any States Member on the current arrangements for the procurement of maintenance services, should they so require.

- 2. When the new response repairs schedule of rates was introduced, one condition of the contract was that each and every contractor on that response repair list would be expected to provide a limited out of hours ‘emergency only’ service at no additional standby cost.

The following contractors, who make up the responsive repairs list will also, where needs dictate, respond to emergencies out of hours –

TRADE	CONTRACTOR
Electrical	H.W. Gallichan & Sons
General Building	A. Cameron & Son A1 Property Services R. Houillebecq
Locksmith	Ace Locks
Plumbing	H.W. Gallichan & Sons
Window and Door Repairs	Ace Locks
Roofing	Dave Beck Roofing J. McFarlane Roofing

Flooring	ARC Carpets Tower Carpets
Decorations	A. McAulay Decorators
Medical Adaptations	A. Cameron & Son A1 Property Services

With regard to void property refurbishment, the following contractors are employed on a fixed price schedule of rates –

A1 Property Services Limited
A. Cameron & Son Limited
R.A. Poree Limited
A.H. Turmel Limited.

With regard to providing information concerning the sums paid to each contractor undertaking void refurbishment or response repair work, these are available from the Housing Department. The figures will readily be provided to any Member of the States Assembly requiring such information. However, in fairness to the contractors concerned that information should not be passed to third parties.”

Health Promotion Unit – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Stuart Syvret President of the Health and Social Services Committee –

“Would the President inform members what changes, if any, have been proposed to the Exercise Referral Programme and other aspects of the work of the Health Promotion Unit and, whether any such changes, if applicable, are being undertaken to better target delivery of such programmes or whether they represent reductions in service in response to budget cuts?”

The President of the Health and Social Services Committee tabled the following written answer –

“The over arching aim of the Health Promotion Department is to maximise people’s ability to achieve their health potential, thus enabling them to lead socially productive and satisfying lives.

In keeping with the Health and Social Services Committee’s efficiency savings the Department has, like all others, experienced a small overall reduction in budget. However, this aside, the Department’s budget has remained stable over recent years.

Deputy Southern asks about changes within the Health Promotion Department. This small department, which is part of Public Health Services, is constantly reviewing the way that it approaches its task of improving health in Jersey, as a matter of course.

The following areas have undergone notable changes and planned development during the last three months and merit the following comments: school based programmes, physical activity, research and mental health.

School Based Programmes

Healthy Schools Standard – This is a national standard which primary and secondary schools work toward. Four local schools have recently sent teachers on the relevant training courses in preparation for portfolio development and validation next year. This jointly-funded initiative between the Health and Social Services and Education, Sport and Culture Committees is led by the Health Promotion Department.

Personal Social and Health Education (PSHE) Certificate – This is a nationally recognised qualification aimed at improving the standard of PSHE in schools. Recently, 6 local PSHE coordinators have submitted their portfolio's of work for national interim validation. The work is led by the Health Promotion Department and joint funded by the Building a Safer Society Strategy.

Grab Five Programme – This is a programme which addresses food and nutrition in school through whole school approaches. Over the last 3 months 4 additional primary schools have joined the scheme. Recent uptake of the programme has meant that the programmes implementation is increasingly reliant on the support of allied staff within schools that have health promotion remits such as school nurses and nursery nurses.

Physical activity

Exercise Referral – The tutors responsible for this programme, which is jointly funded between the Health and Social Services and Education, Sport and Culture Committees, have recently completed specialist nationally recognised qualifications. Establishment for these posts is currently being perused as part of the manpower reconciliation process within the Health and Social Services Department.

Dao Yin – These classes are partly self-funding and partly funded by the Health Promotion Department. They are led by tutors who are currently on a contract for service. Recently, Dao-Yin tutors were advised of proposed changes in arrangements regarding how they were to be supported in the long term to continue to deliver Dao Yin classes. The changes in arrangements were prompted by the new Employment Law and improvements in the administration of the classes.

Gentle Activity – These classes (which provide low level physical activity for frail elderly people) are currently delivered by sessional tutors on contract for service basis, who are partly funded by the Health Promotion Department. As of January 2006 gentle activity will be delivered by staff directly employed within day centres, residential and nursing homes following specific training provided by the health promotion department. The changes in arrangements were prompted by the new Employment Law and as a means of maximising available resources.

Falls Follow on – These classes are targeted at those people who are recovering from a recent fall which resulted in a hospital admission. Previously, throughput and onward rehabilitation proved difficult. Consequently, a graduated programme of activity following outpatient physiotherapy is planned to begin early next year. Establishment for this post is currently being perused as part of the manpower reconciliation process within the Health and Social Services Department.

Research

Wessex Trust Research Project (Obesity in Children) – This 3-year research study was being led by the Health Promotion Department. However, with the resignation of a Health Promotion Officer who was leading the research, it was agreed by those involved, that funding from the study be diverted to the Dietetic Department to complete the remainder of the study. Changes in funding arrangements were agreed by the funding body.

Health-Related Behaviour Questionnaire – This survey represents the only local source of health-related behaviour information of its kind. The study is carried out every 4 years. A repeat of the study is planned for February next year. Changes to the survey include the addition of year 13 students to the usual year groups of year 6, 8, and 10 which will give the study an enhanced understanding of young people's health.

Mental Health Promotion

Suicide Prevention Strategy – A recent review of the strategy using new analysis of historical data by those involved in its implementation has resulted in a number of new areas of work relating to preventive interventions in this area. The strategy is jointly led by Public Health and the Mental Health Directorate with a range of agencies from across States departments and voluntary agencies. There is no additional resource

attributed to the suicide prevention strategy.

Deputy Southern asks whether changes are being undertaken to better target delivery of such programmes or whether they represent reductions in service in response to budget cuts.

Changes have been made for a number of reasons, including, as the Deputy suggests, to better target the delivery of programmes. Other reasons include –

- Responding to local data and evidence based practice
- More effective use of resources
- Staff changes
- Introduction of Employment Law
- Opportunities to make a relevant public health contribution
- Dynamic responses to local strategies and initiatives.

The Health and Social Services Committee and Department are always searching for ways in which to maximise efficiency. However, budget constraints may mean that some services will come under greater pressure.”

‘La Falaise, St. Martin– question and answer

The Deputy of St. John tabled the following written question of Deputy Terence John Le Main of St. Helie President of the Housing Committee –

“In response to a question regarding La Falaise, St. Martin on 19th July 2005, the President indicated that the clean-up of the site would cost many thousands of pounds and that a bill for the clean-up would be sent to the former tenant. Would the President inform members of the total cost to date of the clean-up operation and whether that cost has been billed to the former tenant and paid; if not, would the President explain the reasons why this has not been pursued and confirm whether the tenant has been informed by letter?”

The President of the Housing Committee tabled the following written answer –

“The former tenant has been written to in detail and advised of the Housing Committee's decision. As this matter relates to the conduct of an individual's tenancy, it would not be appropriate to discuss it further in this forum.”

Maintenance of the Jersey Opera House – 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 inform members what provisions, if any, the Committee makes in respect of maintenance of the Jersey Opera House particularly in view of the current external appearance of the building?”

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

“Members may recall that the States recently debated and adopted the Committee’s recommendations contained in a Report and Proposition for the Development of a Cultural Strategy for the Island (19th July 2005). This issue, and indeed the whole issue of maintaining the cultural estate, was addressed in the Report and Proposition which informed the debate. In essence, the States has financed huge capital developments in culture over the past 10 years but has failed to increase revenue funding to keep pace with the maintenance demands which buildings make.

Since taking over responsibility for culture, the Committee has passed on all resources previously allocated to cultural organisations by the Finance and Economics Committee and in some cases has even increased its funding. The fact remains, however, that the Jersey Opera House, like the Jersey Heritage Trust with regard to the Archive Centre and the Jersey Arts Centre with regard to St. James, has had insufficient funding or income to agree the terms of a lease with the Property Services Department for the use of the premises they occupy. At the moment, therefore, the Jersey Opera House remains a States building which the States must maintain whether it is used as a theatre or not. In the absence of a signed lease the responsibility for its maintenance is the responsibility of the Property Services Department. As a short-term measure for 2005, members will recall that a sum of £150,000 was allocated to a Minor Capital Vote in the 2005 Budget for the maintenance of cultural properties in States ownership and that expenditure against this sum has been prioritised and managed by the Property Services Department in consultation with the various organisations occupying the properties. With regard to the Opera House, the priorities are the removal of asbestos and the renewal of a seriously defective flat roof. Even if there were enough resources within this budget to meet all requirements, there is a question as to whether minor capital money may be used for external redecoration.

At present, therefore, I fear that the Opera House has been required to look to its own resources and fund-raising capability to improve the external appearance of the building. I understand that the Board of the Opera House Limited is actively pursuing a number of options in this respect.

This is an unsatisfactory state of affairs, not just for the Opera House but for all publicly owned buildings within the cultural estate. This is one of the first issues which the duly appointed Minister for Education, Sport and Culture should seek to address with the newly formed Property Holdings Department next year.”

ITIS (Income Tax Instalment System) – 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—

“Would the President inform members –

- (a) what mechanisms, if any, are to be put in place for new entrants to Jersey income tax who, under ITIS, will effectively be paying tax on current earnings, to be on the same footing as those already paying income tax based on the previous year’s tax? and,
- (b) will the proposals put an end to the situation whereby those who retire or lose a job find themselves owing a full year’s tax bill, and if not, explain the reasons why?”

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

“(a) This information is already in the public domain. It is explained in the answer to question 15 on the ‘ITIS – a brief guide’ and in the final paragraph of the basis of assessment section of ‘ITIS – an explanatory leaflet’ both available on the Income Tax Office website www.incometax.gov.je .

For the sake of completeness, however, I can confirm that the ITIS legislation, which was approved by the States Assembly at the time of the last Budget and which can be examined at Article 41H of the Income Tax Law, does have special provisions for new entrants to Jersey income tax.

These individuals will not have a local tax bill to pay for the previous year. So their effective rate will be calculated using an estimate of their liability based upon their personal circumstances and a projection of their annual income.

It is very important, therefore, that these individuals notify themselves to the Comptroller when they enter the labour market so as to get an effective rate that applies to their personal circumstances and, also, to promptly notify the Comptroller of any material change in their income or circumstances to determine if their effective rate should be altered. If they do not, they may find that they are paying tax

at too high an effective rate.

I can also confirm that new entrants who register with Social Security are now being issued with Income Tax Registration Forms so as to get an effective rate appropriate to their circumstances from the Income Tax Office.

Such new entrant employees who remain permanently resident in Jersey will transfer on to the established basis after 7 years, special transitional arrangements applying in years 6 and 7. In essence the effective rate for years 6 and 7 will be at half their usual effective rate, allowing them to be absorbed into the mainstream tax deduction scheme without too much difficulty in the 8th year.

- (b) Those who retire will have the option to increase their effective rate whilst still in employment thereby building up a tax credit which can be used to alleviate the tax bill they get in their first year of retirement and which relates to their income whilst in employment. That is the advice being given by the Comptroller to those who know they are going to retire and if that advice is followed nobody will find themselves owing a full year's tax bill on retirement.

This adds a much greater degree of flexibility to the planning of those who are going to retire, as under the current system this option is not available. So ITIS is a major move in the right direction for those who retire and find themselves with a large tax bill from their previous year's employment income.

On the other hand, those who lose their job without any redundancy payment will be considered to be a genuine hardship case by the Comptroller and a solution will be found that will satisfy both the taxpayer and the Comptroller as to payment of the tax that falls into arrears.

ITIS is not a PAYE system but a simplified form of local tax collection and, as such, it cannot cover every conceivable situation that can arise in relation to a particular taxpayer's circumstances. It will not be able to cater, therefore, for established taxpayers paying in arrears who lose their jobs and who are liable to tax for that year due to their earnings. But the Comptroller will be sympathetic to genuine hardship cases, thereby following a long established practice at the Income Tax Office.

I also ought to add that introducing a current year basis of PAYE as in the United Kingdom was considered by the Committee. This would solve the problem of those who have a tax bill to pay when they retire or when they lose their job, but it was rejected as being too complex and having very significant administrative costs for both employers and the Income Tax Office. Furthermore, moving to a current year basis under a PAYE system would require existing taxpayers to make an extra 'catch up' payment to cover their arrears of tax in addition to their current year tax liability."

Oral questions

1. **The Deputy of St. Martin of the President of the Housing Committee:**

"Has legal advice in respect of 'La Falaise' been received and, if so, at what cost; how many hours work were charged by the contractor appointed to remove the material alleged to have been on the property and was the work monitored; if not, what action has the Committee taken to verify whether any material was removed and that the time claimed was actually worked?"

Deputy T.J. Le Main of St. Helier (President of the Housing Committee):

"Legal advice has now been received. The final account has not yet been submitted, but in any event will not exceed £300. The former tenant has now received a detailed letter concerning the Housing Committee's decision on this matter. As this matter surrounds the conduct of a former tenant's tenancy agreement, it is not appropriate for me to answer further questions on the matter."

1(a) **The Deputy of St. Martin:**

"I think the House is more than aware of the fact that the figures were made public by the President some months ago and, in fact, even elaborated through the media. I think it is beholden on the President to give

the answers. But, before that, may I ask a question as to the legal costs? The answer was never given in the answer. Can I ask why was it necessary to go outside the normal channels and not ask our own legal advisers and, also, what indeed was the cost for the advice given?"

Deputy T.J. Le Main:

"I have just repeated, Sir, the cost is not going to exceed £300. The Housing Committee has found itself in great difficulty over the last couple of years with the Law Officers being ever so busy where we have had to deal with an urgent matter, particularly on rent arrears and evictions, the Committee now, with the support of the Law Officers, seeks outside advice to conclude those matters urgently."

1(b) The Deputy of St. John:

"On 19th July, the President stated in this House that many thousands of pounds would be required to clean up 'La Falaise' at St. Martin. He is now telling us that he cannot give us this information, yet he made a claim in this Chamber that it would be many thousands. The person concerned, the previous tenant, Sir, has called me on the telephone and in fact has stated to me that he has received a letter saying he will not receive a bill for the clean up. I think it is totally unfair, if the President can make a statement in this House accusing somebody of leaving a mess behind, then now he is telling us he can't. He is hiding behind a privilege of the Committee."

The Greffier of the States (in the Chair):

"And the question, Deputy?"

The Deputy of St. John:

"How much has the clean-up cost and will the tenant be charged for it?"

Deputy T.J. Le Main:

"I never made any accusations against a particular tenant or otherwise. I was asked questions by the Deputy of St. John and I gave him what was an answer to his questions. I repeat, due to some difficulty in the Department – the Deputy says he has been contacted by the ex-tenant and many members have been contacted by the ex-tenant – I am not prepared, unless I have the authority of the tenant with any particular member who wants to see any details on the file, I would have to have and the Committee would have to have full authority from the ex-tenant to access or to look or to give further information on this. Otherwise, I am not prepared to discuss this ex-tenant or any other tenant in this Assembly in front of the public."

1(c) The Deputy of St. Martin:

"I have 2, but maybe I can ask the first one first, because I had asked the President would he confirm that this particular question was asked of him by Deputy Huet, 'Will the previous tenant be billed for these expenses', and the answer was 'Yes, Sir, the Committee are determined that the previous tenant, who has built a luxury house up in the countryside, will be billed for the full amount and will be pursued vigorously through the Courts if that is necessary.' Would the President confirm that he made that statement?"

Deputy T.J. Le Main:

"Yes, I made that statement, but, upon receiving further information and the Committee made a decision, a conscious decision, in the public interest and the decision was conveyed to the tenant. As I say, I am not prepared to disclose or discuss further issues on this tenant or any other tenant, and I am sure the same would go with other Committees where there are individuals concerned. The matter, as far as the Housing Committee is concerned, has been successfully concluded and has brought an end to the matter."

1(d) Deputy R.G. Le Hérisier of St. Saviour:

"Would the President concede that this matter has dragged on and on and that there is a very strong suggestion that in material particulars he may have got his facts wrong and that, therefore, in order to bring this matter to an end – and he knows full well that the tenant wants all information available put in the public domain – would he accept that a good apology from him would settle this matter and we could all move on to more substantial business?"

Deputy T.J. Le Main:

“No, Sir, I don’t agree with that at all. The information that I have conveyed to this House is firm evidence of what took place, given to me by the Department and relayed to this Assembly, and I am not prepared to do something that isn’t correct. The issue is that the matter has now been concluded, and the matter has been concluded satisfactorily as far as the Housing Committee is concerned. I have to say that that is the end of the matter.”

1(e) The Deputy of St. Martin:

“The President didn’t answer my question when I asked about the monitoring. Would the President confirm that indeed, if the tenant is not going to be charged, obviously someone is going to pay, and that will be the Housing Department in the long run and that will be the taxpayers? Will he confirm that 316 hours of labour has been charged for the Committee and the Committee will be paying for it? Does he not think that this work should have been monitored and, if not, maybe give us his reasons?”

Deputy T.J. Le Main:

“Can I just repeat again what I have just said to the Deputy and the Assembly? As this matter surrounds the conduct and a former tenant’s tenancy agreement, it is not appropriate for me to answer any further questions. If there is a particular member, if the member himself has the permission of the tenant or ex-tenant and he wishes to go and see the file for further information for himself which was not disclosed publicly in the media, then I am more than happy that that should take place. But I am not prepared to discuss any further issues on this tenant or any other tenant in this open forum.”

1(f) The Deputy of St. John:

“Will the President confirm that he, in the States’ Minutes of 19th July, stated ‘Yes, Sir, 22 skips of rubbish have been taken off site so far and are analysed as follows: 2 skips containing rubbish’, etc., etc.?”

The Greffier of the States (in the Chair):

“No, the Deputy cannot be asked that because it is clearly in the States’ Minutes, so he doesn’t need to confirm that he said it.”

1(g) The Deputy of St. Martin:

“Will the President confirm that the figures that he gave to the House were totally exaggerated and will be much less than the figures he actually mentioned in the States?”

Deputy T.J. Le Main:

“Not at all, Sir, and I have given the offer. You know, I am not prepared to discuss it in open forum, but if the Deputy would like, with the written permission of the ex-tenant, to come and view the Department files, I am more than happy to do it, but, no, I am not prepared to confirm or otherwise anything.”

2. Deputy G.C.L. Baudains of St. Clement of the President of the Environment and Public Services Committee:

“Does the rebuilt property known as ‘Lezardrieux’, Rue de la Houquette, St. Clement, exceed in height the previous dwelling on the site and, if so, by how much, and would the President explain the reasons why the Committee allowed any increase in height?”

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

“The property ‘Lezardrieux’ stands at the top of a promontory above La Hocq. It originally comprised a large flat roofed bungalow built in the 1950s on top of a German bunker. Permission to demolish and construct a two-storey house was first granted in July 2002. That proposal for a modern, flat roofed building was approximately the same height as the former bungalow as it involved excavation of the ground. In 2002, the property changed hands. The new owner wanted a more traditionally-styled building with a hip roof, and submitted an alternative scheme in June 2003, which was approved by the Planning Sub-Committee at the end of August 2003. Revised plans were submitted in December 2003 and approved in 2004. The approved house is 2.1 metres (just under 7 feet) higher than the original building, although 1.7 metres of this (5.5 feet) is the height of the sloping roof. The Department and Sub-

Committee considered that, although the absolute height of the building has increased, the fact that this largely comprised a sloping roof would not make it unduly intrusive. I am aware that the redevelopment of this house has created some concern in the Parish of St. Clement whilst it has been under construction. It is yet to be completed, and it is only when the roofing tiles have been positioned, it is painted and the grounds have been landscaped that it will be possible to assess the true impact of the building.”

2(a) Deputy G.C.L. Baudains:

“Earlier this morning, I put a couple of photographs of the property up in the Members’ Room so that members could see for themselves later on. I would take issue with the President, Sir, when he says that the building is only 7 feet higher than the original one. I would estimate it to be some 20 feet higher. ‘Not unduly intrusive’, Sir? I think the photographs speak for themselves. It is now visible from areas where it was never visible before. It was hidden behind the trees, Sir.”

The Greffier of the States (in the Chair):

“Your question, Deputy?”

Deputy G.C.L. Baudains:

“Yes, Sir. Is the President aware that the extra height of the building now blocks visibility of the Mont Ube Lighthouse from the sea; is it not the case that in fact the building is considerably higher than the extra 7 feet which he has just suggested; and why has this come about? Has there not been a mistake somewhere, Sir?”

Senator P.F.C. Ozouf:

“The measurements are accurate. The new building is, as I say, 2.1 metres higher than the original building. Deputy Baudains won’t agree, but I am afraid, I am sorry, but we have checked them and I have had the measurements verified by the Planning Department and I am satisfied with their calculations. I think what it is true to say is that there was some original vegetation, there were some trees – as I understand it – which did not merit protection which were taken away from adjacent buildings and that has certainly increased the intrusiveness – if you believe it is intrusive – of the building from different vantage points. That I would concede, but, as a result of the building itself being higher, it is 2.1 metres and it was a sensible planning decision to allow a hipped roof as opposed to a flat roof on the building, in my judgment.”

2(b) The Connétable of Grouville:

“Could the President of the Planning Committee please confirm that the people he sent to measure the building were not the same ones he sent to measure Fauvic Barn, where every single measurement was found to be wrong?”

Senator P.F.C. Ozouf:

“I am always going to vociferously rebuke, or attempt to, another member who casts aspersions on the members of the Planning Department. It was not a member of the Planning Department who incorrectly measured Fauvic Barn, it was the applicant, as I understand it, and I would urge the Constable, who is a senior member of this States, not to use his position to cast aspersions on the Planning Department and the accuracy of it. I am satisfied with the accuracy of the Planning Department’s statistics, both in the case that he suggests and in this case.”

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

“My final question on this matter is that we are advised vociferously by the President that it is a building of no more than 7 feet higher than the previous one. If it is found ultimately to be more than 7 feet higher, will he have it demolished?”

Senator P.F.C. Ozouf:

“The building is 7 feet higher than the original building. That is according to our calculations, and I am satisfied with them. I believe that, as I said in my answer, when the building has been completed, when the roofing tiles have been taken right down to their finished level, when the building is painted and when it is completed with appropriate landscaping, I believe the visual impact will not be as great as it is now.”

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

“When will the Committee set in motion its previous commitment to review the delivery and impact of the new Long Term Incapacity Allowance (LTIA); when is it likely that the results will be reported to members; and, in particular, will the review include an assessment of the impact on individual recipients and the overall savings in benefit payments, if any, of the scheme?”

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

“The Committee has already set in motion its commitment to have an independent review of the Incapacity Benefit system. I must stress again that this will be a review of all 3 Incapacity Benefits, not just the Long Term Incapacity Allowance (LTIA), so a much more comprehensive review than the Deputy is suggesting. The Committee has agreed terms of reference and will appoint someone to carry out the review to start, as previously stated, in the New Year. As I also stated previously, in my answer on 13th September this year, when asked a very similar question, the objective is to review the new incapacity system in order to establish whether it meets with the policy intent as agreed by the States, namely to, firstly, provide immediate support for people with short-term limiting illness; secondly, to enable people with long-term health conditions to return to work; thirdly, to be less intrusive, particularly in cases of severe illness, where the person is unlikely to return to work; and, fourthly, to prevent abuse of the system. The review will gather evidence on numbers and types of awards and include the associated guidelines, procedures, processes, support mechanisms and identify any areas where the rôle of the key stakeholders and communications can be improved. It will also take account of other countries’ recent relevant experience and research in this field. The results of the review will be reported as soon as practicable. As the Deputy is aware from the answer I have previously given, the benefits expenditure has increased on previous years. Members will have seen from our recently published report and accounts that the Incapacity Allowance expenditure has grown 10.8% year on year and a more updated figure – comparing like for like for the period January to October of this year to last year – is an increase of 4.8%.”

3(a) Deputy G.P. Southern:

“The President says ‘as soon as practicable’. Could he be more specific as to what sort of timescale we are talking about? Are we talking 3 months; are we talking 6 months; are we talking some time never?”

Senator P.F. Routier:

“I would refer the Deputy to the answer I gave on September 13th.”

3(b) Deputy C.J. Scott Warren of St. Saviour:

“Does the President accept that, despite being eligible for payments within the current Incapacity Benefit system, some of these people are still suffering financial hardship?”

Senator P.F. Routier:

“The benefits system with regard to incapacity is not related to the financial hardship areas. The benefit system is relating to their incapacity. It is not a financial support mechanism to ensure that they have sufficient money to live on. The process is a replacement for their loss of faculty. It is an award for the loss of faculty. If somebody has other financial needs, there are other support mechanisms which they need to use.”

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

“Is the President aware that there is a cluster of cancer patients totally unable to work who have been rated at 50% incapacity and will he confirm that, on a 50% LTIA, the Parish system is expected to pick up the slack?”

Senator P.F. Routier:

“I am aware of a cluster of cancer patients who are receiving that award. There are other cancer patients who do have higher awards because of other conditions as well, but obviously everybody’s circumstances are different, so they possibly may get different awards. If someone, as I said previously, has a financial need and goes to the Parish, that is the process that currently exists. In the future there will obviously be

an automatic transfer into Income Support.”

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

“Deputy Ferguson covered part of the question that I was going to ask about how much is now being picked up by the Parishes, because I know that the St. Helier Parish is picking up a lot. The question I really would like to ask is, in previous answers, the President has told this Assembly that LTIA was introduced to enable people on long-term sickness to get back to work but not losing all their benefit. This has been asked of him before. Could the President tell this House how many people it has actually got back into the workplace?”

Senator P.F. Routier:

“I haven’t got that figure with me here, because I wasn’t prepared and I haven’t got an up to date figure, but certainly there have been people who have been unable to get back into the workplace. I can certainly find that number for you and get back to you.”

3(e) Senator S. Syvret:

“Would the President not agree with me that things have got to a very sad state indeed in a community as wealthy as Jersey, where we have to regard people who are suffering from cancer as being 50% fit to work? This really isn’t a satisfactory state of affairs, and certainly this was never my intention or my understanding of how things would be when this policy was put in place. Will the President give an undertaking to re-examine this issue and see if the present scheme needs refining in some way or if improvements can be made to it, because really I think it is quite shameful if we as an Assembly are having to require cancer patients to go cap in hand to the Parish system?”

Senator P.F. Routier:

“Yes, Sir, I am very willing to do that, and that is certainly the intention of part of this review to carry out that review.”

3(f) Deputy G.P. Southern:

“Is the President aware that there are considerable problems with patients with some mental health conditions who are relapsing? Because of their episodes of illness, they find it very difficult to get employment even when well. Will his review pay particular attention to psychological or psychiatric input in the assessment of Long Term Incapacity Allowance and what additional support either is in place or will be put in place to encourage and support people back into work?”

Senator P.F. Routier:

“The mental illness assessments are extremely difficult to carry out. We have managed to gain the support of a specialist in assessing people with mental illness. Also, mental illness is a changing area of concern for somebody. Their mental illness can be at various levels during the period, so they need to be continually monitored. What we have identified is that the information that we get to support some of the claims is not always as much as we would like. The GPs and the consultants aren’t really giving us or the people who actually make the award the information to perhaps make a better judgment, but we are trying to encourage the medical profession, who do support the applications for these benefits, to actually give a full detailed report. With regard to the additional support, there is the support of the Workwise Team, who help people retrain for work and to ensure that they try to get them to acquire the skills to enable them to get back into the workplace. It is a difficult thing for people with mental illness to get back into the workplace and we recognise that, but we do want to give them as much support as we possibly can.”

3(g) Deputy G.P. Southern:

“Is this support additional support, or is it the support that was already in place, because this is an extra load in terms of supporting people back to work? When he speaks of encouraging local psychiatrists to do more full reports, is he aware that one cause of concern is the fact that no fee is ever offered to psychiatrists to submit a report, which takes a considerable amount of time and is often only requested a couple of days before the appointment with the Medical Board.”

Senator P.F. Routier:

“The Workwise Team helping people into work hasn’t been extended in recent times, but we have extended the provision for the Jersey Employment Trust. They are now going to be providing a bigger service in the future and they are starting to build up their service right now. There is an amount of money – from memory, I think it is £15 – which is available as a fee to help people write reports to support claims, but that has to be done in good time. The process for somebody being interviewed for a Medical Board is that there is a lead-up period and unfortunately some patients leave it to the very last minute to get the supporting information. We recognise that the system does require review, that is what we are doing and we will try to ensure that that system is a lot smoother for the people who are affected.”

4. The Deputy of St. John of the President of the Committee for Postal Administration:

“Would the President confirm whether the Committee has met the full shadow Board of Jersey Post and, if so, would he provide the dates of such meetings and identify in which Committee Minutes such meetings have been recorded and the venue for these meetings?”

Deputy P.J.D. Ryan of St. Helier (President of the Committee for Postal Administration):

“The Deputy of St. John is fully aware, because he is a member of the Postal Committee, that we have never met the former shadow Board of Jersey Post. The former shadow Board did not formally meet after the end of February 2005. This was as a result of a number of issues raised by the shadow Chairman at the time with the Finance and Economics Committee. These were not resolved until August or September of 2005. So it was not possible for the Postal Committee to meet the shadow Board because in fact they were stood down. They met for a very short period of time and then were stood down by the then current shadow Chairman, so it was simply not possible due to time constraints for that to happen.”

The Bailiff:

“Deputy, I am not sure that you should be asking a question of yourself. You carry political responsibility, with other members of the Committee for Postal Administration, for what it does.”

5. Deputy G.C.L. Baudains of St. Clement of the President of the Home Affairs Committee:

“For members of the public aggrieved by any action, or inaction, by the States of Jersey Police, are there any areas that exist that are not covered by any existing complaints mechanism and, if so, what plans does the Committee have, if any, to expand the remit of the Jersey Police Complaints Authority?”

Senator W. Kinnard (President of the Home Affairs Committee):

“There are 2 processes by which complaints are dealt with. One is an informal process, which can only take place if it is suitable for informal resolution and with the agreement of the complainant. But the complaints that I think the Deputy is referring to are those that are formal complaints. The Police Complaints Authority (PCA) is the body that was established under the Police (Complaints and Discipline Procedure) (Jersey) Law 1999 to deal with these matters. It provides an independent, supervisory and monitoring rôle in the investigation of complaints against both Honorary Police and States of Jersey Police Officers and its findings are reported to the States on an annual basis. It is now in its fifth year of operation. All complaints from members of the public are supervised and scrutinised by the PCA. All complaints involving allegations of a criminal offence go additionally to H.M. Attorney General. The PCA has powers to ask for any enquiry it wants carried out and to object to the investigating officer. The Authority can also overrule the Deputy Chief Officer if he decides not to take disciplinary action. The members of the authority carry out their duties diligently and professionally and have not expressed any wish to have their remit extended.”

5(a) Deputy L.J. Farnham of St. Saviour:

“Could the President inform the States, if she has the information to hand, during the life of the PCA exactly how many informal and formal complaints have been made, how many have been upheld and – a third part to the question – if a complaint is upheld, what action or what options are available to either the senior police staff or the Committee themselves?”

Senator W. Kinnard:

“Of course, some of this information is in the public domain because, as I mentioned, the report of the Jersey Police Complaints Authority is reported to the States on an annual basis. Obviously, Sir, the most

recent one is the 2004 report, and that was presented to the States on 4th October of this year. In that case, we are talking there about the formal complaints. Indeed, I have got the figures for 2003 and 2004 in front of me. In 2003, there were 30 complaints and, in 2004, there were 37. But, of those, Sir, if I just give an example of 2004, 10 of those complaints were withdrawn; 3 were considered to be vexatious or incapable of investigation; and 13 complaints were found to be unsubstantiated. So that left 4 complaints that were either substantiated or in part substantiated. Indeed, there were 7 that were ongoing in terms of being investigated at the end of that year. So what we see is that many of the complaints are either subsequently withdrawn or incapable of investigation for one reason or another, and that number is quite considerable. But of those that are fully investigated, it can be seen, I think, from the figures that the majority are indeed found to be unsubstantiated. In terms of the number of informal complaints, I don't actually have those figures to hand, but I can assure the Deputy that the Independent Police Complaints Authority does indeed look at the register of all complaints and does indeed oversee them to assure itself that those complaints have been dealt with appropriately and it is a duty within the Law, Sir, upon both the Connétables and also the Police Chief to notify the Authority when complaints are not capable of being resolved informally. So I would certainly assure the Deputy that the PCA, as I say, does its work very diligently and is very highly respected in the way that it does carry out its monitoring rôle of these matters."

5(b) Deputy L.J. Farnham:

"Can I thank the President for the first 2 parts, which were answered comprehensively, but could she, please, just enlighten the States as to the action or the options for the Committee should a complaint be upheld?"

Senator W. Kinnard:

"There are a number of possibilities in terms of disciplinary action. In fact, I have the law in front of me. In the case where there is a complaint that is substantiated, obviously, if there is a criminal matter, then it is addressed to the Attorney General and dealt with in the normal way. The other complaints would be subject to the normal disciplinary procedure and would obviously carry a range of sanctions from perhaps no action because it wasn't particularly serious or to some of the lower forms of disciplinary action, which might be something on a person's professional record, right the way up to in fact dismissal, where that was felt to be appropriate. Indeed, as I say, the Police Complaints Authority does have the ability to overrule the Deputy Chief Officer who deals with these matters in any case, should they wish to do so, in terms of the way in which the complaint has either been dealt with or not dealt with."

5(c) Deputy G.C.L. Baudains of St. Clement:

"The President is aware that recently I was unable to get an explanation from the States Police and the Police Complaints Authority were unable to help, because apparently their remit is very limited. Would the President not agree that there is a loophole here, and would she also agree, Sir, that, given that questions in this Assembly are invariably disallowed on this subject, does she not think it is time that a new procedure was introduced so that the police can be held responsible for their actions, Sir? What I have to ask is just how is one supposed to get a complaint investigated?"

Senator W. Kinnard:

"I am quite astonished by what the Deputy has just said. I have made it absolutely clear that the whole reason for setting up the Police Complaints Authority was to ensure that there was independent investigation of complaints in terms of both the States of Jersey Police and the Honorary Police. There is a whole law, Sir, which is the Police (Complaints and Discipline) (Jersey) Law 1999 which, again, is clearly in the public domain. I would say to the Deputy that there has been no suggestion, other than from himself, that this is not a completely satisfactory system. I think that if the Deputy has concerns, perhaps I should take some time out and refer him to the necessary States' paperwork and help him with his difficulty."

5(d) Deputy G.C.L. Baudains:

"I have indeed read the paperwork already, and I have to say that the case is, unless I am misinformed, that the Police Complaints Authority merely tends to duplicate the work already done by the States Police. I reiterate my question: how is one supposed to get a complaint investigated if the States Police are

unwilling to do so and the Police Complaints Authority say that they cannot do anything?"

Senator W. Kinnard:

"I am absolutely astonished, because I can tell the Deputy that, on occasion, people have contacted the Police Complaints Authority direct. Whether or not that is the correct procedure – usually it is not – there is obviously nothing to stop them doing so. So I am quite amazed at the Deputy's suggestion as to otherwise."

5(e) The Deputy of St. John:

"Could the President assist Deputy Baudains by spending some time with him to try and resolve this matter, which has been going on for some considerable time? I know he has approached her in the past and also myself, and I think some additional time, if the President could confirm that she could give it to the Deputy to get this resolved would be helpful."

Senator W. Kinnard:

"I am not at all aware of exactly what the Deputy of St. John is referring to, but clearly he is seeking to be helpful and, as I have mentioned, I am more than happy to spend time going through the procedure and processes. If I can be of any assistance to the Deputy, I would be most delighted to be so."

5(f) Deputy G.C.L. Baudains:

"Could I finally ask, Sir, if the process is so straightforward, how it is that the President herself could not get the answers which I sought?"

Senator W. Kinnard:

"Again, I have no idea what the Deputy is referring to, but if he wishes to speak to me outside this Chamber, I am more than happy to do so. It seems to me impossible to answer a question to which I have not actually been given any idea of what the underlying question really is. I have done my best to answer it in general terms. It was a general question. If the Deputy has a specific issue which he would like to have addressed, then he is more than capable, I am sure, by either picking up the telephone or speaking to me in the coffee room."

6. The Deputy of St. John of the President of the Employment and Social Security Committee:

"Within Social Security requirements, what provisions exist, if any, for permitting a States member receiving sickness benefit to attend States Meetings; how does this align, if at all, with procedures applied in general to employees receiving this benefit; and is there a 'claw-back' system in place so that, where a States member is claiming benefit as well as remuneration the Committee is reimbursed?"

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

"I thank the Deputy of St. John for his question today, for all his past questions and for the privilege of allowing me to answer his last question, Sir. It has been a great pleasure over the years to answer his questions. The Incapacity Benefit system has 3 different benefits, that is Short Term Incapacity Allowance, Long Term Incapacity Allowance and Incapacity Pension. Recipients of Short Term Incapacity Allowance and Incapacity Pension are not allowed to work, even in a voluntary or honorary capacity. The Long Term Incapacity Allowance (LTIA), however, is paid as a compensation for loss of faculty that is likely to be permanent. People in receipt of this benefit may undertake paid or voluntary work. Therefore, any States member receiving Short Term Incapacity Allowance or Incapacity Pension should not receive that benefit if he or she is working. That includes attending at States' meetings. The Committee cannot claw back benefits where salaries continue to be paid. However, many employers include such a claw-back in their contractual arrangements. For example, such an arrangement exists with the public sector so that benefit is not received as well as a salary. Where the Department has evidence that someone is breaching the conditions of their benefits, then those benefits may be stopped and an overpayment calculated. This would then be subject to a discussion with the claimant as to how the overpayment is to be repaid."

6(a) The Deputy of St. John:

"Will the President confirm that his Committee, along with the Privileges and Procedures Committee

(PPC) or his new ministry, hopefully, will in fact review the process whereby remuneration etc. for States members who actually fall ill is totally reviewed?"

Senator P.F. Routier:

"There is no review for Social Security to take. The law is the law. If people are receiving the benefits and they are going into work, whether it is paid or voluntary, they must not receive that benefit. For answering with regard to PPC, it is really an issue for PPC to decide whether they feel that claw-back should happen if people are receiving the benefit and, to my mind, I think they should address that issue."

The Deputy of St. John:

"Could I thank the President for a full and frank reply, as he has always done in his many years as President of the Committees, unlike some other Presidents, who would give just a 'Yes' or 'No'? Whilst I am on my feet on that particular issue, can I wish the President well? I was hoping that we would see him one day as Chief Minister."

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

"What measures, if any, are in place under the Income Tax Instalment System (ITIS) to raise tax on non-resident directors' fees or on those of resident directors of a Jersey tax exempt company, and are there any problems identified with assessing accurate ITIS rates for the following categories of worker – (a) part-time workers; (b) those with more than one job; and (c) those with significant seasonal bonuses?"

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

"Directors' fees paid to non-residents are only liable to Jersey tax when the duties of that director are carried out in Jersey. Hence directors' fees paid by Jersey exempt companies to non-residents are not liable to Jersey tax and, therefore, will not suffer any ITIS deductions. The relevant statutory provision is contained under Article 123A(9). However, non-resident directors who are directors of Jersey income tax companies and who receive directors' fees from an office exercised within Jersey are liable to ITIS in the same manner as any other officeholder and the Jersey company (the employer) will levy either the actual effective rate or, if not, the default rate of 15%. The vast majority, if not all, Jersey resident directors who hold directorships of Jersey exempt companies do so in their professional capacity, as for example accountants or lawyers; and they will be assessed on their directors' fees under their professional practice receipts under Schedule D Case 1. Where the professional is a sole trader, he will suffer most of those payments. A statement of practice on all this is available on the website at www.incometax.gov.je. The second part of the question, the effective rate applicable to part-time workers and those with more than one job is calculated in exactly the same way as any other employee. That effective rate will apply to any salary or wages received by the part-time worker and those who have more than one job. As for those with significant seasonal bonuses, the effective rate will, once again, be calculated in the same way. As the calculation of ITIS is one year in arrears, it does not matter if somebody receives a bonus, for example, in 2006, because the tax being collected in 2006 is related to their 2005 tax bill. The increased tax bill for 2006, because of that bonus, would be collected for an effective rate in 2007. So I see nothing problematical with any of these groups, Sir, but if the Deputy has any specific examples, perhaps he would take them up either with the Comptroller or myself."

7(a) Deputy G.P. Southern:

"I would appreciate seeing that in writing, if you do not mind, but, since you mention the fact that ITIS is going to be still for most people in arrears, is there really no way that the Committee would consider over a period of time allowing the system to become current, thereby eliminating the process whereby, when you finish work, you are faced with a 2 years tax bill?"

Senator T.A. Le Sueur:

"Yes, Sir, my Committee is always prepared to refine and improve the existing system. It has only just been introduced and I think it is time to let it bed down and settle in before we start tinkering with it, but certainly, after it has been in place for a year or two, I would expect to implement a review of that system to see how we can improve it, and that might include going to a current year basis for everybody."

7(b) Deputy J.A. Martin of St. Helier:

“Can the President answer me this about ITIS? I have been informed that people working in the private sector obviously have had their assessment and had to give the assessment to their employer by, I think the date was, 11th November. I am told and have been contacted by people in the public sector, States’ workers and especially somebody at Postal informs me that on the notice board it has said ‘You will not need to inform your employer of your rate because the Treasury will contact the payroll department directly.’ I know this is actually happening, but is this legal under the new system of ITIS?”

Senator T.A. Le Sueur:

“Not having seen the notices in question, I am really unable to answer that question. I would hope that Jersey Post and other Departments of the States are acting within the law.”

7(c) Deputy G.P. Southern:

“Could the President confirm that those eligible to pay Jersey income tax and on a pension will be charged under ITIS and not under any other system?”

Senator T.A. Le Sueur:

“There are provisions, Sir, dealing with the self-employed and the non-employed which differ from the normal monthly collection process. That has already been passed by the States in the Income Tax Law, and I refer the Deputy to the details within that Law.”

8. Senator R.J. Shenton of the President of the Privileges and Procedures Committee:

“Is the Committee considering taking any action in response to the anonymous advertisement that appeared on the front page of the *Jersey Evening Post* on the eve of the elections for Deputy, which referred to 4 existing States members over the issue of members’ car parking?”

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

“The issue of the advertisement, Sir, is not one that is within the remit of Privileges and Procedures Committee (PPC) and, as such, we are not in a position to take further action. There is also the issue that, even if we were in a position, one has to be very cautious in taking action which would be seen as in any way interfering with the freedom of the press or indeed the freedom of advertisers. Notwithstanding that, Sir, if the member does feel a continuing concern, there are other channels. For example, obviously an approach can be made directly to the editor; an approach can be made to the Advertising Standards Authority; or an approach can be made to the Press Complaints Commission.”

8(a) Senator R.J. Shenton:

“May I say to the President I know that the Committee has been formed to ensure that members behave in a proper manner in the House. I also believe that that propriety should act outside of the House towards the protection of members. I am opposed to anonymous letters. I am opposed to anonymity in matters where members could be attacked. I have always stood up and faced up to whatever situation I have been placed in. I believe in this particular case it leaves unfortunately an unpleasant taste, because now that one is aware of who the anonymous, as it was, person was and to discover that person was heavily involved in shipping, ferries in particular, and that a certain candidate ----”

The Bailiff:

“Senator, you must come to the question, please.”

Senator R.J. Shenton:

“Yes, I am going to, Sir. It was really, in my opinion, targeted against a member of this Assembly. There are 3 of them, I would say, would accept it without any feeling that I am exaggerating in any way, who could be described as the ‘awkward squad’. But, in Deputy Bernstein’s case, I thought he was not of that ilk and I thought he was unfairly targeted and I believe that in this matter it needs to be looked at because I think the election of one particular candidate was influenced.”

The Bailiff:

“Senator, what is the supplementary question, please?”

Senator R.J. Shenton:

“I believe that something should be done and I think the Assembly should express its displeasure to the *Jersey Evening Post*. There is no question of it impinging upon the freedom of expression, but I think there are certain standards that need to be upheld, particularly the directions in this Island.”

The Bailiff:

“I think the Senator is asking you whether you agree with that?”

Deputy R.G. Le Hérisier:

“I certainly agree with the Senator that there are standards that need to be upheld, Sir, but I have to go back to my original point. It is not a PPC issue, but certainly, if members feel concerned, they should pursue, hopefully, one of the 3 channels which I have outlined.”

The Bailiff:

“That concludes Question Time.”

Change in Presidency

The Bailiff assumed the Presidency of the States during oral questions and the meeting continued under his presidency.

Senator Michael Edward Vibert – return to Island

Senator Michael Edward Vibert returned to the Island at the commencement of oral questions and was present for the remainder of the meeting.

Senator Philip Francis Cyril Ozouf – return to Island

Senator Philip Francis Cyril Ozouf returned to the Island at the commencement of oral questions and was present for the remainder of the meeting.

Connétable of St. Ouen– return to Island

The Connétable of St. Ouen returned to the Island at the commencement of oral questions and was present for the remainder of the meeting.

Senator Jean Amy Le Maistre– return to Island

Senator Jean Amy Le Maistre returned to the Island during oral questions and was present for the remainder of the meeting.

Senator Frank Harrison Walker – return to Island

Senator Frank Harrison Walker returned to the Island during oral questions and was present for the remainder of the meeting.

Deputy Maurice François Dubras of St. Lawrence– return to Island

Deputy Maurice François Dubras of St. Lawrence returned to the Island during oral questions and was present for the remainder of the meeting.

Deputy Maurice François Dubras of St. Lawrence– personal statement – Report on the Provision of Legal Advice to Scrutiny Panels (S.R.8/2005)

Deputy Maurice François Dubras of St. Lawrence made a personal statement in the following terms–

“I have been a member of the Deputy Dorey Shadow Scrutiny Panel and its successor the Deputy Southern Shadow Scrutiny Panel since mid 2004.

During that period, I have participated as actively as possible, withdrawing from deliberations only when the matter under scrutiny was directly linked to my responsibilities as a member of the Policy and Resources Committee. This was the case with the extensive scrutiny of the Migration Policy, P.25/2005.

Subsequently, the Deputy Southern Panel decided to produce a Report on Legal Advice to Scrutiny Panels consequent on its experiences and those of other Panels. I did not participate in that decision.

I began to contribute part-way through the drafting phase. I neither actively participated with those sections of the draft report dealing specifically with beliefs, findings and recommendations related to the Migration Policy, (Sections 3.5 to 3.7 inclusive), nor any related text resultant on the Panel’s interview with the H.M. Attorney General which I had not attended, being linked to the P.25/2005 deliberations.

It was recorded in the Minutes of the last two meetings I attended that I dissented from some of the conclusions of the then draft report. It had been understood that my dissent would be recorded in the appropriate section (1.2) of the report but I was subsequently advised that the Chairman had decided unilaterally to delete that information, maintaining that position against my wishes and general convention. I understand too it is contrary to a draft protocol agreed by the Chairmen’s Committee for the future.

In view of the content of the now further revised final draft presented to the States on 22nd November 2005, I have no alternative but to distance myself from the report and disassociate myself from the beliefs, findings and recommendations of the panel chaired by Deputy Southern.

I regret very much having to do this as one of my last contributions to this Assembly. To remain silent would be to abdicate my responsibilities.”

Deputy Geoffrey Peter Southern of St. Helier– personal statement – conduct in media interview on Deputies election night

Deputy Geoffrey Peter Southern of St. Helier made a personal statement in the following terms–

“I wish to apologise wholeheartedly for my behaviour on the Deputies’ election night in allowing myself to be interviewed by Channel Television whilst my judgement was impaired as a result of over-celebration.

In particular, I was unaware that the camera was still filming when I used a swear-word which was made public.

I have already apologised to the electorate of the Island, especially those of St. Helier No. 2 district who deserve higher standards from their representative. My actions were inappropriate for a member of this Assembly and I take this opportunity to extend my apology to the members of this Chamber, and do so unreservedly. Members may rest assured that my usual high standards are back in place and that there will be no further lapses on my part.”

National Audit Office report into Court and Case Costs – statement

Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, made a statement in the following terms –

“In November 2004, the States approved a Proposition of Deputy Breckon to commission an investigation into Court and Case Costs and the costs of the Les Pas Enquiry, and the Finance and Economics Committee was instructed to engage suitable consultants and present a report to the States in due course. Following a tender process, the Committee appointed the National Audit Office (NAO) to carry out this work, and their finalised report was delivered to the States Treasury last week. It has been tabled today for information, having previously been circulated to all States members.

At its meeting last Thursday, the Finance and Economics Committee considered an action plan to address the issues raised in the report, many of which were already implemented or in the course of implementation. The Committee is proposing that the Public Accounts Committee considers reviewing ongoing progress on this plan, and it is also proposed that the Comptroller and Auditor General includes in his work programme a review of progress against the recommendations made in the NAO report.

The Committee is pleased to note that the impending introduction of the new Public Finances (Jersey) Law 2005, will make it mandatory for all departments, including those responsible for Court and Case Costs, to appoint an Accounting Officer (who will normally be the Chief Officer of the department concerned) who will be responsible for, and accountable for, all such future expenditure.”

French titles for ministers – statement

The Connétable of St. Ouen, on behalf of the Policy and Resources Committee, made a statement in the following terms –

“In May 2005, the Policy and Resources Committee brought to the States a large number of general amendments to legislation arising from the reforms to the machinery of government. These changes were all approved by the States, but the comment was made during the debate that it was undesirable that those laws that had been written in French should include titles for Ministers in English. Although these items represented only a small proportion of the Island’s legislation, it was agreed that the matter would be looked at in more detail, with a view to bringing back revised legislation as appropriate.

The Committee has since been advised that the necessary changes to legislation can be implemented firstly by means of an amendment to Standing Orders, namely, by adding a list of the French alternatives where the Ministerial officers are listed. Secondly, any changes to individual laws and regulations can be made by means of a single free-standing law, pulling together all the necessary amendments to laws in French.

The Committee has accordingly prepared a list of French titles for ministers, in consultation with other States members including Senator Philip Ozouf and Deputy Jerry Dorey, and these titles will be used when preparing the amendments to legislation. The opportunity has also been taken to consult with Deputy Roy Le Hérisier, President of the Privileges and Procedures Committee, in preparing a list of titles for other office holders in the ministerial system, including the Scrutiny Panels and Public Accounts Committee. Advice has also been taken from the Alliance Française de Jersey and the Académie Française in Paris.

The titles have been agreed as follows –

1. Chief Minister – Premier ministre
2. Treasury and Resources Minister – Ministre des Finances et des Biens publics
3. Economic Development Minister – Ministre du Développement économique
4. Education, Sport and Culture Minister – Ministre de l’Éducation, des Sports et de la Culture

5. Health and Social Services Minister – Ministre de la Santé et des Affaires sociales
6. Home Affairs Minister – Ministre de l'Intérieur
7. Housing Minister – Ministre du Logement
8. Planning and Environment Minister: Ministre de l'Environnement et de l'Aménagement du territoire
9. Social Security Minister – Ministre de la Sécurité sociale
10. Transport and Technical Services Minister – Ministre des Transports et des Travaux publics.

The following titles have been agreed in relation to the Scrutiny Panels, including the titles of the Chairmen –

1. Economic Affairs – Président de la Commission d'examen des Affaires économiques
2. Social Affairs – Président de la Commission d'examen des Affaires sociales
3. Environment – Président de la Commission d'examen de l'Environnement
4. Corporate Services – Président de la Commission d'examen des Services en commun

The Privileges and Procedures Committee will be known as the 'Commission des Privilèges et des Procédures', and the 'Public Accounts Committee' as the 'Commission des Comptes publics'.

These titles will also be adopted for general usage in correspondence and meetings with French colleagues.

There are several items of Jersey legislation in French that will need to be amended, and the necessary changes will be drafted and presented for approval by the States in the New Year."

Jersey Overseas Aid Commission: appointment of Commissioners – P.260/2005

THE STATES commenced consideration of a proposition of Deputy Jacqueline Jeannette Huet of St. Helier concerning the Jersey Overseas Aid Commission: appointment of Commissioners, and, following consideration, rejected a proposition of the Deputy of St. Martin that the States move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 8

Senator J.A. Le Maistre
 Senator S. Syvret
 Connétable of St. Ouen
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisier (S)
 Deputy J-A. Bridge (H)
 Deputy J.A. Martin (H)

CONTRE: 34

Senator L. Norman
 Senator F.H. Walker
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Connétable of St. Martin
 Connétable of St. Saviour
 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

ABSTAIN: 0

Connétable of St. Brelade
 Deputy of Trinity
 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 P.N. Troy (B)
 Deputy F.G. Voisin (L)
 Deputy C.J. Scott-Warren
 (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Bernstein (B)
 Deputy S.C. Ferguson (B)
 Deputy of St. Mary
 Deputy of St. Ouen
 Deputy P.J.D. Ryan (H)
 Deputy M.A. Taylor (C)
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy G.W.J. de Faye (H)

THE STATES, adopting a proposition of Deputy Jacqueline Jeannette Huet of St. Helier–

- (a) appointed, in accordance with paragraph 2(3)(a) of Schedule 2 to the Jersey Overseas Aid Commission (Jersey) Law 2005, the following elected members of the States as States Commissioners –
- (i) Senator Paul Francis Routier;
 - (ii) Deputy Terence John Le Main of St. Helier; and,
- (b) appointed, in accordance with paragraph 2(3)(b) of Schedule 2 to the Jersey Overseas Aid Commission (Jersey) Law 2005, the following persons as Non-States Commissioners for the periods shown –
- (i) Mr. Leslie Rufus Crapp (one year)
 - (ii) Mr. Kenneth William Syvret MBE (2 years)
 - (iii) Mrs. Toni Roberts (3 years).

Members present voted as follows –

POUR: 39

CONTRE: 4

ABSTAIN: 0

Senator J.A. Le Maistre
 Senator L. Norman
 Senator W. Kinnard
 Senator T.A. Le Sueur

Senator S. Syvret
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 Deputy R.G. Le Hérisssier
 (S)

Senator P.V.F. Le Claire
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Connétable of St. Martin
 Connétable of St. Ouen
 Connétable of St. Saviour
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of Trinity
 Connétable of St. Lawrence

Connétable of Grouville
Connétable of St. John
Connétable of St. Brelade
Deputy of Trinity
Deputy A. Breckon (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 P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott-Warren (S)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Deputy Jennifer-Anne Bridge of St. Helier declared an interest and withdrew from the Chamber prior to members voting on this matter.

Budget 2006

Amendments and Comments

THE STATES allowed the Treasurer of the States to be present in the Chamber during the consideration of the Budget.

THE STATES commenced consideration of the Budget for the financial year commencing 1st January 2006, which in accordance with Article 16 of the Public Finances (Administration) (Jersey) Law 1967, as amended, has been presented to the Assembly on 1st November 2005, by the Finance and Economics Committee and comprised –

- (i) the estimate of the revenue expenditure and income of the States;
- (ii) the estimate of the transactions of the capital fund;
- (iii) the estimate of the transactions of the trading funds; and,
- (iv) the Report of the Finance and Economics Committee thereon.

THE STATES having considered the estimates of the revenue expenditure and income of the Policy and Resources Committee, decided to allow the said estimates as detailed in the undermentioned pages of the Budget 2006 Committee Annex as follows –

Policy and Resources Committee – pages 11 to 13

THE STATES commenced consideration of the estimates of revenue expenditure and income of the Privileges

and Procedures Committee together with an amendment of the Deputy of St. John, (P.273/2005– Budget 2006: fifth amendment), that on page 4 of the Budget Report 2006 the estimates of revenue expenditure of the Privileges and Procedures Committee be reduced from £5,998,600 to £5,698,600 by reducing the estimates for States members' remuneration by a total of £300,000, to fund the provision of free television licences for those aged 75 and over living in domestic accommodation whose income was less than £20,720 for a married couple and £12,720 for a single person, and adopted a proposition of the Deputy of St. John that Standing Order 44(1) be suspended in order to allow members to debate a matter in which they had a direct pecuniary interest.

Senator Richard Joseph Shenton and the Deputy of St. Peter declared an interest and withdrew from the Chamber prior to the consideration of the proposition of the Deputy of St. John that Standing Order 44(1) be suspended during consideration of his amendment to the estimates of revenue expenditure and income of the Privileges and Procedures Committee.

THE STATES, following discussion of the amendment of the Deputy of St. John, adopted a proposition of Deputy Terence John Le Main of St. Helier that, in accordance with Standing Order 27, the States move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 34

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Connétable of St. Brelade
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott-Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 11

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. John
Deputy P.J.D. Ryan (H)

ABSTAIN: 0

THE STATES, having considered the estimates of the revenue expenditure and income of the Privileges and Procedures Committee, decided to allow the said estimates as detailed in the undermentioned pages of the Budget 2006 Committee Annex as follows –

Privileges and Procedures Committee – page 19

THE STATES, having considered the estimates of the revenue expenditure and income of the following Committees, decided to allow the said estimates as detailed on the undermentioned pages of the Budget 2006 Committee Annex as follows –

Finance and Economics Committee – pages 27 to 30 and page 32

Environment and Public Services Committee – pages 39 to 40

Economic Development Committee – pages 48 to 50

THE STATES commenced consideration of the estimates of revenue expenditure and income of the Health and Social Services Committee and then agreed to adjourn.

Adjournment

THE STATES then adjourned, having agreed that all outstanding matters in the Budget and other items of public business should stand over until the next day, Wednesday 30th November 2005.

THE STATES rose at 5.15 p.m.

A.H. HARRIS

Deputy Greffier of the States.