

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 28th FEBRUARY 2006

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

QUESTIONS

1. Written Questions

1.1 The Minister for Home Affairs will table an answer to a question asked by Deputy J.B. Fox of St. Helier regarding the introduction of legislation to facilitate civil asset recovery

Question

On page 26 of the States of Jersey Police Annual Performance Report 2005, under the heading Financial Crime, it states that although both Guernsey and the Isle of Man 'are now in the process of drafting legislation to facilitate civil asset recovery powers, the States of Jersey have yet to reach a decision on the issue. The introduction of such powers locally could yield significant assets in seizures of criminal assets and would pose a major deterrent to criminals.'

Would the Minister –

- (a) advise the Assembly why the States of Jersey have not yet been asked to consider this issue?
- (b) inform members whether seizures made under such powers could increase the income of the States and be used to remove or seriously reduce the current backlog of financial crime cases and, if so, will she agree to take all necessary steps to expedite the preparation of such legislation in order to alleviate the financial pressures that are being experienced at this time?

Answer

- (a) The States was asked to debate civil asset forfeiture on 25th October last year. It was included in P.201/2005, the Criminal Justice Policy, at paragraph 11.44 and in the subsequent action plan. Had the States gone ahead with the debate on the Policy, as I had requested, it is likely that I would have had the States' backing to take this action forward. The introduction of powers by 2008 for the civil confiscation of criminal proceeds is also included in the draft States Strategic Plan.
- (b) Under current Drug Trafficking legislation a Police or Customs officer may seize and detain any money which is imported into or exported from the Island if he has reasonable grounds for suspecting that it directly or indirectly represents any person's proceeds of, or is intended by any person for use in, drug trafficking.

Locally the power has recently been used to good effect at the ports to detain large volumes of cash being exported from the Island destined to purchase more drugs in the UK. The law enforcement authorities have successfully defended seizures in Court and achieved confiscation orders for over one hundred and fifty thousand pounds worth of drug money.

Such 'civil recovery' powers, however, are not available to Police or Customs Officers who discover large volumes of cash where they are unable to show that the funds have either been imported or intended for export from the Island. It is acknowledged that similar legislation

dealing with the proceeds of all crimes and the enabling of civil asset recovery powers is required.

The United Kingdom has enjoyed significant success utilising civil asset recovery powers under the Proceeds of Crime Act over the last two years, taking the profit out of crime and placing confiscated assets back into front line resources charged with enforcing such legislation. Law enforcement agencies in the UK are currently securing approximately fifty million pounds of cash per year using such powers.

The extent of assets which may be recovered locally under the proposed new powers would of course depend on the scale of any applications and the view of the courts in response to those applications made. It would be unrealistic to attempt at this time to estimate the potential revenue from cases which have not been brought under a law which does not yet exist.

However, from the information available it appears possible that the proposed new law would release resources which could be recycled into law enforcement and that this could include strengthening the Island's ability to investigate further cases of suspicious transactions. The cash seizures in the UK currently fund the entire Asset Recovery Agency and the Regional Asset Recovery Agencies; and Police Forces also receive a proportion of the confiscated funds. The seizure of large volumes of cash from criminals who are unable to provide a credible and verifiable explanation for the money is now a major tool in combating crime.

Of course members will be aware that the prime purpose of such a law would not be to provide revenue but to openly demonstrate that this government is determined to ensure that the Island should not become a refuge for criminal assets. I hope that I can count on the support of members when these measures are brought forward.

1.2 The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding ferry links with the United Kingdom and France

Question

With regard to ro/ro ferry services between Jersey, the U.K. and France, will the Minister advise –

- (a) whether the current service provided by the operator(s) fully meets the Service Level Agreement or other agreements that the States of Jersey have with them?
- (b) whether he is satisfied with the current timetables published by the operator(s) and what action, if any, he intends to take to ensure that accurate and up to date timetables are produced and made available to customers by the operator(s)?
- (c) what guarantees have been made regarding continuity of service?
- (d) what plans, if any, he has in the event that the current operator withdraws from service?

Answer

- (a) Currently there is only a service level agreement for the passenger/car carrying ferry service between Jersey and the UK (the northern route). This is now more than 8 years old in its design

and only has the remainder of this year to run. A new service level agreement will be negotiated for 2007 and 2008.

For the period from 1st January 2009, an opportunity is presented for Jersey and Guernsey to work together, in planning the future provision of roll on roll off ferry services between all the Islands, the UK and France.

There is currently no service level agreement on the southern route but it is my intention to put an agreement in place for the period up to the end of 2008 as soon as possible.

In designing a new service level agreement I am fully aware of the need to address the interests of the consumer and to aid this process a 'Ferries User Group' is to be established. This group will provide a focus for consumer concerns and aid the design of the consumer element of service level agreements in the future.

Overall I can confirm that the service provided by Condor on the northern route has met the service level agreement terms and conditions.

What is important going forwards, is to recognise that any service level agreement should be seen as a document that can accommodate the commercial realities of the market place whilst serving the Island's needs for a reliable, robust and reasonably priced service of sufficient quality and frequency.

- (b) The service level agreement for the northern route requires the publication of brochures containing details of the daily schedules, and information on the fares and charges payable. This information is published on the company's website and the operator has confirmed that a printed brochure is available for the northern route as required by the service level agreement. Schedules for the southern route have not been produced recently. However, as explained in the above answer, there is no service level agreement requiring the operator to produce such schedules for that route at present. I am advised that it is Condor's intention to produce a printed schedule for the southern route as soon as possible. The only reason why one has not yet been printed is because of the changes to service provision arising from the uncertainty surrounding Emeraude's intentions on the southern route.
- (c) In December 2004, as required by its service level agreement, Condor signalled its intention to both the Jersey and Guernsey authorities that it wished to have its ramp licence renewed beyond 2006. The company has also agreed schedules with Jersey Harbours for this year and has expressed its intention to honour those schedules. Public statements also have been made by Condor of its commitment to continue to provide services on both the northern and southern routes.
- (d) As explained above, we plan to put in place service level agreements for the period until the end of 2008. I have no reason to believe that Condor will withdraw from the route.

1.3 The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the Committee's proposals relating to the future composition of the States

Question

Would the President inform members when the Committee is planning to lodge a proposition for debate containing revised proposals on the composition of the States?

Answer

The Privileges and Procedures Committee has initially concentrated on progressing Freedom of Information legislation. However, at our next meeting, to be held on 8th March 2006, we will begin looking at electoral reform issues, in particular election expenses, and we will assess how we are going to proceed with the composition of the States. members of the Privileges and Procedures Committee have also been requested to submit a brief paper outlining their views on composition issues.

Members will be aware that issues relating to the composition of the States are likely to be controversial and it will probably be difficult to find a consensus. As I stated when I stood for the position of Chairman of PPC I am nevertheless keen to ensure that proposals are formulated and debated by October or November this year so that any changes agreed can be implemented before the next elections.

1.4 The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the sale of the Aquila Youth Club site

Question

Will the Minister explain how the figures revealed in the Ministerial Decision concerning the proposed sale of the Aquila Youth Club Site (MD-TR-2006-0014) represent good value for money?

Answer

The site will be transferred at the nominal value of £10 prior to commencement of the contract, which will be managed by the Les Vaux Housing Trust. Although the Ministerial decision only records the receipt of £10, the financial model supporting the arrangement provides for an additional contribution to be paid to the States on completion of the contract based on the final account position. The current model estimates that this sum will be in the order of £246,500, although the final figure will depend on the overall development cost and rental assumptions in place at the time of occupation.

The scheme will deliver 26 units of 'lifetime' accommodation in an excellent town location, enabling mature residents to continue enjoying independent living. In the view of the Minister this does indeed provide good value for the States and the taxpayer.

1.5 The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the possible restructuring of Housing rents into a banding system

Question

Will the Minister give members further details of the possible restructuring of Housing rents into a banding system as referred to in the report accompanying Ministerial Decision MD-H-2006-0004 and provide details of its impact on Housing rents?

Answer

The Housing Department is currently working on restructuring Housing rents into four categories of banding, namely A, B, C, and D. This will cover all property types and will be based on the condition of the dwelling. Those in Band 'A' will be properties of the highest standard and will attract the maximum existing Fair Rent allowable for that particular type of accommodation. Band 'D' will represent those properties which are in need of refurbishment and are part of an identified programme for improvement. The rents for these properties will reflect their condition and therefore will be the lowest existing fair rents charged by the Housing Department. As properties are refurbished and improved they will move through the banding structure.

Extensive modelling of the effect of the proposed changes is currently on-going. The maximum payable fair rents on 2,640 properties would increase, with 1,033 of those moving to Band 'A'. 628 properties would remain on the same rent and some 1,221 properties would see a reduction in the maximum payable fair rent.

The above describes the changes to the rent structure. With regard to the effect on States Tenants, this is slightly more difficult to model. There are 3,560 States Tenants receiving Rent Abatement. These abated tenants will not as a result of the changes be asked to pay more rent. Indeed further modelling is being carried out to establish how many of those abated tenants might actually pay less in rent as a result of the changes.

At present only tenants applying for abatement are obliged to detail their income to the Department, it is therefore difficult to be certain how many of the remaining 1,000 tenants who are currently not receiving abatement will see a reduction in their rent. Equally there can be no certainty about what proportion of any increase in rent any existing tenant, not on abatement, would pay. It is though safe to say that any tenant paying the maximum fair rent presently, whose rent increases significantly as a result of the proposed banding system, would be able to apply for a rent abatement which would be calculated to ensure that they only pay an appropriate proportion of their regarded income, presently this figure is set at 27%. Where modelling suggests that any particular tenant will be subject to a significant increase in their rent, transitional arrangements will be put in place to graduate the increases over a two year period.

A new banding structure will be more efficient to administer, will allow greater modelling of rental income for the future and for the first time ties the rental charged for property to the condition of the individual units in a far more focussed manner.

Naturally this change will require a Ministerial Decision. No such decision will be forthcoming until such time as the modelling is complete, consultation with those affected has taken place and appropriate transitional arrangements have been agreed.

Fair rents have been held at current levels for another 12 months. Rents have therefore not increased for two years in total. These proposals will not affect this position but merely move rents within existing parameters.

1.6 The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the abolition of the economic benefit test

Question

- (a) Will the Minister state whether he supports the decision to abolish the economic benefit test made by the former Economic Development Committee on 13th October 2004 (as referred to in a written answer tabled on 14th February 2006 by the Minister for Treasury and Resources) and will he set out for members the grounds on which his position is based?
- (b) in the absence of these economic benefit test minima, what mechanisms, if any, are available to the Minister to prevent non-local principals acquiring or setting up non-finance businesses in the Island which produce little or no tax revenue for the Island while taking up labour and office resources?
- (c) would the Minister explain whether the decision to abolish the economic benefit test supports the Fiscal Strategy to maximise tax returns to fill the tax losses resulting from the 0/10 policy?
- (d) will the Minister explain in particular how he intends to apply this decision to the fulfilment industry?

Answer

- (a) The former Economic Development Committee agreed that applications for Regulation of Undertakings and Development approval should be treated on their own merits and that it should have regard to a balance of factors including, but not limited to, the creation of job opportunities and the continued training of the local workforce, service diversification and stature.

New businesses would still be required to provide estimates of their likely tax contribution to the Committee when submitting an application.

I support the view of the previous Committee that the strict application of the economic benefit test was not in the interests of the development of the economy. The economic benefit test was generally applicable to the financial services sector. I will continue to have regard to direct taxation estimates. However, other factors as identified in the Regulation of Undertakings and Development policy statement will be taken into account.

In the future I intend to work with the Housing Minister to ensure that, not only is the Regulation of Undertakings and Development Law applied in a manner best calculated to ensure economic growth, but this strategy is run in parallel with the Housing Ministers application of the Housing Law.

- (b) Any person, be they local or non-local, requires a licence under the Regulation of Undertakings and Development (Jersey) Law, 1973, as amended to commence a trade, business or profession in the Island. In considering applications, I am required, under the Law, to have regard to the need to regulate and manage demand on resources of Jersey and to protect the commercial and financial integrity of Jersey in commercial and financial matters. In addition, also to have regard to the Population and Immigration Policy recommendations adopted by the States in November 1997 and the States Strategic Plan 2005. A policy document sets out the criteria considered in deciding upon applications. Licences are granted either unconditionally or subject to such conditions as appropriate.
- (c) The important point underlying the need to move to zero ten is not only compliance with international requirements but the reality of increasing tax competition from other similar jurisdictions. These changes were debated at length in last year's fiscal strategy debate and we need to support high skilled, high salaried jobs to secure our future prosperity. Going forward,

the Regulations of Undertakings needs to reflect this changing situation. Abolition of the economic benefit test is entirely consistent with the fiscal strategy as we need to assess not only direct corporate tax yield but indirect yield too.

- (d) It is important to understand that there are differences between the way in which Regulations of Undertakings has been applied to different sectors of the economy. The States has expressly approved policies likely to see economic diversification in the economy. The island benefits from high value on line retailing which is satisfied by fulfilment services companies. A policy for the fulfilment sector was produced in August 2005 and a revised policy will be issued shortly.

2. Oral Questions

2.1 Deputy J.A. Martin of St. Helier of the Minister for Economic Development regarding policies in place for the regulation of the fulfilment industry:

Will the Minister state what policies, if any, are in place for the regulation of the fulfilment industry, whether he intends to introduce new policies, whether consultation has taken place with representatives from the industry over current and proposed policy, and would he also set out the current status of the prepaid VAT (Value Added Tax) registration scheme to facilitate the speedy delivery of fulfilment goods to the UK?

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

Following an OXERA (Oxford Economic Research Associates) report commissioned by the Economic Development Committee in 2005, the Committee of the day issued a fulfilment policy in August 2005. The prepayment VAT registration scheme is not within the remit of Economic Development and questions, I am afraid, should be addressed appropriately to the Home Affairs Minister, who has responsibility for Jersey Customs. What I can say is that I will be publishing later this morning a new revised policy in respect of fulfilment and certainly also explaining some administrative decisions that I have been making recently concerning the future of the fulfilment industry.

2.1.1 Deputy J.A. Martin:

Would the Minister tell us how many companies are awaiting new licences for the fulfilment industry at the Regulation of Undertakings at this moment?

Senator P.F.C. Ozouf:

The Deputy is quite right to suspect that there have been a number of licences which have been pending decision. They fall broadly into 2 categories: applications for commencement of a trade, which do require a licence and I have written to all the fulfilment companies and online retailers that were operating in Jersey to require them to put forward a licence; and secondly, applications concerning staff. I cannot give the Deputy exact numbers on the individual applications; they are probably up to 20 in both respects. I have determined a number of them in the last few days.

2.1.2 Deputy R.G. Le Hérissier of St. Saviour:

Would the Minister outline the political pressures as he sees them emanating from the UK?

Senator P.F.C. Ozouf:

The pressure has been effectively in 2 particular areas, and there is a group of small businesses in the United Kingdom that are independent retailers that have been concerned about the situation whereby some UK companies were using offshore locations, including Jersey, to effectively serve their UK customers through basically a post box in Jersey. I am on record quite clearly as saying that I do not approve of that kind of activity and I believe that it falls squarely within my

responsibilities of administering the Regulation of Undertakings to disallow such activities. On the other hand, there are legitimate online retailers, Jersey companies, properly constituted with proper administrative arrangements here that are perfectly properly competing in the UK. It is that latter group of people that we want to seek to encourage to continue operating. They provide a useful stream of taxation income for the Island. The pressure is, as I say, from the small business retailer, which I have to say I have some sympathy with.

2.1.3 Deputy G.P. Southern of St. Helier:

The policy statement made in August by his predecessors broadly suggested that the then Committee was going to encourage whole-chain companies and discourage third-party service providers. Will the Minister indicate to Members whether this broad policy will be changing?

Senator P.F.C. Ozouf:

Broadly speaking, no. I have to say that I have reviewed the decisions made by the former Committee and there were a couple of decisions by the former Committee, which I know the Deputy is probably aware of, which I cannot quite square with that original policy that was set out by the Committee. Of course, the Committee of the day was entitled to make individual decisions on a case-by-case basis. I uphold and agree and have further tightened the policy that was contained in August 2005. Deputy Le Hérissier asked about UK pressure. There is some speculation as to whether or not the UK will take unilateral action concerning this kind of activity in the budget. I very much hope that Jersey - as a well-run place of integrity - that the measures that we have put in place in Jersey will give considerable comfort to the UK Government.

2.1.4 Deputy J.A. Martin:

Following on from that, Sir, in the policy it does state that there have been concerns expressed from the UK Treasury and late last year that the Minister was going to meet with officials from the UK Treasury to see if these were actual concerns or just concerns that we thought may exist. Could the Minister confirm whether this meeting has taken place and if the UK Treasury has serious concerns about our actions in the fulfilment industry in Jersey?

Senator P.F.C. Ozouf:

I think it is fair to say that as a result of the lobbying of the Small Business Association there are concerns at the highest level within the UK Treasury. We have engaged with the UK, as we do (and I have liaised with the Chief Minister's Department on this), to understand what their concerns are and, indeed, we are at one with the UK in terms of Jersey being used as a post box for UK companies selling to their UK clients via Jersey. I seek to use the Regulation of Undertakings to tighten the arrangements that we have in Jersey. I can also advise the Deputy that I have met with my Guernsey counterpart to seek to establish a common Channel Islands position in respect of online retailing. I believe certainly from the conversations I have had with the Minister that we are as one in the Channel Islands.

2.1.5 Deputy G.P. Southern:

It is envisaged that the fulfilment industry is due to expand remarkably in the next 2 years, doubling the number of employees it engages. Does the Minister foresee any problems in the labour market as a result of this?

Senator P.F.C. Ozouf:

The fulfilment... I actually prefer the words "online retailing." I think that is a much better description of exactly what we are talking about here. The good bits of online retailing - that is whole-chain company retailing - has provided welcome employment opportunities for our local community. I remind the Deputy that it is only locally qualified people under the Regulation of Undertakings (I think with one exception) that are employed in the sector. This is providing

diversity of employment; it is giving students an opportunity to work in their summer and Christmas holidays, et cetera; and it is welcomed, I think, universally. I would see a further expansion. We are talking about a diversified economy for Jersey and I could see that there could be some limited growth within the online retailing sector. But as I would repeat, I have made some decisions in the last few days which are effectively going to be as announced later on this morning, that some companies operating in Jersey that had not hitherto got a licence are being given a 12-month exit route to suspend those activities within the Island.

2.2 Connétable A.S. Crowcroft of St. Helier of the Chief Minister regarding the process for the appointment of staff in the Communications Unit:

Would the Chief Minister describe the process leading up to the recent appointment of staff in the Communications Unit, state how many candidates there were for the post, and indicate whether the process took account of the skills available in the private sector, in local PR firms and the media?

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

The appointment process followed established recruitment procedures. There were 10 applicants, of whom 8 were from local PR firms and the media. There was a strong list of applicants with 5 candidates being short-listed for interview and the Communications Manager was appointed on merit.

2.2.1 Deputy R.G. Le Hérissier:

Could the Chief Minister outline whether thought was given to a different way of delivering service in that regard; for example, outsourcing part of the service to a private company?

Senator F.H. Walker:

Yes, Sir, it was and it was rejected because (a) it is more expensive; and (b) particularly with the need to co-ordinate with many Ministries and the need to publish to staff regular communication updates on the programme of change - which requires a fulltime presence - that option was not thought favourable.

2.2.2 The Connétable of St. Helier:

Could the Chief Minister confirm that the Communications Manager he referred to was the same person who was on a one-year contract with the Communications Unit until recently?

Senator F.H. Walker:

Yes, Sir.

2.3 The Deputy of St. Martin of the Minister for Treasury and Resources regarding progress on Share Transfer Property Stamp Duty legislation:

On 19th January 2005 the States approved Share Transfer Property: Stamp Duty (P.211/2004) which charged the then Finance and Economics Committee to prepare the necessary legislation for consideration by the Assembly in 2005 to give effect to the proposals. Would the Minister give an update on the progress of the legislation and when it will be presented to the States?

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

This legislation is proving to be more complex than I think any of us first thought when we approved it. Nonetheless, my department and I in conjunction with the officers of the Judicial Greffier have put forward some options which would give effect to that proposition. Those options have now been forwarded to the Law Officers' Department for their advice and consideration and, depending on those comments, will go out for external consultation. Unfortunately, due to illness within the Law Officers' Department, a reply to those inquiries, which are quite detailed, is still

awaited and until that reply is received I cannot give a firm date on when it might come forward as required.

2.4 Deputy J. Gallichan of St. Mary of the Minister for Planning and Environment regarding connection of properties to tight tank and soakaway drainage systems:

Would the Minister advise for each of the last 5 years how many new domestic developments, if any, were approved where the resultant property was to be connected to a tight tank and how many pre-existing domestic properties, if any, were disconnected from septic tanks and soakaways and connected to tight tanks as a result of planning requirements related to the development or extension of those properties?

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

The department does not keep a specific record of the number of applications which rely on cesspools or tight tank drainage systems and this information is not readily available from the department's systems. However, the Transport and Technical Services Department's tanker service has advised that there are 44 properties connected to tight tanks as a result of development. Up to 2003 there were 27 properties connected to tight tanks and since 2003 a further 17 properties have been connected. It is not possible to establish how many of the 44 properties are new and how many have converted from septic tank soakaway systems to a tight tank. I can, however, confirm that it is planning policy to refuse applications for new dwellings which cannot connect to the public sewer other than in exceptional circumstances. The number of new dwellings approved each year with cesspool drainage is, therefore, relatively small. With regard to applications to extend existing dwellings which rely on septic tank soakaway drainage systems, it is planning policy to seek an improvement to the drainage where the work will result in an increase in the potential occupancy of the dwelling; applications which seek permission for additional bedroom accommodation, for example. Again, the number of such applications is not recorded but is likely to be small. I must stress that this planning policy, which was reaffirmed by the former Environment and Public Services Committee last year, aims to ensure that the Island's ground water and/or public water supplies are not further contaminated by effluent from septic tank soakaway drainage systems. It recognises that the main sewage system does not cover the whole Island and that there are areas which may never be reached by mains drains. It may be unreasonable and undesirable to place a moratorium on any development in those areas and so alternative solutions are used. The department and I remain focused on the States' wider environmental objectives as well as the important health issues surrounding the safe disposal of sewage and protection of the quality of water supplies. In October 2005 supplementary planning guidance was published entitled *Disposal of Foul Sewage* and I will quote from it: "The requirement to regularly empty cesspools is not, however, particularly sustainable on an economic or an environmental perspective."

2.5 Deputy K.C. Lewis of St. Saviour of the Minister for Economic Development regarding agreement with Condor Limited:

Would the Minister confirm that the agreement with Condor Limited for the period 1st January 2002 to 31st December 2006 states at paragraph 5.3 that the company will offer equivalent standard car ferry fares and charges to all passengers whether they originate in the Channel Islands or the United Kingdom? If so, would he inform Members whether this agreement is still in force?

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

I will try and do as well as the Minister for Planning but I am not sure I will. The wording of paragraph 5.3 of the Service Level Agreement in respect of passenger car ferry services between Jersey and the UK is still in force and will remain so until the end of the year. A new Service Level Agreement is to be agreed with Condor and I wrote to them to that effect last week for the period 2007/2008. Now, some people (and I understand this) have queried whether Condor is honouring

the provision of paragraph 5.3. It is the standard car ferry charges that need to be offered to all the Channel Islands in the same way as they are in the UK. There is an additional paragraph in the Service Level Agreement which also requires Condor to respond to market conditions and this does result in different fares being offered to passengers originating in the Channel Islands and the UK. Effectively, standard fares only represent probably - according to estimates I have made with Condor - about 25 per cent of the total tickets. Of course, all the offer fares are by their very nature lower than that. I think that is at the heart of this issue. Yes, standard fares are going to be reciprocated under 5.3 but that is not the whole picture.

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

Clearly the fare structure is a bit of a nonsense if the standard fare hardly ever applies. Was it 25 per cent of the time I think I just heard? When the Minister comes to renewing the Service Level Agreement, will he address this matter? Because there are many members of the public in Jersey who are quite upset by the fact that there are extremely reasonable fare structures from the United Kingdom to here, below £40 return, and the same is not offered to us.

Senator P.F.C. Ozouf:

This is, of course, a very difficult area. The standard fare arrangement is not nonsense. It is there to protect for the maximum cost of getting to the UK. It is the ceiling price and that is something which I think was regarded as being important, certainly as a protection. So, it is not nonsense but I am afraid that we are dealing with commercial markets here and Condor themselves, when they are operating in the UK, are basically trying to compete with other destinations. Maybe that is France; maybe that is northern France or southern or some of the other services that they operate. Condor must respond to those market conditions and that is why we see special offers. Those market conditions are often different in Jersey. I understand the concern of the general public in respect of fares and it is something that I am trying to understand. I am certainly trying to understand what the implication of the new fluid pricing model is in respect of Condor's arrangements.

2.5.2 Deputy R.G. Le Hérissier:

Would the Minister confirm by his analysis so far that the application of standard fares - predominantly on Channel Islands-originating traffic - has led to a continual decline and that there is a relationship between the 2 facts?

Senator P.F.C. Ozouf:

I do not know that that conclusion can be reached at all. I think we have seen a contraction in our traditional tourist market. We all know the stories of the heyday of tourism where British Rail employees got free passage on their services to Jersey. We are in a competitive market and I would need evidence to persuade me to say that it is the standard fare relationship which has seen the decline in the number of passengers. I do not think one could make that analysis. I am happy if the Scrutiny Panel wants to see whether that is true. What is important is to recognise that Condor do give offers. They make offers in order to attract more people to Jersey and they do that by price. That is not unusual in any other sea crossing or any other travel business around the world.

2.5.3 Deputy G.C.L. Baudains:

In answer to a written question, Sir, I see that printed versions are available for the northern route. I hope that the Minister will ensure that they are actually widely available because I have had complaints from a number of people that they cannot obtain one. When he does that - hopefully ensuring that that situation continues under the new Service Level Agreement - would he try to arrange some mechanism whereby these other special offer prices which seem to be more frequent than the standard fare are actually printed in the brochure as well?

Senator P.F.C. Ozouf:

I would remind the Deputy, of course, that there is no Service Level Agreement - the subject of the next question - in respect of the southern route and I will ask Condor about that particular issue. I would say that I have announced recently that we are going to set up a consumer group for Condor. I want my department to be properly informed about consumer views. I have attended public meetings; I have heard a lot of issues about concerns of passengers of Condor. Deputy Power has made some suggestions that there are hundreds of complaints concerning Condor. I want to see those complaints. I want to understand them. I met with Condor last week and went through their complaints procedures. I will hold them to account for their complaints procedures and the resolution of it. At the moment, my conclusions are that it is a number of specific issues that are causing people concern. Caravans over 4½ tons is one example; oyster farmers is another. But I cannot at the moment reconcile the suggestions of huge numbers of complaints from what I have seen, from feedback I get and from the general public, but the consumer group will help.

2.5.4 Deputy R.G. Le Hérisier:

Would the Minister acknowledge that his suggestion that it is the decline in tourism which has injured the northern route is possibly fallacious in the sense that the decline in tourism has impacted quite differently on the southern route where there was until recently a seamless transition to a much more Jersey-based traffic?

Senator P.F.C. Ozouf:

Of course the northern and southern routes are completely different by their very nature and I am sure the Deputy has statistics to show that. I want to work with Condor to understand what the States can do for Condor in terms of helping them reduce some of their costs. The issue, for example, of costs is immediately linked to this issue of the second back-up vessel and I want to understand why that back-up vessel is needed. If we need to in the longer term provide more container space so that Condor does not have to send a second ship down to the Channel Islands to pick up the containers that it dropped off in the morning and we can help Condor reduce its own costs, that is the kind of partnership we are talking about. I am determined, with my Assistant Ministers of Harbours and Airport and Economic Development, to understand the issues of Condor and work together in partnership. It is only by understanding issues and attempting to resolve them that we get to the flesh and understanding rather than just this constant sort of positioning between the States and Condor. It is partnership that matters.

2.5.5 Deputy S. Power of St. Brelade:

In relation to what the Minister said a few minutes ago about complaints that have been made to me personally about Condor service on the southern route and on the northern route, I would like to confirm to the House that I had a meeting last week with Condor.

The Bailiff:

This does not sound like a supplementary question to me. You are coming to it, I hope?

Deputy S. Power:

I am, yes. I just want to confirm to the House that Condor asked me for the personal details of those complainants. I have contacted those complainants and I will be reverting to the Minister and Condor soon if they give permission to disclose.

The Bailiff:

What is the supplementary question, Deputy?

Deputy S. Power:

Does he agree? [Laughter]

Senator P.F.C. Ozouf:

I am very happy to agree. If another Member of the States is reported in the media saying he has inches high of complaints against Condor, I want to understand that. I understand that there are data protection issues, but I want to understand the nature and the type of those complaints because when I understand them I can hold Condor to account for them. I can ensure that their complaints procedure works and that we understand those issues. I do not want names and addresses, but I want type and details of complaint. It is only by that way that I can help to improve the relationship between Condor and the States and I am determined to do so.

2.5.6 Deputy G.P. Southern:

Does the Minister not agree that his recent answer shows some confusion about how the market works? He surely cannot hold that the market says that the company has to offer low discount fares and at the same time that the high standard fare does not put people off coming to Jersey. Surely he shows some confusion therein about how the market works.

Senator P.F.C. Ozouf:

Maybe the Deputy and I can have a conversation about how markets work. The fact is, of course, he is right in saying - and I agree with him - that it is not the standard fare which is going to be the attractive offer which spurs more people to come to Jersey. Of course not, and that is why companies operating in savagely commercial markets must suit and offer special deals in conjunction with tour operators and hotels and all the rest of it. That is what actually drives business growth and I want to make sure that our tourism budget is closely aligned with those service providers, whether they be airlines or ferry operators, so that we encourage as many people as possible to come to our beautiful Island. I think we have made a turning point in both the relationship between Harbours and Airport and tourism.

2.6 Deputy R.G. Le Hérissier of the Minister for Education, Sport and Culture regarding formal channels for the education and training needs of the finance industry:

Would the Minister outline what formal channels, if any, exist at a policy level so that the Minister and his department are apprised of the education and training needs of the finance industry?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

The governing body of Highlands College, which is the main provider of further education and training in the Island, provides the main formal link between the finance industry and the Minister and the Department for Education, Sport and Culture. One of the main purposes of the governing body is to advise on policy development and the nature of provision made by the college. A number of leading members of the finance industry are governors. The Chairman is the senior partner of Moore Stephens and a board member of Jersey Finance Limited. The Vice-Chairman is Deputy Director-General of the Financial Services Commission. Other members of the governing body who hold key positions in the finance industry are the retiring Chief Executive of Jersey Finance Limited, the Manager of Banking Regulation with the Financial Services Commission, the Managing Director of UBS Jersey and former Chairman of the Jersey Bankers Association, and the Managing Director of Citibank and a member of the Jersey Bankers Association. In addition, the governing body has a sub-committee, the Jersey Business School Executive, chaired by the Chairman of Governors, which considers finance industry training needs and reports to the main board. The Education, Sport and Culture Department and Highlands College were also members of the steering group of the Economic Development Department's research project into training needs of the finance industry carried out in 2004, and we look forward to working closely with the education and training committee to be established by Jersey Finance Limited, which will provide a further forum for discussing future training policy and training requirements. The finance industry has also been represented on policy reviews undertaken by Education, Sport and Culture. Thus, for example, the retiring member of Jersey Finance Limited was a member of the working group which

reviewed the 14-19 curriculum and was also one of the members of the finance industry community consulted during the preparation of the Higher Education Review.

2.6.1 Deputy R.G. Le Hérissier:

Notwithstanding the eminent people who are involved with the process, would the Minister outline what the contact has been with people such as the director and the assistant directors with the finance industry and whether a Member such as myself could access relevant policy papers that have emanated from meetings?

Senator M.E. Vibert:

Notwithstanding the facts, Sir, that I have just outlined, yes, we have as much contact as possible. I do not wish to say anything to the Deputy, but it would be unusual (if my understanding is correct that the Deputy is actually employed at times by the college) to have access to personal papers. If he is not, any papers that are in the public domain, of course as a States Member he is absolutely entitled to and I will also make any papers that he wishes available to him. We endeavour to be as open as possible and certainly we endeavour to involve the finance industry in our training needs as much as possible, as I outlined, through the involvement of the eminent people involved in the finance industry, in Highlands, and also in all the reviews we have carried out on further and higher education.

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

Would the Minister consider it appropriate to also seek to better inform teaching staff - in particular careers teachers - as to the opportunities that exist for careers in the finance industry and seek to dispel opinion among some teaching staff that students have somehow failed should they choose a career in the finance industry?

Senator M.E. Vibert:

I would hope very much, Sir, that the last comment that teachers would think someone has failed if they went into the finance industry is an urban myth rather than reality. In fact, all our careers teachers have close connections with the finance industry and receive training and information on what is on offer in the finance industry. We also hold careers fairs. I think one of the problems that the Deputy might be referring to for why there may be a reluctance of some young people to take up a career in the finance industry is perhaps the comments that have been made in this House and by States Members outside of this House decrying the finance industry on occasions and giving the impression that it is not welcome in Jersey. Well, our message is it is welcome. It provides the majority of Jersey's income. It provides the money for the majority of Jersey's important public services, and we want to be able to provide as many young people as possible to have a good career in it.

2.6.3 Deputy S.C. Ferguson of St. Brelade:

Given this wonderful panoply of luminaries, all apparently discussing the education aspects of going into the finance industry, I wonder if the Minister for Education, Sport and Culture would like to conduct a review to investigate why the finance industry is still complaining that our students are missing a number of skills in their employment?

Senator M.E. Vibert:

Most industries would want to employ people who are completely prepared for the purpose when they come out of school. Unfortunately, that is not always possible. I am sorry that some people in the finance industry have expressed a view that they would like our pupils to be better prepared for the jobs they have on offer. I heard Deputy Le Hérissier give an interview on the radio this morning on this very subject saying we accepted that education did have another purpose rather than turning out just people to work in any particular industry. We are recognised now as one of

the world leaders in the provision of critical skills in our education system, which is working through our current education system, which is designed to provide the very skills that the industry in Jersey have been asking for. Those skills include things such as being able to get on with people, being able to solve problems, being able to work in teams, and certainly the emphasis in our education system at the moment is preparing young people for lifelong learning and providing them with their skills. I very much hope that emphasis, which has been recognised nationally and internationally now as a world leader, will reduce concerns in the future and reduce the concerns that people have that perhaps our young people could be better prepared.

2.6.4 Deputy G.P. Southern:

Does the Minister accept that the recent plan for growth in the finance sector has shifted the burden for training from the industry itself to his already very stretched educational budget?

Senator M.E. Vibert:

I certainly think there is a great emphasis on our service to provide better training, and we are working very closely with the finance industry and with the Minister for Economic Development and the Council of Ministers to improve that. I would encourage not just the finance industry but every industry to invest in training because it is an investment in their own future. Certainly, we have seen developments in the not distant past, in fact very new developments, where, for example, at Haulieu we are now offering a trust qualification in connection with one of the industry bodies that young people can take at the school, which is an example of exactly how we are providing what the finance industry have asked us to provide. Yes, it is important we work in partnership and that the industries concerned recognise their need to resource the training as well as ours.

2.6.5 Deputy J.J. Huet of St. Helier:

Would the Minister confirm that with the Trident Project a lot of our youngsters are going and experimenting, trying out banking and trust work? Would he also tell us what the finance industry are doing to work with his department? In other words, what training can they offer or are they attempting to work with him?

Senator M.E. Vibert:

The Deputy mentions Trident, which is an excellent example of where young people receive on the job experience in various jobs, including a lot in the finance industry. We also have a Young Enterprise. We also have a number of other projects going on which give young people the opportunity to experience the world of work. I pay credit to the finance industry, many of whose members as I listed from the Highlands College Board of Governors give their time freely to help us and improve our training and give their knowledge and skills to us. We are very grateful for that. We are working very closely with them. We will be working even more closely in future. We are closely involved with them in the 14-19 Review of the curriculum and also in the Higher Education Review. We have recently set up the Cass Business School with talk of setting up a business school on the Waterfront. We are talking about offering more courses at Highlands, but we need to work together to ensure what we are offering is good educationally and good for the industry.

2.6.6 Deputy R.G. Le Hérisier:

Would the Minister give an assurance that notwithstanding the excellent initiatives which are already in existence he will examine the relationships at the highest level within his department and the finance industry to ensure that there is a good 2-way flow of communication and information?

Senator M.E. Vibert:

I believe I have shown and demonstrated that there is already an excellent flow, but of course we can always do better and we will examine it again and try to do better. Any suggestions the Deputy has on how it can be further improved will be welcome and received with open arms.

2.7 The Connétable of St. Helier of the Minister for Education, Sport and Culture regarding the response of the Parish of St. Helier to the consultation on nursery car provision:

Would the Minister confirm whether he received the response provided by me on behalf of the Parish of St. Helier on 28th October 2005 in response to the consultation process on nursery care provision? If so, would he confirm that the Statement he made at the last meeting that no response had been received was incorrect and inform Members of his response to the concerns raised in this submission?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

The closing date for responses to Investing In Our Future, which was presented to the States on 5th July 2005, was 30th September 2005. Prior to that date, the Department for Education, Sport and Culture received a submission from the St. Helier Parish nurseries and the St. Helier Parish finance departments. This was circulated along with all other responses to the then Education, Sport and Culture Committee members. Subsequently, I am informed that around 28th October 2005 - 28 days after the closing date for submissions - the same paper was resubmitted to the Department of Education, Sport and Culture signed by the Connétable of St. Helier. I am informed the paper contained no additional comments so it was not recirculated. If this is the response the Connétable is referring to, then I can acknowledge its receipt and confirm that I am aware of its contents. I would also like to assure the Constable that the issues raised by the Parish will be taken into consideration along with the other 29 submissions that have been made as we continue to develop and consider the feasibility of the various options outlined in the original report and correspondence.

2.7.1 The Connétable of St. Helier:

Notwithstanding the fact that the Minister appears to have received the submission twice, he seems to have avoided answering my question: would he confirm that I and my team did, in fact, respond to the consultation process and, therefore, his comment at the last meeting was inaccurate?

Senator M.E. Vibert:

If I was the Constable I would not have asked this question. I can confirm (and I have a copy of it here) that on 30th July 2005 we had comments to be made to Education, Sport and Culture by the Parish nurseries and Parish finance department to our consultation document. There is no indication in this document of any input of a political nature whatsoever or any indication that the Constable was involved. As I said, that was received in time, within the consultation period. Twenty-eight days after the close of the consultation period, the same document, but this time signed by the Constable of St. Helier, was resubmitted to my department. I say if this is the response that the Constable is referring to, then I can acknowledge its receipt out of time and confirm that I am aware of its contents.

2.7.2 The Connétable of St. Helier:

I am sorry to press the point, Sir, but for this Minister "sorry" does appear to be the hardest word. Does he not accept that the Parish nurseries and, indeed, the finance department of the Parish of St. Helier come under my direct control and the fact that he received a submission twice does not remove the fact that the Parish of St. Helier did, indeed, respond in the consultation period and, therefore, his comments at the last meeting were inaccurate?

Senator M.E. Vibert:

I totally confirm, Sir, that the Parish nurseries and the Parish finance department, which are part of the Parish of St. Helier made comments on Investing In Our Future. Until 28 days after the closing date, there was no indication that this was a direct political document. If the Constable wishes to go through with me the document submitted by the finance department and the Parish nurseries, it certainly appears to me that it is a different document to what I would expect to be submitted by a Member of this Assembly.

2.8 Deputy G.P. Southern of the Minister for Economic Development regarding funding of the Economic Growth Plan:

Table 1 of the Economic Growth Plan (P.38/2005) gives a total funding requirement of £2.7 million. Will the Minister inform Members whether the entire plan has his support, whether the total funding has been agreed by the Minister for Treasury and Resources, and if not, what elements have been agreed, and in particular whether funding has been allocated to the plan for finance and to Jersey Finance Limited?

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

I support the Economic Growth Plan in its entirety. All elements of the Economic Growth Plan have my full support and it is important to state that there, of course, needs to be much more work on the individual aspects within the Economic Growth Plan of P.38. There has been some funding allocated for 2006 sufficient to get on with the implementation of the early plan. Of course, further funding in the years 2007 and 2008 will be the subject of the business plan which is to be lodged by the Chief Minister on behalf of the Council of Ministers in the next few days. I hope I do not break any confidences here, but I can say that economic growth has figured high on the agenda of the Council of Ministers but I have not been successful in getting all of those issues funded. Therefore, if I am going to fund the Economic Growth Plan completely, I need to look to my other departments to see whether or not other issues have higher priority. In respect of the plan for finance and given the importance of this sector to the economy, the 2006 budget has a specific allocation of £850,000 for Jersey Finance. The 3-year budget includes further additional increases to Jersey Finance's budget, but that will be as a result of the outcome of the next strategic plan and the resource allocation this year. I would say in conclusion the Members of this Assembly all have their own desires for improving and increasing services to the public. I support that, but one has to make sure that economic growth provides enough taxation receipts to deliver that. If I am given money for economic growth, I will use that judiciously; I will use that in a targeted way to deliver it, but an investment is required and I support all of the measures that were there.

2.8.1 Deputy G.P. Southern:

Does the Minister not consider that after - I believe it is - 5 years Jersey Finance Limited should be financing itself?

Senator P.F.C. Ozouf:

No, I do not agree that Jersey Finance needs to be funded itself. In fact, Jersey Finance is one of the few trade promotion vehicles which is actually part-funded by the industry. The industry put in - I think - of the region of £300,000 per annum and, of course, I will continue to press the industry to put as much money as possible into Jersey Finance. But if we are to get the results of targeting specific sectors (for example, hedge funds and business in the Middle East) then we need to put in that investment in order to achieve that result. I am quite pleased with the way that Jersey Finance continues to operate. There are some changes in respect of the senior management and I am engaged in detailed discussions with them and my Assistant Minister - the Constable of St. Lawrence - is joining their board.

2.8.2 Deputy G.P. Southern:

Was it not at the outset envisaged that after 5 years Jersey Finance Limited would, in fact, be self-financing?

Senator P.F.C. Ozouf:

That was never the case. I hear confirmation by the Chief Minister who was, of course, instrumental in setting up Jersey Finance. I think one has to be cognisant of the fact that Jersey Finance has achieved significant results. Members will have been aware last week that we had a presentation by Jersey Finance and we learnt of the arrival of a new hedge fund business in Jersey directly as a result of the work of Jersey Finance. In addition, the trip out to the Middle East - which is going to be the third one - we can link that directly to new business, good business; profitable business for Jersey industry. We must invest in Jersey Finance in order to achieve that. Of course I will hold Jersey Finance accountable for the appropriate spending of their budget.

2.8.3 Deputy J.A. Martin:

Talking about hedge funds, can Jersey Telecoms sustain any more hedge funds in Jersey?

Senator P.F.C. Ozouf:

An excellent question and going to the heart of the importance of a number of services within the Island. I think that there are issues and certainly I have been in communication with the Chairman of Jersey Telecoms and I have a meeting with them next week. I am determined to ensure that there is sufficient telecoms capability within the Island to serve the finance industry. I think we have learnt just how important it is that there are fast, efficient and cost beneficial services in the Island. It is the liberalisation of the telecommunications market which is designed to achieve just that.

2.8.4 Deputy G.P. Southern:

In the Minister's busy schedule, will he take the time to provide me with details of which parts of the Economic Growth Plan have been funded and which parts have not, and in particular a breakdown of what funding for what schemes has been applied to Jersey Finance Limited?

Senator P.F.C. Ozouf:

Of course I am very happy to do that. As the Chairman of the Scrutiny Panel, he will no doubt be scrutinising my budget in great detail and, of course, I am happy to confirm exactly what aspects are being funded this year. Of course, next year's funding requirements will be subject to States decisions later on in the year in terms of the strategic plan and resource allocation process.

2.9 Deputy K.C. Lewis of the Minister for Economic Development regarding the Service Level Agreement with ferry operators for the southbound route:

In his answer to an urgent oral question on 13th December 2005 regarding the Service Level Agreements for ferry operators, the Minister stated that there is some sort of agreement on the southbound route. Would the Minister give Members details of this agreement?

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

I think this is the first time, Sir, that we are getting a question about the written record, which is obviously exactly what it should be: holding Ministers to account for what they say and an excellent job that the official record is. On 13th September 2005 (and I have read it) in answer to Deputy Power's question - would I confirm that there is no Service Level Agreement on the southern route - I replied I thought he was right. Subsequently I have ascertained that he was right. I mentioned in a reply to Deputy Power's query that there was some sort of arrangement on the southern route. There I had in mind the arrangements that exist between Jersey Harbours and the companies serving on the route. Both companies - Emeraude and Condor - were given permission under licensing arrangements in Jersey Harbour to use the ramp. Those arrangements exist until

the end of 2006. That is not a full Service Level Agreement, but it is a full Service Level Agreement which we are attempting to put in place for all of the routes over the next few weeks.

2.9.1 Deputy K.C. Lewis:

Would the Minister update the House on the current situation regarding Emeraude?

Senator P.F.C. Ozouf:

Today is the deadline which was set for news of Emeraude and, as I have been quoted in the media correctly, I have been engaging with the board of Sogestran to understand what their plans are. I was advised of a media report in French newspapers of a decision - apparently by Sogestran - to come on to the route with a passenger-only vessel. I am awaiting confirmation of those arrangements. I would repeat to the Assembly I was originally told that Emeraude were not actually seeking an exclusive arrangement on the southern route. It appears that that might not be the case any more and that - I have to say - presents us with particular issues and particular difficulties. As far as Condor is concerned, I have to and it is right that we put in place a Service Level Agreement to secure their services for next year and the year after. It is wrong, I think, that there is no Service Level Agreement to deliver precisely the kind of issues that Members raised in the answers a few moments ago. I will be putting in place a Service Level Agreement for Condor and it will not be exclusive.

2.9.2 Deputy R.G. Le Hérisier:

The Minister speaks in optimistic terms albeit while walking on treacherous ground. Could the Minister identify, Sir, what his contingency plans are if Emeraude does not come back, as seems now likely, and secondly, Sir, if Condor is not able to carry the kind of traffic he believes will arise in the summer?

Senator P.F.C. Ozouf:

Interesting use of the word 'treacherous'. I do not think they are treacherous. I think it is a difficult portfolio of which there are a number of competing issues which we have to understand the details of and get to grips with and make some proper decisions. In respect of the southern route, there is a clear capacity issue particularly in respect of passengers generally across the season which needs to be dealt with, and car-carrying capacity at certain dates over the summer period. I have been in discussions with both Condor and Emeraude to deal with that capacity issue. It may well be that Emeraude's response is to come back with a passenger-only vessel. I am hopeful that Condor will definitely put additional capacity on the route if they do not do that. Certainly Condor... I have to say that they have been extremely co-operative with my discussions with them. I want to encourage them to put additional circulations on those key dates in the summer when there are capacity issues. I think it is by engagement, continuing to understand what the issues are, that we can solve this issue, but I do wish that Sogestran would make up their mind.

2.9.3 Deputy J.B. Fox:

I wonder if the Minister would confirm that his discussions will include the areas where there are difficulties at the moment, namely the shellfish industry with its timings and the capacity and capability of getting their products to the continent especially; and also some sporting groups that cannot seem to be booking in bulk in advance, which seems to be causing some difficulty as well? I think £35,000 was mentioned.

Senator P.F.C. Ozouf:

I will take those in reverse order. It is very difficult for Condor to know what to do this year when they do not know what the situation is with Sogestran, which is why I think it is in everybody's interest, having set a deadline, for Emeraude and Sogestran to say what their plans are. Because otherwise, if we continue to work on a week-by-week basis and not understand what their plans are,

then basically I cannot ensure working with Condor that additional capacity is... Deputy Fox is probably quite right that there are periods throughout the summer period when there is insufficient passenger space for sports groups, et cetera. With the additional capacity by Condor, I hope, and perhaps by Emeraude, that sort of problem will be dealt with. We are doing a lot of hard work in trying to solve this problem. In respect of oyster farmers, they present a particular issue. One set of oyster farmers invested in a particular kind of trailer that could only go to Emeraude. Now, Emeraude pulled out unexpectedly. We are going to help to re-equip the oyster farmers with appropriate financial safeguards to ensure that they can use Condor for the export of their produce. I am meeting the other group this afternoon. We are determined to help them because I think that oyster farming is something that we should support - diversification of agriculture. There is one other problem which I have identified, which is large caravans. There are a number of people who have bought caravans (I think it is over 4½ tons) that could be carried on Emeraude but cannot be carried on Condor. That is a problem and I do not have a solution to that, but we will continue discussions. I cannot force Emeraude to buy a new £35 million boat just to solve that problem. We are going to try and do what we can.

2.9.4 Deputy G.P. Southern:

Will the Minister ensure that any terms and conditions attached to a Service Level Agreement are not so onerous as to threaten the viability of the route but ensure that sufficient monitoring is set up to make sure that the Service Level Agreement is adhered to?

Senator P.F.C. Ozouf:

I would say that I have no evidence whatsoever that the Service Level Agreement that Condor has had in place on the northern-bound route has not been (a) monitored and (b) met in its entirety. There is, I think, some confusion about what the Service Level Agreement is and what it is not. For example, in this issue to do with standard fares it says that there shall be reciprocated fares but, of course, that is not the commercial reality in respect of lower fares. I have written to Condor, as I must do, with a deadline of 1st March, explaining to them what we will be planning for the period 2007 and 2008. I have the approval of the Council of Ministers to do that, to put in place a new Service Level Agreement for that period until we reach 1st January 2009, when all the Channel Island routes will be effectively coming to an end with the arrangements. I also want to put in place a Service Level Agreement on the southern-bound route and I am alert to and listening to what sort of conditions should be put on that. I have to say, Condor is being extremely co-operative and helpful and - I think - determined to solve the issues that are there. I congratulate them for the activities that they have done with me in the last few days.

Deputy G.P. Southern:

If I may, my answer? Will he ensure ...?

Senator P.F.C. Ozouf:

I cannot say what I am to ensure. We are going to try and put as much as we can in the Service Level Agreement, to give people the security and all the backup issues, et cetera. The issue perhaps I did not answer was whether or not there are conditions which are overly onerous. I cannot see how they would be affecting the southern-bound route. There are issues about the back up vessel on the northern-bound route. That is something we are examining, but I do not think there is a short-term fix on that. Certainly, it is the back up vessel requirement which effectively is the barrier to any other operator coming in on the route - not that there would be - and I think there are sensitivities about that particular issue. We will work with Condor to try and find solutions.

2.9.6 Deputy K.C. Lewis:

I think most of us in the House are old enough to remember the old Sealink routes. I have fond memories of the old Caesarea, but as we know, they were sponsored by British Rail. Does the Minister not think that maybe in the future there may be a case for States financial intervention?

Senator P.F.C. Ozouf:

I am not going to be the Minister for Intervention Affairs at Economic Development. I believe in market forces. I do believe, however, that government has a role to ensure that the operators have appropriate conditions where there is one particular monopoly to ensure that customers are safeguarded. The arrival of the Competition Law is a welcome arrival on our statute book. It gives protection where there is a dominant position and gives consumers protection on an ongoing basis, I think, and we are increasingly seeing protection. I do not believe that there is a case for State subsidy for our sea routes. What we need to do is to make sure that the conditions that we impose upon our ferry services are such that they can be profitable. It is only by having profitable sea routes that we end the problems of the come-and-go ferry arrangements of the last few years. That is why partnership is important. We recognise Condor has served this Island for many years. I am determined to ensure that they, I hope, continue to serve this Island but with the necessary safeguards as far as fares are concerned. But please, no States subsidy.

2.10 Deputy G.C.L. Baudains of the Minister for Transport and Technical Services regarding road works at Le Dicq:

In relation to road works at Le Dicq, would the Minister explain the apparent contradiction between his statement that motorists could continue via Beach Road and the fact that “Road Closed” notices are found as far back as La Mare? Would he explain why the road was to be closed for 3 weeks for drainage works followed by 3 weeks for resurfacing instead of the works being undertaken concurrently?

Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):

First of all, may I reiterate my apologies through the Deputy to his constituents and other members of the public who have been inconvenienced by these particular road works. In response to the first part of his question, Beach Road was not signed as a diversion route as it is contrary to established Island traffic management best practice to use small Parish-owned residential access roads for high volume diversionary routes. This practice is to ensure the safety of pedestrians and residents and to reduce nuisance to parishioners. Notwithstanding this and in the light of the serious traffic disruption that occurred during the first morning’s rush hour, the Minister decided that an exception should be made to this established practice and announced this via a press release. Signage never indicated that Beach Road was closed. It indicated that the Coast Road was closed at Beach Road. This confusion is regretted and the traffic disruption was much improved following my decision to encourage traffic to use Beach Road, although I regret the inconvenience to Beach Road residents. In respect of the second part of the Deputy’s Question, late in 2005 it became apparent that urgent maintenance works were required to a pipe serving Le Dicq pumping station. These pipes carry 15 tons of raw sewage per minute to Bellozanne, servicing the entire east of the Island, and a failure could have resulted in a serious pollution incident. It was decided that in order to minimise disruption to the public the drainage works would be carried out in parallel with the resurfacing works, thus in effect work was carried out concurrently.

2.10.1 Deputy G.C.L. Baudains:

I thank the Minister for his answer. If we are pumping 15 tons a minute from the east of the Island, it just goes to show how overdeveloped St. Clement is nowadays. **[Laughter]** With regard to the concurrency of the work, Sir, would the Minister explain why no work relating to resurfacing at all started until the second week of the trench work for the sewer? There was a week during which the sewer was being repaired when no resurfacing work was done at all. Could he explain why that is

because this morning, Sir, the road is open. The sewer work in the road is apparently finished, but of course the resurfacing is not. It might have been had it started a week earlier.

Deputy G.W.J. de Faye:

I regret in respect of road works we have to take things one step at a time. It was decided that in order to minimise disruption the drainage works would be carried out in parallel with resurfacing works. But the extent of the drainage works could not be determined until the road had been excavated and the pipes examined. It was, therefore, decided that the worst case scenario of 6 weeks road works in total should be planned for and anticipated. After the first week on site, the extent of the drainage works was known. This allowed the remaining site works to be reprogrammed, which included longer working hours and an earlier start for the resurfacing works. As a result of the above, an earlier than advertised completion date is now anticipated and it is hoped that the overall 6-week programme can be reduced by 2 weeks.

2.11 The Deputy of St. Mary of the Minister for Transport and Technical Services regarding domestic households connected to tight tank drainage systems:

May I just acknowledge, please, that I do understand that part of my question has already been admirably tackled by the Minister for Planning, but of course I will ask it in the form submitted. Would the Minister advise Members how many domestic households are currently connected to tight tanks; how many of these are subject to the concessionary tanker rate; and, for those households not on the concessionary tanker rate, what the average annual tanker charge for emptying the tight tanks is?

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

In 2005 the tanker service visited 1,200 properties of which 77 were connected to tight tanks. The properties connected to tight tanks fall into 2 categories. Firstly, there are 33 properties receiving the concessionary rate of £11.50 per load. These were originally connected to a septic tank and soakaway system and over time either the tank or soakaway has failed. Following inspection of the system, if it is found that there is no land available for a new tank or the ground conditions are unsuitable, the owner is granted a concessionary rate. The second category of tight tank is where a new drainage system has been installed as part of a new development and there are no mains drains, or where there has been an extension to an existing property with additional habitable rooms. There are 44 properties in this category. Within this category there are 2 charging mechanisms. For properties installing a tight tank before 2003, the charges are in line with the septic tank emptying rate: first 2 loads free; 3 to 12 loads at £20.50 per load; 13 loads and over £33.50. In 2003 the Environment and Public Services Committee introduced a new tight tank rate which now applies to all loads, this rate being £45.50. This new rate applied to all developments from that date, and when making a planning application the applicant is made aware of the rates at the time of the application. Taking the 2 rates into account, the average charge for emptying a domestic tight tank in 2005 over the year was £1,546, but this figure does not take into account the size of the property or the number of occupants and a number of other factors.

2.11.1 Deputy R.G. Le Hérisier:

I am not sure where the 50p comes from, but apropos of the general charging schedules, could the Minister, Sir, indicate whether it is his intention, given the sense of injustice felt by a lot of people, to ultimately remove these charges?

Deputy G.W.J. de Faye:

In many ways the situation we now find ourselves in is one over which the States has presided for a considerable amount of time. I can assure the Deputy that I am preparing to carry out at some stage a review of liquid waste and there is no question that the way we deal with tanker operations will

form part of that review. Nevertheless, it is fair to say that any decisions ultimately will be constrained by budgetary approach to this matter.

2.12 Deputy R.G. Le Hérissier of the Minister for Economic Development:

Would the Minister indicate whether the recent inquiry carried out by the JCRA (Jersey Competition Regulatory Authority) into alleged monopolistic practices in the potato marketing sector met the objectives set for the inquiry and would he indicate whether the Competition (Jersey) Law 2005 worked well in this instance?

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

As Members will be aware, I am conflicted in some areas concerning the dairy industry. I do not have any direct pecuniary interest in potato issues and, therefore, I am also dealing with the answer of a generic issue concerning the JCRA, which is independent. Hence I am going to answer the question myself without any issues. I would say that I am acquainted with one of the directors of Jersey Royal and I have made that declaration and I have not had anything to do with the departmental side of this. I am going to deal with this from the general point of view. Contrary to the Deputy's question, the JCRA's recent inquiry did not concern any alleged monopolistic practice itself. The inquiry concerned whether or not one company had acquired or was in the process of acquiring certain businesses without the observation of the now mandatory notification and approval requirements under the mergers and acquisitions arrangements in the Competition (Jersey) Law. The Competition (Jersey) Law empowers the Jersey Competition Regulatory Authority to commence formal inquiries only if it has reasonable cause to suspect that a breach had occurred. They carried out their investigations and their conclusions were that there was a process of acquiring certain businesses but they had not been subject to the approval process within the JCRA. However, as set out in the Authority's press release, there was no infringement of the Competition (Jersey) Law merger and notification arrangements because the merger had not taken place. I think that the conclusion that can be reached from this is that the Competition (Jersey) Law is working as intended in this case. The JCRA conducted an inquiry based on a reasonable cause and collected information necessary to determine the breach had occurred. That is exactly, I think, what the States intended when it approved in large voting numbers the mergers and acquisition arrangements within the Competition (Jersey) Law.

2.12.1 Deputy R.G. Le Hérissier:

I think the public were bemused by the fact that the inquiry was carried out in a sense in secret and apparently this is part of the procedure. Could the Minister indicate, Sir, whether he would push for a more open way of holding that inquiry? Could he also settle the confusion: was this or was this not an attempt to stave off alleged monopolism?

Senator P.F.C. Ozouf:

It is really important for this Assembly to understand and to accept the fact that we have an independent Competition Regulatory Authority. The powers that I have over this matter are, rightly, limited. They are the independent expert authority under the law who are able to initiate their own investigations, carry out reviews, et cetera, and make determinations. Of course, all of their proceedings are subject to appeal to the Royal Court and obviously subject to judicial review. I am engaged, of course, with both of the regulatory authorities, the Financial Services Commission and the JCRA, as a budget holder for them, to generally understand where their focus of attention is, but they are independent. I have to say that I have met with the Executive Director of the JCRA in the last few days to discuss general issues. I am satisfied (in fact I am delighted) that the Competition (Jersey) Law generally is having the desired effect in dealing with competition issues. We are all seeing the front page of the JP of what is going on in markets. Markets are adjusting. The Competition (Jersey) Law is working. This issue was about a merger, not about monopolistic practices.

2.13 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding request to the Employment Forum about minimum wage:

Does the Minister accept the request contained in my letter dated 24th February 2006 and circulated to Members today that he use his powers under Articles 19 and 20 of the Employment (Jersey) Law 2003 to ask the Employment Forum in making a recommendation for setting the minimum wage rate for 2007 to take into consideration the matters contained in the addendum to that letter and to do so by 31st October at the latest?

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

I believe that using the powers under Articles 19 and 20 would be, perhaps, inappropriate and using a sledgehammer to crack a nut. The Employment Forum has always considered all the representations and submissions and I have no doubt they will continue to do so. Anyone can write to the Forum on matters under discussion, including politicians, and I would encourage the Deputy to do so when the rate is next discussed.

3. Questions to Ministers without notice: The Minister for Housing

3.1 Deputy S. Pitman of St. Helier:

Could the Minister explain how the cost of maintenance for States housing has accumulated to an astronomical £90 million?

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

Quite clearly there has been no planned maintenance budget for many, many years. What I am pleased to say is that I hope that when the new Strategic Plan comes before this Assembly this year there is now going to be a proper funding mechanism. I hope that all Members will support that. I am very confident now that the matter will be resolved after the discussion of the Strategic Plan.

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

In a written Question to Deputy Southern on the structure of the new banding system under the rent, the Minister states that 2,640 properties would increase. Could the Minister inform the House whether he has had close discussions with Employment and Social Security given that this will obviously increase the rent abatement which is being passed across to that department or ministry under the new low income support? Could he also inform the House under the new banding system for housing rents who will control the private sector rent setting with the private rebate being attached to the maximum rent set in housing at the moment?

Senator T.J. Le Main:

My Assistant Minister and myself have not been in any discussions with the department. The department are currently working on the banding scheme and I am unable to give any further details on what is being responded to Deputy Southern this morning. What I can do is I can give an assurance that my department, my Assistant Minister and myself will be working very closely with Social Security and with Members and any other departments in realising that whatever is going to be proposed is going to be for the good of the people.

3.3 Deputy G.P. Southern:

Will the Minister confirm that having built 95 flats on Le Coie site for a total cost of £20.3 million he proposes to sell them off to the Jersey Homes Trust for £12 million, leaving an £8.3 million subsidy, and that over the next 21 years he will further add to that cost the sum of £2 million guarantee on interest rates and a further £16 million in rent rebate that will be paid out to Jersey Homes Trust over the 21-year period of their loan, leaving a total of £26.3 million paid out for

those flats which will then be owned by Jersey Homes Trust? Does he think this really represents value for money?

Senator T.J. Le Main:

The Minister is asking the wrong person. The person to ask is the Treasury Minister, who has all the up-to-date figures on all this. I am not prepared to guess at some of the questions put to me by the Deputy. The issue is that up to now the housing trusts have worked very, very well and are providing new modern accommodation for nearly 1,000 families at the present time. They have invested well over around £100 million of private funding for this and we now have, as I say, nearly 1,000 very, very happy Jersey families living in absolutely wonderful conditions. The question really should be presented, Sir, to the Treasury Minister who last week did all the figures on Le Coie and the issues of it.

3.4 Deputy G.P. Southern:

May I have a supplementary, Sir?

The Bailiff:

Yes.

Deputy G.P. Southern:

Can I refer him then to his own document, P.161/2003, in which he outlines that the starting point rent rebate will be £415,000, his own document, which will rise over the next 21 years by 3.5 per cent a year as agreed by his Committee, as it was, and does he accept that this totals £16 million?

Senator T.J. Le Main:

I cannot remember back that far, Sir. [Laughter]

3.5 Deputy R.G. Le Hérissier:

Would the Minister, having implicitly accepted responsibility for the total breakdown of maintenance over the last several years, tell the House how the new system will avoid the problems that have bedevilled him for the last several years?

Senator T.J. Le Main:

No, Sir, the Strategic Plan has not been released yet and there are funding proposals in the Strategic Plan. I know that the Treasury are still working on that plan and the issue is that I am confident that Members of this Assembly will be totally supportive of those plans so that from 2007 we will have a proper, long-term funding mechanism, real funding, which should address the difficulties we face over the years.

3.6 The Deputy of St. John:

Could the Minister advise as to whether the proceeds from the sale of any States housing will be reinvested in continuing to improve the housing stock and funding ongoing maintenance programmes?

Senator T.J. Le Main:

Currently, as I say, the Treasury are working on some of the aspects of the funding mechanisms. As I say, there will be some funding issues there that still have to be resolved. It is anticipated - this is only my view currently at the moment - that the Housing Ministry has far too much stock and much of the stock is in real need of major refurbishment. Some of it is on prime sites and the issue is that much of it does not meet the needs of our clients in today's age. I have always been supportive of selling some of our stock on to the open market so that the funding can go back into the pot to provide good accommodation. Members will know that for a long time I have been

concerned and again this morning I have had a lady on the phone absolutely distraught. We have a very small percentage of our clients that do not seem to want to behave and are causing an absolute headache and nuisance to people who want to live peacefully in their own homes. We really need to locate some of those people in unidentified properties out of the way from others, so we have some real issues that we need to address because this is really a very, very personal issue. We are talking about people, real people, many of them finding it very difficult with enormous heating costs and other issues at the present time. We want to do what is best for them and I am always willing to listen to the Members.

3.7 The Deputy of St. Martin:

Almost 12 months ago, the States agreed to transfer the ownership of the roads, footpaths and lighting at Maufant Village from the Housing Department to the Parishes of St. Martin and St. Saviour. The grass verges were not transferred. Could I ask the Minister, Sir, what steps he has taken to ensure the transfer of the grass verges do go ahead to the parishes or, as they have not done so already, is he minded to keep the grass verges?

Senator T.J. Le Main:

No, Sir, we have had huge success in that area. We have transferred the lot, all the responsibility, to Property Services and they will be dealing with the matter.

3.8 Deputy J.A. Martin:

In a Statement made a few weeks ago now, the Minister said that they would be freezing housing rents this year. In the same Statement he said he did understand with the contracts with housing trusts the States have agreed they will allow them to raise their rents by at least 3.5 per cent each year. Can the Minister assure this House that a pensioner living in a States flat, a one-bedroom of £140, and the pensioner living in a trust of £140 will not be worse off by at least £5 a week because the rents are not going up and the fair rent is probably going up at least 3.5 per cent in the trust sector? Sir, he also did not answer my question on the new banding system: who will set the private rent rebates for the private sector when housing rents are not going to be the same as they are now in the future?

Senator T.J. Le Main:

The last part of the question first is that I do not honestly believe that it is the Housing Minister or the Assistant Minister to set the rents. I think that at the present time it is a real difficulty and I think that in the department's view we believe that it should be done independently. That is currently being looked at so I cannot give you a categorical answer on that. Going back to the housing trust rents in relation to the Housing Department rents, we have managed to contain our rents in the Housing Department because there has been a considerable amount of people who are now earning more money and have had considerable wage increases and they have gone up into paying the full fare rents. We have managed to get more income than had we put the rents up in this last year, which is good news for tenants. The issue is with the trusts. They have 3.5 per cent built in, so they can increase by 3.5 percent, but we believe that the trusts have enough in there to be able to sustain no rental increases. At the end of the day, it is the trusts that will decide, but we hope that the trusts will not increase their rents this year. I have to forewarn there is a good possibility that next year rents will go up.

3.9 Senator J.L. Perchard:

Is the Minister aware that P.161 on Le Coie quite clearly outlines the approval of drawings, the sale once completed to the Jersey Homes Trust and the level of subsidy which is actually in excess of the level that has been used to subsidise, and that perhaps Deputy Southern, who was part of the Assembly who passed this projet, is mischief-making?

Senator T.J. Le Main:

He is a nice chap, Deputy Southern. [Laughter] I have tried to be as nice as possible to Deputy Southern. He has a good heart in him but we do not always agree on some of the issues.

3.10 Deputy G.P. Southern:

I am almost overwhelmed, Sir. I remind him that I did call for a reference back and voted against the particular proposition at the time. Three parts, if I may, Sir. Firstly, has the Minister read the *Jersey Homes Trust 9th Annual Report* dated 1st January 2005? Secondly, does he recognise the opposition stated in there to a form of regulation of housing trusts which he is investigating at the moment? Thirdly, does he believe that opposition to regulation is appropriate given that all the work of the trust is outsourced and under a code that specifically permits the awarding of contracts for remunerated services to firms having a connection to the trust, i.e. they are paying out money to their relations to the tune of £625,000 a year in maintenance and administration costs in that trust. Does he believe that that sort of practice should be regulated?

Senator T.J. Le Main:

Let me just say, as I probably said a couple of weeks ago, the legislation that has currently come back to the Housing Department on regulating housing trusts is seen to be over-bureaucratic at the moment. It is seen as over-bureaucratic and I can inform Members that the Housing Ministry are looking and will be reporting back before the end of the year with a comprehensive look at all social housing provided by trusts and by the Housing Department to make sure that it is all working together and we are all going in the right direction. This issue about regulating with legislation, I am having second thoughts and I shall be taking the issue to the Council of Ministers for a full consideration in the near future to see whether we can do it the way we are doing it at the moment. I am convinced with the current agreements in place with the trusts that the application of providing services as outlined by Deputy Southern, Sir, is quite transparent and within the bands of fair charging in the marketplace. It is that sort of issue that takes place in the UK and what have you, and I feel that they are transparent and they are willing to discuss the issues with any Member concerned.

Deputy G.P. Southern:

Sir, he has not answered my first question: has he read the report?

The Bailiff:

I am sorry, Minister, you did not answer the question: have you read the report?

Senator T.J. Le Main:

Yes, Sir, I read every report but I do not say I can remember them. [Laughter]

4. Questions to Ministers without notice: The Minister for Planning and Environment

4.1 Deputy R.G. Le Hérisier:

Notwithstanding the excellent initiatives he set in train, would the Minister inform the House of a policy he wishes to take in respect of disused agricultural buildings?

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

I have not formulated a precise policy in relation to the use of disused agricultural buildings, but I certainly will be encouraging the opportunity of trying to find matches, an example being recently in relation to the oyster farm where I will be encouraging trying to match the requirement for an aquaculture building with an agriculture building that is presently disused if we can find one.

4.2 The Deputy of Grouville:

Would the Minister confirm what priority he gives to the percentage for art policy set out in the Island Plan and if he would consider making it a non-voluntary scheme for buildings over a certain square footage or building cost?

Senator F.E. Cohen:

I am very enthusiastic to pursue the percentage for art and culture. I think elsewhere it has shown that it has achieved remarkable things in terms of promoting art and culture. I will be looking at this in detail shortly and will report back to the House at that time.

4.3 Deputy A. Breckon of St. Saviour:

Is the Minister aware of the content of the financial impact survey that was done into the waterfront and what planning implications does he see in reference to St. Helier?

Senator F.E. Cohen:

If the Deputy is referring to the PWC report, yes, I have read that. I also have some comments on that report. They will be distributed to those who are attending the forum on Saturday and they are self-explanatory.

4.4 The Deputy of St. John:

Could the Minister advise the House whether the call from certain quarters that we are over-consulting on the waterfront is justified or should we simply let Webb and its partners get on with the project?

Senator F.E. Cohen:

My view is that we most definitely are not over-consulting. With the exception of the Les Pas site, this land is still public land and it is most important that we achieve on it a waterfront that the Island benefits from and from which Islanders derive great pride. The only way of determining that is by extracting from Islanders what they want on what I believe is their waterfront, and that is the purpose of the present public consultation process and the purpose of the forum this Saturday.

4.5 Deputy R.G. Le Hérissier:

Could the Minister define what he means by 'Jerseyness' in architecture? For example, does he see granite-clad skyscrapers on the waterfront? **[Laughter]**

Senator F.E. Cohen:

I have not used the term 'Jerseyness'. I have used the term 'local relevance'. I believe it is very important that buildings should fit in their context. In Jersey that context is Jersey. We are all very familiar with the shapes and materials that make us feel comfortable about buildings in Jersey and my intention is to try and promote an interest in those areas of design in all new developments. Very clearly, there is more flexibility in new developments than there is in relation to developments that are currently in progress, but I will be endeavouring to achieve local relevance as far as possible in all applications. No, that does not mean that I think that we should have granite-clad skyscrapers.

4.6 Deputy G.P. Southern:

Does the Minister consider that the local relevance in the context of overlooking Elizabeth Castle it is appropriate to have high-rises casting their shadow, whether granite-clad or not?

Senator F.E. Cohen:

The purpose of the present public consultation and of the forum on Saturday is to determine just whether Islanders do want to have tall buildings or not. That will form a supplementary planning

guidance which I hope will be published in the middle of April and that will determine whether or not we are going to consider tall buildings and how high they should be.

4.7 Deputy R.C. Duhamel of St. Saviour:

Have all requests to attend the forthcoming presentation on the waterfront been accommodated?

Senator F.E. Cohen:

I am happy to say that everyone who has applied to attend the forum on Saturday has been able to attend. Packages have already been sent out of the first series of documents comprising the Sandover Report and the Department's framework and I understand that today the second documents in relation to the economic benefits will be sent out. The reason that we have changed the venue to the airport is because we had a better response than we expected and I am delighted that we have at the moment over 130 confirmed attendees.

4.8 Deputy R.G. Le Hérisier:

Is the Minister aware that attempts at matching with disused agricultural buildings have for the most part got nowhere sadly because there have been few incentives available to the department? Given that that has been the experience thus far, what other ideas does he have in order to deal with the issue of empty sheds?

Senator F.E. Cohen:

I will be making my first attempt at matching a requirement with disused agricultural buildings either tomorrow or the day after. I do not have any other specific proposals other than to try and encourage a matching of disused buildings with requirements in the agriculture or aquaculture industries elsewhere.

4.9 Deputy J.A. Martin:

Would the Minister confirm if he has any concerns now that all the waste of the Island is going down to La Colette that the recycling plant is going to be at least a year late in coming on stream? Does he not feel this will affect the target that has been set for the next 10 years for recycling?

Senator F.E. Cohen:

It is my job to deal with the planning application and when the planning application comes forward that is the time that I will deal with it. That will be the full extent of my involvement in the plant.

4.10 Connétable M.K. Jackson of St. Brelade:

The Minister will no doubt be aware of the burgeoning fulfilment industry over here. The OXERA Report on this indicated there would be an enormous demand for large warehousing. Does he have any plans to accommodate this in any way?

Senator F.E. Cohen:

No, Sir, I do not have any plans specifically to deal with this. This is not an issue that I have considered and I am not able to adequately answer the question. However, I will look into the matter today and I will respond in full detail to the Connétable tomorrow.

4.11 Deputy R.C. Duhamel:

Has a specific budget been set in order to provide assistance for the Urban Task Group?

Senator F.E. Cohen:

I am not aware of the total budget, but again I will find out the budget today and I will inform the Deputy later on in the day.

4.12 Deputy G.P. Southern:

This may be a somewhat easier question than the last 2. In the last meeting I asked the Minister whether he had seen the report on the contamination at Gas Place and whether he would release that. Can he tell us how much progress has been made with that particular report?

Senator F.E. Cohen:

I can confirm that the report will be released today. There is the report itself, which is rather a lengthy document, which will be available to States Members in hard copy. We are trying to make arrangements today to have CDs produced for anyone who wants those as well. There is also a summary of the report which I am also going to circulate later today.

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

The Minister for Planning made much during his election campaign of shared equity housing. Can he inform the House whether he has considered using his planning powers to rezone land to achieve that outcome?

Senator F.E. Cohen:

I am very actively pursuing the concept of shared equity ownership and I am happy to inform the House that progress is being made in that there will be a meeting shortly comprising the Minister of Housing, myself and the Chief Minister to discuss all aspects of providing shared equity ownership and other home ownership enabling schemes.

4.14 Deputy J.A. Hilton:

I have a question on the town park now, Sir. I directed this question to the Minister of Transport a couple of weeks ago and I was told it was probably best put to the Minister of Planning. My question is in light of the report that he has now informed the House today will be released on the contamination on the Gas Place site, can the Minister inform Members whether he has considered any sites away from the Gas Place site for the car parking side of the town park?

Senator F.E. Cohen:

At present I have not considered any other sites. I will be examining the report carefully. The report will be for consultation and at that time I am sure that alternatives will be fully examined.

4.15 Connétable D.J. Murphy of Grouville:

I am grateful for the statement made by the Minister this morning with regard to third party applications for property development. I note his answers and I am very grateful for them. Could he give me any idea on the timing which he envisages in proposing a change in the law?

Senator F.E. Cohen:

The new law is expected to come in in April and I would hope to look at this shortly thereafter, so certainly looking at it in the first half of this year.

4.16 Deputy R.G. Le Hérissier:

What is the most difficult issue that the Minister faces at present?

Senator F.E. Cohen:

Other than question time, Sir, very clearly getting the waterfront right. It is a very difficult decision. There is a great deal of pressure in relation to schemes that are going to come forward and it is very important that the waterfront is a balance that delivers pride to the community and economic success and benefit to the Island.

4.17 Senator P.F.C. Ozouf:

Would the Minister be pleased to know that the Urban Task Force was funded to the tune of £200,000, £100,000 from the car park trading account by the former Environment and Public Services Committee, and the balance of it from the Millennium Fund from the Chief Minister's Department? Would he be pleased to know that the Urban Task Force is well funded and well on its way with its work? **[Laughter]**

The Bailiff:

If there are no further questions for the Minister of Planning, I will draw the second question period to a close.

PERSONAL STATEMENTS

The Bailiff:

There are no personal statements of which I have notice.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. The Bailiff:

We come, therefore, to Statements on a Matter of Official Responsibility. The first Statement is to be made by the Minister for Health and Social Services.

5.1 Senator S. Syvret (The Minister for Health and Social Services):

This morning I am lodging 3 sets of regulations that deal with smoking. The regulations cover smoking on public transport, the sale of cigarettes to children, and the siting of cigarette vending machines. A fourth set of regulations which dealt with smoking in premises where food was served for consumption on those premises were also due to be lodged today. When these matters were last debated the Assembly agreed the legislation to enable a ban on smoking in cafés and restaurants and also agreed in principle to the introduction of a complete ban on smoking in all enclosed workplaces, this legislation to be modelled on the equivalent successful Irish law. The effect of this decision was that smoking would be banned in areas where food was served but this ban would be superseded by the full ban to be introduced perhaps a year or 18 months later. The Hospitality Association and a number of individual proprietors have argued that to proceed in this way was overly complex and potentially wasteful as some premises would be required to undertake conversion works to isolate smoking areas from eating areas with such works becoming redundant upon the introduction of the total ban on smoking in all enclosed workplaces. This argument is further strengthened in the light of the decision of the House of Commons by a majority of 200 to introduce a complete ban rather than confining the effect of the law to premises where food is served. Against these arguments, I have had to have regard to a number of other considerations. Exposure to smoke is both unpleasant and harmful to others. To shelve the eating places restriction prolongs the amount of time people, including children, are exposed to passive smoking in cafés and restaurants. I am also conscious of the fact that the States Assembly voted for the ban on smoking in premises where food is served; thus to not proceed is to delay giving effect to a decision of the House, at least until the overarching States decision to implement a full ban is brought into effect. I have been in correspondence with the Chairman of the Jersey Hospitality Association in connection with this matter. As already explained, many of his members are concerned at the prospect of having to engage in redundant conversion works. I have suggested to him that, on balance, it might be possible to shelve the partial ban in favour of an accelerated introduction of the ban on smoking in all enclosed workplaces. He has reiterated to me his organisation's acceptance of a full ban and its willingness to co-operate with the development of the necessary legislation. The industry still expresses a view that they would not wish the ban on smoking in all enclosed workplaces introduced until some time in 2007. However, I have expressed to them the view that accepting an earlier introduction is the quid pro quo of avoiding the partial ban which many in the

industry claim would involve them in expensive redundant works. Therefore, having considered all aspects of this matter, I have decided not to press for the introduction of a ban on smoking in eating places in favour of pressing for an earlier introduction of the ban on smoking in all enclosed workplaces. Although my personal preference would have been in favour of the new regulations as an interim step, I am prepared to take note of comments made by the industry. However, it must be noted that this decision gives greater urgency to the introduction of the ban on smoking in all enclosed workplaces, this of course being the paramount States decision. I have asked departmental staff to work on this as a matter of urgency. It is my hope that it may be possible to have the relevant legislation in place and in effect by the end of this year. In making this decision, I have taken the industry at their word when they express a preference for the complete ban without an interim step of the partial ban. I trust that the industry will recognise this as an example of government working with them and I look forward to their co-operation in formulating the necessary legislation.

The Bailiff:

No Member wishing to question the Minister on that Statement, the next Statement is to be made by the Minister for Planning and Environment.

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

At the last sitting I responded to an oral question from the Connétable of Grouville in the Assembly on 14th February 2006 regarding the applications for masts and antennas submitted by Cable and Wireless. I have now become aware of a legal opinion given to the department with regard to another matter in 2004 and in consequence I feel that further clarification would benefit Members. I stated that endorsement by owners is not required to validate an application and its inclusion on application forms has developed through custom and practice. This is factually correct and has been the subject of legal advice to the department in the past. It is not a legal requirement that an owner's signature be obtained on an application form. Following the widely reported case regarding the application by the company for St. Saviour's Church made without the agreement of the land owner, the company freely gave an undertaking that it would provide owner's endorsement each application or in the absence of such agreement withdraw it. I referred to that in my Answer. I should like to stress, however, that this was an undertaking by the company and not a departmental or legal requirement. I have to say that save perhaps in the most exceptional circumstances I consider it curious that a third party can make an application for another's property without that person's agreement. I said in my Answer that I have now issued instructions that in the case of all future applications owner's consent would be required. I stand by this intention but I should advise the Assembly that it would necessitate a change in the law to make it a legal requirement. That is something I shall be giving consideration to in the very near future.

PUBLIC BUSINESS

6. Cigarette lighter refill canisters: sale to minors (P.218/2005)

The Bailiff:

No Member wishing to question the Minister on that Statement, we come to Public Business. The first item on the Order Paper is P.218/2005 in the name of Deputy G.P. Southern and I ask the Greffier to read the proposition.

6.1 The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree in principle that it should become an offence for any person to sell cigarette lighter refill canisters containing butane or a substance where butane is a constituent part to any person under the age of 18 years; and (b) to

request the Minister for Economic Development in consultation with the Minister for Home Affairs as appropriate to bring forward for approval the necessary legislation to give effect to the proposal.

6.1.1 Deputy G.P. Southern:

I hope Members have studied the proposition and I hope the report accompanying the proposition is very clear, so I will try my best not to speak for too long. In bringing any proposition to the House, one has to consider I think 4 questions: what is the issue, is it a problem, why legislate, and why legislate in this way? I will just briefly go through that and ask for Members' support. I came across volatile substance abuse at a meeting held in Jersey in early 2004 and it has taken me 18 months to get this report to the House, but I make no apology for that. My awareness was heightened, as was many, by an incident which occurred around that time wherein 4 youngsters sniffing from aerosols in a tent managed to blow themselves up. It could have been a very serious and tragic accident. I mention that incident in particular to show that this is something which affects Jersey. The issue of volatile substance issue is one which does not get a great deal of attention. It hovers under most people's consciousness all the time, but there is a low level of continuing abuse. Surveys on youngsters in Jersey, as the comments of the Home Affairs Committee helpfully point out, show that 5 per cent of year 8 pupils and 9 per cent of year 10 pupils - these are very young pupils in the age range 12 to 15 - have indulged in volatile substance abuse. It is an issue for Jersey because 9 per cent of a year group is about between 60 and 90 pupils. That is a significant number of young people who are putting their lives at risk. Is it a problem? Yes, indeed it is. Volatile substance abuse is used by young people to become intoxicated. What happens is you sniff whatever your substance is - often it is butane but it may be glue or other materials - and you will become intoxicated. Your decision-making will go for a period of perhaps 20 minutes. You will become euphoric. Not only is there a risk - and this can happen the very first time you indulge in volatile substance abuse - of sudden sniffing death (SSD as it is known), you can be killed straight away. Some people react very badly and die. Worse, because your judgement is impaired you put yourself at risk of accident in some other way. People do fall off buildings. People do wander into the road and get knocked over. It is a very dangerous activity. Because it is cheap and because other recreational drugs are often not available to them, it is an activity which starts at very young ages, year 8 and below. The material from the Home Affairs Minister mentions referrals to the Drug and Alcohol Unit and mentions a 13 year-old turning up on their doorstep with a problem. It is a practice which affects young people and it affects young people in Jersey. Why legislate? If Members turn to table 4 they will see that we are talking about relatively low levels of death among people of the order of 50 a year in the UK. If Members look along the line up from the bottom they will see a number of deaths over the years, a small number but a number of deaths, among people in the Channel Islands, so it is a legitimate risk. Is it one which is necessary to legislate for and, if so, how would we do that? If Members turn to table 7 overleaf, they will see that of substances abused gas fuels and aerosols take up by far the largest quantity of abuse. The traditional way of referring to this habit, which was glue sniffing, is a minority occupation. By and large people sniff butane as their major drug of choice. You can see on figure 10 that is repeated in terms of the number of deaths. By far the largest proportion is among those who are using gas fuels. If Members turn to the final figure, figure 11, we see what has been happening in the UK over a period of time: 1994 to 2003. Over that decade levels of use have come down. In particular, they have come down in use by under-18s of the dominant inhalant, which is gas fuels, markedly. The significant piece of legislation that enabled that to happen was the Cigarette Lighter Refill Safety Regulations 1999. There are 2 Acts governing this area. One is the Intoxicating Substances Supply Act 1985, the one that puts a restriction around the sale of glues and solvent-based materials. That was seen as largely ineffective because one had to knowingly sell to a minor and the person who was prosecuted for selling to the minor was not the company but was the individual shop assistant. So that piece of legislation was seen to be largely ineffective. It did not work. What has made a significant difference is the second one in 1999, the Cigarette Lighter Refill Safety Regulations. If Members turn back to page 10, figure 11, you will

see the period from 1999, under-18 use has been reduced to a relatively low level and maintained at that low level and is still apparently going down. No single measure can adequately cope with this particular form of drug use. However, I think the evidence is there from the UK that this particular type of legislation banning the sale of gas to minors is a highly effective part of the armoury in particular case. Albeit that we have relatively low levels of this sort of abuse going on in the Island, I believe that we should legislate to make sure that our under-18s are as best protected as they can be by the law and that we do not wait another year (and I will turn back to table 4) to see that second to bottom line contain a one or a greater number, meaning the death of somebody, probably a young person, from volatile substance abuse because he could access a butane gas canister relatively easily and this causes a death. It is an emotive thing. I do not want to see that happen and I think this House should legislate to do its best to protect its under-18s. I propose the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**]

6.1.2 Senator M.E. Vibert:

As Minister for Education, Sport and Culture, I am very supportive of this proposition and I would like to commend the Deputy for bringing it forward. It will help raise awareness and understanding of this issue. All forms of drug abuse, including solvent abuse, are covered in our personal, social and health education area of the school curriculum, but anything that can be done that may save any death or injury in the future must be pursued, I believe. The fact that the voluntary code of practice appeared to be working in the past does not mean that we should rest and think no more needs to be done. The Deputy has raised a very valid area of concern. I think he has outlined it well. I would hope it is a law we never have to enforce in many ways and that it will not occur that it needs to be enforced, but the fact that the law is there I believe in this case - and I am not always an advocate of laws for laws' sake - it will prove a very useful adjunct to the education we try and provide through our schools and our youth clubs and so on and will help to ensure that we minimise any prospect of a tragedy in this area in Jersey.

6.1.3 Deputy J.B. Fox:

I fully support this proposition brought forward. I have had many dealings in my previous life with my community police officers in this sphere. One must, however, recognise that certainly from the time that I was involved there were 36 products in the average home that were capable of being abused. These aerosols are the ones that cause the most damage because they can be used directly into the back of the throat and that is where the serious injuries and deaths occur. We must not forget when you take away an opportunity for one product to be removed from ready access that there is a risk of another product or other products. We must not lose our vigilance and our support especially for our young people, though having said that they are not necessarily all young people as the proposer recognises. It is essential that in keeping our alert it should be brought to the attention by the authorities to people such as the proposer to update any further requirements that might be necessary to ensure that the levels are kept as low as possible. The tragedy of a loss of a son or daughter, I can assure you, to a family is huge, but it also affects the fellow friends, young people, pupils within a community, within a school. Therefore, it has devastating effects sometimes to quite a number of people surrounding it. That is also a very important reason for the, I hope, unanimous support for this proposition. Thank you, Sir.

6.1.4 Deputy K.C. Lewis:

In my previous incarnation I tended to walk home very late at night through town and I found 2 girls slumped in a doorway one night, having indulged in this practice. It is very dangerous. As Deputy Southern has pointed out, between 1971 and 1993 there were 7 deaths in the Channel

Islands due to this kind of abuse. That is 7 too many. Let us not also forget the potential for brain damage. This is very well thought out and has my full support. Thank you, Sir.

6.1.5 The Deputy of St. Martin:

I can think of very few people who would not support what Deputy Southern has done and my compliments to him. I know as I have brought forward legislation like this in the past one then has to ask for a committee or in this case now a ministry to bring forward the legislation. Could I ask the Deputy whether he has any idea how long this piece of legislation will take to come forward to the House?

6.1.6 Senator P.F.C. Ozouf:

I am pleased to inform the Assembly that I will be supporting this proposal for legislation. It will, in fact, fall to in all likelihood Trading Standards to enforce any arrangements. I do not have an answer to the best way to achieve legislation. I have consulted with the senior Trading Standards officer and he has suggested that it may be not the legislation which Deputy Southern cites in his proposition, but it may well be the Video Recordings Law arrangements or putting a similar arrangement in there. If the Assembly will support this, then we will work as soon as possible to achieve it, of course understanding that there are competing priorities and we would have to get law drafting instructions available, et cetera. But we will take the Assembly's view on this matter and deal with it as soon as possible. The one thing that I would say that in the interim is important is mention has been made about the Code of Practice arrangements. Certainly it would be interesting to hear the views of the Health Minister on this if there is anything that can be done. There is a body called the People Against Crime Group, and my understanding is they are developing and have developed a responsible retailer scheme for Island retailers. That is certainly working within the big UK companies, but there may well be others that need to be involved in that. This is an issue of such concern that having the required legislation in principle agreed, this is the kind of thing that can immediately in early course be dealt with by a Code of Practice. We will work as quickly as we can. It is clearly an issue. The one question I would have for the Deputy which I do not know is does similar legislation exist in the UK? I am not saying that we should follow the UK; I would just simply say that perhaps, just as the cigarette ban for under-18s has started in the Channel Islands and then gone off to the UK, that is now a matter for public debate and going to be something brought into force in the UK. Perhaps the UK will follow us, too. Could he explain what the legal position is in other places, particularly the UK?

6.1.7 The Deputy of Grouville:

I would just like to ask a question, if the Deputy could tell me in his summing up. Could he confirm if his proposition makes it an offence for the retailer and seller only and not the person under-18 indulging in the practice? Thank you.

6.1.8 Senator S. Syvret:

I was asked a specific question by Senator Ozouf. Yes, certainly I would support the introduction of a voluntary Code of Practice as an interim step because it may have an immediate effect, whereas the drafting of the legislation being proposed by Deputy Southern may take, with the best will in the world, some time. Certainly I feel that a voluntary code approach to this could be and would be useful as an interim step. I fully support the proposition. All types of substance misuse are a growing problem among society, particularly for young people, and we have to do all that we can to try and combat that.

The Bailiff:

I call upon Deputy Southern to reply.

6.1.9 Deputy G.P. Southern:

Thank you to all those who spoke in support of this measure. Senator Vibert talked about enforcement. I have spoken to the police in particular. They do not see a problem in enforcing this. It is the 18 rule. It is fairly clear: it is alcohol, tobacco, cigarette gas refills. He pointed out that this is just one part of the armoury. The continuing work on drug education and education in general goes on and this is certainly designed to support that. Deputy Fox talked about substituting one for another. I do not particularly see that happening. The evidence is that having reduced the level of use of butane gas - again figure 11 - in under-18s, there is not a corresponding rise in the use of any other substances. Thanks to good work on the ground they, too, have been reducing also. The Deputy of St. Martin talked about where it might fit in a legislative programme or where it might fit. I was of the opinion that it could be part of the Consumer Safety Law 2005 which contains regulations to restrict the sale of goods to certain classes of people. In this case it would be under-18s. It might be possible to shoehorn it into there very simply. It could be we already have the powers to do that. Senator Ozouf talked rightly about immediate action on this and talked about the institution of a code of practice immediately. I would support Senator Syvret's opinion that that should be an interim measure, but we should not lose sight of the legislation. That is the bit that will really reinforce it. In response to the Deputy of Grouville, yes, this does refer to the sale and not the purchase of, so it does not criminalise young people. Finally, in response to Senator Ozouf's question, yes, that is UK legislation. The Cigarette Lighter Refill Safety Regulations 1999 is a UK piece of legislation so it is already up and running. It is part of the armoury which has reduced this practice over time. I thank Members and I call for the Appel.

6.1.10 The Deputy of Grouville:

I am sorry, can I just ask something else because I am not entirely sure. Maybe it was the phrasing of my question that was wrong. Does this mean that it is legal for under-18s to indulge in this practice?

6.1.11 Deputy G.P. Southern:

Is it legal to indulge in this practice? I believe it is. It does not render the practice illegal. It renders the sale of this particular form of gas to minors illegal.

The Bailiff:

Very well. I ask any Members who are in the precinct who wish to vote to return to their seats. I invite the Greffier to open the voting. The voting is for or against the proposition of Deputy Southern.

Members present voted as follows –

POUR: 50		CONTRE: 0		ABSTAIN: 0
Senator S. Syvret				
Senator L. Norman				
Senator W. Kinnard				
Senator T.A. Le Sueur				
Senator P.F. Routier				
Senator M.E. Vibert				
Senator P.F.C. Ozouf				
Senator T.J. Le Main				
Senator F.E. Cohen				
Senator J.L. Perchard				
Connétable of St. Martin				
Connétable of St. Ouen				
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 R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy J.J. Huet (H)				
Deputy of St. Martin				
Deputy G.C.L. Baudains (C)				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy J.A. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S. Power (B)				
Deputy S. Pitman (H)				
Deputy A.J.H. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

7. Draft Public Elections Amendment (Jersey) Regulations 200- (P.2/2006)

The Bailiff:

We come to the Draft Public Elections Amendment (Jersey) Regulations, P.2/2006, in the name of the Privileges and Procedures Committee. I invite the Greffier to read the long title.

6.2 The Greffier of the States:

Draft Public Elections (Amendment) (Jersey) Regulations 200-. The States, in pursuance of Articles 7 and 72 of the Public Elections (Jersey) Law 2002, have made the following regulations.

Connétable D.F. Gray of St. Clement:

I would ask that the Deputy of St. Mary act as rapporteur, Sir.

6.2.1 The Deputy of St. Mary:

The principle behind these regulations is that the parishes will be implementing a new computer system prior to the preparation of the next electoral registers on 1st July 2007. The form and layout of the annual statement to be sent to every unit of dwelling accommodation in order to gather information for the purpose of compiling and updating the electoral register will change in order to make full use of the enhancements offered by the system. Article 7(1) of the Public Elections (Jersey) Law 2002 requires the States to approve the form of the statement and, therefore, I propose the principle.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the principle of the regulations? Yes, Deputy Le Hérissier?

6.2.2 Deputy R.G. Le Hérissier:

Worthy though the regulations are, I wonder if the rapporteur could tell us why we have to go through the procedure of placing these in front of the States? This was an issue that has been looked at previously. It seems an awfully cumbersome way of changing forms and so forth, to have to bring it here. Thank you, Sir.

The Bailiff:

Does any other Member wish to speak? Then I call upon the rapporteur to reply.

6.2.3 The Deputy of St. Mary:

The basis of bringing it to the States, Sir, is quite simply that it is embodied in the earlier law and it will require a change to that law in order not to bring it.

The Bailiff:

I put the principle of the regulations. Those Members in favour of adopting them kindly show. Against? The regulations are adopted. I think I have to ask the Chairman of the relevant Scrutiny Panel whether he wishes to have these regulations referred to the Scrutiny Panel. Very well, then the debate continues on the regulations themselves. Do you wish to propose the regulations en bloc, rapporteur?

The Deputy of St. Mary:

I do, Sir.

The Bailiff:

Very well. Would you please do so?

The Deputy of St. Mary:

One, 2 and 3, the citation en bloc, Sir.

The Bailiff:

Very well. They are seconded? **[Seconded]** Does any Member wish to speak on the regulations? I put the regulations. Those Members in favour of adopting them kindly show. Those against? The regulations are adopted. Do you propose the regulations in Third Reading, rapporteur?

The Deputy of St. Mary:

Yes, Sir. I would like to propose the regulations in the Third Reading.

The Bailiff:

Yes. Are they seconded? **[Seconded]** Does any Member wish to speak on the regulations in Third Reading? I put the regulations. Those Members in favour of adopting them kindly show. Those against? The regulations are adopted in Third Reading.

8. Draft Public Elections (Jersey) Law 2002 (Appointed Day) (No. 2) Act 200- (P.1/2006)

The Bailiff:

We come to the Draft Public Elections (Jersey) Law 2002 (Appointed Day) (No. 2) Act and I ask the Greffier to read the long title.

8.1 The Greffier of the States:

Draft Public Elections (Jersey) Law 2002 (Appointed Day) (No. 2) 200-. The States, in pursuance of Article 74(2) of the Public Elections (Jersey) Law 2002, have made the following Act.

The Bailiff:

Very well. Rapporteur?

8.2 The Deputy of St. Mary:

The purpose of this Act is to bring into force various sub-paragraphs of Articles 6 and 7 of the Public Elections (Jersey) Law 2002 which were not included in the scope of the Appointed Day Act promulgated on 29th May 2002. Article 6(6) allows that when the next register is produced on 1st July 2006 it will be produced in 2 formats, namely in alphabetical order of electors' names and also in street order of the electoral addresses. The various sub-paragraphs of Article 7 deal with the statements that are sent to householders in each year in order to gather the information about persons resident at each address for the purpose of compiling and maintaining the electoral register. Sub-paragraph 7(1)(b) deals specifically with the fact that in future years the names and addresses of persons at an address will be included on the return for that address. As the parishes will be implementing a new computer system prior to sending out the statements this year, there will be no pre-existing information and this sub-paragraph will be dealt with separately and will be brought into force at a later date to the other articles quoted. This Act will have the effect of bringing Articles 6(6) and 7(1) - except for sub-paragraph (b) - (2), (3) and (5) into force on 21st March 2006 and will bring Article 7(1)(b) into force on 1st January 2007. I have pleasure in proposing the Act, Sir.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the draft Act?

8.3 Deputy G.W.J. de Faye:

I would be very grateful to the rapporteur for a more detailed description of street order just to ensure that street order is not simply the streets being listed in appropriate alphabetical order but does mean that the geographical location of households is in the correct order, as I am sure many Members who have tramped the streets reading their instructions that are apparently in street order have found them going from one end of the street to the other on a regular basis.

The Bailiff:

Does any other Member wish to speak? Deputy Pitman.

8.4 Deputy S. Pitman:

I would like to know if consideration has been given for statements to be made in Portuguese and Polish because during canvassing experience I came across many Portuguese people who did not understand the voting system and did not know that they were eligible to vote. Thank you, Sir.

The Bailiff:

I call upon the rapporteur to reply.

8.5 The Deputy of St. Mary:

As regards street order as requested by the Minister, the actual register will be produced alphabetically in street name and within the street order the properties will be listed as near as is possible under the current technology in geographic location but will not be a strict walk order at this stage. I understand that further refinements involving associated links to the Land and Property Index, et cetera, and the GIS system which is being developed in conjunction with Planning may make this more available in future. But at the present time it will be alphabetical by street and, within the houses on the street, the people will be listed alphabetically within their properties. I am not currently aware of any translations into Portuguese or Polish of the actual registration documentations but I know that certainly at the present time various notices concerning elections are published in alternative languages. Thank you, Sir.

The Bailiff:

Thank you, rapporteur. I put the draft Act. Those Members in favour of adopting it kindly show. Those against? The Act is adopted.

Senator T.A. Le Sueur:

The next item on the agenda is to be dealt with 'in camera.' As both these items I think are relatively straightforward, could I pray the indulgence of the House and the Minister for Home Affairs to suggest that P.12/2006 be taken before P.10/2006?

The Bailiff:

That seems sensible. Thank you, Minister. Very well.

9. Law Revision Board: Appointment of Members (P.12/2006)

The Bailiff:

We come next to P.12/2006, Law Revision Board: Appointment of Members. I will ask the Greffier to read the proposition.

9.1 The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 2(1)(a) of the Law Revision (Jersey) Law 2003, to appoint the Deputy of St. Martin and Deputy G.C.L. Baudains of St. Clement as members of the Law Revision Board.

9.2 Senator T.A. Le Sueur:

The work of the Law Revision Board has brought a breath of fresh air and brought up to date much of the legislation that the Island has. It is essentially a technical process but it is right that it should be overseen by Members of this House as well. There is a Law Revision Board set up which requires 2 Members to volunteer from this House to sit on that Board. I am grateful that the 2 Members have volunteered, those being the Deputy of St. Martin and Deputy Baudains. A volunteer is always welcome and a volunteer who has had some training on Scrutiny will be especially welcome, so I am pleased to propose both these deputies to serve as members of the Law Revision Board. I make the proposition.

The Bailiff:

Thank you, Minister. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Deputy Breckon.

9.3 Deputy A. Breckon:

Just to add my praise to those 2 Members for coming forward. The question I would ask when I look through this is if these positions carry any perks, for example privileged parking? **[Laughter]**

9.4 Deputy G.W.J. de Faye:

I would like to endorse support for the 2 deputies in these appointments and I would like to assure the House that provisions have been made to reassign appropriate parking permits to these worthy gentlemen to ensure that they can carry out their duties with the greatest of efficacy. **[Laughter]**

The Bailiff:

I call upon the Minister to reply.

9.5 Senator T.A. Le Sueur:

I do not think it requires much of a reply from me. The Minister of Treasury has never been known for giving many perks away. I maintain the proposition.

The Bailiff:

Very well. I put the proposition. Those Members in favour of adopting it kindly show. Those against? The proposition is adopted.

10. Agent of the Impôts: appointment (P.10/2006)

10.1 The Bailiff:

Now the Assembly must move into camera to consider the proposition once the Greffier has read it, I think, so I ask the Greffier to read P.10/2006.

10.2 The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with Article 4 of the Customs and Excise (Jersey) Law 1999, to appoint Mr. Michael Robinson as Agent of the Impôts with effect from 1st March 2006.

10.3 The Bailiff:

Now I ask the media to cease transmitting the proceedings of the States and I ask those in the public gallery to be kind enough to leave. I call upon the Minister for Home Affairs.

[Debate ‘in camera’ not made public in accordance with Standing Order 160(4)]

The Bailiff:

I put the proposition forward and invite the members of the public to return to the public gallery and invite the media to return to their boxes, should they wish to do so. **[Aside]** We return now to the formal business of the Assembly and I put the proposition of the Minister for Home Affairs. Those Members in favour of adopting it kindly show. Those against? The proposition is adopted.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

11. The Bailiff:

We come finally to the arrangement of public business for future meetings. I call upon the President of the Privileges and Procedures Committee to propose them.

11.1 The Connétable of St. Clement:

I would very much like to propose the arrangements of public business for future meetings as listed on the Order Paper under ‘M’.

11.2 Senator P.F.C. Ozouf:

I wish to ask respectfully for the Assembly to put back the debate on P.24/2006 - Sea Transport Policy - to 28th March 2006 instead of 14th March 2006. I have only just seen this proposition. It has been put on a Supplementary Order Paper. It is very different from the proposition that Deputy Fox was circulating a couple of weeks ago and it is going to need some work. More importantly than that, I am sorry to say that I will be on the Jersey Finance Middle East trip in 2 weeks' time and I think it would be appropriate for me to be here to answer and to account for the decisions relating to that. That is nothing to do with my Assistant Ministers but I would respectfully suggest that if Deputy Fox could see his way to agreeing that this will be debated on 28th March 2006 then that would be helpful. We will provide on our side a comprehensive report and a comprehensive answer. There is much in this that we agree with; there are some comments that we do not. Let us have a good debate, please, on 28th March 2006.

11.3 Senator T.J. Le Main:

The Housing Ministry this morning has lodged P.19/2006 which is the final closing of the loophole for inherited and occupancy of inherited property. The Assembly have already agreed this. I just wonder whether it could go on the next sitting, please?

The Bailiff:

The Greffier reminds me that as they are Regulations, Minister, they cannot be dealt with for 6 weeks under the new Standing Orders.

11.4 Senator J.L. Perchard:

Being a new Member and not quite sure of procedure, I understand in 2 weeks' time we are due to debate P.258/2005, a proposition by Deputy Le Claire regarding composting. In light of the decision of the Council of Ministers as to the location of composting sites, what is the procedure, Sir?

The Bailiff:

I do not know what the proposition says. Greffier, the proposition is unaffected presumably by the decision of the Ministers? The decision of the Minister obviously is a relevant matter to the proposition of Deputy Le Claire, but it is up to the Assembly to decide whether or not to go along with the proposition of Deputy Le Claire.

11.5 Senator T.A. Le Sueur:

On the notes to that, Sir, it says that the proposition has been referred to the Ministers for Health, Planning, and Transport and Technical Services for comments. I do not see any comments yet. Can we be assured those comments will be available in time for this debate?

11.6 Senator S. Syvret (The Minister for Health and Social Services):

I am happy to undertake that the comments from the Health Protection Unit will be produced in time for the debate.

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

I am happy to confirm the same, Sir.

11.8 Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

Similar, Sir.

The Bailiff:

Very well.

11.9 The Deputy of St. Martin:

Could we possibly seek a reassurance from Deputy Le Claire that he will go ahead with his debate if the comments are not forthcoming, Sir?

11.10 Deputy P.V.F. Le Claire of St. Helier:

The answer is yes.

The Bailiff:

Are there any other matters? Senator Routier.

11.11 Senator P.F. Routier:

I am very grateful to Deputy Southern who has agreed to delay the debate on P.214/2005 until we are able to have the benefit of the Solicitor General's advice. But I think the logical order of the various debates which are down for employment matters, which do follow on, to my mind it would be a better debate overall to have had a full debate on the Hendy opinion which is obviously the basis of a lot of these amendments which are coming forward from Deputy Southern. If I look at, for instance, P.5/2006, the opening to the report itself says: "The detailed arguments supporting the objections and reservations that continue to be expressed by the trade union representatives on the Island over our employment laws and their associated codes of practice are laid out in the submission by John Hendy, Q.C., one of the UK's foremost employment law specialists. This amendment [P.5/2006, which is being asked to be debated next time] addresses one of the major perceived defects in the employment legislation as currently drafted." I would suggest to Members that we would be far better informed to have the debate on the Hendy opinion and with the advice of the Solicitor General first before we move on to the various amendments which the Deputy is bringing forward. I would formally propose that we delay taking P.5/2006 until after we have debated P.214/2005. The main law itself is still with the Privy Council. There is no intention to bring in an Appointed Day Act at any time to influence this at all. It is really just a matter of orderly debate. I propose we do this.

The Bailiff:

You are proposing that P.5/2006 be not taken on 14th March 2006?

Senator P.F. Routier:

Yes, Sir. That is what we are able to do today. I would propose that it be after we have debated Employment legislation: petition (P.214/2006) - which is down for 4th April 2006.

11.12 Deputy G.P. Southern:

If I may, Sir, yes, I accept fully the Minister's argument that the highly detailed technical and legal opinion of John Hendy does require a legal opinion.

The Bailiff:

Deputy, I am sorry to interrupt you. May I just ask whether you are going to oppose the proposition of Senator Routier?

Deputy G.P. Southern:

I am accepting the first part and I am about to reject the second part that P.5/2006 should be debated.

The Bailiff:

I think we will deal with it formally then. You are going to make a proposition that the matter be not dealt with on 14th March 2006?

11.13 Senator P.F. Routier:

Yes, Sir, P.5/2006. Just to be clear, we are looking at the amalgamated one because it has changed, I think, from P.214/2005. I think we have an agreement that that would be delayed until 4th April 2005 and I think that the Greffe have obviously laid that out on 4th April 2006.

The Bailiff:

My understanding of your proposition is that you wish the Draft Employment Relations (Amendment) Law (P.5/2006) in the name of Deputy Southern, to be dealt with after P.214/2005?

Senator P.F. Routier:

Yes, Sir. I have to say I would be going down for 28th March 2006 - I know we are not discussing that today - which is P.270/2005. I would make that same point at that stage.

The Bailiff:

We come to that on another occasion. Is the Minister's proposition seconded? **[Seconded]** Very well. Deputy Southern.

11.14 Deputy G.P. Southern:

Having already accepted the moving of P.214/2005 I really do not see that the same arguments apply to P.5/2006. The fact is that the opinions expressed by John Hendy, Q.C. are wide-ranging and very legalistic. The fact is that this P.5/2006 amendment is a reworking of a previous amendment that I brought in 2005 to more accurately target what I want to achieve and has little to do with the Hendy arguments, which are by and large separate to and additional to the central political argument which I am bringing in P.5/2006. So, I am not minded and I believe we can have a perfectly coherent and logical and timely debate on P.5/2006 on 14th March 2006. It has been lodged since November. It has been on the Order Paper for 14th March 2006 since the appropriate time in January. There is absolutely no reason why we should not debate it on 14th March 2006. In particular, I will be meeting with the Minister along with T&GW representatives to talk about what room for manoeuvre there is in terms of the employment law as currently drafted. There is still time to negotiate before then. There is absolutely no reason why we should not debate P.5/2006 on 14th March 2006 and I maintain that it is there on 14th March 2006.

11.15 Senator M.E. Vibert:

As a matter of information, if I am allowed, I would just like to ask in a genuine spirit of inquiry of Deputy Southern how that relates to the report on P.5/2006 which says that the submission of Mr. Hendy, Q.C. is germane to it? I read what was read before in the report to P.5/2006: "The detailed arguments supporting the objections and reservations that continue to be expressed by trade union representatives in the Island over our employment laws and their associated code of practice are laid out in the submission by John Hendy, Q.C., one of the UK's foremost employment law specialists. This amendment addresses one of the major perceived defects in employment legislation as currently drafted." That is the first lines of your report, Deputy, and seriously I thought it related to John Hendy, Q.C. from reading that.

The Bailiff:

Do you wish just to clarify that?

11.16 Deputy G.P. Southern:

Yes, certainly. The political impact of this particular amendment is supported by John Hendy, but incidentally supported by John Hendy. The crucial central argument is a political one and not a legal one.

The Bailiff:

Can I put the proposition? The Appel? Yes. The vote is for or against the proposition of the Minister that P.5/2006 should be not debated on 14th March 2006. I ask the Greffier to open the voting.

Members present voted as follows –

POUR: 42		CONTRE: 10		ABSTAIN: 0
Senator L. Norman		Senator S. Syvret		
Senator F.H. Walker		Senator W. Kinnard		
Senator T.A. Le Sueur		Connétable of St. Helier		
Senator P.F. Routier		Deputy A. Breckon (S)		
Senator M.E. Vibert		Deputy of St. Martin		
Senator P.F.C. Ozouf		Deputy G.C.L. Baudains (C)		
Senator T.J. Le Main		Deputy J.B. Fox (H)		
Senator F.E. Cohen		Deputy J.A. Martin (H)		
Senator J.L. Perchard		Deputy G.P. Southern (H)		
Connétable of St. Martin		Deputy S. Pitman (H)		
Connétable of St. Ouen				
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 R.C. Duhamel (S)				
Deputy J.J. Huet (H)				
Deputy P.N. Troy (B)				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérissier (S)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S. Power (B)				

Deputy A.J.H. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

11.17 Senator S. Syvret:

I wondered if I might ask that the Regulations I have lodged this morning - P.21/2006, P.22/2006 and P.23/2006 - be put down for debate on 25th April 2006, which I think is the earliest opportunity they could be debated given the 6-week lodgement period required?

The Bailiff:

They are already there in pencil, I think. Senator Ozouf.

11.18 Senator P.F.C. Ozouf:

I see from the 6th June 2006 slate we have Senators and Deputies' terms of office, which is a proposition which has been lodged from 14th December 2004, which then was commenced and we moved on to the next item. Can I ask if this matter can be referred to the new Privileges and Procedures Committee so that they can inform the Assembly of what their views on this matter are? I do not see that they are required to comment at the moment.

11.19 Deputy A. Breckon:

If I may, Sir, that has happened and I have withdrawn that report and proposition before and I am not withdrawing it now. If the Committee come forward with a report which is in line with that then I am happy to withdraw it when that happens.

The Bailiff:

The Assembly is principally concerned this morning with the arrangements for the next meeting on 14th March 2006. Are Members content with those arrangements as amended? Very well.

ADJOURNMENT

12. The Bailiff:

That completes the matters on the Order Paper. The meeting is now closed and the States will reconvene on 14th March 2006.