

**THE STATES assembled on Tuesday,  
26th February 2002 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

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

All members were present with the exception of -

Senator Corrie Stein - ill  
Kenneth Priaux Vibert, Connétable of St. Ouen - ill  
Philip Francis Ozouf, Connétable of St. Saviour - excused  
Derek Ryder Maltwood, Deputy of St. Mary - out of the Island  
Terence John Le Main, Deputy of St. Helier - excused  
Jennifer-Anne Bridge, Deputy of St. Helier - ill

Prayers

**Welcome to newly elected Deputy of St. Helier No. 2**

The Bailiff, on behalf of members of the States, welcomed the newly elected Deputy for St. Helier No. 2 District Deputy Geoffrey Peter Southern.

**Liberation Day - extraordinary meeting of the States**

The Bailiff informed the Assembly that there would be an extraordinary meeting of the States on 9th May 2002 on the occasion of the 57th anniversary of the Liberation, and members would then proceed to Liberation Square to participate in a Service of Thanksgiving.

**Industries Committee - resignation of member**

THE STATES noted the resignation of Senator Patricia Ann Bailhache from the Industries Committee.

**Industries Committee - appointment of member**

THE STATES appointed Mr. Derek Frederick Gray, Connétable of St. Clement, as a member of the Industries Committee.

**Subordinate legislation tabled**

The following enactment was laid before the States, namely -

**Road Traffic (Grouville) (Jersey) Order 2002. R & O 16/2002.**

## **Matters presented**

The following matters were presented to the States -

**Indemnity of commercial services against third party war and terrorism insurance: report - R.C.5/2002.**

Presented by the Finance and Economics Committee.

**Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - addendum P.175/2001 Com. Add.**

Presented by the Finance and Economics Committee.

**Machinery of government: establishment of a Privileges and Procedures Committee (P.23/2002): comments - P.23/2002 Com.**

Presented by the Finance and Economics Committee.

**Machinery of government: establishment of a Privileges and Procedures Committee (P.23/2002): comments - P.23/2002 Com.(2)**

Presented by the Human Resources Committee.

**Machinery of Government: Special Committee on the Composition and Election of the States Assembly (P.26/2002): comments - P.26/2002 Com.**

Presented by the Human Resources Committee.

**Constitution and membership of the States: referendum (P.147/2001): comments - P.147/2001 Com.(3).**

Presented by the Policy and Resources Committee.

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

## **Matters noted - land transaction**

THE STATES noted an Act of the Finance and Economics Committee dated 20th February 2002 recording the following decision of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

as recommended by the Public Services Committee, the entering into of a deed of Arrangement with Mr. George Charles Hamon, owner of the property known as Oakleigh, Le Mont Millais, St. Helier, to remove the restrictive covenant on that property in order that the owner might carry out repairs and improvements to it, subject to the covenant on the height of the boundary wall remaining in place, in return for the payment by Mr. Hamon of the sum of £5,000 together with both parties' reasonable legal costs arising from this transaction.

## **Matters lodged**

The following matters were lodged "au Greffe" -

**Draft Proceeds of Crime (Designated Countries and Territories) (Amendment) (Jersey) Regulations 200-P.27/2002.**

Presented by the Finance and Economics Committee.

**Draft Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 2) (Jersey) Regulations 200- P.28/2002.**

Presented by the Finance and Economics Committee.

**Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): amendment - P.175/2001 Amd.**  
Presented by Senator S. Syvret.

**States Housing Rental Scheme: revision - P.29/2002.**  
Presented by Deputy A. Breckon of St. Saviour and referred to the Finance and Economics and Housing Committees.

**Draft Main Roads (Classification) (No. 27) (Jersey) Act 200 P.30/2002.**  
Presented by the Public Services Committee.

**Greffier of the States: appointment - P.31/2002.**  
Presented by the Human Resources Committee.

The following matters were lodged on 19th February 2002 -

**Machinery of government: establishment of a Privileges and Procedures Committee (P.23/2002): amendments - P.23/2002. Amd.**  
Presented by the House Committee.

**Machinery of Government: freedom of representation - P.25/2002.**  
Presented by Senator S. Syvret.

**Machinery of Government: Special Committee on the Composition and Election of the States Assembly - P.26/2002.**  
Presented by the Policy and Resources Committee.

### **Arrangement of public business for the next meeting on 12th March 2002**

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 12th March 2002 -

Draft Gambling (Gaming and Lotteries) (Amendment No. 14) (Jersey) Regulations 200 P.19/2002.  
Lodged: 12th February 2002.  
*Gambling Control Committee.*

Overdale Assessment and Rehabilitation Unit: approval of drawings - P.20/2002  
Lodged: 12th February 2002.  
*Health and Social Services Committee.*

Draft Public Finances (Administration) (Amendment No. 10) (Jersey) Law 200 P.22/2002  
Lodged: 12th February 2002.  
*Finance and Economics Committee.*

Draft Road Traffic (No. 53) (Jersey) Regulations 200 P.24/2002  
Lodged: 12th February 2002.  
*Home Affairs Committee.*

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees - P.175/2001  
Lodged: 13th November 2001.  
*Senator S. Syvret.*

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001) - amendment - P.175/2001. Amd.

Lodged: 26th February 2002.

*Senator S. Syvret.*

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - P.175/2001. Com.

Presented: 27th November 2001.

*Finance and Economics Committee.*

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - addendum P.175/2001 Com.Add.

Presented: 26th February 2002.

*Finance and Economics Committee.*

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - P.175/2001 Com.(2).

Presented: 11th December 2001.

*Human Resources Committee.*

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - P.175/2001 Com.(3)

Presented: 12th February 2002.

*Policy and Resources Committee.*

Greffier of the States: appointment - P.31/2002.

Lodged: 26th February 2002.

*Human Resources Committee.*

THE STATES noted that in accordance with the proviso to Standing Order 17(5), members in charge of P.175/2001, P.19/2002, P.20/2002, P.22/2002, and P.24/2002 had agreed that these items should be taken in the order shown above.

#### **Jersey Police Authority - question and answer (Tape No. 718)**

The Deputy of St. Martin asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

“On 19th May 1998 the States approved the establishment by law of a Jersey Police Authority, (P.49/98). It also gave its approval to two amendments (P.86/98) whereby the Jersey Police Authority would (a) issue an annual report reflecting achievements, a policing plan and budget details to be presented to the States and published, and (b) would bring to the Home Affairs Committee within two years, an action plan to give effect to the recommendations of the Report of the Working Party on Policing of the Island dated 9th December 1997 (R.C.41/97).

Would the President advise members -

- (a) when the first annual report will be presented to the States and will he give his reasons for the delay in presentation?
- (b) whether the action plan referred to in (b) above has been submitted to the Home Affairs Committee? If it has not been submitted, will the President give the reasons for the delay? If it has been submitted, will the President advise members when the necessary legislation, which gives effect to the recommendations referred to above, will be presented to the States?
- (c) as it is apparent that the Jersey Police Authority is failing to achieve the objectives set out in P.49/98 within the agreed timescales, what action is the President taking to ensure that the Jersey Police

Authority is adequately resourced?

- (d) given the retirement some months ago of the Chairman, would the President outline the time frame for the appointment of his successor?"

The President of the Home Affairs Committee replied as follows -

- “(a) The Jersey Police Authority has yet to be established by Law. The report and proposition that led to its creation (P.49/98) envisaged the production of an annual report only after the Authority was a legal entity.
- (b) A draft action plan was produced in June 2001 but has not been presented to the Home Affairs Committee. There are three principal reasons for the delay. First, for some time the shadow Authority lacked a project officer. Secondly, it lost its Chairman, Mr. R.E.R. Rumboll. Thirdly, the task is rather bigger than was first realised: over fifty pieces of primary legislation must be altered. I cannot say when the necessary changes will be presented to the States.
- (c) After the resignation of the Chairman, Senator C.G.P. Lakeman agreed to become acting Chairman. With my full support he has achieved much in a short time. A brief has been prepared for the Law Draftsman; the States and Honorary Police benefited from a presentation on the preparation of policing plans by the Police Foundation; and a training officer has been employed. A customised training programme started in January. Additionally, a new project officer is being recruited.

But most importantly, the acting Chairman arranged a meeting last Wednesday which was attended by the Connétables, President of the Centeniers' Association, President of the Vingteniers and Constables' Officers Association and the Attorney General. The Connétables suggested a number of initiatives which will help to advance the work of the Police Authority.

- (d) Interviews were held in November for the post of Chairman and a lay member. Two excellent candidates were identified but neither wished to be considered as Chairman. I hope that the changes which will flow from the meeting I described above will attract suitable candidates for the post of Chairman.”

#### **Working Party on Speed Limits - question and answer (Tape No. 718)**

Deputy Roy George Le Hérisser of St. Saviour asked the Deputy of St. Peter, President of the Public Service Committee, the following question -

“Would the President advise members -

- (a) when the Working Party on Speed Limits was set up?
- (b) how many meetings it has held?
- (c) how many speed limit applications from the Parishes it has processed?
- (d) how many applications are outstanding?
- (e) what steps are being taken to speed up the processing of applications?"

The President of the Public Services Committee replied as follows -

- “(a) The constitution of the group was agreed by the former Public Services Committee on 26th November last year, and a meeting arranged for 20th December 2001. The Chair was, and is, to be the then Deputy Crowcroft who was President of the Committee at the time. Having become Connétable of St Helier and resigned his Presidency, the meeting was postponed until the constitution could be agreed by the new

Committee. It was approved on 11th February 2002, and a meeting of the group will take place tomorrow, 27th February.

- (b) None.
- (c) None.
- (d) 24.
- (e) The Public Services Committee considers that a firm speed limit policy should be in place before consideration is given to the numerous requests for changes, so that a consistent rational approach can be applied. Unfortunately the former Public Services Committee had many difficult issues to resolve during 2001 and was unable to give the time needed to finalise a policy. A further delay occurred with the change in President and Committee. The group will report back to the full Committee as soon as possible and my Committee will give urgent attention to bringing a policy to the States for its approval this year. Once the policy is in place, processing of individual requests should be routine and need not be delayed.”

**Promotion of the Opera House - question and answer** (Tape No. 718)

The Deputy of St. John asked the Deputy of Grouville, President of the Tourism Committee, the following question -

“In the new tourism brochure ‘Open House 2002: a Guide to Hospitality in Jersey’ reference is made to the Jersey Arts Centre but not to the Opera House. Given a good number of visitors to the Opera House come from outside Jersey i.e. Guernsey, the Normandy peninsula etc., would the President explain the rationale for not including the Opera House in the brochure?”

The President of the Tourism Committee replied as follows -

“I am grateful to the Deputy of St. John for drawing my attention to the omission.

‘Open House’ is published in conjunction with the Jersey Hospitality Association and we have already had discussions about the matter, and I can assure the Deputy that it will be rectified at the earliest opportunity.

Fortunately, Jersey Tourism produces the ‘Information Guide’ to service visitor enquiries on what to do in Jersey. On Page 15 of the Guide there is a picture and information of what the Opera House offers including entertainment, exhibitions and tours. It also refers to the Opera House programme being available at Jersey Tourism. The print run on this, and the private sector publication ‘What’s on’, which also carries this information, is 300,000 and is printed in three languages.

Jersey Tourism also publishes ‘Monthly Event Guides’ which have the first two pages dedicated to the Arts and Culture and feature all performances at the Opera House. The Tourism Department also offers promotional opportunities to the Opera House including window displays, brochure distribution and one to one visitor assistance through its Visitor Centre.”

**Redevelopment of the airport - question and answer** (Tape No. 718)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Leonard Norman, Vice-President of the Harbours and Airport Committee, the following question -

“Would the Vice-President identify the additional costs incurred in the redevelopment of the airport as a direct result of the requirement to retain the 1937 airport building?”

The Vice-President of the Harbours and Airport Committee replied as follows -

“There was no requirement to retain the 1937 Airport building, therefore no additional cost was incurred in the redevelopment of the Airport, which was completed on time and within budget.”

**Respite care for people with learning difficulties - question and answer** (Tape No. 718)

Deputy Paul Francis Routier of St. Helier asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following question -

“Having regard to the vital need for respite care services for people with learning difficulties, and to assurances given by the President during the Budget debate, will the President state whether he is aware that respite services to children with severe learning difficulties and their families are being withdrawn and restricted to existing and past users? Would the President inform members what action the Committee intends to carry out to ensure that families with a child with learning difficulties can have access to an appropriate residential respite service?”

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

“The overall provision of respite care services has not been reduced. On the contrary it has been increased.

Within the last two years, service developments have included an additional specialist social worker and assistant social worker responsible for assessing needs and co-ordinating services for children and their families. Family support workers have been identified and trained to provide direct support services for children with disabilities in their own homes and in the community, and special carers are currently being assessed and registered to provide family based respite care.

Residential respite services at Aviemore Respite Centre have been further developed with three residential child care officers being added to the existing team as part of the 2002 revenue growth plan. However, the numbers of children referred for this service, and the complexity and severity of their needs, has grown over time. It has therefore been increasingly necessary to focus the provision of residential respite care upon those most in need, that is children with severe emotional and behavioural difficulties and complex learning and physical disabilities.

In this sense some families, whose needs are not as great, may have been unable to secure respite care as frequently as they would like, or exactly when they most want it.

In order to continue to provide appropriate support to those with less severe needs the Children’s Service is developing a range of flexible services capable of meeting differing levels of need. In addition, in association with Mencap, it has recently been exploring with families other ways of delivering respite care and it is hoped that this partnership will result in the development of new initiatives which can provide valuable support to this client group in the near future.”

**Planning applications - question and answer** (Tape No. 718)

The Deputy of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions -

“Would the President advise members of the average number of days taken to determine a planning application?”

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

“The average number of days between registration and determination of applications for 2001 was 45 days.”

## **Devon Gardens, Gorey - question and answer (Tape No. 718)**

The Deputy of St. Martin asked the Deputy of St. Peter, President of the Public Services Committee, the following question -

“As a result of bad weather last winter and a small landslip at Devon Gardens, Gorey, with the backdrop of Mont Orgueil Castle and the harbour one of the most photographed and popular tourist sites, the footpath there has been closed and the gardens have been unattended, a situation aggravated by the erection of a hoarding, the dumping of cut foliage and gathering of windblown litter.

Will the President -

- (a) explain why no action has been taken to restore the gardens which are also a habitat for the wall lizard?
- (b) undertake, in co-ordination with the Tourism Committee and the Parish of St. Martin, to improve the present condition of the gardens to an acceptable standard and open the footpath by the summer of this year, and to bring the garden to a very high standard of presentation by Easter 2003?”

The President of the Public Services Committee replied as follows -

- “(a) As a result of the extremely wet winter of 2001, the Island sustained damage to roadside verges, highways structures, footpaths and Devon Gardens, Gorey, estimated to require something in the order of £2 million to repair.

A request was made to the Finance and Economics Committee for a release of funds from the General Reserve to undertake the remedial work. At this stage further work is being undertaken to establish accurate costs for the numerous schemes requiring urgent attention. When these costs have been established, I hope the Finance and Economics Committee will accept this as a truly unforeseen occurrence and provide funding from the General Reserve.

A survey of Devon Gardens has been undertaken to establish the extent of the damage, and it appears that due to surface water penetration, the footpaths and supporting walls have become unstable. The cost of remedial work has been estimated to be in the order of £80,000. Discussions have been held with the Environmental Services Unit of the Planning and Environment Committee on the importance of the site as a habitat for the Wall Lizard. The Environmental Services Unit will be undertaking a survey of the lizards to determine the size and precise location of the population. Based on this information, careful planning in conjunction with Environmental Services will be required before any remedial work can be undertaken to the walls. The costs could increase considerably if the work has to be undertaken by hand in order to protect the wall lizards.

- (b) Following a meeting with the Parish of St. Martin Conservation Group representative to discuss remedial work to Devon Gardens and the timescale, further discussions will be held with the Finance and Economics Committee to see if funds can be released. If funds can be provided and an agreed method found to safeguard the wall lizards during the remedial works, it should be possible to open the Gardens by Easter 2003. In the meantime, the safety of the Public and Public Services Department staff is paramount and it is not safe for anyone to enter the area, as there is a possibility of a complete failure of the walls and footpaths. The Department will be inspecting the entrance area as part of their duties and will remove any accumulated litter. If the hoarding is to remain in place for an extended period, the opportunity for a local artist to paint a mural will be examined.”

## **Victor Hugo Bicentenary - welcome to Monsieur le Sénateur Christian Poncelet and delegation**

The Bailiff, on behalf of members of the States, welcomed Monsieur le Sénateur Christian Poncelet, President of



the French Senate and a delegation of Senators of the French Government, who were visiting the Island as part of the celebrations to commemorate the bicentenary of the birth of Victor Hugo.

### **Tax revenues - questions and answers (Tape No. 718)**

Senator Stuart Syvret asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

- “1. In response to questions asked on 12th February 2002, the President provided a graph that showed a significant divergence between the cumulative growth in income tax revenue from wage and salary earners and the cumulative growth in income tax from companies. Would the President agree that the amount of income tax revenue that would have accrued had the growth in company taxation matched that of salary and wage earners would have been very considerable?”
2. Will the President inform the assembly of the total tax take in the Island, expressed as a percentage of GNP/GNI and will he provide the equivalent data for each European Union member state and the EU average?
3. In response to a question asked on 12th February, the President informed the Assembly that during the period from 1989 to 2000 tax revenues from companies had increased by 110 per cent and tax revenue from salary and wage earners had risen by 179 per cent. The President went on to suggest that the reason for the greater increase in tax revenue from salary and wage earners was because of such factors as wage increases and the freezing of personal allowances and exemption limits. Will the President inform the Assembly of what proportions of the increase are attributable to each of these factors and will the President provide for the Assembly a more detailed account of the reasons for the divergence?”

The President of the Finance and Economics Committee replied as follows -

- “1. Senator Syvret asked a Supplementary Question on the 12th February which closely resembled this Question. I shall answer the two Questions now.

In answer to the Supplementary Question on 12th February, if the tax-take from companies had increased at the same rate as that of salary and wage earners from 1990 to 2000, based on levels of tax revenue from the two sources at the beginning of that period, the additional income tax revenue from companies would have been worth about £66 million.

In answer to the Question which Senator Syvret has asked today it is clear that this would have represented a ‘considerable’ sum of money. However, this figure is of little relevance. A higher tax taken from the company sector would have required an increase in tax rates on company income. This would almost certainly have reduced company activity in the Island and depressed the tax revenue which the States would have received from those companies. This would also have reduced the number of jobs in our key industries. Fewer jobs would have led in turn to lower levels of tax revenue from wages and salaries.

2. This Question resembles closely a Supplementary Question which Senator Syvret asked during the States sitting on the 12th February.

A reply to both these Questions requires information from an international data source. The information is still awaited. I will provide an answer to the two Questions as soon as all the relevant information becomes available.

3. The answer to this Question requires estimates to be made by the Comptroller of Income Tax. The Comptroller has been absent on annual leave since this Question was lodged. I will provide an answer as soon as the Comptroller of Income Tax has had an opportunity to make his calculations.

Senator Syvret asked a Supplementary Question during the debate on 12th February which was very similar to this Question.

I will answer both Questions in due course.”

### **Jersey Clipper - question and answer** (Tape No. 718)

Deputy Gerard Clifford Lemmens of St. Clement asked the Deputy of Grouville, President of the Tourism Committee, the following question -

“During question time on 12th February 2002 regarding funding of the Jersey Clipper, the President stated that “The Tourism Committee has not received an approach for financial support for the 2002 race”. Later, in reply to a supplementary question, she stated “..... neither has any formal approach for funding been made from the President of the Policy and Resources Committee to the Tourism Committee”.

Would the President -

- (a) confirm that the Tourism Committee’s representative on the Clipper Organising Committee was Tourism’s Marketing Director, and, if not, which officer represented the Committee?
- (b) confirm that the above officer was asked by the Organising Committee about funding for the Clipper on at least three occasions, and that the first time the answer was no, the second time he suggested £10,000 and, when pressed for another £10,000 (£20,000 over two years) he replied “definitely not”?
- (c) state whether the Committee’s representative kept them briefed about his discussions with the Organising Committee?
- (d) agree that, by asking Tourism’s representative at their meeting, it would be reasonable for the Organising Committee to assume that it was in fact, making a request of the Tourism Committee, and therefore the President’s suggestion that the Committee had received no request for funding the Clipper in 2002 was misleading?
- (e) agree that the President of the Policy and Resources Committee did, in fact, informally ask her about the possibility of funding for the Clipper, and that her reply was in the negative?
- (f) state whether the Committee was aware that the only financial obstacle to the Jersey Clipper sailing this time was £10,000 from next year’s budget (when the first £2 million of the recently granted £10 million will be available)?”

The President of the Tourism Committee replied as follows -

- “(a) Yes. (Note: Tourism’s Marketing Director is currently titled, Corporate Strategy Director)
- (b) The Organising Committee was made aware that Tourism funding could only be confirmed after a formal application to the Tourism Committee has been made. The Organising Committee was advised by the Corporate Strategy Director that he would recommend £10,000 as a more appropriate level of that Committee’s support, rather than the £20,000 which had initially been offered for the last race. At no time did the representative ever indicate that the answer would be “no” to £10,000.
- (c) The Tourism Committee would not expect to be informed until a formal request was to be made. That point has not yet been reached.
- (d) No, I do not agree.
- (e) Yes, I have had an informal conversation with the President of the Policy and Resources Committee,

during which we agreed that the fund raising should continue and that Tourism would be prepared to consider topping up that fund-raising to a maximum agreed level of £10,000.

- (f) My Committee is not aware of this. My own understanding is that the Organising Committee needs a good deal more than £10,000. The Deputy will have to ask that Committee that question.”

### **Jersey Potato Marketing Scheme - question and answer (Tape No. 718)**

The Connétable of St. Helier asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following question -

“With reference to the Jersey Potato Marketing Scheme approved on 18th December 2001 -

- (a) is the President aware that seven growers, responsible for approximately 25 per cent of the Island's potato crop (12 - 14,000 tonnes £8 - 10 million in value) cannot legally export their produce unless they are registered under the Scheme?
- (b) could the President confirm that he informed the States during the debate on the Scheme that UK supermarkets were indifferent to the scheme? Can the President give details, including outcomes, of a meeting involving his Chief Officer and representatives of the Tesco Stores?
- (c) is the President comfortable with his Committee's implementation of a Scheme under which individual growers, some of whom have invested considerably in their operations over the years, must hand over the control of their business to an elected Board if they are to be able to export their crops?”

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

- “(a) Yes, I am aware that a small number of producers have not yet registered under the Scheme. My understanding, however, is that they represent less than the 25 per cent of the Island's production in 2001 mentioned in the question. Producers who wish to export potatoes (as defined in the Scheme) to the United Kingdom, Guernsey or the Isle of Man, or who wish to make arrangements for their produce to be exported, are required to register under the Jersey Potato Export Marketing Scheme which was approved unanimously by this Assembly on 18th December 2001. I welcome the opportunity to state publicly that if any producers who have not yet registered wish to do so they should contact the Department. The procedure is very simple and they can do it at any time. All producers who wish to export potatoes will also need to enter into a marketing agreement with the Board. The main points to be covered in such agreements are clearly indicated in Schedule 1 of the Scheme. I understand that the Board will be contacting all registered producers about this matter in the near future.
- (b) During the debate in this Assembly in December I stated that the UK supermarkets had indicated that they did not wish to get involved in the debate in the Island about the proposed Scheme, which concerns growers and marketing organisations. That statement reflected the information available to me from the Chief Executive of the Jersey Growers Association, Mr. Stuart Smith, who had been in direct contact with many of the potential major buyers in the UK. More recently he has confirmed to me that they do not wish to take sides and some have told him that they support the aims of the Scheme. He believes that there is broad support amongst UK buyers for the aims of the scheme because they wish to see the industry prosper in future. It is important that everyone understands that at no time during the development of the Scheme has there been any proposal that the Board should have powers to interfere in the business relationship between its marketing agents (marketing organisations) and the UK buyers of potatoes. It is quite clear, however, that the buyers have been led to believe that the Board has powers to interfere, or intends to interfere. That is not the case.

The Chief Officer of the Department met three representatives of Tesco's on 1st June 2001. The meeting was also attended by Mr. Tom Binet, by Deputy P.F.C. Ozouf and by Senator C.G.P. Lakeman. I understand that during the meeting the Tesco representatives commented negatively about the Scheme.

There are, however, two important points which I should draw to the attention of members. First, the Scheme was still being drafted at that stage and was not lodged until 20th November 2001, that is 5½ months later. Second, the Chief Officer made it clear to the Tesco representatives that a number of the points about which they were expressing concern had never been proposed at any stage. The Chief Officer informed me at the time that the Tesco representatives appeared to have wrong information. I can also inform the Assembly that from recent correspondence it is apparent that several other organisations in the UK who deal with the same marketing group in Jersey also have wrong information.

- (c) The assumption in the question is totally wrong. Producers do not have to hand over control of their businesses to the Board. I am curious to know where the Connétable obtained this wrong information. If the Connétable wishes to know what is, and is not, included in the Scheme I would recommend that he reads it or contacts the Chairman or Secretary of the Board who will, I am sure, be willing to discuss it with him. I regret having to remind the Connétable that the Scheme, which he supported in December, seeks to achieve a greater measure of accountability and transparency for all those involved in growing and marketing the Jersey Royal. The requirement for the growers to register and to have a marketing agreement with minimum terms as referred to in answer to question one, are no more than one would expect in any normal commercial environment. I would remind the Connétable that members of the industry are well aware of their obligations under the Scheme, which has been the subject of much publicity and debate over several months, and, as evidenced by the recent poll, has received the full support of the vast majority of growers.

My Committee deplores the great deal of misinformation which continues to be promulgated by a handful of people who wish to damage the scheme.”

#### **Airport management team - question and answer** (Tape No. 718)

Deputy Roy George Le Hérisser of St. Saviour asked Senator Leonard Norman, Vice-President of the Harbours and Airport Committee, the following question -

“On 23rd October 2001, in answer to my question, the Vice-President stated that the number of senior management posts at the Airport was six.

Would the President -

- (a) confirm whether the Senior Management Group actually consists of nine persons, six of whom report directly to the Director, three indirectly?
- (b) would the President outline the annual salary costs of the Senior Management Group and identify the individual positions?”

The Vice-President of the Harbours and Airport Committee replied as follows -

“(a) The six Senior Management posts identified are -

Airport Director  
Finance Director  
Chief Electronics Engineer  
Head of Customer Services  
Principal Meteorological Officer  
Senior Air Traffic Control Officer

The last four deputise for the Airport Director in his absence and have been sworn in at the Royal Court.

There is no formal “Senior Management Group”. However there is a group of Officers with whom the President and the Committee regularly consult and these vary in number depending on the subject under

consideration. These might include -

Airport Director  
Finance Director  
Chief Electronics Engineer  
Chief Fire Officer  
Commercial Manager  
Head of Customer Services  
Head of Engineering Services  
Head of Human Resources  
Principal Meteorological Officer  
Senior Air Traffic Control Officer.

- (b) The salary costs, including Social Security and pension costs for all the abovementioned officers, currently total £745,641.”

**Agricultural Policy matters - question and answer** (Tape No. 718)

Deputy Philip Francis Cyril Ozouf of St. Helier asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following question -

- “1. Given the delay in the Policy debate would the President confirm that the funds within the approved existing cash limit will be expended as agreed by this Assembly last December? If not what changes will be made, what authorisations will be required and when?
2. Would the President advise members on which dates the Committee discussed the Exit Strategy proposed by the Indoor Tomato Sector and generally what progress has been made in investigating these proposals?
3. The Dairy Sector recently held a meeting on 30th January 2002 with Senior Politicians at which a re-structuring plan was proposed. Would the President explain what this proposal consisted of and whether his Committee supports it?”

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

- “1. First, I can confirm that the Agriculture and Fisheries Committee will not exceed its agreed cash limit for 2002. Second, I confirm that the Committee has no intention of departing from the allocation of its budget as presented to the Assembly last December.

However an element of uncertainty has arisen as a result of the Press Release by the Finance and Economics Committee on 6th February 2002, which was used by the media. It included the statement that the Finance and Economics Committee “expects Agriculture to address the BSE funding through its cash limits in future years”.

The uncertainty referred to above has arisen because the Finance and Economics Committee’s Act of 6th February makes no reference to this matter. There is clearly an inconsistency between the Act and the Press Release and this needs urgent clarification.

Members should be aware that since the beginning of the BSE problem a sum has been included in the Agriculture and Fisheries Committee budget within its cash limit, to cover compensation and the costs of disposal of carcasses which have to meet stringent health safety requirements. As the Agriculture and Fisheries Committee is neither able to predict nor control the number of animals slaughtered in a 12 month period there has been a continuing agreement between the Agriculture and Fisheries and Finance and Economics Committees since 1996 when the Scheme was introduced that any annual additional requirement would be funded by the Finance and Economics Committee.

If the Finance and Economics Committee intends to change this agreement, this would mean, for 2002, a cut in the Agriculture and Fisheries Committee budget for the dairy industry of about £230,000, on the assumption that the number of animals slaughtered in 2002 is the same as in 2001. Such a cut would have serious consequences for the dairy industry and would further reduce profitability for dairy farmers. This would happen in a year following a serious decline in profitability and in a year when most milk producers were desperately looking to the States for increased support.

2. Members should be aware that I received a similar question on 23rd October 2001 and detailed answers were given to the Assembly at that time. As part of the answer I stated that the Committee had discussed the plight of the Tomato Growers on a number of occasions including 13th September 2001 and 10th October 2001. The second of these meetings was followed by a constructive meeting with the Finance and Economics, Planning and Environment and Agriculture and Fisheries Committees.

A proposal has been developed by the industry independently of the Agriculture and Fisheries Committee and is currently being evaluated by the Planning and Environment Committee. As soon as this work has been completed we will be in a position to coordinate any further action should the exit strategy be required. My Committee would be fully supportive of this initiative and would be prepared to assist the Industry in any further work which may prove to be necessary.

I fully support the need for proper coordination between all those involved and my Committee is prepared to continue to play an active role in this coordination.

3. The meeting on 30th January involved three representatives of the dairy industry, myself, the President of the Policy and Resources Committee and the Vice-President of the Finance and Economics Committee. The purpose of the meeting was to discuss the industry's proposals for reducing the total level of milk production in the Island. The industry has concluded that this reduction is necessary because of the sharp reduction in the value of dairy products over the past 12 to 18 months. Reducing the level of production will require a reduction in the size of the industry. The industry is requesting a financial contribution from the States towards the costs of downsizing. This would enable an orderly process to be followed, including the export of some of the surplus animals to the UK rather than the slaughter of them within the Island. Following the meeting on 30th January, further discussions have taken place between the industry and the Agriculture and Fisheries Committee in order to assist the industry to develop details of the proposals."

### **Cavern report - statement**

The President of the Public Services Committee made a statement in the following terms -

"The St. Helier Surface Water Link and Storage Tank Contract, commonly referred to as the "Cavern", has received much public comment and criticism. Much of this was in a vacuum of information on the final cost of the scheme and on its operational performance.

The final cost of the Project was settled at the end of 2001. The Report to the States will aim to present a comprehensive and full history of the Project, from the initial identification of the problems to be solved, through all subsequent stages of the Project to the final settlement of the cost. The Report will also present information on the operational performance of the scheme compared with the original objectives. The target date for presenting it to the States is the 9th April 2002.

The Report is being produced by the Public Services Department and will be a factual account of the project based on Reports presented to the various Public Services Committees that have been in place during the life of the Project, to other States Committees and to the States itself and on the formal Acts and Minutes of the various Meetings. Where available in the records, the reasons given at the time for various decisions taken will be included in the Report. However, no attempts to defend or criticise these decisions will be included in the main body of the Report as that could be seen as a matter of opinion and could lessen the independence

of the Report. Nevertheless, the final Chapter of the Report, "Lessons Learned" will attempt to identify issues that contributed to the excessive costs and duration of the Project, and will also identify where measures have already been taken by the States to avoid, or reduce, such problems with capital schemes now and in the future. It will also identify issues that remain of concern, if any, and where further action by the States is considered necessary.

The Report is being produced by the Public Services Department under the overall supervision of the Chief Officer, Dr. Clive Swinnerton who joined the Department in late 1997 after the Balfour Beatty Civil Engineering Contract work had been completed. A copy of the draft Report will be made available to the States Audit Commission - whose own review of the project was halted on legal advice due to the arbitration process - for comment prior to the final Report being published. Notwithstanding this, it is accepted that all concerns relating to the Cavern must be fully examined and that there must be no perception that any aspects have been excluded from this examination. Therefore, the Public Services Committee and Department accept fully that some States' Members may consider it necessary for a totally independent review, or Committee of Inquiry, to be undertaken subsequently. Hopefully, that will not be the case, but if it is, the Committee and Department will co-operate fully in such a review or Inquiry."

**Draft Children (Jersey) Law 200- P.200/2001  
Amendment - P.200/2001 Amd.**

THE STATES commenced consideration of the draft Children (Jersey) Law 200- and adopted the preamble.

Members present voted as follows -

**"Pour" (38)**

**Senators**

Horsfall, Bailhache, Syvret, Norman, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

**Connétables**

St. Martin, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clement.

**Deputies**

H. Baudains(C), S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville Huet(H), St. Martin, St. John, Vibert(B), St. Peter, St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voi (L), Scott Warren(S), Le Hérissier(S), Martin(H), Southern(H).

**"Contre" (0)**

THE STATES, having agreed to consider in second reading the draft Children (Jersey) Law 200- as amended by the Health and Social Services Committee, adopted Articles 1 to 83 and Schedules 1 to 6.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Children (Jersey) Law 2002.

**Draft Adoption (Amendment No. 5) (Jersey) Law 200 P.201/2001**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Adoption (Amendment No. 5) (Jersey) Law 2002.

**Draft Day Care of Children (Jersey) Law 200- P.202/2001**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Day Care of Children (Jersey) Law 2002.

**Draft Criminal Justice (Evidence of Children) (Jersey) Law 200- P.203/2001**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Criminal Justice (Evidence of Children) (Jersey) Law 2002.

**Draft Petroleum (Amendment) (Jersey) Law 200- P.9/2002**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Petroleum (Amendment) (Jersey) Law 2002.

**Change in Presidency**

The Bailiff retired from the Chair prior to consideration of the proposition regarding Constitution and membership of the States: referendum (P.147/2001 lodged 'au Greffe' on 13th November 2001) and the meeting continued under the Presidency of Miss Catherine Mary Newcombe, Greffier of the States.

**Constitution and membership of the States: referendum - P.147/2001 and comments (1) to (3)**

THE STATES rejected a proposition of Senator Paul Vincent Francis Le Claire that any constitutional change to the role of the Bailiff as President of the States or to the position of Senators and Connétables as members of the States should not be implemented until and unless the proposed changes had been made the subject of a referendum for all electors in the Island.

Members present voted as follows -

**“Pour” (19)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

Grouville, St. Martin, Trinity, St. Brelade, St. Mary, St. Peter.

**Deputies**

Duhamel(S), Breckon(S), Huet(H), St. John, G. Baudains(C), Troy(B), Scott Warren(S) Martin(H) Southern(H).

**“Contre” (27)**

**Senators**

Horsfall, Quérée, Bailhache, Norman, Walker, Le Sueur, Lakeman.

**Connétables**

St. Lawrence, St. John, St. Clement, St. Helier.

**Deputies**



H. Baudains(C), S. Baudains(H), Trinity, Routier(H), Layzell(B), Grouville, St. Martin, Vibert(B)  
St. Peter, Dubras(L), St. Ouen, Dorey(H), Voisin(L), Farnham(S), Le Hérissier(S), Fox(H).

THE STATES rose at 5.49 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*