

**THE STATES assembled on Tuesday,  
1st November 2005 at 9.30 a.m. under  
the Presidency of the Deputy Bailiff,  
Michael Cameron St. John Birt, Esquire.**

All members were present with the exception of –

Senator Terence Augustine Le Sueur– out of the Island  
Senator Paul Francis Routier – out of the Island  
Alan Simon Crowcroft, Connétable of St. Helier– out of the Island  
Richard Edward Norwood Dupré, Connétable of St. John– out of the Island  
David Leon Crespel, Deputy of Trinity – out of the Island  
Jeremy Laurence Dorey, Deputy of St. Helier– ill  
John Benjamin Fox, Deputy of St. Helier– out of the Island  
Jennifer-Anne Bridge, Deputy of St. Helier– out of the Island.

Prayers

**Subordinate legislation tabled**

The following enactment was laid before the States, namely –

Police (Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Order 2005. R&O 147/2005.  
*Home Affairs Committee.*

**Matters presented**

The following matters were presented to the States –

Evaluation of the Shadow Scrutiny Process. S.R.7/2005.  
*Presented by Deputy R.C. Duhamel of St. Saviour.*

Draft Water Resources (Jersey) Law 200- (P.206/2005): comments. P.206/2005.  
*Presented by the Economic Development Committee.* Com.

Development of Fostering and Adoption Services in Jersey (P.219/2005): comments. P.219/2005.  
*Presented by the Health and Social Services Committee.* Com.(2)

Draft Amendment (No. 3) of the Standing Orders of the States of Jersey (P.245/2005): comments. P.245/2005.  
*Presented by the Privileges and Procedures Committee.* Com.

**Matters lodged**

The following matters were lodged “au Greffe” –

Draft Water Resources (Jersey) Law 200- (P.206/2005): second amendments. P.206/2005.  
*Deputy P.N. Troy of St. Brelade.* Amd.(2)

Budget 2006. <i>Presented by the Finance and Economics Committee.</i>	
Draft Finance (Jersey) Law 200-. <i>Presented by the Finance and Economics Committee.</i>	P.255/2005.
Draft Income Tax (Amendment No. 25) (Jersey) Law 200. <i>Presented by the Finance and Economics Committee.</i>	P.256/2005.
Draft Telecommunications (Amendment) (Jersey) Law 200-. <i>Presented by the Economic Development Committee.</i>	P.257/2005.
Composting facilities. <i>Presented by Senator P.V.F. Le Claire.</i>	P.258/2005.
Budget 2006: amendment. <i>Presented by Senator R.J. Shenton, O.B.E.</i>	P.259/2005.

### **Arrangement of public business for the present meeting**

THE STATES rejected a proposition of Senator Paul Vincent Francis Le Claire that the proposition concerning the Development of Fostering and Adoption Services in Jersey – (P.219/2005 lodged ‘au Greffe’ on 25th October 2005) be considered in a higher position in the list of public business.

Members present voted as follows –

#### **POUR: 16**

Senator J.A. Le Maistre  
 Senator S. Syvret  
 Senator P.V.F. Le Claire  
 Senator R.J. Shenton  
 Connétable of St. Brelade  
 Connétable of St. Mary  
 Connétable of Trinity  
 Deputy R.C. Duhamel (S)  
 Deputy T.J. Le Main (H)  
 Deputy M.F. Dubras (L)  
 Deputy G.C.L. Baudains (C)  
 Deputy P.N. Troy (B)  
 Deputy C.J. Scott-Warren (S)  
 Deputy J.A. Martin (H)  
 Deputy P.J.D. Ryan (H)  
 Deputy of Grouville

#### **CONTRE: 25**

Senator L. Norman  
 Senator F.H. Walker  
 Senator W. Kinnard  
 Senator M.E. Vibert  
 Connétable of St. Martin  
 Connétable of St. Ouen  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of Grouville  
 Deputy A. Breckon (S)  
 Deputy J.J. Huet (H)  
 Deputy of St. Martin  
 Deputy of St. John  
 Deputy F.G. Voisin (L)  
 Deputy R.G. Le Hérissier (S)  
 Deputy G.P. Southern (H)  
 Deputy J.A. Bernstein (B)  
 Deputy S.C. Ferguson (B)  
 Deputy of St. Mary  
 Deputy of St. Ouen  
 Deputy M.A. Taylor (C)  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy G.W.J de Faye (H)

#### **ABSTAIN: 0**

THE STATES rejected a proposition of Deputy Francis Gerald Voisin of St. Lawrence that the Draft Extradition (Designated Territories No. 2) (Jersey) Regulations 200 (P.241/2005 lodged ‘au Greffe’ on 18th October 2005) be considered in a higher position in the list of public business.

THE STATES rejected a proposition of Senator Stuart Syvret that the Draft Amendment (No. 2) of the Standing Orders of the States of Jersey (P.244/2005 lodged “au Greffe” on 18th October 2005) be considered in a higher position on the list of public business so as to be considered on 1st November 2005.

Members present voted as follows –

**POUR: 11**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator W. Kinnard  
Senator P.V.F. Le Claire  
Senator R.J. Shenton  
Deputy A. Breckon (S)  
Deputy of St. John  
Deputy G.C.L. Baudains (C)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville

**CONTRE: 30**

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

**ABSTAIN: 0**

**Arrangement of public business for the next meeting on 29th November 2005**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 29th November 2005 –

Budget 2006.

*Finance and Economics Committee.*

Draft Finance (Jersey) Law 200-

*Finance and Economics Committee.*

P.255/2005.

Draft Income Tax (Amendment No. 25) (Jersey) Law 200.

*Finance and Economics Committee.*

P.256/2005.

**Proposed Low Income Support Scheme – question and answer**

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

“Would the President advise members whether the proposed Low Income Support scheme includes any provision for un-employment benefit which is not currently available and, if so, give details as to whom this applies and in what circumstances?”

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

“The Low Income Support Scheme does not include a provision for un-employment benefit nor does it contain a special component for unemployment. However the scheme will need to support people with low incomes who are in work or out of work. Therefore the system will contain provisions that require people to work, or actively seek work, if they are able. There will be provisions setting out genuine reasons why payments can be made to those who cannot work, for example disability.

The issue of a contributory un-employment benefit was laid out in R.C. 49/2004, presented to the States on 2nd November 2004, which will form part of the ongoing review of the Social Insurance system in 2006.”

### **Hodge II Development St. Clement– question and answer**

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Deputy Terence John Le Main of St. Helier, President of the Housing Committee–

“Would the President advise members of the cost, to the Committee, of a three-bedroom house on the Hodge II development, at what estimated price the Committee intends to sell these units to a housing trust, and what price the Committee estimates these units would realise on the open market?”

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

“The Hodge II development is a Design and Build scheme to provide a total of 73 social rented homes comprising 64 No. 3 Bedroom Homes and 9 No. 4 Bedroom Homes. The cost of developing the site including land purchase equates to an average price to the Committee per home of £162,095.89. An agreement has been entered into for the sale of the completed homes to the Christians Together in Jersey Housing Trust for the sum of £12,880,000.00 which equates to £176,438.36 per unit. The development is wholly for social rented housing so the Committee has not carried out any specific research into the likely open market price for the properties. If they were to be sold on the open market without restrictions, then the sale price for a three-bedroom property would be in the region of £300,000.”

### **Oral questions**

#### **1. Deputy G.P. Southern of St. Helier of the President of the Finance and Economics Committee:**

“Would the President confirm whether the Data Protection Registrar was consulted prior to drafting the Income Tax Instalment System (ITIS) amendments to the Income Tax Law and, if not, whether the Committee subsequently received any comments from the Registrar regarding the default rate for providing a workable opt-out for those unwilling for privacy reasons to disclose the actual rate to their employer?”

#### **The Deputy of St. Mary (Member of the Finance and Economics Committee– rapporteur):**

“The amendments to the Income Tax Law, which provide for the collection of income tax by instalment payments, were audited and approved by the Law Officers Department during the drafting process. This showed that the proposed amendments complied with human rights legislation. This legislation contains a section, Article 8, which deals specifically with privacy. However, following discussion which took place with the Data Protection Registrar, an opt-out clause was included in the effective rate notices issued by the Comptroller of Income Tax. This allowed any employee issued with an effective rate notice to instruct the Comptroller not to give information about that effective rate to the employer. For the avoidance of doubt, the Data Protection Registrar yesterday confirmed that she is happy with the ITIS effective rate notices and no breach of data protection has occurred. Over 35 effective rate notices have been issued in the last few weeks, and fewer than 60 people have asked for their effective rate to be withheld from their employer. I would like to make it clear that it is not

possible for an employer to calculate the income derived by an employee from other sources from an effective rate notice; and I will distribute an example to members illustrating this. There is no threat to privacy, therefore, in relation to an employee's other income as far as the effective rate notice is concerned, contrary to the impression that might have been given in an article in Saturday's *Jersey Evening Post*. The Deputy is mistaken as to the reasons for the default rate of 15%. The default rate has nothing to do with data protection and is not there to assist people with a workable opt-out for privacy reasons. The default rate of 15% is set at that high level as an anti-avoidance measure. It is to ensure that those who deliberately do not notify themselves to the Comptroller, such as those commonly known in income tax parlance as 'ghosts' or 'moonlighters', should have tax deductions set at 15%, thereby ensuring that they do not evade tax deductions from their weekly or monthly pay."

**1(a) Senator G.P. Southern:**

"Despite the assertions given by the rapporteur, it is, I believe, a relatively straightforward mechanism by which you can get a very good idea of what a person's total income might be. But, more importantly, statements made by the Comptroller of Income Tax seem to indicate that, in the case of someone not declaring to their employer their effective rate, he will nevertheless reveal the effective rate to that employer within a very short period of time. Surely this cannot be right?"

**The Deputy of St. Mary:**

"As I have said already, it is not possible for an employer to calculate income of an employee merely by reference to the effective rate. Perhaps I can just very briefly give 2 examples, which I will circulate later? A single person, who has a salary of £25,000 and other earned income from an additional job of £4,000 and unearned income of £500 and makes a contribution to a personal pension plan of £3,000 and pays interest on a mortgage of £8,000, would have tax due of £2,020, which is 8%. Similarly, a single person with a salary of £25,000, living with a partner and claiming a child allowance for one child and additional personal allowance, would similarly have an effective rate of 8%. There are so many combinations which can make up the actual tax paid that it is quite impossible for an employer to establish the other income which a taxpayer has."

**1(b) Deputy G.C.L. Baudains of St. Clement:**

"I hope the rapporteur can clarify this matter for me. He is giving me the impression that an employer would not be able to calculate other income that a person may have. This may be the case, Sir, but perhaps he could give me comfort in establishing whether or not an employer would be able to determine whether or not his employee has, or is likely to have, alternative employment?"

**The Deputy of St. Mary:**

"I can't see why that is relevant, Sir. What an employee can do is require the Comptroller not to give information about the effective rate to the employer. So far as other employment is concerned, as long as that individual is performing his task properly, surely that is nothing to do with the employer."

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

"I am not quite sure if the rapporteur answered the question for Deputy Southern. Could I have it clear, Sir, that if an employee does take the opt-out rate of 15% but actually from all their other income it may be that they should be paying 18, 19 or even more of a percentage, will Income Tax have to inform the employer or will at the end of the year there be a supplementary payment to the employee or a bill to the employee? Exactly how will this work in practice?"

**The Deputy of St. Mary:**

"If, after the effective rate has been issued or in a case where there is a default rate and the 15% applies, the taxpayer owes more money at the end of the year, then he would receive an assessment in the normal way."

**1(d) Deputy G.P. Southern:**

"There are still questions not answered. Can the rapporteur confirm that under no circumstances will the Comptroller of Income Tax reveal the effective rate to an employer without the permission of that employee? Secondly, can he give a reason as to why the Data Protection Registrar was not involved in discussion of this issue and in the drafting of the law when there are clearly privacy issues involved?"

**The Deputy of St. Mary:**

"Answering the first question, it is clear that if the employee, as I mentioned in the first part of the

answer, requests the Comptroller not to give information about the effective rate to the employer, then that will not happen. So far as the discussions with the Data Protection Registrar are concerned, as I said, the legislation is human rights compliant. The privacy aspects are dealt with in Article 8. Nevertheless discussions did take place with the Registrar about the opt-out clause, and it was agreed, as I have already said, that that could be put in place so that the Comptroller is instructed not to give information to the employer. So I think that deals with the issue.”

**2. The Deputy of St. John of the President of the Economic Development Committee:**

“Will the President confirm that when the Committee agenda includes items relating to the fulfilment business, the President of the Committee for Postal Administration withdraws from the meeting and what action, if any, is being taken by the Committee to counter any perception that Jersey is closed for fulfilment business?”

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

“For some time now, when the Committee’s agenda includes items relating to fulfilment, the President of the Committee for Postal Administration does withdraw from the meeting, as does another member of the Committee who has a pecuniary interest. By way of example, at the recent Committee meeting of 20th October, fulfilment policy and applications were on the agenda and both members withdrew for these items. The Committee is not aware of any perception that Jersey is closed for fulfilment business. Earlier this year, the Committee received a report on the contribution of the fulfilment industry to Jersey’s economy and consulted with other States’ Committees and representatives of fulfilment businesses. The Committee then issued a policy on the future development of the fulfilment sector. This has been widely publicised and, when requested, officers meet with interested parties to discuss the policy.”

**2(a) The Deputy of St. John:**

“Does the President consider that it is appropriate that an Economic Development Committee member should be excluded from a Committee meeting where no direct or indirect pecuniary interest can occur as the business is solely owned by the States of Jersey? Will he give an answer, please?”

**Deputy F.G. Voisin:**

“First of all, Sir, the Committee has not sought to exclude any member. It is always for a member of the Committee to decide whether there is a conflict and they withdraw or not as the case may be. In this particular instance, although there is actually no pecuniary interest, it is felt that there is a conflict of interest because of the very commercial activities of Jersey Post acting as a third party supplier in the fulfilment industry. Certainly when applications come before the Committee under the Regulation of Undertakings and Development Law, sensitive information is provided by businesses, and it would be inappropriate for the President of Postal Administration to be privy to that information because Jersey Post is in direct competition with these businesses.”

**2(b) The Deputy of St. John:**

“Will the President agree that States members sit on a number of Committees? Some Committees are trading Committees, etc., but where no direct or indirect pecuniary interest is involved by the President or the member on that Committee, they are not required to leave the meeting. Will he please explain to the Assembly why his Committee, I believe, are the only Committee operating this particular policy?”

**Deputy F.G. Voisin:**

“I repeat that, where Jersey Post is acting in a competitive market against other businesses in the Island, I think the Committee does have a duty to ensure that information that is given to it on a strictly confidential basis remains confidential and that there is no risk or even perception that information could flow from the Committee considering these applications to a States’ Committee that is acting in competition with these businesses. I think it is very important that not only do we act in this way but we are seen to act in this way to protect the confidentiality of those businesses engaging with the Committee.”

**2(c) The Deputy of St. John:**

“As the Economic Development Committee has dragged its feet over fulfilment in recent months, Sir, and the answer the President gave in relation to being open for business is still not as clear as it should be, will he make an issue within his own Committee to notify the Finance and Economics Committee, the Policy and Resources Committee and the Postal Administration Committee that fulfilment is open

for business because, even at our most recent meeting this week, the message is still not clear that Jersey is open for business and it needs to be made much clearer than what his Committee has done to date?"

**Deputy F.G. Voisin:**

"I do not accept that the Committee has dragged its feet over the matter of fulfilment. We acted very swiftly when the issue became a real problem in the relationship between Jersey and the United Kingdom. We have sought to allay businesses' fears in Jersey that they may be closed down by unilateral action by the United Kingdom. I think that, as far as Jersey Post is concerned, Jersey Post is a commercial entity – one of many in this particular industry sector – and I do not think it is right for the Committee to engage with any particular business, whether they are owned by the States or not. So what we have sought to do is to communicate with the whole industry as one, and certainly the messages I get from the businesses within the fulfilment industry are that they certainly know the situation. I think it is more difficult for Jersey Post because, as members will probably remember, one of the areas that causes potential reputational damage to the Island is those businesses that engage in what we call third party supply to non-local fulfilment businesses. It is that area of activity that Jersey Post engages in that has been brought into the biggest question. So they have had to make changes, but in a similar way to any other business in that area. What the Committee has done is that it has made it quite clear that we want to continue to support ---"

**The Deputy Bailiff:**

"I think the question, Deputy, was whether you were going to do anything more, and I think you are saying that you think you have done enough already; is that right?"

**Deputy F.G. Voisin:**

"Yes, but we will continue to discuss our policies with any interested party, and Jersey Post is an interested party."

**2(d) Senator P.V.F. Le Claire:**

"Is the President satisfied that the controversy over the Island's fulfilment industry has been resolved by the recent measures taken; are the United Kingdom authorities satisfied by these measures that have been taken; and has the President heard anything more in this regard since these measures were taken?"

**Deputy F.G. Voisin:**

"I am not satisfied that the matter has been resolved. I believe it is a matter that ultimately the United Kingdom will have to resolve for themselves. Either they will be content with the *status quo* or they will wish to change it for all jurisdictions, not just Jersey. But I do know that the United Kingdom have been watching very closely what has been going on in the Island. Only recently, we had an officer from the Treasury who is currently seconded to the Customs and Excise in the United Kingdom, talking to officers of the Regulation of Undertakings and Development Office to query businesses that are operating in the Island. So I know that the United Kingdom are still taking an interest in this matter."

**3. Deputy G.C.L. Baudains of St. Clement of the President of the Environment and Public Service Committee:**

"With regard to the recent planning permit for application P/2004/2279 (L'Industrie), did the Committee contemplate the whole area when considering this application; when did the Committee approve the landscaping scheme; and can the requirements relating to visibility lines be enforced after the property is occupied?"

**Deputy M.A. Taylor of St. Clement (Member of the Environment and Public Service Committee – rapporteur):**

"Permission was granted for the construction of 10 homes at L'Industrie on 12th January 2005 after the Planning Sub-Committee had taken into account all the effects of the development on the surrounding area, the Island Plan policies, various consultees and all the letters of representation that had been received. The Planning Department agreed the landscaping proposals on 24th March 2005, and the applicant was advised by letter. The approved visibility splays for vehicle access to the development are currently being constructed as part of the development of the site. These visibility splays are a requirement of the development and are enforceable against the developer or, should it be necessary, the subsequent purchasers. I would just like to say that these answers could have been obtained by a

short telephone call or a visit to the Department.”

**3(a) Deputy G.C.L. Baudains:**

“I am grateful to the rapporteur for his answer, Sir, but, of course, we know that writing to the Department, and especially to the President, does not always get speedy answers. Could I press him on his last comment, which of course didn’t answer my question? Once the property has been occupied, do the conditions relating to display still apply, because, whilst they apply to the developer and up until occupation, it is not clear to me that once the property has been occupied and the developers long gone, for example, would an owner of the new property be able to erect a fence which would do away with those display lines? I just wonder how long that condition is ongoing and whether it is enforceable once the developer is no longer on site.”

**Deputy M.A. Taylor:**

“Yes, Sir, I can confirm that it is enforceable on whoever is living in the property and that if a hedge or a wall above 900mm is erected, enforcement measures can be taken.”

**Deputy G.C.L. Baudains:**

“I thank the rapporteur for his reply.”

**4. Deputy G.P. Southern of St. Helier of the President of the Policy and Resources Committee:**

“Given the issues outlined in R.C.18/2005 relating to States’ employees engaging in political activities, what action has the Committee taken, if any, to address the requirement under Article 17 of the Civil Service Administration (General) (Jersey) Rules 1949 that ‘No officer shall take public part in any political matter’ in the light of the provisions of the European Convention on Human Rights under Article 10.1 relating to ‘right to freedom of expression’?”

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

“The European Convention does indeed grant a general right to freedom of expression. However, this right is qualified under the Convention in exceptional circumstances, provided that this is identified in law and can be identified as necessary in a democratic society. The provision in the Civil Service Rules is an example of where the right to freedom of expression has been qualified as it is generally accepted that States members and the public are entitled to receive advice and support from officers who are politically neutral. Since the publication of R.C.18 earlier this year, the Policy and Resources Committee has been consulting with States members, employee representatives, the public and the Law Officers Department with a view to deciding on the best way forward in this matter. The Committee accepts that it may be desirable to make some changes to the current arrangements; and, indeed, some suggested changes, as the Deputy knows, were set out in R.C.18. The consultation process is now almost complete and draft proposals will be submitted to the States Employment Board early in the New Year, following the introduction of the ministerial system. Subject to the Board’s approval, these proposals will then be presented to the States for their consideration.”

**4(a) Deputy G.P. Southern:**

“Is the President aware that many public servants were put off engaging publicly in political activity during the recent elections; does he consider that this particular rule should have been lifted for the recent elections; and that, in any case, no sanctions should be applied under this rule because that would be in direct contravention on the European Convention on Human Rights soon to be adopted in the Island as the Jersey Human Rights Law?”

**Senator F.H. Walker:**

“I do not believe that any sanctions should be lifted, as the Deputy has suggested. The law is currently the law. We are looking at amending that, but we have been advised that it would not have been possible through the legislative process anyway to make changes in time for the 2005 elections. That was the advice that we received; that is the advice we are working to.”

**4(b) Deputy G.P. Southern:**

“Does the President accept that many public sector workers were put off joining in a political process by that very law and by that decision not to withdraw sanctions at this stage?”

**Senator F.H. Walker:**

“If that was the case, it has always been the case in recent years, certainly, and we have acknowledged



that changes may well be desirable and changes should be made. I am sorry if officials were perhaps put off, but the fact is that we have got to differentiate between those officers who give policy advice – and that is exactly what R.C.18 did – and those who do not. We were advised that those changes could not be put in place in time for this year’s election.”

**4(c) Deputy G.P. Southern:**

“Is the President aware that public sector workers from Grade 5 upwards to Highlands lecturers have been effectively stopped by their management from taking any active part in the political process in denial of their human rights?”

**Senator F.H. Walker:**

“I am not aware of that. I am confident that management will have been following the current provisions and the current rules. I have heard and seen no evidence to the contrary.”

**5. Deputy S.C. Ferguson of St. Brelade of the President of the Homes Affairs Committee:**

“Would the President inform members whether the Committee is satisfied that there is sufficient reference to the Honorary Police in the recent States of Jersey Police Plan; what efforts are being made, if any, to improve efficiencies in the Financial Crimes Unit; and whether the Committee has compiled any statistical information relating to road accident fatalities from drink driving and pure speeding and, if so, what this data concludes?”

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

“The answer to the first part of the question is yes. In answer to the second part, the International Monetary Fund (IMF) inspection report of 2003 commented on the Joint Financial Crimes Unit in positive terms. Feedback, written and verbal, from other jurisdictions has been universally positive. The IT systems have been upgraded and the unit is very successful in seizing monies and assets. At the end of 2004, seizures and confiscations totalled £10.3 million of suspected drug money and £28 million of suspected proceeds of crime. The Committee is not aware of any negative evidence concerning the unit, but, to the contrary, all evidence points to a well-run and efficient operation which is vital to the security and reputation of the Island. The third part of the question refers to fatalities caused by drink driving and speeding. Due to the low number of fatalities in Jersey, it would not be possible to draw any statistical inference from the figures available. For example, there were 5 in 2004 and 3 in 2005. However, research in the United Kingdom would suggest that for 2003 17% of all road deaths occurred when someone was driving whilst over the legal limit for alcohol; and this compares to an estimate of 28% of fatalities being recorded on statistical returns as caused by excessive speed. Statistics can be complex and very hard to interpret in this area. It also needs to be remembered that, as offences of speeding and drink driving often occur at the same time, a single cause cannot always be identified. While crashes can occur at any speed, there is a great deal of evidence which demonstrates that the severity and outcome of a crash can be greatly influenced by speed. Research indicates that if a pedestrian is hit by a vehicle travelling at 30mph, the pedestrian is most likely to survive. If the pedestrian is hit by a car travelling at 40mph, the probable outcome is death. Public surveys conducted by both the States of Jersey Police and the Home Affairs Department continue to show strong concerns by Islanders concerning speeding vehicles. The Committee and the force feel that such concerns need to be responded to in very positive ways, and these are set out in the Police Plan.”

**5(a) Deputy S.C. Ferguson:**

“The Police Plan complains of needing extra officers. Given that at the recent *Jersey Live* there were 65 Honorary Police on duty compared with 40 States Police; given that data on suspicious transaction reporting is still submitted to the Financial Crimes Unit (FCU) on paper and then has to be re-input by 2 data-inputters; given that officers are seconded to the FCU with only normal policing experience and no specialised training; and given that a number of United Kingdom Police Authorities show ..... We have complaints of needing extra officers, but a very large tranche of manpower that is available to co-operate with the States Police is barely mentioned in a Police Plan. It is not realistic.”

**Senator W. Kinnard:**

“I am very happy to answer that, Sir. Both the Committee and the States of Jersey Police value very much the assistance and the input of the Honorary Police. In fact, the Police Plan, Sir, makes heavy reference to the rôle of the Honorary Police, particularly in the introduction by the Chief Officer. Just looking through it very quickly, there are 7 references to the Honorary Police either directly or inclusive of them just in that actual section of the report. But I think, Sir, one has to be mindful of the

rôle of this particular report. It is actually a police plan for the States of Jersey Police. It sets the priorities for the States of Jersey Police, which have been set by the Committee. The subsequent sections from the introduction set out those targets. It is not within the remit of the Chief of Police, nor of the Home Affairs Committee, to set targets and objectives for the Honorary Police. Nor is there any indication, Sir, that such a course of action would be welcomed. Under the current arrangements ---”

**The Deputy Bailiff:**

“I think probably you have dealt then with the answer.”

**Senator W. Kinnard:**

“Okay, Sir, but basically there are strategic meetings going on between the Honorary Officers and the States of Jersey Police which set joint priorities, but this is not the place to set them down, Sir.”

**The Deputy Bailiff:**

“Now, Deputy, do you want to ask a question about the FCU?”

**5(b) Deputy S.C. Ferguson:**

“Yes. In the section on the Financial Crimes Unit, there is a statement that they require further manpower, but it is not available because of the overall limitations. Given that you have got certain things in the FCU like the data on suspicious transactions report comes in on paper and then has to be re-input by 2 data-inputters, which is not a way to run a database, and given that you do have officers seconded to the Financial Crimes Unit because, for instance, they are pregnant and things like this and they only have normal policing experience and there is no specialised training required, can the President really be satisfied with the degree of realism in the Police Plan?”

**Senator W. Kinnard:**

“As I mentioned earlier on, we have had no negative response to the rôle of the Financial Crimes Unit. I would say that the Deputy is mistaken. The officers involved in the Jersey Financial Crimes Unit are of a very broad range of experience, and some of them have experience as well from the finance industry. They all have proven investigative backgrounds and they have experience in taking complex cases through the judicial system and in handling intelligence. Sir, all of the staff in that unit are expected to undertake CID training, fraud training and the International Diploma in Anti-Money Laundering. Where other skills are required, Sir, of a particular specialist nature, and where a case is of such significance that it is felt that it should be led by the Attorney General, the Attorney General indeed heads that inquiry and engages any extra skills that may be required even from the private sector to work alongside the investigative officers. So, Sir, I do believe that the Unit works very well and very efficiently. I have mentioned that there is a new IT system and that Unit, like every other part of the States, Sir, is subject to the difficulties of having to operate a service with increasing demands upon it within limited resources.”

**5(c) Deputy S.C. Ferguson:**

“I thank the President for her answer, but I think we are going to agree to differ on that one because my information is different. The President also gave us some figures on fatalities and so on where speed wasn't the sole causative factor. Given that the Police are talking about speed cameras and given that the statistics show that only about 10% of fatalities are due to speed as the sole causative factor, is the President really happy with the way that the Police Plan is pointing?”

**Senator W. Kinnard:**

“I mentioned that speeding vehicles are an extremely significant concern to the public and we do take those concerns seriously. In assessing whether or not speed cameras, fixed or mobile speed cameras, are appropriate for the future, the Committee does indeed undertake research, both what is going on in the Island (but, as I say, it is very difficult sometimes to draw conclusions from that) and we don't just look at fatalities because we have so few of them in Jersey, but we also use as a benchmark the number of injury crashes. Indeed, I can provide the Deputy with those figures if she wishes to have them, but we are also looking at research that is undertaken elsewhere. University College of London – report in the Department of Transport Studies – has recently undertaken a very significant piece of research, which indicates the importance of this issue and the way in which speed has been a contributory factor in a lot of crashes. It doesn't have to be the most and major one. At the end of the day, if it is a contributory factor, I think it is one that should be taken seriously. We also looked, Sir, if one just needs to even look at a website, there is a lot of information from what might be described as interest

groups with a particular point of view. I am sufficient of a social scientist to also look at the counter evidence, even when some of that is based on absolute nonsense. There is also the issue of the complexity of looking at statistics in this area, and I am very glad to say that we have a very experienced statistician working in the States of Jersey Police, who can deal with such issues as the possible difficulty of the 'regression to the mean' illusion in this particular area."

**5(d) Deputy P.J.D. Ryan of St. Helier:**

"Specifically on the Financial Crimes Unit, I would just like to ask the President whether she is happy with the degree of co-operation where it overlaps with the Jersey Financial Services Commission; whether she is happy with the lines of communication; and whether there are opportunities for more co-operation between the States of Jersey Financial Crimes Unit and the Jersey Financial Services Commission?"

**Senator W. Kinnard:**

"As I say, I have had no evidence of any negativity in relation to this particular unit, but there is always room for even better improvement of relationships. Obviously the rôle of the Financial Crimes Unit is to deal with crime and the rôle of the other agency is more to do with regulation. There is obviously a difference between those, but clearly there are important points of shared interest. I always believe that working with other agencies you do get a greater benefit. The overall benefit is greater than the sum of the parts, so I would always encourage as much communication and working across agencies as possible, Sir, but I am satisfied that it works well enough, certainly at the moment."

**5(e) Deputy R.G. Le Hérissier of St. Saviour:**

"I wonder if the President could tell us, is it her intention that officers seconded to that unit will stay there for a reasonable amount of time, thus building-up experience and not going through a revolving door?"

**Senator W. Kinnard:**

"I presume you are talking about the Jersey Financial Crimes Unit. Yes, Sir, there have been some difficulties, in that obviously what has happened in the past is that when officers are seconded to that unit, we have not been in a position to be able to back-fill because clearly, whilst they are out working in that unit, they are not available for other duties and, in a small island force, we have to address all of the operational requirements. But, certainly, Sir, what we have been having discussions about, particularly with the Attorney General, is the idea of officers being permanently seconded for the whole length of an inquiry and the ability to back fill those places. So this is something we have been working on for some time, and I do see that as being actually a significant improvement, but it is the reality of the situation that in a small force we have got to be all things to all people and sometimes priorities will change. But clearly I think I have demonstrated in my earlier answers the level of expertise that the officers are expected to have that actually join and do work in the Jersey Financial Crimes Unit."

**5(f) Deputy S.C. Ferguson:**

"The President states that you have a new IT system in the Financial Crimes Unit, but, despite this, suspicious transaction reports are still being submitted on paper. Will the President confirm that she will look at this and look at the question of making a more efficient use of IT in the Financial Crimes Unit?"

**Senator W. Kinnard:**

"We are always looking at trying to introduce more efficient processes throughout the Home Affairs responsibilities. Clearly, again, the issues are often around resourcing. I would say that if we had more resources, we could be even more efficient than we already are. I haven't had any negative feedback, but clearly, if the Deputy is concerned and she wishes to let me have more details of her concerns, I am more than happy to look at them. But the reality is that, of course, as I say, often these things are a matter of resourcing."

**6. The Deputy of St. John to the President of the Harbours and Airport Committee:**

"Further to questions asked on 13th and 27th September 2005, has the Committee received the legal advice awaited in connection with the possible contamination arising from the use of fire fighting foam in an air crash in October 2004 at Jersey Airport and, if so, will the Committee be meeting the cost of supplying water to those residents affected and, if not, explain the reasons why?"

**Senator L. Norman (President of the Harbours and Airport Committee):**

“A copy of the question asked and the answer I gave on 27th September was forwarded to the Attorney General for comment by e-mail on the same day. As soon as the response is received, I will inform the Deputy. As stated in my answer on 13th September, I am not aware of the Airport Fire Fighting and Rescue Service having contaminated any domestic water supply as a result of the incident referred to by the Deputy, so the supply of water as it relates to this incident does not arise.”

**6(a) The Deputy of St. John:**

“Given that I have written evidence here and also in this evidence it claims that the Harbours and Airport Committee were notified of contamination by perfluorooctanyl sulphonate (PFOS) in the water supplies at Alexandre Farm, etc, is the President telling members that he is not aware of this information?”

**Senator L. Norman:**

“I am aware that some contradictory and confusing advice has been issued by the Health Protection Department of Health, but the Deputy and the States should also be aware that PFOS, which was contained in the fire fighting foam used at Jersey Airport up to the early 1990s, has not been used for about 13 or 14 years and it is not possible that any new contamination from that source could have occurred.”

**6(b) The Deputy of St. John:**

“Will the President confirm that, in that documentation, it also mentions that TDFOS (tridecylfluorooctylsulphanate) and I can’t pronounce the actual word, but I am sure he knows what I am referring to – was discovered in the water supply which actually came from the air crash in 2004. As I say, I am aware that his Department has received twice results from the Environment and Public Services or Health Protection Department of Public Health. I am quoting from this, Sir, the document - --”

**The Deputy Bailiff:**

“Can you tell members what it is, Deputy?”

**The Deputy of St. John:**

“It is correspondence from the Environment and Public Services and Health Protection Unit. I can mention the Officer’s name, if you so wish, Sir, but generally it is not done.”

**The Deputy Bailiff:**

“No, just the general nature of the document.”

**The Deputy of St. John:**

“It was sent to the owner of Alexandre Farm, Sir, which he has allowed me to use. Is he denying that his Department has received this correspondence?”

**Senator L. Norman:**

“I can confirm that Jersey Airport has received correspondence from the Health Protection Unit of the Health Department. There is no question about that and, as I say, some of the information has been contradictory, some of it is confusing and that matter has now been taken up by the Chief Officer of Health, with members of my Committee and officers of Jersey Airport to try and resolve the situation. I don’t know what this TDFOS is that the Deputy refers to, but what I can tell him is that, since the early 1990s, the only fire fighting foam that has been used in training and in real incidents has been a protein based foam, unlike the original foam, which contained the PFOS. Therefore, I am absolutely convinced that no contamination that will affect drinking water could have occurred. The Deputy mentioned Alexandre Farm and it is true that that was contaminated with PFOS in the early 1990s. That property was one of those that was offered free connection to mains water. At the time, the owner of that property did not accept the offer of free connection to mains water. In recent days, he has advised us that he now wishes to take up that offer and, of course, that offer still remains open to him and he will be so connected, Sir.”

**6(c) Senator P.V.F. Le Claire:**

“The issue is that the fire fighting foam which entered the water supply has been extending over the last

few years, and the President knows full well that this extension of this plume and this pollution has entered water supplies that were not contaminated when the initial offer was made for them to be connected. It is only subsequent to this extension of the plume that these properties are being informed that their water supply is not fit for human consumption. Will the President, please, start to address this issue in a more open, direct and honest way, rather than trying to confuse the issue with the fact that there was no contamination or no new contamination? The contamination is an extension of the original contamination. It is not a contamination from the air craft disaster; it is a contamination from the malpractice that was operating in the Airport. Other people's wells, which are subsequently becoming contaminated, are in need of being subsidised by the contaminator, namely the President's Committee."

**Senator L. Norman:**

"I am not sure where this phrase 'not fit for human consumption' comes from. It is certainly not one that I have heard from any official source. I can also confirm that the pollution caused by PFOS is not increasing, as there has been no PFOS introduced into the ground since the early 1990s. The plume of PFOS is gradually moving west and will in due course disappear. But I think it is worth noting, because some scaremongering has been going on, that the amounts of PFOS contained in the soil and water to the west of the Airport is very minimal indeed. PFOS is a man made toxin. It is very persistent, but it is also extremely common. It can be found from the Arctic to the Antarctic and everywhere in between. Almost every single one of us on this planet has some PFOS in our bodies. It is a common toxin. It is used in textiles, in furniture, in stationery and, as I have explained before, when the testing was taking place by Jersey Airport, those conducting the tests had to remove their yellow jackets because there was more PFOS contained in that than was actually in the water, so it distorted the measurements. As far as health is concerned, there is absolutely no evidence of any danger to human health caused by this toxin since it was invented in the 1940s, not even among the people who were involved in its manufacture. The reality is that when I take a puff on my cigarette, I am probably doing more damage to my health than if I drank gallons and gallons of water from St. Ouen. But, as I say, on the health principle, we did agree to supply those people who were affected with mains water connection to the mains free of charge. For those who received that offer and declined it or did not respond to that offer, that offer is still on the table and, if they request it, they will be connected – no question about that at all."

**6(d) Senator S. Syvret:**

"Is the President aware that in fact, in relation to the remarks he has just made, the levels of PFOS now being detected in some bore holes in the affected plume are in fact increasing and are now in excess of both the European Union maximum permissible level and the United States' maximum permissible level; that in fact exposure to PFOS has been associated (although it is tentative) with such effects as bladder cancer; that the plume has spread and concentrated in areas to such an extent that now a significant number of properties down in St. Ouen's Bay and up to the coast are going to require to be placed on mains water; and that, as the polluter, his Committee, the Harbours and Airport Committee, must find the necessary money – probably a very significant amount of money – to pay the Jersey New Waterworks Company to put the mains down to all of the affected properties on the Five Mile Road region, as he has already asserted that his Committee is prepared to pay for those who have been affected?"

**Senator L. Norman:**

"I am not able to confirm that. All I am able to do is to confirm that some contradictory and confusing advice has been issued by the President's Department. That has been accepted by the Department and there are going to be meetings to try and resolve that between officers of the Health Department and Jersey Airport. I really deplore the sort of scaremongering that has been occurring. To use the phrase 'bladder cancer' in relation to this is absolutely appalling. There is no evidence whatsoever of any health risk related to this toxin. Yes, some monkeys force fed with an inordinate amount of this toxin did have some ill effects, but to say that, because of that, there is a risk of bladder cancer, there is no more of a risk of bladder cancer to humans from this than any other products which are force-fed to monkeys."

**Senator S. Syvret:**

"On a point of fact, I really have to say that I would advise members to take the advice of the Island's Medical Officer of Health rather than the President of Harbours and Airport on this matter."

**6(e) Senator P.V.F. Le Claire:**

“If the President of the Harbours and Airport Committee is so certain that there is no risk to health, would he, please, explain to members why the States of Jersey took £2.5 million off the chemical company in relation to this issue?”

**Senator L. Norman:**

“What I said was there is no evidence of any risk to human health as a result of this toxin. The States negotiated an extremely good deal from the manufacturers of the original fire fighting foam that was used to help reinstate and improve the fire fighting ground at Jersey Airport.”

**6(f) The Deputy of St. John:**

“Having chaired the working party on the contamination on the fire fighting ground, of which the President was the Vice-President of the Harbours and Airport Committee at the time, I presume he will have read all the reports that were given to the Harbours and Airport Committee. In those reports, he will see – and he must be able to recall and tell the House accordingly – that the Medical Officer of the day stated that nothing whatsoever should be in a drinking water supply, let alone the things that have been found, not only PFOS ---”

**The Deputy Bailiff:**

“A brief question, please, Deputy.”

**The Deputy of St. John:**

“Yes, Sir. I would like the President to confirm that he read those reports and, further to that, will he also confirm that in fact he has been giving the owner of Alexandre Farm – not him personally, but his Committee – the run around in having to produce documents, i.e., like I have got in my hand here this morning, which was sent this week to the Harbours and Airport Committee, on the background that they did not have these documents, and yet the Health Protection Unit have a letter – I have that letter here – stating that they had sent them.”

**The Deputy Bailiff:**

“Deputy, you must bring this question to an end. It is too long.”

**The Deputy of St. John:**

“The question is, Sir, did his Committee receive the original documents and did he read those documents that were produced in relation to the statement made by the Medical Officer of Health of the day 4 years ago?”

**The Deputy Bailiff:**

“Two short points then, Senator: did you receive the documents and did you read them?”

**Senator L. Norman:**

“Well, whatever documents I received, I certainly read. I do agree with the Deputy that this toxin should not be in the soil and should not be in the water, but neither should the E.coli that is in the water in that area; neither should the pesticide residues in that water. I would also confirm that the owner of Alexandre Farm has not been given the run around by Jersey Airport. He has been offered, and was offered in the early 1990s, free connection to the mains water. That offer remains open. In the last few days he has verbally, I understand, accepted that offer and arrangements can be put in hand for him to be connected.”

**7. Deputy J.A. Martin of St. Helier of the President of the Housing Committee:**

“Does the Committee have any plans to privatise the States’ social rented housing stock and, if so, will the proposals set out in P.211/2005 relating to the establishment of a Housing Trading Organisation facilitate any such plans? In addition, will the Committee be consulting or balloting States’ tenants on any proposed changes?”

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

“There were 3 questions in what is being asked. The first part would be does the Committee have any plans to privatise the States’ social rented housing stock, and the answer is no. Will the proposals set out in P.211/2005 relating to the establishment of a Housing Trading Organisation facilitate any such plans, again, the answer is no. Finally, will the Committee be consulting or balloting States’ tenants on

any proposed changes, may I add that may affect their own accommodation, and the answer is yes, Sir.”

**7(a) Deputy G.P. Southern of St. Helier:**

“Why then did the President on the hustings on 2 occasions in my hearing say that he intended to privatise the housing stock?”

**Deputy T.J. Le Main:**

“I have never said I was going to privatise or that the Committee has ever considered privatising the housing stock. What I have said on several occasions is that we are looking at ways of raising funding and having more home ownership. The Committee will be considering, which they have not done so far, several issues on whether some of the stock can be sold off to existing tenants. There is no question of privatisation. I must put a health warning on this. There is no reason why in future the Housing Minister could not consider transferring further stock to housing trusts, but let me just say that all decisions on any future plans of the Housing Minister or otherwise in relation to the transfer or otherwise of stock have to be taken by this Assembly and this Assembly will decide on any plans that are put forward.”

**7(b) Senator S. Syvret:**

“Was it not in fact then, if it was not Deputy Le Main, some impostor who said in a radio interview recently, in the wake of the election, that he was going to privatise the housing stock?”

**Deputy T.J. Le Main:**

“I never said that, and I would like to have the information on that.”

**Senator S. Syvret:**

“I will ask the BBC for the tape.”

**Deputy T.J. Le Main:**

“Well, you can ask the BBC as much as you like. I have never said privatising the housing stock. I have made it quite clear that we would like further home ownership and, in the first instance, Sir, home ownership as much as possible to existing tenants.”

**The Deputy Bailiff:**

“I think that concludes that matter. That was a very clear answer.”

**8. Deputy G.C.L. Baudains of St. Clement of the President of the Finance and Economic Committee:**

“Would the President advise whether the recent appointment of a chairman to the Shadow Board of Jersey Post was referred to the Jersey Appointments Commission and, if not, why not; what are the Shadow Board’s terms of reference; and how often does it meet with the Committee for Postal Administration?”

**The Deputy of St. Mary (Member of the Finance and Economics Committee):**

“Before answering this question, I would like to say that I am a board member of the Jersey Electricity Company and, if you feel that I should not answer this question on those grounds, then I won’t, on the basis that Mr. Liston is the Chief Executive of the Jersey Electricity Company”

**The Deputy Bailiff:**

“No, in the absence of anyone else, I think you had better answer it.”

**The Deputy of St. Mary:**

“The answer to the question is that Mr. Mike Liston has been appointed by the Finance and Economic Committee as the Chairman designate of the Jersey Post Group upon its incorporation. Jersey Post will, upon incorporation, be a public company and, as such, appointments to it lie outside the remit of the Appointments Commission. Finally, matters relating to a shadow board are the responsibility of the Committee for Postal Administration.”

**8(a) The Deputy of St. John:**

“Is the rapporteur aware that the Postal Committee has never met any shadow board? Possibly the President has, but the Committee have not. I checked this again yesterday with the Committee

members who were present.”

**The Deputy Bailiff:**

“I think, Deputy, the rapporteur has already said that that matter is not really the Finance and Economics Committee’s responsibility.”

**The Deputy of St. John:**

“I am aware of that. Can he explain, if it is the responsibility of the Postal Committee, under what Act are the Postal Committee operating, because the Postal Committee has been told that it was in fact Finance and Economics who appointed the shadow board and the shadow chairman? Would he please tell us under what Act the Postal Committee would have appointed the board?”

**The Deputy of St. Mary:**

“My understanding is that the Finance and Economics Committee is responsible for the appointment of board members of a company upon incorporation by virtue of the Postal Services Law, which was passed by the States.”

**8(b) Senator P.V.F. Le Claire:**

“I wonder if the rapporteur can help me with 2 questions. Did the directors of the Jersey Post board give themselves a performance bonus and, if so, how is that possible when it has not yet become incorporated?”

**The Deputy of St. Mary:**

“I am not aware of that, Sir. That is a question for the Postal Committee. The company has not yet been incorporated. As we were told by the President of the Finance and Economics Committee last week, that incorporation has been delayed until the New Year, and those questions should really be directed to the Postal Committee.”

**8(c) Deputy G.C.L. Baudains:**

“I am concerned about this appointment for 2 reasons. As far as I understand and recall, Sir, the appointment was released to the media before members, and that raises a query. What happens if it transpires that this Assembly is not content with the appointment? Would a Proposition be needed to remove the person? That would surely be a messy procedure. Finally, is there not a conflict between the present postholder’s position as chairman of the Jersey Electricity Company (JEC) and of the shadow postal board by virtue of the JEC’s arrangements with Newtel potentially, putting the JEC in competition with Jersey Post?”

**The Deputy of St. Mary:**

“Dealing with the last point first, there is a financial relationship between the Jersey Electricity Company and Newtel in the form, I believe, of a shareholding, but I can’t see that that in itself presents any problems so far as the postal aspects are concerned. If the Deputy is concerned about whether or not the Appointments Commission should have been involved, what I am told is that at a meeting of the Appointments Commission in October of last year – and I quote – ‘The chairman indicated that he had raised the concerns of the Commission over the fact that it had not been consulted in connection with the recruitment to the post of chair of Jersey Post. It was recalled that this position would come into being when Jersey Post became a public company and would therefore be outside the Commission’s remit.’”

**The Deputy Bailiff:**

“Very well, I am sorry, but we have run out of Question Time.”

**La Crete Car Park– statement**

The President of the Education, Sport and Culture Committee made a statement in the following terms –

“In a Report and Proposition (P.93/1999) the States agreed to transfer the sum of £3 million from the Strategic Reserve to the Tourism Development Fund for the redevelopment of Mont Orgueil Castle.

One of the six elements identified in that Report and Proposition was the development of a new



'overspill' car park at La Crete. No particular costs were attached to this item within the Report and Proposition although the sum of £100,000 from within the overall £3m was 'earmarked' by the Jersey Heritage Trust (JHT) for this development.

In January 2002 the Public Services Department informed JHT that while the quarry would be available from January 2004, they would reserve the right to reclaim it at any time for emergency refuse storage. The Public Services Department also declined to operate a park and ride. JHT therefore decided to commission further research into the traffic problem.

A car parking research project was conducted in August 2002. The project concluded that, although some small steps could be taken to improve the situation, as far as castle visitors are concerned parking was not a problem. The survey's results and conclusions were included in the Mont Orgueil Development Strategy published as part of the Trust's formal planning application to the Environment and Public Services Committee in January 2003. Following that Committee's approval of the application in August 2003, the JHT confirmed to PSD that there were no plans to operate a park and ride scheme at La Crete.

Between 1999 and 2002 lengthy public debate took place and the scheme was amended to include a substantial amount of additional repair work to the historic fabric, further archaeological investigation and conservation planning. These were not envisaged at the point of P.93 being approved.

Accordingly, on 12th September 2005, the Jersey Heritage Trust reported to my Committee that such a car park was no longer considered to be a requirement and requested my Committee to consider reallocating the £100,000 to other important work within the overall project.

Although the Committee carries States responsibility for cultural matters and is the conduit for States funding to the Jersey Heritage Trust, my Committee was mindful that in this instance, the funding originated as a grant from the Tourism Development Fund, and therefore, it did not feel that it would be appropriate for the Committee to take this decision without consultation with the Tourism Development Board.

I can now confirm however, that having attended a meeting of the Board on 24th October 2005, the Board is supportive of the Jersey Heritage Trust proposal and therefore my Committee is pleased to agree to the reallocation of the £100,000 within the Mont Orgueil Project Budget."

#### **Draft Criminal Law (Child Abduction) (Jersey) Law 2005 (Appointed Day) Act 200- P.261/2005**

THE STATES, in pursuance of Article 6(2) of the Criminal Law (Child Abduction) (Jersey) Law 2005, made an Act entitled the Criminal Law (Child Abduction) (Jersey) Law 2005 (Appointed Day) Act 2005.

#### **Draft Child Custody (Jurisdiction) (Jersey) Law 2005 (Appointed Day) Act 200- P.262/2005**

THE STATES, in pursuance of Article 26(2) of the States of Child Custody (Jurisdiction) (Jersey) Law 2005 made an Act entitled the Child Custody (Jurisdiction) (Jersey) Law 2005 (Appointed Day) Act 2005.

#### **Draft Child Abduction and Custody (Jersey) Law 2005 (Appointed Day) Act 200- P.263/2005**

THE STATES, in pursuance of Article 30(2) of the Child Abduction and Custody (Jersey) Law 2005, made an Act entitled the Child Abduction and Custody (Jersey) Law 2005 (Appointed Day) Act 2005.

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

THE STATES commenced consideration of the proposition concerning the Jersey Overseas Aid Commission: appointment of Commissioners, presented by Deputy Jacqueline Jeannette Huet of St. Helier. After discussion the proposition was lodged "au Greffe" by Senator Stuart Syvret.

THE STATES agreed to consider the matter as the first item of public business on 29th November 2005.

**Draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200- P.223/2005**

THE STATES, in pursuance of Article 49(1)(c), (3) and (4) of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 2005.

**Draft Amendment (No. 1) of the Standing Orders of the States of Jersey– P.225/2005  
Amendment**

THE STATES commenced consideration of the Draft Amendment (No. 1) of the Standing Orders of the States of Jersey and adopted amendments 1 to 6.

THE STATES commenced consideration of amendment 7 and adopted an amendment of the Policy and Resources Committee that in inserted Schedule 2A, there be inserted the following paragraph–

**“5A Public comments etc. regarding a States’ employee or officer**

Elected members who have a complaint about the conduct, or concerns about the capability, of a States’ employee or officer should raise the matter, without undue delay, with the employee’s or officer’s line manager (or, if he or she has none, the person who has the power to suspend the employee or officer), in order that the disciplinary or capability procedures applicable to the employee or officer are commenced, rather than raising the matter in public.

Elected members should observe the confidentiality of any disciplinary or capability procedure regarding a States’ employee or officer and its outcome. If an elected member is nevertheless of the opinion that it is in the wider public interest that he or she makes a public disclosure of or comment upon the outcome of any such procedure, he or she should inform the parties to the procedure before so doing and, when so doing, refer to the individual by the title of his or her employment or office rather than by his or her name.

In this paragraph, “States’ employee or officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005, a member of the States of Jersey Police Force and any officer mentioned in the Schedule to that Law who is not a member of the States.”.

Members present voted as follows –

**POUR: 21**

Senator L. Norman  
Senator F.H. Walker  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of Trinity  
Connétable of St. Lawrence  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott-Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)

**CONTRE: 18**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator P.V.F. Le Claire  
Connétable of St. Martin  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy J.A. Martin (H)  
Deputy J.A. Bernstein (B)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J de Faye (H)

**ABSTAIN: 1**

Senator W. Kinnard

Deputy M.A. Taylor (C)

Amendment 7 as amended was adopted.

Amendments 8 to 12 were adopted.

THE STATES, in pursuance of Article 47 of the States of Jersey Law 2005, made Standing Orders entitled the Amendment (No. 1) of the Standing Orders of the States of Jersey.

### **Senator Philip Francis Cyril Ozouf – return to Island**

Senator Philip Francis Cyril Ozouf returned to the Island during consideration of amendments 3 to 6 of Amendment (No. 1) of the Standing Orders of the States of Jersey and was present for the remainder of the meeting.

### **Draft Public Finances (Transitional Provisions – States Trading Operations No. 2) (Jersey) Regulations 200- P.226/2005**

THE STATES, in pursuance of Article 71 of the Public Finances (Jersey) Law 2005, made Regulations entitled the Public Finances (Transitional Provisions – States Trading Operations No. 2) (Jersey) Regulations 2005.

### **Draft Medicines (Amendment No. 2) (Jersey) Law 2005 (Appointed Day) Act 200 P.240/2005**

THE STATES, in pursuance of Article 2 of the Medicines (Amendment No. 2) (Jersey) Law 2005, made an Act entitled the Medicines (Amendment No. 2) (Jersey) Law 2005 (Appointed Day) Act 2005.

### **Draft Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 200- P.243/2005**

THE STATES, in pursuance of Article 39 of the Employment of States of Jersey Employees (Jersey) Law 2005 and Article 49 of the States of Jersey Law 2005, made Regulations entitled the Draft Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 2005.

### **Draft Employment of States of Jersey Employees (Jersey) Law 2005 (Appointed Day) Act 200- P.242/2005**

THE STATES, in pursuance of Article 40 of the Employment of States of Jersey Employees (Jersey) Law 2005, made an Act entitled the Employment of States of Jersey Employees (Jersey) Law 2005 (Appointed Day) Act 2005.

### **Draft Jersey Overseas Aid Commission (Jersey) Law 2005 (Appointed Day) Act 200- P.246/2005**

THE STATES, in pursuance of Article 7(3) of the Jersey Overseas Aid Commission (Jersey) Law 2005, made an Act entitled the Jersey Overseas Aid Commission (Jersey) Law 2005 (Appointed Day) Act 2005.

### **Draft States of Jersey Law 2005 (Appointed Day) (No. 2) Act 200 P.224/2005**

THE STATES, in pursuance of Article 53(3) of the States of Jersey Law 2005, made an Act entitled the States of Jersey Law 2005 (Appointed Day) (No. 2) Act 2005.

Members voted as follows –

**POUR: 33**

**CONTRE: 3**

**ABSTAIN: 0**

Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott-Warren (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.A. Martin (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)

Deputy of St. John  
Deputy G.C.L. Baudains (C)  
Deputy G.W.J de Faye (H)

**Draft Family Allowance (Jersey) Regulations 200- P.247/2005**

THE STATES, in pursuance of Article 6 of the Family Allowances (Jersey) Law 1972, made Regulations entitled the Family Allowance (Jersey) Regulations 2005.

**Draft Health Insurance (Medical Benefit) (Jersey) Regulations 200- P.248/2005**

THE STATES, in pursuance of Articles 9 and 29 of the Health Insurance (Jersey) Law 1967, made Regulations entitled the Health Insurance (Medical Benefit) (Jersey) Regulations 2005.

**Draft Amendment No. 30 to the Tariff of Harbour and Light Dues– P.249/2005**

THE STATES, adopting a proposition of the Harbours and Airport Committee in accordance with Article 6 of the Harbour and Light Dues (Jersey) Law 1947, as amended, approved the draft Amendment (No. 30) to the Tariff of Harbour and Light Dues as set out in the Appendix to the Report of the Harbours and Airport Committee dated 18th October 2005.

Members present voted as follows –

**POUR: 34**

**CONTRE: 1**

**ABSTAIN: 2**

Senator S. Syvret  
Senator L. Norman  
Senator W. Kinnard  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of Grouville  
Deputy R.C. Duhamel (S)  
Deputy of St. Martin  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott-Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.A. Martin (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J de Faye (H)

Deputy A. Breckon (S)

Deputy of St. John  
Deputy G.C.L. Baudains (C)

The Connétable of St. Lawrence declared an interest and withdrew from the Chamber during the consideration of this item.

**Draft Harbours (Amendment No. 39) (Jersey) Regulations 200 P.250/2005**

THE STATES, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, made Regulations entitled the Harbours (Amendment No. 39) (Jersey) Regulations 2005.

**Draft Law Revision (Miscellaneous Provisions) (Jersey) Law 200- P.222/2005**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Law Revision (Miscellaneous Provisions) (Jersey) Law 200-.

**Draft Extradition (Designated Territories No. 2) (Jersey) Regulations 200 P.241/2005**

THE STATES, in pursuance of Articles 6 and 120 of the Extradition (Jersey) Law 2004, made Regulations entitled the Extradition (Designated Territories No. 2) (Jersey) Regulations 2005.

**Draft Highways (Amendment No. 4) (Jersey) Law 200 P.251/2005**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Highways (Amendment No. 4) (Jersey) Law 200.

**Draft Animal Welfare (Amendment) (Jersey) Law 200- P.252/2005**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Animal Welfare (Amendment) (Jersey) Law 200-.

**Draft Amendment (No. 2) of the Standing Orders of the States of Jersey– P.244/2005**

THE STATES commenced consideration of the Draft Amendment (No. 2) of the Standing Orders of the States of Jersey, and adopted amendment 1 –

Members present voted as follows –

**POUR: 39**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator L. Norman  
Senator W. Kinnard  
Senator P.V.F. Le Claire  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator R.J. Shenton  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott-Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.A. Martin (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)

**CONTRE: 3**

Connétable of Grouville  
Deputy T.J. Le Main (H)  
Deputy G.W.J de Faye (H)

**ABSTAIN: 0**

THE STATES commenced consideration of amendment 2 that after paragraph 7(2) of Schedule 2 there b added the following sub-paragraph –

“(3) An elected member must register a brief description of any land sufficient to identify it, in which he or she, or his or her spouse or cohabitee, has any legal, prospective, usufructuary, equitable or beneficial interest which is not otherwise to be required to be registered under this paragraph, apart from any such interest in land which is the principal place of residence of the elected member or of his or her spouse or cohabitee.”.

Following discussion the Connétable of St. Peter sought leave to propose that the States move to the consideration of the next item of the Order Paper. The Deputy Bailiff ruled that, in accordance with Standing Order 27(1) it appeared to him that the proposition was an abuse of procedure and it was, therefore, disallowed.

Amendment 2 was rejected.

Members present voted as follows –

**POUR: 3**

Senator S. Syvret  
Senator P.V.F. Le Claire  
Deputy J.A. Martin (H)

**CONTRE: 39**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator W. Kinnard  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator R.J. Shenton  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott-Warren  
(S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J de Faye (H)

**ABSTAIN:**

THE STATES rejected amendment 3 that after paragraph 7 of Schedule 2 there be inserted the following paragraph –

“7A Organizations

An elected member must register the name and address of any organization of which he or she is a member.”.

Members present voted as follows –

**POUR: 13**

Senator S. Syvret  
Senator W. Kinnard  
Senator P.V.F. Le Claire  
Senator R.J. Shenton  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy C.J. Scott-Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.A. Martin (H)  
Deputy J.A. Bernstein (B)  
Deputy P.J.D. Ryan (H)  
Deputy of Grouville

**CONTRE: 29**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator F.H. Walker  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy M.A. Taylor (C)  
Deputy of St. Peter  
Deputy J.A. Hilton (H)

**ABSTAIN: 0**

THE STATES, in pursuance of Article 47 of the States of Jersey Law 2005, made an amendment to the Standing Orders of the States of Jersey entitled the Amendment (No. 2) to the Standing Orders of the States of Jersey.

**Draft Amendment (No. 3) of the Standing Orders of the States of Jersey– P.245/2005**

THE STATES, in pursuance of Article 47 of the States of Jersey Law 2005, made amendments to the Standing Orders of the States of Jersey entitled Amendment (No. 3) of the Standing Orders of the States of Jersey.

Members present voted as follows –

**POUR: 33**

Senator J.A. Le Maistre

**CONTRE: 1**

Deputy J.A. Bernstein (B)

**ABSTAIN: 1**

Deputy P.N. Troy (B)



Senator S. Syvret  
Senator F.H. Walker  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Senator R.J. Shenton  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy G.C.L. Baudains (C)  
Deputy C.J. Scott-Warren (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J de Faye (H)

Article 2 was adopted.

### **Draft Policing of Parks (Jersey) Regulations 200- P.43/2005**

THE STATES, in exercise of the powers conferred on them by Order in Council of 26th December 1851, Article 49 of the Road Traffic (Jersey) Law 1956 and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957, made Regulations entitled the Policing of Parks (Jersey) Regulations 2005.

### **Speeding fines: allocation of funds to Parishes – P.156/2005 Comments and Addendum**

THE STATES, gave leave to the Deputy of St. Martin to defer consideration of the proposition concerning Speeding fines: allocation of funds to Parishes (P.156/2005 lodged 'au Greffe' on 20th July 2005) from the present meeting until a later date.

### **Development of Fostering and Adoption Services in Jersey – P.219/2005**

THE STATES gave leave to Senator Paul Vincent Francis Le Claire to defer consideration of the proposition concerning Development of Fostering and Adoption Services in Jersey (P.219/2005 lodged 'au Greffe' on 5th October 2005) from the present meeting until a later date.

### **Connétable of St. Brelade– retirement**

The Deputy Bailiff referred to the impending retirement of the Connétable of St. Brelade, and thanked him on behalf of the States for his services to the Assembly.

THE STATES rose at 5.15 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States.*