

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 21st SEPTEMBER 2009

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

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

1. Public Accounts Committee

The Bailiff:

First of all, I inform the Assembly of the resignation of Deputy Vallois from the Public Accounts Committee. The second matter, then, is the nomination as a member of the Public Accounts Committee. Senator, do you wish to make a nomination?

1.1 Senator B.E. Shenton:

Yes, Sir. Firstly I would like to thank Deputy Vallois for her hard work on the Public Accounts Committee. She is also a member of the Corporate Services Scrutiny Panel and it was felt that the workload and the closeness of what we are looking at, her resources would be better spent on the Corporate Services Panel. I am pleased to nominate Senator James Perchard to replace her as a member of the Public Accounts Committee. Senator Perchard was on the previous Public Accounts Committee and therefore has experience and I am sure he will hit the ground running when he does join.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations for the Public Accounts Committee? Very well. Then I declare Senator Perchard elected as a member of the Public Accounts Committee.

2. Environment Scrutiny Panel

The Bailiff:

Then there is also a nomination for a member of the Environment Scrutiny Panel.

2.1 Deputy P.J. Rondel of St. John:

Since the inception of this current panel we have been running light on numbers because some members who could come forward have not done so. Anyway, I have managed to persuade Deputy Le Claire to join the panel, he having served on it under the previous panel and therefore will be an asset to the panel, and I hope if there is an election that they will support Deputy Le Claire.

The Bailiff:

Is that seconded, that nomination? **[Seconded]** Any other nominations? Very well, I declare Deputy Le Claire elected as a member of the Environment Scrutiny Panel.

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

Although I got less votes than at my last election, could I just thank the Chairman for his kind words.

QUESTIONS

3. Written Questions

3.1 SENATOR B.E. SHENTON OF THE CHIEF MINISTER REGARDING STANDBY ARRANGEMENTS FOR PUBLIC EMPLOYEES:

Question

Would the Chief Minister give details of all standby payment arrangements that are in place for public employees setting out in each case the job title of the employee concerned and a brief description of his or her main duties, the employee's grade, details of the standby payment arrangements and the reasons for them, and the amount of the standby payment?

Answer

The spread sheet attached contains the information that Senator Shenton has requested.

It should be noted that standby cover is provided across the whole spectrum of States Departments and the services they provide including: emergency and therefore potentially life saving, medical treatment, facilitation of out of hours operation of the Airport to allow, for example, emergency ambulance charters, emergency coast guard provision, tactical fire arms and scenes of crime support, clearing flooded drains and clearing debris following road accidents.

Round the clock standby cover for the range of services that States Departments provide is a far more efficient option than providing 24 hour manning levels.

It should also be noted from the attachments that the total cost of standby in the public sector is approximately £1.33m which represents approximately 0.5% of the public sector pay bill.

SUMMARY OF DEPARTMENTAL STANDBY AGREEMENTS

DEPARTMENT	STANDBY AGREEMENT	ANNUAL TOTAL
Airport	Duty Executive	£45,643
	Engineering	£33,776
	Electricians	£7,893
	Rescue and Fire Fighting	£32,190
	Operations	£14,602
	Air Traffic Engineering	£18,362
	Dept. of Electronics	£35,412
	Total	£187,878
Chief Minister	IT Technical Support	£26,055
	Total	£26,055
ESC	Leisure Centre Security	£17,445
	Total	£17,445

Harbours	Duty Executive	£19,970
	Marine Operations	£44,961
	Marine Section	£52,120
	Total	£117,051

Home Affairs (Police)	Firearms	£19,629
	Senior Investigating Officer	£38,673
	Special Branch	£15,560
	SOCO	£27,470
	Specific Operational Policing	£29,744
	IT/IS Support	£30,493
	Sub Total	£161,569
Home Affairs (Prison)	Maintenance	£10,665
	Healthcare	£10,650
	Sub Total	£21,315
Home Affairs (Fire)	Retained Fire Fighter	£15,108
	Sub Total	£15,108
Home Affairs (Cust. & Imm)	Duty Officer	£50,619
	Sub Total	£50,619
	Total	£248,611
Housing	Duty Officer	£33,800
	Total	£33,800

DEPARTMENT	STANDBY AGREEMENT	ANNUAL TOTAL
P&E	Notifiable Disease	£11,749

	Total	£11,749
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Property Holdings	Maintenance Cover	£33,678
	Total	£33,678

Health & Social Services	Ambulance Emergency Cover	£127,556
	Mortuary Cover	£18,500
	Pharmacy	£41,000
	Path Lab	£68,106
	Childrens' Service	£45,000
	Engineering	£10,119
	Snior Nurse	£4,418
	Mental Health	£58,708
	Operating Theatres	£42,500
	Total	£415,907

TTS	Duty Officer - Forestry	£1,090
	Duty Officer - Emergency	£50,301
	Duty Officer - M&E	£46,985
	Duty Officer - Incinerator	£34,751
	Drainage	£19,299
	Electrical	£7,093
	Forestry	£1,188
	Mechanical Workshop	£11,512
	Pumping Stations	£10,779
	Sewage Treatment Works	£19,231
	Emergency Tanker	£19,674
	Housing Emergency	£7,295
	Sub Total	£229,198
	Fleet Maintenace	£12,017

	Sub Total	£12,017
	Total	£241,215

OVERALL TOTAL		£1,333,389
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3.2 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE SUPPLY OF BOTTLED WATER TO STATES DEPARTMENTS:

Question

Following my request on 6th July 2009, would the Minister advise the Assembly of the amount spent over the last 3 years to supply all States departments with bottled water (still/carbonated) and drinking fountains?

Would the Minister consider implementing a sanction on those Departments where tap water is available, but bottled water is still used and, if so, would he outline what form such sanctions will take?

Answer

The internal accounting system does not code bottled (still/carbonated or drinking fountains) to that level of detail. Identifying actual expenditure for bottled water and dispensers is not possible. We are able to identify the total expenditure of the major water providers at invoice level, however this data is not meaningful as the companies supply multiple products to the States of Jersey (i.e. vending products, provisions).

Treasury staff have contacted the two major States of Jersey suppliers to seek this information, but they are unable to provide this without significant administrative cost. In the past different departments held numerous accounts with the supplier, so consolidating the information is very difficult at present.

At an individual department level independent cost saving initiatives have been undertaken to reduce bottled water procured and replace with “point of use” plumbed in machines. We do not have the data to identify the actual savings achieved, because of the lack of line level detail available.

To impose sanctions will be difficult as each department is responsible for managing within its own cash limit. However, it is reasonable to expect departments to review all areas of spend, to determine whether savings are possible. Good housekeeping will always identify savings, no matter how small.

Departments will be requested by the Central Procurement Department to identify how much water is still purchased in bottled water form and the cost and whether it is possible to further reduce this dependency. It seems entirely reasonable that all bottled water should be phased out where a mains supply is available.

I am pleased to see that perhaps as a result of the Deputy questions, departments are now installing dispensers (including in the States Members coffee room) and saving money.

3.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE COST OF FLOODLIGHTING VICTORIA COLLEGE:

Question

Further to his response to my question of 10th March 2009, would the Minister advise what action, if any, he has taken to review the floodlighting of Victoria College and indicate what savings, if any, could be made to the school's annual electricity bill, should this practice be curtailed, for use by Victoria College towards the cost of other school resources.

Answer

On 10th March 2009, during Questions in the States, Deputy Rondel raised the subject of floodlighting at Victoria College. At that time I advised members that floodlighting had proved to be effective as a security measure at the College, as well as being appropriate for a prominent and historic building. I did not undertake to 'review the floodlighting at Victoria College', as implied by Deputy Rondel in his question, and remain of the view that the use of floodlighting is justified.

As indicated in my previous answer, the cost of floodlighting is minor in relation to the total cost of electricity for the school, and is considered to be cost-effective in terms of deterring vandalism and theft. Although the ESC Department partly funds the College, the administration of the school is the responsibility of the Head Teacher and the Board of Governors, including matters such as this.

I have previously indicated that the school would be willing to meet Deputy Rondel to discuss his concerns in more detail, and would suggest that he takes them up on the offer.

3.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING COGNITIVE ABILITIES TEST RESULTS:

Question

Given the recent examination results from Island schools, could members be told how the Cognitive Abilities Test (CAT) examination results in Years 5, 7 and 9 compare with the equivalent schools across the British Isles?

On any league table of performing schools, can members be told whether Jersey schools performances were better or worse than average?

Did any schools, junior or senior, fall in the bottom three ranking league tables, and, if so, which schools?

Answer

Cognitive Ability Tests are designed to assess reasoning skills and to profile the distribution of ability across a particular population. The average CAT score in a normal distribution would be 100.

If the average CAT score for a particular school was, for example, 99, an equivalent school would have a similar average CAT score. However, if a school has a selective intake, its average CAT score is likely to be higher than a school with a non-selective intake.

CAT scores are not published for individual schools anywhere in the British Isles and therefore there are no league tables of school CAT scores.

CAT scores are not based on the curriculum and therefore are less affected by teaching. For this reason they are not used to assess or monitor the performance of schools. They are used to set realistic targets for pupils and to monitor individual progress against those targets. They are also used to ensure that resources are targeted to meet additional needs.

3.5 DEPUTY T. M. PITMAN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE HISTORIC ABUSE INVESTIGATION:

Question

Would the Minister explain to the Assembly why there appears to be such significant discrepancies between the facts of the historic abuse case outlined by the former Deputy Chief Officer of the States of Jersey Police and recent statements made to the media by his retiring successor and would the Minister clarify whether or not it is correct that the contentious 'skull fragment' has somehow been lost by the authorities?'

Answer

I am unable to read the minds of the former Deputy Chief Officer of the States of Jersey Police, and his successor, who has just retired. They are two separate individuals with their own viewpoints and interpretations of the facts. As members will be aware, the handling of the historic abuse enquiry is currently the subject of an ongoing investigation.

As regards the 'skull fragment', all exhibits from the historic abuse enquiry are accounted for. If the Deputy has evidence to the contrary, perhaps he should liaise with the Acting Chief Officer, States of Jersey Police.

3.6 DEPUTY A.K.F. GREEN OF ST. HELIER OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE REMOVAL OF CONTAMINANTS FROM THE CASTLE QUAYS SITE:

Question

Could the Minister confirm :

- 1) whether Dandara removed all containments contaminants from the Castle Quays site before starting work;
- 2) that he is satisfied that Dandara ensured that there was no contact between contaminants in the side walls and floor of the excavation pit and the seawater as it flooded in and out of the site;
- 3) the precise chemical makeup of the contaminants;
- 4) where and how this contaminated material was disposed of?

Answer

1. The developer removed materials from the excavation after completion of retaining walls to the side of the site. This was followed by the load bearing piles which were intended to

support the structure. The removal of materials was therefore an integral part of starting work.

2. The historic disposal of ash at the west of Albert site, part of which is the Castle Quays site, was carried out in 2 ways. Initially it was co disposed with general construction wastes and then later it was disposed of in “ash coffins” or trenches dug above the mean high water mark. The latter, due to it’s positioning in respect of this high water mark is unlikely to have come into contact with waters as the deputy describes and the former was removed as the excavation progressed. The materials in question would have historically been subject to tidal inflow and outflow prior to any excavations and the removal of these materials would therefore have constituted a net environmental benefit to the West of Albert area.
3. This information will be copied and forwarded to the Deputy at the earliest opportunity.
4. The materials were disposed of in the ash cells at the La Collette reclamation site. They were removed from the castle quays site by covered lorry and tipped in the hydraulically independent and purposely designed cells at the TTS operated facility.

Will the Minister also -

- 1) confirm what monitoring of water quality, if any, has taken place in the adjacent marina, St. Aubin’s Bay and on/in the development site?
 - 2) advise who has carried out this monitoring and what independent verification has taken place?
 - 3) provide the full data as supplied from the States laboratory or from any other source to Harbours and the Department for Planning and Environment.
1. Monitoring for the determinands in the table below has taken place in the adjacent marina from December 2007 to the present. The department has this data in hard copy and will forward copies to the Deputy at the earliest opportunity.

Arsenic (µg/l)
Cadmium (µg/l)

Chromium (µg/l)
Copper (µg/l)
Lead (µg/l)
Mercury (µg/l)
Nickel (µg/l)
Selenium (µg/l)
Zinc (µg/l)
Sulphate (mg/l)
pH

EPH (C10-C40 µg/l)
Total PAH (EPA 16 µg/l)
Phenanthrene (µg/l)
Fluoranthene (µg/l)
naphthalene (µg/l)
acenaphthene (µg/l)
pyrene (µg/l)
anthracene (µg/l)

Bathing water monitoring is undertaken between May and September annually and the data is uploaded on a weekly basis to the department's website. The link is as follows:

<http://www.gov.je/PlanningEnvironment/Environment/Environmental+Protection/BathingWater.htm>

Heavy metal uptake in marine indicator organisms has been monitored since the early 1990's and the department will copy a report which can be submitted with the other data requested.

2. The marina monitoring was carried out by the site developer and was analysed independently by the States Analyst.

Bathing water monitoring is carried out by Environmental Protection, it is analysed by the States Analyst and it is independently verified by CREH, the Centre for Research into Environment and Health.

Heavy metal uptake has been sampled by Planning and Environment, analysed by the States Analyst and the resultant report independently assessed by CREH.

3. This will be forwarded at the earliest opportunity.

3.7 DEPUTY A.K.F. GREEN OF ST. HELIER OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING FLOODING AT A PROPERTY AT L'ETACQ:

Question

Following a site visit by the Minister and officers, would he outline what measures, if any, will be taken to prevent a fifth instance of flooding at the propriety known as La Maison de L'Etacq, St Ouen from water which is discharged from a Transport and Technical Services' culvert on La Route de L'Etacq and also indicate time scales for any proposed work?

Answer

The Transport and Technical Services Department does not currently propose to undertake any works on the culverts under Route de L'Etacq at the bottom of Mont Huelin in St Ouen, as it is not believed that these culverts are the source of the flooding of Maison de L'Etacq.

The culverts under Route de L'Etacq have been surveyed and it has been determined that they have the capacity to cater for an extreme rainfall event on the Mont Huelin catchment. However, if their capacity were to be exceeded, water would spill from the upstream inlet chamber on the northern side of Route de L'Etacq and be directed eastwards by the falls of the road down Le Chemin de la Brecquette and therefore away from Maison de L'Etacq.

Photographs from the most recent rainfall event that caused the flooding of this property, taken in December 2008, clearly showed significant volumes of water from the private stream and culvert adjacent to the Parish road, Mont Huelin, discharging onto Mont Huelin as a result of the private culvert being blocked with debris that had built up over a significant length of time. Due to this volume of water discharging onto Mont Huelin and then onto Route de L'Etacq, the road gullies in Route de L'Etacq became inundated and blocked with debris from the flow, resulting in flooding of Maison de L'Etacq.

The road gullies on Route de L'Etacq, at the bottom of Mont Huelin, are not designed to deal with the volumes of water, together with the debris that were discharged onto Route de L'Etacq from Mont Huelin during the rainfall event in December 2008. It was clear from subsequent site visits by Officers of the Department that the inlet to the private culvert on Mont Huelin had not been cleared for some considerable time, which significantly reduced the ability of the culvert to accept flow from the catchment, resulting in the water discharging onto the road.

The solution to this recurring problem is for the owner of the private culvert and stream on Mont Huelin to carry out regular cleaning and maintenance of not only the culvert entrance, but also the upstream channel of the stream, to prevent future discharges of stream water onto the road.

The Department's Officers suggested to the owner of Maison de L'Etacq that to help mitigate the impact of any future flooding events on the property openings be formed in the roadside wall that would discharge any water build up in the road across the gardens to the fields to the south. The Department's Officers are unaware of any such works having been undertaken to-date.

3.8 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE ANNUAL COST OF REGULATION TO JERSEY POST:

Question

What is the total annual itemised cost of regulation by the Jersey Competition Regulatory Authority borne by Jersey Post?

Answer

The annual postal licence fees charged to Jersey Post by the JCRA are as follows:

2006	£250,000
2007	£300,000
2008	£170,000

2009 (YTD) £112,500.

The Authority has an agreement with Jersey Post regarding licence fees that has been in place since incorporation and which will need to be renewed after July 2010.

3.9 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING CAMPING FACILITIES AT JERSEY LIVE IN 2010:

Question

Will the Minister be working with the relevant authorities to ensure that camping facilities can be made available at Jersey Live next year?

Answer

The Economic Development Department has worked very closely over the years to help the Directors of Jersey Live develop the successful [self financing] event it has become.

In 2009 I met with the Directors of the Festival and thereafter explored the possibility of establishing a Camping Site at the event with the Minister for Planning & Environment and the Connetable of Trinity.

We will continue those talks in the coming months.

3.10 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING SCHOOL LEAGUE TABLES:

Question

Given the Minister's response to a written question on 8th September 2009, regarding 'League Tables', would he outline how parents can obtain objective information on the performance of States Schools?

Answer

Parents are given a range of information about the progress of their children, the curriculum and the performance of the school.

Each school is required to provide parents with regular reports on the progress of their children. This is done formally through written reports and informally through teacher/parent conferences.

In addition, all schools provide opportunities, throughout the academic year, for parents to visit the school to celebrate the achievements of the pupils, to hear about particular curriculum developments and to discuss and question the work of the school. Parents are also provided with additional information through newsletters and online.

In schools with a Governing Body, there is a requirement for there to be at least two parent governors. The headteacher then has a duty to report regularly to the governing body on a range of items in relation to the business and performance of the school (Appendix 1). These items include examination performance and any independent inspection reports relating to the work of the school.

All written reports presented to the Governing Body are required to be filed along with the minutes of the meeting and to be available for public inspection subject to any decisions on confidentiality made by the Governing Body.

In turn, the Governing Body is required to make available to parents, an annual report on the business and progress of the school. This report must include:

- the dates of meetings held by the Governing Body and brief descriptions of any outcomes or decisions;
- names of the members of the Governing Body, together with their designation and terms of office;
- information about the next election of parent governors;
- a summary of the school's budget and how money was spent over the year;
- names and responsibilities of members of staff;
- information about examination results;
- information on school attendance;
- details of the curriculum;
- details of standards of behaviour;
- details of how to make representations to the Governing Body. The appended list details the recommended items for inclusion in the annual report.

Parents of children in primary schools which may not have a Governing Body, may request copies of any independent evaluation reports on any aspect of the work of the school subject to any confidentiality issues relating to data protection.

3.11 DEPUTY R.G. LE HÉRISSEUR OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING I.T. PROJECTS:

Question

How does the Minister ensure that monies allocated to IT projects in her Department achieve Value for Money?

Answer

There are three key steps in ensuring value for money in IT projects in H&SS. These are:

Project Approval Process

Procurement Process

Project Governance

Project Approval Process

All major IT projects require approval via the H&SS Resource Allocation Panel (RAP) process. The approval process requires a budget holder (usually a Senior Manager) to prepare a business case identifying the following:

- business need
- business drivers
- indicators that will be used to demonstrate the project success
- indicators that will be used to demonstrate value for money

- the funding source and allocation
- the project resources required i.e. recurrent, non recurrent and capital costs and manpower
- key outputs/deliverables
- benefits to the organisation and risks that will be mitigated

IT projects will not be given approval to proceed to procurement unless they have satisfied the above, been approved by H&SS SMT members and been signed off by the H&SS Director of Finance.

Procurement Process

Depending on the type of project, the procurement process is usually one of open transparent competition (unless there are technical or commercial complexities which narrow down the market to a single provider).

It should be noted that IT projects are rarely directly comparable which is why the Integrated Care Record (ICR) Programme (which is a collection of individual projects) board sought advice, direction and drew on experienced from the Chief Ministers Information Services Department and Corporate Procurement on the optimum procurement route for each project is required to ensure value for money is achieved.

The ICR Programme, currently being implemented by H&SS is a significant business change project. The anticipated outcomes of this are:

- individual records available at all times across care settings to those with authority to access them
- rich, relevant and accurate information to support management, planning, audit, inspection
- improvements in patient safety through supporting best practice, and the communication of consistent, accurate and timely information
- improved efficiency through eliminating duplication of data and improved care processes
- services organised around individual needs rather than fitting patients into existing service models
- a modern, reliable, sustainable and flexible technology infrastructure

Value for money was, and continues to be a key driver for the ICR programme. Although the States of Jersey is not part of the EU and is not bound to managing procurements in accordance with the EU Directives, H&SS is committed to following procurement best practice.

The ICR Programme Management team working alongside SoJ Corporate Procurement Team identified the 'Competitive Dialogue' process would be the optimum route to ensuring value for money and delivery of the objectives was achieved. This recognised EU procurement approach gave the structure and rules that ensured openness and transparency and would provide the best outcome.

Programme Governance

All IT projects must follow the established States project management and governance framework. This involves the establishment of Project Boards. It is the responsibility of the board to ensure the project is delivered, benefits are realised and value for money is achieved. This will involve regularly monitoring against milestones, identification and control of risks as well as financial management.

In the case of the ICR Programme there is an established Programme Board. The purpose of the Programme Board is to provide a robust assurance mechanism to support the HSS ICR programme. The board will ensure the programme and subsequent projects are managed with due regard to the provision of systems and services that are fit for purpose, delivered on time and within budget.

The ICR Programme Board has the following responsibilities:

- Set the strategic direction of the ICR Programme
- Responsible for sponsoring the ICR Programme
- Ensure the Programme is managed using MSP methodology
 - Monitor progress against project plans
 - Identify risks and take appropriate action to mitigate those risks
 - Ensure H&SS is equipped to take decisions on procurement and implementation.
- Ensure that the Health and Social Services Minister is appropriately briefed on progress, risk and issues.
- Ensure H&SS's IT infrastructure supports the Programme.
- Ensure appropriate links are made to the Strategic Plan and Risk Register.
- Create an environment in which the programme can thrive.
- Endorse, advise and support the SRO (Senior Responsible Officer)
- Provide continued commitment and endorsement in support of the SRO at Programme Milestones.
- Approve the progress of the Programme against the strategic objectives.
- Provide visible leadership and commitment to the programme at communication events.
- Allocate budget to, and set tolerances for, programme activities.
- Act as an escalation / issue resolution forum for significant programme issues.
- Confirm successful delivery and sign-off at the closure of the programme.

Members of the ICR Programme procurement board were:

Chief Officer

Information Services Director

Director of Finance and Information

Director of Nursing and Governance

Director of Strategic Procurement

Medical Officer of Health

Consultant Anaesthetist (Clinical Champion)

ICR Business Change Manager

ICR Programme Manager

The programme has now moved into the implementation phase.

3.12 DEPUTY S.S.P.A. POWER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING WHELK FISHING:

Question

Can the Minister inform members whether, after the last joint management meeting between the French and Jersey Committee on fish stocks and particularly whelk stocks, the French started legal proceedings against Jersey to stop the Island from introducing a higher minimum landing size for whelk fishing in Jersey waters?

Answer

Neither I nor my Department have knowledge of any legal proceedings brought by the French on whelk minimum size or any other Jersey marine conservation measure at the present time.

3.13 DEPUTY S. PITMAN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING ELIGIBILITY FOR INCAPACITY PENSION:

Question

Would the Minister inform members why recipients of Invalidity Benefit are not eligible for incapacity pension?

Answer

Prior to October 2004, individuals with long term illnesses were able to apply for Invalidity Benefit. If the individual was awarded the benefit they received a standard rate benefit (i.e. the same benefit as for a full rate pension) and were not allowed to undertake any paid work.

This system was replaced in 2004. Individuals receiving Invalidity Benefit on 30th September 2004 have the right to either continue to receive Invalidity Benefit, or to transfer to the new benefit system, which allows individuals with long term conditions to receive a benefit and undertake paid employment at the same time. The current benefit (LTIA) is paid at a percentage rate, based on the loss of faculty of the individual.

The new system also provided for an Incapacity Pension. This is available to someone whose age and medical condition mean that they are likely to be permanently incapable of work with the rate of benefit being calculated based on his/her contribution record up to that time and deemed contributions from that date to the person's pensionable age. The maximum benefit available under an Incapacity Pension would be a full rate benefit, and the individual would be barred from taking up paid employment.

There is no reason why an individual currently receiving Invalidity Benefit under a legacy provision should not transfer to an Incapacity Pension (although there will be a substantial number of individuals currently receiving Invalidity Benefit who would not qualify for an Incapacity Pension). If they were eligible to transfer and did so, they would receive up to the same value of

benefit and be subject to the same employment restrictions. If they did not have a full contribution record, they would receive a smaller value benefit.

It is not possible to receive benefits under the old system and the new system at the same time. Individuals are allowed to retain their entitlement under the old system if they choose to do so, but they cannot then apply under the new system at the same time.

3.13 THE DEPUTY OF ST. MARY OF H.M. ATTORNEY GENERAL REGARDING ACTIONS FOR DAMAGES AGAINST STATES DEPARTMENTS:

Question

Given the potential risk to the States of successful actions for damages, or people seeking injunctions on departments to stop them behaving in certain ways, and given the States' duty of care to the public, can H.M. Attorney General advise members what remedies, if any, are available to members of the public who think that a Minister or a department has damaged their individual interest, the interests of their group, or the interests of islanders as a whole, and how these various remedies may be set in motion.

Can H.M. Attorney General provide members with examples of where these various remedies have been adopted and the outcomes, and advise where such examples and explanations may be found?

Answer

This question is far too broad to permit any constructive answer. Legal advice is not given in the abstract. Legal text books are available for that purpose. Legal advice is tailored to a factual matrix which is put to the lawyer for consideration.

Assuming that there is a basis in law and on the facts to succeed in a claim, the remedies available to an individual plaintiff or applicant are damages, injunctions, certiorari, declarations and the remaining prerogative orders such as mandamus and prohibition. These remedies would be considered where a plaintiff had established a breach of contract or other statutory duty, his claim in tort, or had shown improper administrative action which would be corrected by judicial review or administrative appeal.

3.14 THE DEPUTY OF ST. MARY OF CHAIRMAN OF CHAIRMEN'S COMMITTEE REGARDING COMPLAINTS MADE AGAINST THE ACCREDITED MEDIA:

Question

To aid members in their consideration of P.112/2009, would the President advise whether the Committee has been notified of any complaints made against the 'official media' in the last 10 years and, if so, what was the outcome of such complaints?

Can the Chairman further explain what are the underlying principles behind a proposal seeking to exclude citizen media and hand a monopoly to 'official professional media' and how this squares with the need for the Assembly to engage with the public as fully as possible?

Answer

The matter of access to States meetings by the media and members of the public has been considered by both the Privileges and Procedures Committee and the Chairman's Committee.

It has been agreed that a working party be established consisting of the Chairman, Privileges and Procedures Committee, President of the Chairman's Committee, and a representative from the executive.

It is anticipated that the working party will consider;

- Access to government, executive and non-executive meetings by public;
- The use of recording equipment in respect of States related matters;
- The distinction, if any, between 'bloggers' and the 'official' press;
- Audio recording of States meetings;
- Visual recording of States meetings;
- The provision of information to the public;
- Timely communication of information to politicians;
- The use of 'blog' sites by politicians and the possible regulation thereof;
- The application of Standing Orders and standards to websites/weblogs run by politicians;
- The right of redress;
- The rights of the public and/or witnesses to refuse to be filmed;
- The rights of the public and/or witnesses to refuse to be recorded.

It has been agreed that P.112/2009 shall be withdrawn pending the outcome of this review. In respect of complaints made against the 'official media' during the past 10 years it should be noted the Chairman's Committee has only been in existence for 4 years, and during that time has no record of any official complaints.

3.15 THE DEPUTY OF ST. MARY OF THE MINISTER FOR HOME AFFAIRS REGARDING THE POLICE COMPLAINTS AUTHORITY:

Question

Could the Minister provide the Assembly with details of the last 2 advertisements for recruitment of members of the Jersey Police Complaints Authority, the job description and personal qualities required, the scoring or other evaluation basis, the C.V.'s of existing members, and the details of procedures used to appoint.

Answer

The JPCA is an independent body, consisting of a Chairman and not less than six, or more than eight, members, responsible for overseeing, monitoring and supervising the investigations of complaints and other matters relating to the States of Jersey Police and members of the Honorary Police.

The Chairman and members are appointed for a period of three years and operate under the Police (Complaints and Discipline) (Jersey) Law 1999.

The current Chairman and Members are:

Mr Leslie May	Chair
Mr Tom Slattery	Deputy Chair
Advocate Debbie Lang	Member

Mr Tony Beaumont	Member
Mr Andrew Cornish	Member
Mrs Toni Roberts	Member
Mr Stephen Luce	Member

The terms of office of the Chairman and four Members (Mr Beaumont, Mr Luce, Mr Cornish and Mrs Roberts) are due to expire on 31 December 2009.

Following the resignation of a previous Member in 2006, an advertisement was placed in the Jersey Evening Post in July 2006 inviting applications for the post of Member, with effect from 1st January 2007. Two applications were received but no appointment was made. The post was advertised again in October 2006 with one application being submitted. Mr Stephen Luce was the successful applicant. The appointments panel consisted of the Chairman of the JPCA, a member of the Human Resources Department and a representative of the Appointments Commission.

In February 2009 the Chairman advised the Minister that at the end of his current term of office he did not wish to seek re-appointment. One other member, Mrs Roberts, also declined to seek re-appointment. Three further Members wished to be re-appointed at the end of their current terms of office. In accordance with the Appointments Commission Code of Practice, second re-appointments would need to be considered alongside other applicants in open competition and an advert was placed in the Jersey Evening Post in June 2009, inviting applications for the posts of Chairman and Members. Following a formal panel interview, consisting of the Chief Officer, Home Affairs, a Human Resources representative and a representative from the Appointments Commission, Mr Thomas Slattery was appointed to the post of Chairman, effective from 1st January 2010. There were no applications for members and with the agreement of the Appointments Commission, the terms of office for Mr Beaumont, Mr Luce and Mr Cornish were extended for a further three year period. The appointments are subject to formal approval by the States Assembly.

There is no formal job description for these appointments other than the criteria set out in the advert – a copy of which is attached as Appendix A. The process used to select candidates follows the guidelines laid down by the Appointments Commission Code of Practice and applicants are required to submit a CV outlining their skills and experience. A shortlisting process, followed by a formal panel interview is undertaken and candidates are assessed against an agreed set of criteria in areas such as confidentiality and integrity, delivery and implementation, knowledge or understanding of the relevant Law and the ability to deal with the demands of the role. The Chairman is also required to demonstrate experience or ability to manage the workload of Members, chair meetings and present an annual report. All appointments are subject to the necessary security checks.

Mr Slattery has been selected to take up the post of Chairman with effect from 1st January 2010. As Mrs Roberts is not seeking re-appointment there will be two vacancies from 1st January 2010. An advert has recently been placed in the Jersey Evening Post inviting applications for Members. It is anticipated that a similar appointments process will be followed.

The Deputy has asked for CVs of existing members but I would need to seek the permission of each Member to provide these as they contain personal information. However, abridged versions, which have been tabled to the Assembly previously are provided below:

Mr Leslie May – Chairman

Mr May came to Jersey in 1973 as a senior Civil Servant and held posts as Financial Controller and Director at States Telecommunications, Fuel Controller for the Defence Committee and Treasurer of the States. He retired in 1991. Prior to working in Jersey Mr May had a career in the UK private sector and held senior management posts in major industries. He has also served on the Parish Rates Appeal Board and is a Fellow of the Associated Chartered and Certified Accountants and a Fellow of the Institute of Directors. Mr May was the first Chairman of the JPCA when it was established in 2001.

Mr Thomas Slattery – Deputy Chairman

Mr Slattery C.A., graduated from Edinburgh University and subsequently qualified as a chartered accountant. He has retired as Managing Director of Hill Samuel Jersey and Lloyds TSB Offshore Private Banking Companies. Prior to coming to Jersey in 1989, Mr. Slattery held a number of senior positions with the TSB Banking group in Scotland. Mr. Slattery is presently the Chair of the board of the Jersey Advisory and Conciliation Service. His leisure activities include reading and travelling.

Mr Anthony Beaumont - Member

Mr Beaumont was employed as a Senior Engineer with the Public Services Department from 1974 to 1998. Following his apprenticeship as a mechanical engineer he served with HM Forces with the REME. He then worked for various major civil engineering contractors in the UK before coming to Jersey to join the Public Services Department. Mr Beaumont has been a member of the Police Complaints Authority since January 2001.

Mr Andrew Cornish - Member

Mr Cornish is Practising Optometrist and director of an Opticians in St Helier. He was born in Bedfordshire and educated at the City University, London. He has been a member of the Police Complaints Authority since January 2004.

Mr Steven Luce - Member

Mr Luce was born in Jersey and educated at Victoria College and the Royal Agricultural College, Cirencester. From 1996 to 2003 he served on the Youth Panel and was a member of the Review Panel for the dairy industry (1992) and on the Jersey Farmers Union during the 1990s. He has also been a Roads Inspector and on various Parish committees in St Martin, as well as an organist at St Martin's Parish Church. Mr Luce has been a member of the Authority since 1st January 2007.

Advocate Deborah Lang - Member

Advocate Deborah Jane Lang was born in England and completed her education in Jersey, where she has lived for the last 30 years. She was Managing Partner for the Jersey Law firm Bailhache Labesse (now Appleby) for a number of years, as well as being Managing Director of Bailhache Labesse Trustees Ltd.

Advocate Lang is currently a self-employed consultant, assisting Law firms and Trust companies with strategic planning and other management issues. From 1992 – 2003 Advocate Lang was a member of the Education Audit Committee and for three years was a member of the Audit Commission. She was the founder Chair of the Jersey Childcare Trust. Ms Lang was appointed as a Member in January 2008

Mrs Toni Roberts – Member

Mrs Roberts, MBA, ACIS, TEP is a Fiduciary Business Services Manager for J.P.Morgan Trust Company. Mrs Roberts gained her MBA at Leicester University and is an Associate Member of the Chartered Institute of Secretaries and Administrators and a Trust and Estate Practitioner. Mrs Roberts is an Overseas Aid Commissioner, a Rotarian and a former Chairman of the Jersey Branch of the ICSA.

Appendix A

JERSEY POLICE COMPLAINTS AUTHORITY

CHAIRMAN AND MEMBERS

The States of Jersey is seeking to appoint a Chairman and Members to the Jersey Police Complaints Authority (JPCA) with effect from 1 January 2010.

The JPCA is an independent body, consisting of a Chairman and six members, responsible for overseeing, monitoring and supervising the investigations of complaints and other matters relating to the States of Jersey Police and members of the Honorary Police.

The Chairman and members are appointed for a period of three years and operate under the Police (Complaints & Discipline) (Jersey) Law 1999. The positions are honorary but out of pocket expenses incurred may be claimed. The Authority meets from time to time as necessary, but Members are expected to work autonomously as the work demands, being responsible for the supervision of individual cases. The Chairman is also responsible for overseeing the work of the members, chairing the meetings and presenting the Authority's annual report.

This is a rewarding opportunity for anyone who wishes to play a part in ensuring that the investigation of such complaints and subsequent decisions are conducted in a thorough and impartial manner. Naturally, it demands that applicants must be of good character and integrity and appointment is subject to the appropriate clearances.

By Law, a person cannot be the Chairman or a Member of the Authority if s/he has been or is a member of the States of Jersey Police, a Port Control Officer, a member of the Honorary Police or member of any other Police Force; or if s/he is a member of the States or a Jurat.

Applications should be in writing, accompanied by a cv, marked Private and Confidential, and sent to the Senior Human Resources Manager, Home Affairs Department, 11 Royal Square, St Helier, Jersey, JE2 4WA. Applications should arrive no later than 18 June 2009. Applicants should indicate which post(s) they are interested in.

For an informal discussion about the role(s) please contact Mr Steven Austin- Vautier, Chief Officer, Home Affairs Department on 447923.

3.16 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FUTURE USE OF THE FORMER J.C.G. SITE:

Question

Would the Minister advise how the conclusion contained within paragraph 8.2.7 of the Annual Business Plan regarding the former Jersey College for Girls building's unsuitability for use as States offices was

reached and outline who carried out this assessment, the timeline for any meetings, provide minutes of any meetings or reports prepared to substantiate this proposal?

Answer

Following the provision of a new Jersey College for Girls at Mont Millais the former school site has been identified for re-development as a residential site. For a number of reasons this development project has not progressed.

In the latter part of 2008, as the initial phase of a comprehensive review of all States property assets and their future use, Jersey Property Holdings prepared a concept Office Strategy which identified current office usage and explored various options for delivering greater efficiency of space and property utilisation. One set of proposals were to consolidate a significant proportion of office activities into a single building. In order to illustrate the costs and benefits which might be achieved from this approach, the former JCG site, amongst others, was used as an example of how a single site could be used to provide sufficient space for a large numbers of employees.

Whilst the concept of a large single development locating a single States of Jersey office centre of approximately 150,000 sq ft and housing 1,500 employees has many benefits, the location of a building of this size would place a significant burden on the road infrastructure of the area.

The proposal was discussed by the Corporate Management Board for an initial view. I was then briefed on the proposals and following consultation with Ministerial colleagues and the Planning Minister I ruled out the progression to move the States office centre to JCG.

The main reason for this decision was that the Island Plan clearly sets out a policy to locate office development in the town centre. In addition not only would it be unwise to make an exception for the States but the public who interact with the States.

Property Holdings were requested to identify and evaluate other potential sites for development including some smaller locations with less concentration of States office users in one place, but in the town centre to comply with the Island Plan.

I have asked the Assistant Minister with responsibility for property to meet with the Deputy to brief him, and if he wishes to show him the conceptual plans which were rejected for the reasons above.

3.17 THE DEPUTY OF ST. MARY OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ACCIDENTS IN THE AREA OF LA RUE DES BUTTES:

Question

Can the Minister advise the Assembly of -

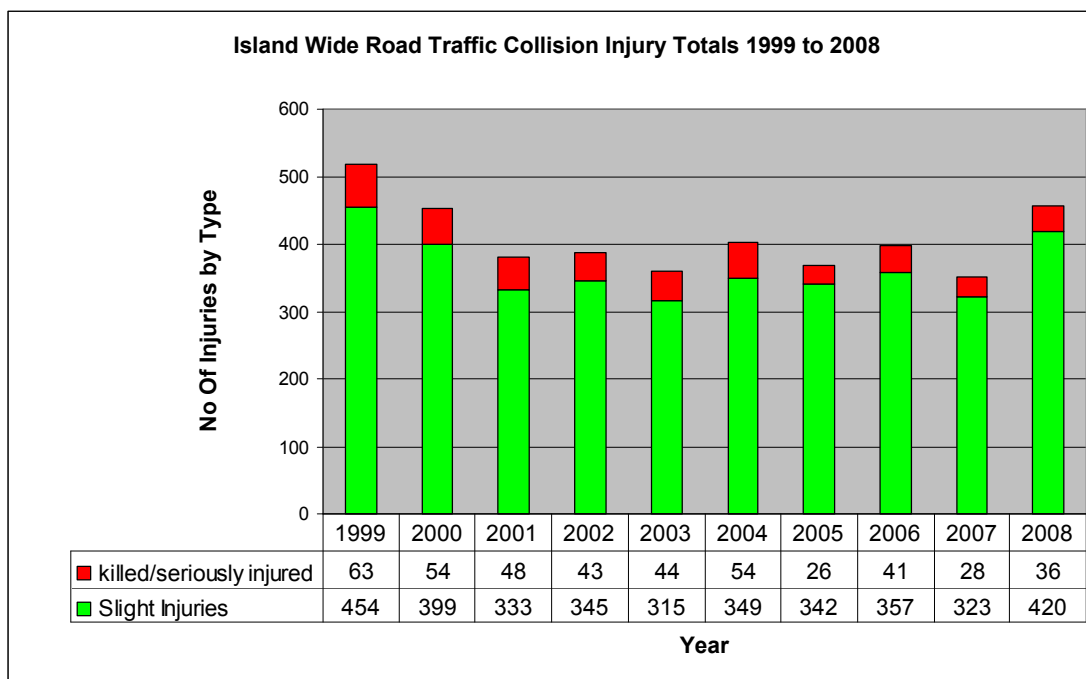
- a) the number and seriousness of accidents on B53 (La Rue des Buttes) from the junction at St. Mary's Church to the junction of B53 with B39 (La Rue de la Frontière) in each of the last 10 years, including accidents at the two junctions;
- b) the number and seriousness of road accidents in the Island as a whole in each of the last 10 years.

Answer

- a) All road traffic collision data is collected and collated by the States of Jersey Police. Road traffic collisions are categorised by the Police as damage only, slight injury, serious injury or fatal, according to the severity of the worst injury suffered by the persons involved in the accident. In common with other Highway Authorities, TTS do not monitor or analyse damage only collisions due both to the unreliability of the data and the greater significance of those involving injury. The table below shows the road traffic collisions involving injury recorded on La Rue des Buttes, from the junction at St Mary's Church to the junction with La Rue de la Frontière, over the last 9 years (data is not available for 1999).

Year	RTC (Slight Injury)	RTC (Serious)	RTC (Fatal)
2000	1	0	0
2001	2	0	0
2002	1	0	0
2003	1	0	0
2004	0	0	0
2005	3	0	0
2006	2	0	1
2007	2	0	0
2008	5	0	0
Total	17	0	1

- b) The following graph and data table has been prepared using data sourced from the States of Jersey Police and shows road traffic collisions by severity of injury for the whole of Jersey by year.



3.18 THE DEPUTY OF ST. JOHN TO THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING THE RE-FIT OF THE FISHERIES VESSEL THE NORMAN LE BROCCQ:

Question

Could members be advised of the exact works carried out in the re-fit of the fisheries vessel the Norman Le Broccq, detailing the costs of each section of works; when the vessel was taken out of service; when it went back into service; whether the work was undertaken by a Jersey shipyard, and if not, explain why this work could not be carried out in the Island given the local expertise available?

Answer

The vessel was out of service from 13th February 2009 until 31st July 2009. The work was undertaken by Goodchild Marine Services Ltd who are based in Great Yarmouth. This is the same yard that Jersey Harbours, the RNLI and several UK authorities use for major items of work on their medium sized vessels. Due to the complexity and scale of the work, the need for a controlled environment covered facility and the location of specialist sub contractors, the work could not efficiently be undertaken in Jersey.

Works :

Pre –dismantling work

£

Trials, investigate and report findings, store and label equipment

1,834.55

Hull/deck/superstructure/external work

Remove all external fittings; mask and blast and provide uniform finish to hull, decks, deck plates, bulwarks, topsides, wheelhouse, CO2 locker, inside rope locker, gantry and potting arm. Replace fittings with new barrier medium.

20,611.16

Remove dents	1,010.25
Examine for electrolysis, examine hull for cracking, examine exhaust fairings, examine echo sounder fairings	963.18
Remove bolted chafe plates (replace with new), CO2 locker, stubs at base of skegs	1,750.50
Replace anodes, ventilators, wiper arms, filler caps, boat hook shaft, filler caps, matesaver, navigation lights, sign writing, cars for RIB track, bulwark side doors, potting panel	6,399.79
Repaint selected hull areas, provide bare aluminium finish for all areas, repaint decks, repaint black band, apply antifoul	24,189.01
Service deck hydrant	397.10
Refurbish windlass, trawl winch, pot hauler and control valves, engine room access hatch, watertight deck hatches, foredeck safety rail, fendering	8,694.24
Improve deck drainage arrangements, RIB support block, frame limbers,	1,432.50
 S/T	 67,282.28
Accommodation	
Service marine toilet	154.32
Install cables in void, blackwater tank, bilge arm forward, lee cloths for bunks	3,152.21
S/T	3,306.53
Wheelhouse	
Modify observer seat plinth, wet locker, navigator's work station, plinth to include lifejacket storage, bookshelf, dash panels,	6,424.89
Replace workstation seat, radiator, domestic lights, vinyl trim, key box	6,012.26
Install fifth seat, duplicate hydraulic control	1,852.50
Repaint wheelhouse	2,224.00
Refurbish side windows, windows	5,856.80
S/T	22,370.45
Void Space	
Refurbish access hatch, fuel tanks and pipework, all valves, all bilge pipework, tank vent, insulation areas, all hydraulic pipes,	7,465.61
Replace bilge hand pump	356.08
Install smoke detector head,	308.78
Remove morse cables	488.00
S/T	8,618.47

Steering Compartment

Refurbish rudders and steering system, 2 drain valves	2,341.40
Remove ballast	860.10
S/T	3,201.50

Machinery & machinery space

Replace engines, stern shafts, shaft bearings, shaft seals, rope cutters, insulation, light switch, hydraulic pipes	118,468.80
Relocate inverter	854.25
Refurbish steering system, fuel tank air vent arrangements, fuel tanks and pipework, bilge fire system valves, engine room deck places, heater, fan wires, oil cans and holders, tool box and holder	4,911.32
Replace fire fighting system	6,256.00
Clean compartment	1,516.50
Rebalance propellers	980
S/T	132,986.87

Electrical

Replace all batteries	1,075.12
Install CCTV monitoring, temperature monitoring, fans	4,404.54
Reconfigure emergency changeover switch, switches etc and tidy up cabling	1,890.50
S/T	7,370.16

Electronics

Install GSM phone, AIS RIB, AIS receiver,	11,051.57
Relocate Icom VHF	741.92
Repair work station monitor	581.42
Replace slave screen with Radar/Navifisher display	1,700.42
Refurbish Gyro	1,821.62
S/T	15,896.95

Trials

Engine/gearbox	481.50
Speed	1,861.00
Fuel consumption	1,091.66

Systems	481.50
Electronics	642.00
Endurance	2,387.70
Compass	420.38
Certification	214.00
Fire	101.85
SWL gantry and potting arm	481.93
Safety	1,683.00
Acceptance	3,370.50
S/T	13,217.02
Total	274,250.23
Emergent Work (Approximate)	
Electronics	8,500.00
Hull, mechanical and electrical	27,200.00
S/T	35,700.00
Total	309,950.23

4. Oral Questions

4.1 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the appointment of a body to investigate the matters raised in P.131/2009 (the suspension of a Consultant Obstetrician and Gynecologist):

Will the Chief Minister inform Members of the action taken to appoint a body to investigate the matters raised in P.131/2009 relating to the suspension of a consultant obstetrician and gynaecologist and what personal steps, if any, is the Chief Minister, as chairman of the States Employment Board, taking to address the lengthy and costly suspensions of States employees?

Senator T.A. Le Sueur (The Chief Minister):

I am anxious that these matters are resolved as swiftly and effectively as possible, and immediately after the debate in the last States sitting 10 days ago I instructed officers to identify a short list of bodies that might be prepared to undertake this review. I indicated that Verita should be included in that shortlist. Those bodies have now been identified and inquiries are currently underway to ascertain costs, timescales, expertise, duties, experience and so on. I hope to be in a position to make an appointment in early October. As the main factor in necessary suspension cases frequently relates to delaying internal procedures due to ongoing criminal investigations or prosecutions, I am taking advice from the Attorney General to see if anything can be done to reduce timescales in resolving issues of legal proceedings relating to these cases.

4.1.1 The Deputy of St. Martin:

Can I ask the Chief Minister a question? Will Professor Upex - who, I think the States will agree, did a very good job on a previous inquiry - be one of those people being considered?

Senator T.A. Le Sueur:

If he has the required level of skill in this particular area, I think he certainly should be.

4.1.2 Senator S.C. Ferguson:

Is the Chief Minister taking advice from J.A.C.S. (Jersey Advisory and Conciliation Services) while commissioning the investigation?

Senator T.A. Le Sueur:

At this stage my priority is to find someone to do the investigation. Once I have identified potential people to do that, if necessary I shall take advice from J.A.C.S. or any other interested parties. But maybe the Senator would like to elaborate on why she thinks that J.A.C.S. would be appropriate in this particular situation.

4.1.3 Senator S. Syvret:

As the Chief Minister has responsibility for personnel matters across the States of Jersey, will he, both in respect of this particular case and generally consider issuing a reminder to all staff, particularly senior management, that it is highly undesirable and unacceptable for them to tell falsehoods to such investigations or to seek to mislead such inquiries and investigations through acts of omission?

Senator T.A. Le Sueur:

I do not think any such reminder is appropriate and I believe that officers, and, indeed, I hope all States employees, act honourably and responsibly.

4.1.4 The Deputy of St. Martin:

I did ask the Chief Minister about the personal steps he was taking. Could I ask the Chief Minister: was he really embarrassed the other day to be sitting in front of the Complaints Board, having someone paid at the public expense to try possibly the impossible of defending the indefensible with the Complaints Board hearing the other day? Would the Chief Minister be minded maybe to assist matters by agreeing when the chairman of the panel says: "Would you like to settle out of court?" rather than go through the ... or 2 hours, really, of watching a lawyer, on behalf of the States, defending, really, what was indefensible?

Senator T.A. Le Sueur:

No, I was not embarrassed. The Board was discussing a point of legal principle which was quite complex and I await the outcome of their findings. Whatever their findings are, I shall implement them.

4.2 Deputy D.J. De Sousa of St. Helier of the Minister for Treasury and Resources regarding the revenue raised annually from G.S.T. on domestic fuel:

Would the Minister for Treasury and Resources please inform the Assembly how much revenue is raised annually from the G.S.T. (Goods and Services Tax) on domestic fuel?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

The total potential yield for G.S.T. on domestic fuel for this year is likely to be in the region of £1.5 million. This figure is derived from the total household expenditure on all forms of domestic energy. I estimate that approximately £1 million from electricity, £200,000 from gas, £300,000 for oil and the rest on solid fuels.

Deputy D.J. De Sousa:

I wonder if the Minister could inform the House, in the light of the previous proposition that came to the House on G.S.T. on ... sorry, it is all right.

4.3 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding penalties to owners who refuse to keep their dogs under proper control:

Will the Minister be increasing penalties to owners who refuse to keep their dogs under proper control and allow vicious dog attacks on smaller breeds, and, if not, why not?

Senator B.I. Le Marquand (The Minister for Home Affairs):

There are 2 different areas of law involved here, firstly, the Dogs (Jersey) Law of 1961. Now, under that, if a person is aggrieved by the behaviour of another dog and thinks a person is not properly controlling them, they can make a representation before the Magistrate - this very often is dealt with by a Centenier - and the Magistrate can then make an order, either that they will be kept under proper control or for the destruction of the dog. If there is then a failure to comply with that order, that can give rise to penalties of a fine up to £500, or, perhaps more severely, the Magistrate can order the destruction of the dog, which is quite a severe penalty to many pet owners. The alternative approach is under Article 4 of the Animal Welfare (Jersey) Law. If, for instance, a big dog were to be set on a small dog by an owner and there was damage done, then, in my view, that would be an offence under Article 4(1) of that law. If they were just to stand by and not to control their dog and to do nothing, then arguably it would also be an offence under that Article, under Article 4(2). In either case the penalties there would be 12 months' imprisonment and/or a fine of £5,000. The numbers of cases reported to the police of attacks by dogs on dogs are very low: 5 cases in 2008 and 2 in 2009. On balance, I am of the opinion that the penalties are adequate.

Deputy K.C. Lewis:

I thank the Minister for his reply.

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

What discussions has the Minister for Home Affairs had with the Comité des Connétables on the issue of dogs and stray attacks and reports?

Senator B.I. Le Marquand:

I am not quite sure how to answer that question. Interestingly enough, if I can make an awful pun, the Comité des Connétables have taken the lead in this area. But I am advised that it probably does lie properly in the area of the Minister for Home Affairs. I am not sure what the question was, frankly.

Deputy G.P. Southern:

If I may, the question might be: in terms of reports of dog attacks, that the alternative to going to the police - the uniformed police - is to go to your Constable and report an attack, and I wondered if such reports... and, having had discussions with him on the level of reports, through the Magistrate.

Senator B.I. Le Marquand:

I do not know if that happened whether the figures would then be passed on to the States of Jersey Police or not. That is a matter for the practice of Centeniers. But I can say that wherever such representations were brought to the fore, it was always, in my experience, by a Centenier acting on complaints made by Deputies.

4.3.2 Deputy G.P. Southern:

If I may, a second supplementary. Will the Minister for Home Affairs then have discussions with the chairman of the Constables Committee to establish the level of such attacks?

Senator B.I. Le Marquand:

Well, if the chairman has information on that. I do not know if figures are kept by the Honorary Police on such a matter.

4.3.3 Deputy P.V.F. Le Claire:

I have been asking behind the scenes for about a year and a half on the matter of dangerous dogs and I have been informed by the Comité des Connétables and Her Majesty's Attorney General that the issue of dangerous dogs and legislation was a subject for possible review. I wonder, given that this has been raised today, whether or not the Minister for Home Affairs could look into this issue and see where it is in terms of law drafting and what the issues are because I certainly have been kept on the back burner for about a year and a half on this issue and I would like to know, as others do, what the situation is. Would the Minister please undertake to investigate and report back?

Senator B.I. Le Marquand:

I am very happy to check up if there is some legislation in progress. I cannot recall having heard any but my memory is not perfect these days.

4.4 Deputy D.J.A. Wimberley of St. Mary of the Minister for Economic Development regarding the latest consumer price figures and the 'Think Twice, Buy Local' campaign:

Given the latest consumer price figures and the Think Twice, Buy Local campaign, will the Minister be asking the Jersey Competition Regulatory Authority to launch a full investigation into the anti-competitive practices which may be causing this huge gap in the cost of living between Jersey and the United Kingdom?

Senator A.J.H. Maclean (The Minister for Economic Development):

The Deputy's question is a difficult one to answer, given that it links a number of apparently disparate issues, while seemingly providing a pre-determined solution. In reality there is no link between Jersey R.P.I. (Retail Price Index) and the Think Twice, Buy Local campaign. Think Twice, Buy Local is aimed at promoting consumer awareness of local products and services. R.P.I. is the statistical measure of the cost of goods. The Deputy is correct in stating that there are disparities in costs between the Island and the United Kingdom. But he should be wary of attributing differentials to anti-competitive practices in the Island. Much has already been done to investigate price differentials. The J.C.R.A. (Jersey Competition Regulatory Authority), of course, does not need to be asked to undertake competition investigations. Indeed, it is required to do so by the terms of its remit and the articles of the Competition Law. To that extent the J.C.R.A. can be relied upon to exert its own independence and act in the best interests of the Island. I do understand and share the Deputy's concerns in this area and it is an area where we are and will remain vigilant.

4.4.1 The Deputy of St. Mary:

Just a supplementary: does the Minister think that these high prices have no cause and if they do have a cause, what is he going to do about it?

Senator A.J.H. Maclean:

Sorry, I missed the first half of the Deputy's question.

The Deputy of St. Mary:

It appears from the Minister's answer that he tries to muddy the waters, first of all, and then suggests that a lot has been done to look at these high prices. And I am asking him whether he thinks that the high prices do have a cause or causes and what is he going to do about it?

Senator A.J.H. Maclean:

Yes, price differentials between the U.K. and Jersey obviously have a cause. Some of the cost differential can be found in freight costs, some of it can be in higher premises costs in the Island, some of it can be in higher wages and staffing costs. There are a number of different reasons. In terms of what has been done: the introduction of the J.C.R.A., the Jersey Competition Regulatory Authority, has been a tremendous introduction to bear down on prices, and I believe they have been very successful to date and will continue to be so.

4.4.2 Deputy M. Tadier of St. Brelade:

Following on from the initiative of Think Twice, Buy Local, will the Minister consider publishing a list of all companies in Jersey who pay 0 per cent tax under the new Zero/Ten scheme so that Islanders may know which stores and which services are paying tax in the Island, and will he perhaps consider giving that list to his good friend in the Jersey media so that they may publish it?

Senator A.J.H. Maclean:

I think that the Deputy might be confused. All companies operating in the Island are paying tax.

4.4.3 Deputy M. Tadier:

Under the Zero/Ten proposal, this is what the question relates to, so those companies which are maybe registered in the U.K. - I am not going to name any names - but companies which previously were Jersey companies which are re-registered in the U.K. so do not pay any tax on their profits as such, would he consider giving a list of those out to the Jersey public?

Senator A.J.H. Maclean:

If the Deputy is referring to U.K. companies, of course they will be paying U.K. tax, so whether they are trading here or trading in the U.K., of course the companies will be taxed in one jurisdiction or the other.

4.4.4 Deputy M. Tadier:

I am glad that the Minister has finally understood the question. But the point is, they will not be paying any tax in Jersey and I think that would help purchasers and consumers to decide whether they want to give their custom to those stores or not. So will he now answer the question, now he has understood it?

Senator A.J.H. Maclean:

There was no question of not understanding the Deputy's question, but, nevertheless, I think it is fair to say that it is pretty clear which companies are U.K. based and in the future may or may not be paying tax under any Zero/Ten. I am sure that if it is a matter of further awareness, that is something that the Jersey Consumer Council does very good work on and I would suggest that as Economic Development gave the grant to that particular organisation, that that would be the publication to publish any information of that type. So it is a question for the Jersey Consumer Council which I would support.

4.4.5 Deputy G.P. Southern:

Does the Minister have a figure for the comparison between the English cost of living and the Jersey cost of living and not just simply the annual R.P.I. figure, which may vary up or down from one to the other? Does he have an overall picture, an overall figure, for the difference in the cost of living, not the R.P.I., in the U.K. and in Jersey?

Senator A.J.H. Maclean:

The Deputy asks a question, which, from a relevance point of view is a difficult one to answer because if he is interested in knowing the differential, for example, in particular categories, that is perfectly clear. We can see, for example, and this is an interesting point in the recent comparable statistics, that food prices in the U.K. and in Jersey are rising at broadly similar prices in the latest quarter.

4.4.6 Deputy G.P. Southern:

If I may have a supplementary? Given that one measure from the household expenditure survey indicates a figure of 46 per cent difference between the U.K. and Jersey and the reasoning for the wage freeze was that the figure for Jersey employees, public sector employees, was 39 per cent ahead of the U.K., will he ensure Members that he will encourage his department and others to come up with a figure which gives a definitive comparison between the cost of living in Jersey and the cost of living in the U.K.?

Senator A.J.H. Maclean:

My department is continually looking at statistics with regard to the cost of living, the cost of products and the cost of services between the U.K. and Jersey. There are a whole raft of statistics produced by the Statistics Unit which I believe are extremely valuable in informing the debate in the differentials and costs.

Deputy G.P. Southern:

Will he give the assurance that he will seek an overall figure, because that does not exist yet?

Senator A.J.H. Maclean:

I am more than happy to ensure that statistical units will give the most detailed information possible when considering future statistics of this type.

4.4.7 The Deputy of St. John:

Buy Local - is it right, then, to put in place tax-free shopping at the airport, given the company who operate the outlet at the airport do not pay Jersey tax under Zero/Ten and the employees they employ are not the most highly paid within the Island? How does he square this with the other local businesses in the Island?

Senator A.J.H. Maclean:

The operation at the airport is a valuable attribute for that particular facility. It is essential that revenues are generated to support that important function. As far as the company in question is concerned, the employees pay tax. They may not be the highest paid, but nevertheless they pay tax. It is important to remember that all produce, or the majority of products sold by the outlet are, where possible, sourced locally. So there are a lot of local businesses generated from that particular activity.

4.4.8 The Deputy of St. John:

Supplementary on that. Can the Minister please explain then, how come cigarettes, *et cetera*, that have to carry certain warnings on them are not necessarily sourced from within the Island?

Senator A.J.H. Maclean:

As I said, where possible, products are sourced locally from local wholesalers. That is the case with all suppliers, and, not only that, at the airport there are, for the first time, a number of local businesses who have been given opportunities to sell their products and services. That is something we should be very pleased about and I am sure that we will continue to encourage businesses operating out of the airport that are not locally owned, to source their products locally, as is the case at the moment.

The Deputy of St. John:

Supplementary on that, Sir.

The Bailiff:

I am sorry, Deputy. You have had 2 now. There are other Members wanting to ask questions.

4.4.9 Senator S. Syvret:

I have been asking successive politicians that have responsibility for economics or financial activities in this Assembly for probably about 13 years now: would they please instruct the departments to produce a dedicated purchasing power parity study? Will this Minister agree to finally stop the prevarication and ask the Statistics Department to produce such a figure?

Senator A.J.H. Maclean:

That is extremely interesting. I have not had any such requests from the Senator and if Senator Syvret would care to approach me, I would be happy to discuss it and get a greater understanding of what it is that he is wanting and see if we can assist him.

4.4.10 Senator S. Syvret:

Supplementary, Sir. I have just approached the Minister, in effect, and asked him to do it. It is a purchasing power parity calculation that is required that would test and define the purchasing power of £1 as spent in Jersey compared with, say, the U.K. average and perhaps a few city centre environments as well. It is a fairly standard kind of thing.

Senator A.J.H. Maclean:

I am more than happy to have a meaningful discussion with the Senator to get a greater understanding of what it is that he is hoping to achieve from such a study.

4.4.11 Deputy P.V.F. Le Claire:

It is quite a serious revelation I heard this afternoon following the question of the Deputy of St. John, that cigarettes - as I understand from the answer - in the airports do not carry the Channel Islands health warning. As the politician who was tasked to bring forward some work up the smoking strategy, one of the tenets of the smoking strategy was that the Channel Islands advertising requirement on cigarettes ensured that illegal or poor quality of cigarettes, which were more harmful to people, were not introduced to the Channel Islands. For years this has been something that has caused those that would wish to bring in cigarettes extra cost to ensure that the cigarettes that were being supplied in Jersey were of the safest possible variety and were not some of the more dodgy products on the market that were smuggled in. Is the Minister now telling us, through answers to the Deputy of St. John, that the people who are operating the facilities at the airport are able to sell cigarettes without the Channel Island advertising requirement on the cigarettes, and, if so, is that not a serious cause for concern?

Senator A.J.H. Maclean:

The Deputy raises a good point but he should bear in mind that the cigarettes being sold at the duty free facility at the airport are for export, so they are going out of the Island. They do meet necessary international standards with regard to the warnings that are printed on them.

4.4.12 Deputy P.V.F. Le Claire:

A supplementary, Sir. Does that mean that if somebody buys 200 cigarettes and leaves the Island for the day and returns within that same day, that they are not going to be able to smoke those until they leave? What a ridiculous answer. I have never heard anything more nonsense in my life. Is the Minister willing to look into this issue because it does carry health concerns? We are committed to tackling the Island's number one killer and I certainly believe that the Minister should be too.

Senator A.J.H. Maclean:

Yes, of course we are also committed to tackling the number one killer. I am more than happy to agree to look into the matter but my previous answer still stands.

The Deputy of St. John:

Given the reply that the Minister has given, will he also look into the ...

The Bailiff:

Sorry, Deputy. I think you are leaping in when I was looking towards the Deputy of St. Mary.

The Deputy of St. John:

I thought you were looking at me, Sir. I know I am large but I thought you ...

4.4.13 The Deputy of St. Mary:

It must be the similar coloured jacket, Sir. Yes, I would like to get back to the J.C.R.A in the final question. The Minister said in his first reply: "Much has already been done to look at price differentials." But the point is that the J.C.R.A. did not exist when these things were done before and there has been some publicity in the local media about commercial rents in particular and commercial leases. I have just been speaking to somebody who pays £85,000 for a lease on Queen Street and a further £40,000 for a rent on Quennevais Parade. These are extraordinary figures, and it is only the J.C.R.A. who have the remit and the power and the resources to conduct an investigation into possible monopolistic practices which would be driving up prices. So would the Minister not agree or would he comment on the fact that he is apparently resisting asking the J.C.R.A. or inviting them or leaning on them or pointing out to them that there is an issue here, not only with respect to rents and leases but also, as you mentioned, with respect to freight costs? This is an important issue and I am surprised at his reluctance to act ...

The Bailiff:

I think you are going on to a comment rather than a question now, Deputy.

Senator A.J.H. Maclean:

There is no reluctance to act, either by the J.C.R.A., or, indeed, from my department's perspective, where there would be a suspicion of anti-competitive behaviour. However, the Deputy is referring to, for example, rent in the High Street. Now, there is no question here that there is anything other than an open and competitive market. The market will determine prices that are being paid, and that is exactly how it should be. A competition authority should step in where there is an abuse of such a position and I think the J.C.R.A. do an effective job in that position.

4.4.14 The Deputy of St. John:

Referring back to the purchase of cigarettes at the airport, could the Minister enlighten the House, please? Is it not policy nowadays that you can purchase goods from the duty free or tax free area and pick them up on your return because I have seen that advertised? So will you please explain whether or not that is happening?

Senator A.J.H. Maclean:

No.

4.4.15 The Deputy of St. Mary:

It would be nice to know from the Minister on this in the same vein as Senator's Syvret's question. Do we have any comparable figures for business rents and leases for Jersey and comparable areas elsewhere?

Senator A.J.H. Maclean:

Yes, there are some general comparison figures. In fact, the Statistics Unit do a number of comparisons on a number of different products and so on. But how useful they are is questionable at certain degrees unless the area is particularly comparable, and that is very difficult to achieve with an Island economy.

4.5 Deputy T.M. Pitman of St. Helier of the Attorney General regarding the actions of H.M. Attorney General in relation to the prosecution and conviction of Mr. Claude Wateridge:

Given the recent successful prosecution and conviction of Mr. Claude Wateridge, relating to the historic abuse investigation, will the Attorney General please advise the Assembly whether he attempted to prevent charges being brought against Mr. Wateridge on the basis of insufficient evidence?

Mr. T.J. Le Cocq Q.C., H.M. Solicitor General (Rapporteur):

The Law Officers do not generally discuss individual prosecution decisions. There are sound policy reasons for this and neither the Attorney General nor I propose to depart from that policy unless it appears to us that there is a compelling reason to do so. The Attorney General is, in fact, currently away from the Island and this question is really directed toward him, as it refers to his actions at a time before I was in office. I have, however, discussed this with the Attorney General and in the light of the misinformation that has been generated in some quarters about the subject of this question, which touches on the competence and integrity of the Attorney General, he has asked me to advise the Assembly that he certainly did not seek to prevent charges being brought against Wateridge. Indeed, he was informed of the fact that charges had been brought while he was away from the Island on leave. He has asked me to confirm that he played no part in the charging decision itself. It is a matter of sadness to him that for some agenda or purposes of their own, some individuals have, without foundation, put forward the suggestion that the Attorney did act in the way the Deputy describes in his question.

4.5.1 Deputy T.M. Pitman:

I thank the Solicitor General for his answer. Nevertheless, and I acknowledge the answer given by the Attorney General in a related matter on a written question of mine, but does the Solicitor General recognise the severe and damaging impact that such hugely different recollections of events are having on the victims of the historic abuse inquiry and has he any ideas on what we can do to overcome this?

The Solicitor General:

In terms of the answer, I do not think I can go further than that which I have already said on the Attorney General's behalf. This is not something that was in my direct knowledge. It is something that is within the direct knowledge of the Attorney General and he has passed on the answer to that through me. Consequently, I cannot, I think, comment on any contradiction between that answer and statements that might be made in any other place.

4.5.2 Senator S. Syvret:

I listened very carefully to the answer and the account of events that the Solicitor General has relayed to the Assembly, having spoken to the Attorney General. Can the Solicitor General then confidently inform the Assembly that, in fact, there would be no evidence to the contrary of the Attorney General's account of events such as, for example, emails or anything of that nature?

The Solicitor General:

I cannot, again, go beyond the question answered. I am aware of no such.

4.6 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Home Affairs regarding comments made by the retiring Senior Investigating Officer upon his departure from Jersey in relation to the historic abuse investigation:

Does the Minister agree with the comments made by the retiring senior investigating officer upon his departure from Jersey in relation to the historic abuse investigation?

Senator B.I. Le Marquand (The Minister for Home Affairs):

As is very well known to Deputy Le Hérissier, I cannot properly express a view on this, as to do so would mean that I was expressing a view on factual matters which will arise in a different context. However, I can say in general terms that it is highly regrettable when police officers who have retired start to express views upon matters with which they were involved professionally. I view such conduct, in general terms, as being both inappropriate and unprofessional. I would do the same if the retired magistrates and judges ... but, there we are.

4.6.1 Deputy R.G. Le Hérissier:

I thank the Minister. Would the Minister confirm whether or not, given the highly sensitive matters that police officers deal with, they sign up to any agreement to ensure, other than some period of sanitising after which they can perhaps write memoirs, is there a period within which they have to remain silent?

Senator B.I. Le Marquand:

I would expect that police officers, as is with most public officers, would be subject to the terms of the Official Secrets Act. I certainly have signed its terms, I think on 4 occasions for different roles. I cannot positively say that an officer whose temporary secondment to the Island would be required to do that. I do not know the practice. The difficulty, however, which arises, of course, in relation to the Official Secrets Act, is if a person says things which are of public importance and can run a public interest defence on the basis that this is a matter of such public importance.

4.6.2 Deputy M. Tadier:

Given the questions that we have just heard, would the Minister be supportive of a full and independent inquiry to the whole handling of Haut de le Garenne and the wider child abuse cases, including the media coverage and press conferences and the way the charging has been handled, so that we could put this whole issue to bed once and for all and bring some closure?

Senator B.I. Le Marquand:

I would be very cautious about the waste of public money that could be involved if the areas which are currently being investigated by police investigations in a particular context were then to be repeated by a public inquiry. I would hope that the investigation is already going on and any subsequent matters which may flow directly from them would be found to be sufficient in order to avoid such a duplication of work and costs.

4.6.3 Deputy C.F. Labey of Grouville:

Would the Minister say that in his opinion that the recent interviews given by the retiring Deputy Chief Officer have damaged public confidence in the police force?

Senator B.I. Le Marquand:

I really do not know the answer to that question because I suspect that different members of the public may have viewed things in different ways. I can only say, without commenting on any individual case, that such actions by a retiring police officer, whoever they may be, is both inappropriate and unprofessional.

4.6.4 Senator S. Syvret:

The Minister mentioned what may be a waste of public money - a waste of taxpayers' resources - in answering a previous question in terms of having an investigation. Does he then really consider it an appropriate use of taxpayers' money for Mr. Gradwell to have employed 2 full-time police officers, Mark Caine and Julie Jackson, doing nothing except investigate me for 6 months?

The Bailiff:

Senator, you know that you are not meant to mention names unless it is essential. Do you wish to answer that, Minister?

Senator B.I. Le Marquand:

What is left of the question now, Sir?

The Bailiff:

Well, not very much, probably.

Senator B.I. Le Marquand:

Because he did finish. If Senator Syvret had worded it without reference to the names, I could attempt to answer it. But he stopped in mid-question, Sir. So I do not know where he is going.

Senator S. Syvret:

No, I did not stop in mid-question. I asked the Minister whether he considered this kind of former kind of Soviet-East German Nazi-style activity against opposition Members of the parliament an appropriate use of public money?

The Bailiff:

Well, whatever you did say, you did not say that the first time, Senator.

Senator B.I. Le Marquand:

I am having to guess what the Senator is talking about. I really am not sure what he is talking about. It would be helpful if he could clarify what he is talking about. I do not know what he is talking about. Is he talking about investigation of himself or some other matter? I really need clarification.

The Bailiff:

One more attempt, Senator.

Senator S. Syvret:

The recently retired Mr. Gradwell ...

The Bailiff:

No, the recently retired ... mention his title.

Senator S. Syvret:

Well, okay. He employed 2 full-time officers solely for the purpose of investigating me over a period of months. This had involved bugging my phones, reading my emails, opening my letters and is the kind of thing which happens in a banana republic.

The Bailiff:

This is a matter, Senator, which is *sub judice*, is it not, at the moment? So I do not think he should answer that. Any other question?

4.6.5 Deputy R.G. Le Hérisier:

Would the Minister not accept that his dual role of exercising powers of suspension and being responsible for the political leadership of the police force is, despite his own remarkable abilities, in fact, almost impossible to sustain and is leading to problems?

Senator B.I. Le Marquand:

I most certainly concede that this is quite difficult and not made any easier by questions such as those posed this afternoon. But I have to say that even if there were some other party in existence dealing with certain disciplinary matters, I think the Minister would still have to act with great caution in what he could properly say.

4.7 Deputy S. Pitman of St. Helier of the Minister for Social Security regarding assistance with the costs of school clothes, shoes and equipment:

What agreement, if any, exists between the Education, Sport and Culture and Social Security Departments in assisting recipients of income support, long and short-term incapacity benefits and invalidity benefits, to pay for school clothes, shoes, equipment and other necessary items that the school require their pupils to have?

Deputy I.J. Gorst of St. Clement (The Minister for Social Security):

Parents claiming long or short-term incapacity benefit or invalidity benefit have a medical condition. Receiving any of these benefits does not provide a robust indication of their household income. Parents claiming income support receive a child component for each child in the family. This is currently £60.90 per week and will increase from 1st October to £62.09 a week. The child component covers the normal living costs of the child, including buying clothes and shoes and other items for school. However, parents can face a large bill, particularly when a child starts secondary school for the first time. Financial assistance is available from the Education, Sport and Culture Department to vulnerable low-income parents of secondary school pupils. Families are referred through a number of routes, including Social Services and educational welfare officers. Assistance is only provided to families who are already receiving income support.

Deputy S. Pitman:

Sorry, I may have misheard. Did the Minister say that those on long-term and short-term invalidity benefits did not receive any assistance?

Deputy I.J. Gorst:

I did not say that. What I said was that a recipient of those benefits that does not indicate what the extent of their household income is whereas a recipient of income support that does indicate the extent of their household income, and if a household could be receiving both benefits, that would indicate that then they would perhaps be entitled to some help with their school expenses.

4.7.1 Senator S. Syvret:

Will the Social Security Minister acknowledge that both these departments, and certainly these departments' clients, would also find it a great deal easier to understand where they stood if Jersey, in fact, had a dedicated purchasing power parity study figure undertaken?

Deputy I.J. Gorst:

Perhaps there might be some benefits from undertaking such a study. I suspect the difficulty would be with what jurisdiction or where we were to use that comparison were it to be produced.

4.7.2 Deputy M. Tadier:

Will the Minister comment on the level of proactivity of his own department on making those on L.T.I.A. (Long Term Incapacity Allowance) or income support aware of their eligibility to exercise referral as part of the Active programme?

Deputy I.J. Gorst:

I, on a number of occasions, and it is part of what we will be doing in 2010, and Members will note that I have submitted to them by email a copy of my response to the Scrutiny Sub-Panel review and I hold our hands up and say that we have not dealt with communications in the way that we ought to have done in the past, and the Deputy makes a very good point. Part of the communication strategy for 2010 will be just ensuring that people may be eligible if their doctor agrees for that exercise within the scheme.

4.7.3 Deputy D.J. De Sousa:

Will the Minister not agree that communication of benefits and help that is available to recipients of income support and other benefits is insufficient and that the department should be looking to put out more communication so that people know what is available and what they are entitled to?

Deputy I.J. Gorst:

As I have just said in the answer to my last question, however, I would pose the response; perhaps then Members will not be supporting an amendment that we have to the Business Plan later on the agenda which would remove the budget from communications to the Council of Ministers.

4.7.4 Deputy S. Pitman:

Sorry, I did not hear the Minister again when he spoke of the figure of £62 as a component of income support. I did not hear what that component was.

Deputy I.J. Gorst:

As I said, that was the component which a family is entitled to for each child within the family if they are an income support household.

4.7.5 Deputy S. Pitman:

May I ask a supplementary, Sir? It does not sound like that is specifically for schools, that component. May I just read out the following information given to me by a mother of twins, of 11 year-olds, who are at secondary school, and she is on income support. This is just the basic, what she has to pay for one of her children: a winter jumper, £18.50, times 2; trousers, £18.50 times 3; tie, £5; shirts, £12; school shoes, £40; trainers, £30; polo shirt, £18; rugby shirt, £39.50; socks, £7; boots, £40; school bag, £40. Then we have the summer clothes. This subject needs to be addressed properly within income support and other benefits. This is far too much expense for people on income support. I did ask the previous Minister for Education, Sport and Culture to give an undertaking to look at this issue and come back to the House, and he did not do that. I ask now, would the Minister for Education, Sport and Culture and the Minister for Social Security look at this issue together and bring back some proposals to the House in which they will help the recipients of these benefits?

Deputy I.J. Gorst:

I am not sure whether the Deputy did hear my initial response but I think I covered the answer to her question in that. I am pleased that she believes that income support reaches ... should be extended to cover some of the monies that Education currently has to help with these costs. I am more than prepared, and I have discussed this prior to this sitting, to meet with the Minister for Education, Sport and Culture and he is happy to work with me to see if it would be more appropriate to incorporate this help which has extended to those families on low income within income support. All I can say is to the individual case, if she wishes to approach the Minister for Education, Sport and Culture on behalf of that individual, I am sure that he would be delighted to have that approach.

4.7.6 The Deputy of St. John:

Would the Minister agree with me that some of the figures that have been given this afternoon like £18 for a jumper, £7 for a pair of socks, *et cetera*, sound rather high, given you can buy school packs. I have seen my wife do it because we have got 12 grandchildren but considerably less than some of the figures we have been quoted this afternoon. I just wonder where some of these people, Minister, are doing their purchasing.

Deputy I.J. Gorst:

Perhaps some of the difficulty is that the Deputy, like myself, recalls an era where I had a hand-me-down blazer from my elder brother and times were indeed very different, but that does not mean to say that if schools demand uniforms for individuals and those individual families do find it extremely difficult to find the money to pay for that equipment, then that should be available. But it is not for me necessarily to do a High Street comparative study of what things cost in today's climate for those garments of clothing.

Deputy S. Pitman:

May I suggest that the Deputy of St. John goes out and looks at the prices. [Approbation]

4.8 Deputy M. Tadier of the Minister for Transport and Technical Services regarding the opening times of Liberation Station:

Given that many Islanders work late hours and others do shift work, will the Minister look into the possibility of keeping Liberation Station open later than 6.30 p.m. on weekdays and after 6.00 p.m. at weekends so that commuters are not made to sit outside in bad weather while waiting for their bus?

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

In the interests of clarity to start with, I would just like to correct the timing that the Deputy has alluded to. During the summer, Liberation Station closes at 8.00 p.m. in the evening on weekdays and 6.00 p.m. on Sundays and during the winter, 6.30 p.m. on weekdays and 6.00 p.m. on Sundays. Liberation Station has now been opened for nearly 2 years and its operation is continually monitored by both T.T.S. (Transport and Technical Services) and Connex. My predecessor was also asked this question in January 2008 and he advised the questioner, who now happens to be my Assistant, that there is a balance to be struck between service to the customer and the potential risk to the facility and to other people. Paradoxically, the risk to the building and the staff becomes greater when the weather is worse as the public - whether bus passengers or not - will consider the concourse as a safer, drier and warmer place to be. Potentially, it could be another meeting place which can bring its own issues. In addition, there will be additional staffing costs to opening later which will need to be found from elsewhere. That said, I am not unsympathetic to the idea and I will, as requested by the Deputy, undertake to look into the possibility. It is a sad fact of life that, in fact, we do have to close the bus station in the evenings for fear of it being damaged by an element who take joy in doing such things and I feel it is wrong that the genuine users of the bus service have to sit outside. We have a limited number of services which do run in the evenings and, as I intimated earlier, it is a question of striking a balance which we shall seek to achieve.

4.8.1 Deputy M. Tadier:

I thank the Minister for his clarification. I was not sure I put the word "winter" in but it may have got lost in translation somewhere. I am also welcoming the fact that the Minister is broadly not closed to the idea. I would suggest that it is quite simple. We employ a security guard and this is, after all, a facility which has been purpose-built at great cost to keep people in while waiting for their bus, and I would suggest it is not quite as difficult as the Minister makes out. Will he take that

point into consideration and look into the viability of employing a security guard so that people can go in there to what is, after all, a public facility?

The Connétable of St. Brelade:

At present, Connex do in fact employ security guards on some of the routes to try and control the unruly element, especially on the late night buses.

4.8.2 The Deputy of St. John:

Oh, to have late night buses in St. John, come the winter. This is of real concern. This House passed a Transport Centre, Minister, and, therefore, we finish up with something which is basically a carbuncle on the boil. We finish up with a bus station that cannot keep all its buses in one area, so we have them spread over 2 or 3 areas and, yet, we cannot even keep the station open for a reasonable hour in the evening and trouble in the past has not necessarily been at the times that the Minister is saying. Trouble usually starts much later in the evening. The many people who do use the bus station ...

The Bailiff:

The question you are coming to, Deputy, are you?

The Deputy of St. John:

Yes, Sir, I am coming to the question but I have to remind the Minister that this station is being paid for by taxpayers' money. We are seeing Connex advertising various events around the Island which have nothing to do with the bus service so, obviously, they are making money somewhere and, yet, they cannot afford to keep the bus station open any longer. Will he please explain?

The Connétable of St. Brelade:

I am not 100 per cent sure what the Deputy is asking but I think he is intimating that he would wish Connex to prioritise on keeping the bus station open rather than supporting local community events. I think, as I have indicated earlier on, there is merit in looking at keeping the bus station open longer and I note that, in practice, if it could be kept open, shall we say, until 8.30 p.m., there would be about another 7 services which would be covered, which I think would be quite significant. When you start getting to after 7.00 p.m., the number reduces to 5 and, after 7.30 p.m. to 3, so maybe 7.30 p.m. is the balance of time which would need to be considered. I think, certainly as I indicated earlier on, I shall be looking into the matter and seeing what can be achieved.

The Bailiff:

Deputy Tadier, do you wish a final question?

Deputy M. Tadier:

I would just like to thank the Minister for his response.

4.9 The Deputy of St. John of the Chief Minister regarding the appointment of a candidate to chair the Committee of Inquiry into Reg's Skips Limited:

Given that, following the States approval of P.50/2009, the Chief Minister advised the Assembly on 13th July 2009 that his department were seeking to appoint a candidate to chair the Committee of Inquiry into Reg's Skips Limited and he would lodge a proposition before the end of the summer recess for debate in September, would he outline the reasons for the delay in taking this matter forward?

Senator T.A. Le Sueur (The Chief Minister):

I refer to my answer to the Deputy's question on 13th July in which I indicated that an advertisement should be placed later that month for a potential chairman. The advertisement

should have been placed in the *Jersey Evening Post* and *Gazette* on 16th July but, unfortunately, due to a clerical error, the advertisement was delayed for 2 weeks and did not appear until 30th July. A number of people have put themselves forward for this Committee of Inquiry and, having reviewed all the applications, I decided it was necessary to know whether they had any previous involvement with the Planning Department and, if so, the extent of that involvement. I did not want any conflicts of interest. So the interviews for chairman and members of the committee took place during the week before last and I approved a draft proposition to put to the States last week. I am just waiting for the contents of that proposition to be approved by the people being nominated in respect of their biography and I hope to lodge that proposition either today or tomorrow for debate as soon as possible.

The Deputy of St. John:

I thank the Minister for his reply.

4.10 Deputy T.M. Pitman of the Minister for Treasury and Resources regarding the taxing of windfall profits which arise when land is re-zoned for housing:

Given the forthcoming new Island Plan, will the Minister explain what progress, if any, has been made towards the taxing of windfall profits which arise when land is re-zoned for housing?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

I am fully committed to the principle of re-distributing some of the windfall profits from land re-zoning. The Treasury has been looking at the impact of a land development tax and, as I am sure Members will be aware, it is not entirely straightforward. I believe, and will say to the Deputy, that there is, I think, a better alternative and more far reaching alternative for the use of planning obligations. Members will have been briefed last week on the Island Plan, which we publish later this week, and that plan contains radical proposals for the use of planning obligations for all residential land in Jersey and not only on re-zoned sites. This will contribute to the community's needs for affordable housing. There are limited opportunities for land development, as the Island Plan will make clear, and I do not believe that a tax on windfall gains would raise, in the longer term, significant or even stable sums of money. I believe that the alternative more radical approach is to use planning obligations.

4.10.1 Deputy T.M. Pitman:

A supplementary, Sir. I thank the Minister for his answer but in considering his alternatives, does he have any concerns that there is potential for abuse in this area and what checks and balances will he be putting in place to ensure that there is no such abuse?

Senator P.F.C. Ozouf:

I think the issue with a windfall tax is probably even more complicated than the issue of the use of planning obligations. There are established procedures and arrangements in place now in the United Kingdom using planning obligations. The Deputy may be familiar with section 106 obligations where they are consistently applied and where there is good communication, which I am sure there will be between the Planning Department and other departments of the States. I believe that the disadvantages can be dealt with but, moreover, that this Assembly is capable of approving policies that deliver hundreds of affordable homes through the use of the planning system.

4.10.2 Deputy M. Tadier:

First of all, in the first part of this question, the Minister said that he would be quite happy for some profits to be used. What proportion are we talking there and then, secondly, if I may, why are planning obligations and windfall taxes mutually exclusive? Surely, you would expect basic

obligations to be met when planning permission is given and also windfall tax could be applied after that, if deemed desirable.

Senator P.F.C. Ozouf:

They are not necessarily mutually exclusive but I am sure that the Deputy will understand that important policies take enormous amounts of time to bring forward to this Assembly and to implement, and I hope that the Deputy would agree with me that a windfall gain on re-zoned land - which is what Deputy Pitman asked me in his question - deals just with re-zoned land. Our proposals for the use of planning obligations extend to more than just simply re-zoned land but deals with all residential development in Jersey and I would hope that he would welcome such a more radical approach in dealing with this. I cannot answer what the percentage of gain is because that is an issue to be taken on a site by site basis. I want to see affordable homes delivered on all residential sites as they get developed in the next few years.

4.10.3 The Deputy of Grouville:

I would agree with Deputy Tadier that they are not related. Planning gains and windfall taxes are 2 completely different things and I would like to ask the Minister why proposals for windfall taxes were not considered before we re-zoned 60 vergées of our countryside last year?

Senator P.F.C. Ozouf:

I am afraid that I am as one with many of the Deputies opposite in wanting to see affordable homes delivered in Jersey. In relation to windfall gains on re-zoned sites, the Assembly will be aware of the re-zoning propositions that are available in the Island Plan and such is the limited scale or re-zoning in the forthcoming Island Plan that we need to find other ways of delivering affordable homes. I believe - and I think that she has asked questions in the Assembly before - that it is the use of planning obligations which are going to need an awful lot of work, which are going to be fiercely resisted by landowners and are going to be a better way of delivering affordable homes to our community. In relation to the previous re-zoning, I can stand in this Assembly proudly and say that I was the one that suggested originally planning obligations be brought in and had the States not have agreed with planning obligations, we would not have seen hundreds of units of affordable homes delivered to social rented landlords in the last few years. I have done my bit. I hope the Assembly is going to support the furtherance of those policies.

4.10.4 The Deputy of Grouville:

Sir, he did not answer my question and it was my proposition last April that brought forward the template for section 106, which this Assembly approved and which we have yet to see. Now he is telling us that we have got to wait more years for the Island Plan to be approved. Could he please answer my question and that is, why did we re-zone 60 vergées of our countryside last year before bringing in windfall taxes? **[Approbation]**

Senator P.F.C. Ozouf:

The Deputy is right to say that she brought the proposition for section 106 but she must not also, if I may say, re-invent history. Section 106 arrangements are planning obligations. They have been in place for a number of years and they are successful despite, I have to say, fierce opposition from landowners at the time and I was the president of Environment and Public Services having to deal with some of the fierce opposition. That is the way that you deliver affordable homes and if she would like to meet with the planning authority to discuss how the planning obligations are going to work in relation to the 60 vergées of land she cites, then I am sure that the Planning Department will be willing to meet her and to see the scale and the intensity of discussion that is going on to deliver hundreds of affordable homes on those sites. It is not fair to say that there is no planning gain effectively being taken out of windfall sites. That is not the case.

4.10.5 Senator S. Syvret:

The Minister mentioned that these kinds of policies do take a great deal of time to develop. Certainly, that can be true. What a pity he did not vote in favour of my proposition in 2004 to study and examine all of these kinds of taxation and fundraising revenues and instead was raising opposition to it. But, nevertheless, will he carry out the promise made by his predecessor on several occasions over a period of several years to develop and bring to this Assembly for discussion a detailed study of principles and uses of land value taxation in Jersey?

Senator P.F.C. Ozouf:

This is not complicated and, indeed, I will be, in the next few months, having to review a number of aspects of taxation in Jersey as the Island understands and we fully digest the implications of the global slowdown. As far as I am concerned, a number of taxation elements are going to have to be looked at, but there is no point in me promising or indeed raising expectations that millions of pounds are going to be able to be delivered by windfall and capital gains taxes. I want to see affordable homes delivered and I believe that the use of planning obligations is going to be the fastest and most efficient way of delivering them.

4.10.6 Senator S. Syvret:

A supplementary, if I may, Sir. This line of questioning is not about affordable homes, contrary to the kind of spin that the Minister is putting on this. This is about making some kind of taxation revenue from the white elephant in the room; the monster that none of us ever acknowledge which is Jersey's accommodation industry. Now will the Minister bring to the Assembly a study examining land value taxation? No one is asking him to promise millions and millions of pounds from it. Would he just do the work and bring the document to the Assembly for discussion and debate?

Senator P.F.C. Ozouf:

I have explained my position in relation to land development tax and I do not think I can add anything further.

4.10.7 The Deputy of St. Mary:

We are getting a lot of obfuscation in terms of affordable homes and planning obligations when the question is about the tax on the unearned gain in land value and I just want to put it to the Minister - and we got away from the point - does he not agree that there is a real problem with public perception about land values that rocket from one day to the next because of a zoning proposal, wherever it comes from, and is there not a problem here and would he not acknowledge that there is a problem?

Senator P.F.C. Ozouf:

The question is very clear. It asked me about introducing a windfall tax on land for re-zoning. It cannot be retrospective and so, therefore, in the event of an Island Plan which has very limited forms of re-zoning, I am not prepared to spend time on introducing a new tax on the limited amount of re-zoning for land. Members, I think, do not want to see large amounts of land in the Island re-zoned and, therefore, it follows that if there is not a huge amount of re-zoning in the Island Plan, then we had better spend our time on dealing with how we can extract value out of the existing planning system with the use of planning obligations. I think my answers were absolutely linked and that this Assembly would want us to concentrate on something that is going to deliver something.

The Deputy of St. Mary:

Could I have a supplementary to that, Sir?

The Bailiff:

Yes.

4.10.8 The Deputy of St. Mary:

Is there any way of perhaps looking at changes in land ownership relating to this zoning that is going to be in the Island Plan?

Senator P.F.C. Ozouf:

I am not sure that I understand the question.

The Deputy of St. Mary:

As I understand it, the Island Plan does re-zone or suggest re-zoning of certain properties or certain land and I am just asking the Minister whether there is no way of looking at changes in ownership of those pieces of land in order to look at this issue?

Senator P.F.C. Ozouf:

The Deputy is going to have to help me a little more because I do not understand what ownership has got to do with it. If the Assembly is interested, then I will ask the Minister for Planning and Environment if we can put on some sort of seminar for Members about the issue of planning obligations. I think, clearly, we are all of one mind in this Assembly on wanting to extract the value out of the planning system. The debate is how we should do it and how we should do it in the context of the Island Plan. I have indicated that I would like to bring some expertise to the Island and perhaps somebody of the stature of Kate Barker, former adviser of the U.K. (United Kingdom) Prime Minister and member of the M.P.C. (Monetary Policy Committee) on how we can use the planning system to achieve our political objectives in this regard. If that helps to have a sensible debate on it, then I will help to organise something like that.

The Deputy of St. Mary:

Does the Minister have no moral withhold about a situation where we are, first of all ...

The Bailiff:

Deputy, you have asked a couple of questions already. I thought you were going to just clarify a point. Deputy Southern.

4.10.9 Deputy G.P. Southern:

Can I return to the wider issue of land value tax, which the Minister refused to give a decent answer to Senator Syvret previously? It is a wider issue than land development tax; it is a wider issue than windfall tax. Will the Minister come to this House with a report outlining the pros and cons of implementing a land value tax system in Jersey? Yes or no and by when?

Senator P.F.C. Ozouf:

I think we are going to have to do some education of States Members, if I may, about different types of taxes because Members are interposing different concepts such as windfall taxes and land value taxes. There is a land value tax in Jersey. It is called the foncier rate under the rating system but if Members want a proper seminar on the type of taxes you can have for land, then I am happy to organise that too.

4.10.10 Deputy G.P. Southern:

If I may, Sir? Will that seminar include the pros and cons of adapting land value taxes to the Jersey situation?

Senator P.F.C. Ozouf:

We have land value tax. It is the foncier rate that exists and has existed in Jersey for years. The Deputy is confusing, I think, the concept of land value tax, of which this Assembly could have an influence on the Constables, if they want to raise it, versus a windfall tax for re-zoned land, which I

am afraid to say I do not believe would raise significant or stable amounts of money to the Exchequer every year.

4.10.11 The Deputy of Grouville:

Okay. Can the Minister forget planning gain and could he answer my question? Does he not accept the States missed the opportunity and lost out on millions of pounds [**Approbation**] of revenue last year by re-zoning 60 vergées of our countryside and not having introduced a windfall tax? Does he not accept that?

Senator P.F.C. Ozouf:

The answer is emphatically no because I believe that it is with the use of planning obligations that you can capture some of the uplift in value, and the fact is we have not seen the full extent of the planning obligations that we are going to see on the 60 vergées of land. The Deputy can shake her head but the reality is that we have changed dramatically policies of land use by introducing planning obligations. They were difficult, they were tough and in relation to the 60 vergées of land, they are going to get a lot further and if she does not think it is going to be difficult for landowners to accept it, then perhaps she will come to the Planning Department and see the fierce opposition of the planning obligations that have been put forward.

The Deputy of Grouville:

I do but I was not talking about planning gain. I was talking about windfall taxes.

Senator P.F.C. Ozouf:

It is the same thing. At the point of a re-zoning proposition, there is an uplift in value and the States can either impose a tax or can impose obligations and use those obligations effectively to payments to put into community and affordable homes. Members clearly need some understanding of exactly what the objectives are. They are common and we share the objectives.

4.10.12 Deputy M. Tadier:

I think I heard correctly. I am not sure but the Senator seems to be saying that he was in favour of affordable housing for Jersey. I think I heard that at least once and here is the question. Surely the Minister must realise that it is actually speculation in Jersey which is fuelling the spiralling house prices and the whole point of whether you want to call it a windfall tax or effectively a capital gains tax does not matter at which point, whether it is at the re-zoning or when the houses are sold. It is not just about raising revenue; it is also to curb the speculation. So would the Minister not favour that as one of the weapons in his armoury to fight house inflation?

Senator P.F.C. Ozouf:

I think that the increase in house prices, which has been one of the issues that the Island has had to deal with in the last few years - and I think we are way off the point now - has effectively been a function in the last few years of effectively the era of loose credit where banks, not only in this jurisdiction but in other places, lent people too much money. That is what fuelled house prices together with the strong economic performance we saw. Do we need to do more work in relation to understanding the housing market of Jersey? Yes, we do.

4.10.13 Deputy T.M. Pitman:

It seems like several months ago we started this. As there seems to be quite a lot of difference of opinion of what is windfall tax and what is land value tax, could the Minister agree to bring forward a seminar for all of us before the end of the year so we can all educate ourselves and all take the Island forward?

Senator P.F.C. Ozouf:

The policies set out in the Island Plan should ensure that there is going to be a vigorous public debate about planning obligations and certainly we should, as Members, organise a seminar so that we can understand some of these important issues to deliver what I think the objective is, which is a dramatic improvement in the affordability of homes for a significant number of Islanders. So the answer is yes.

4.11 Deputy S. Pitman of the Minister for Health and Social Services regarding discussions with the pay groups representing Health and Social Services staff regarding the public sector pay freeze:

What role, if any, will the Minister take in discussions with the pay groups representing Health and Social Services staff regarding the public sector pay freeze?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

While I am sympathetic to the concerns of staff relating to the pay freeze, I have indeed met with union representatives where this and other matters relating to conditions of employment have been discussed. There is no specific role for me in discussions with pay groups representing Health and Social Services staff regarding the pay sector pay freeze. Pay and negotiations are the responsibility of the States Employment Board under the States of Jersey Employment (Jersey) Law 2005.

4.11.1 Deputy G.P. Southern:

Does the Minister not accept that she has a crisis in the Health Service over retention and recruitment of nursing staff in particular, but other staff also, and that a pay freeze at this time does little to help prospects for increasing recruitment and retention rates in the nursing service?

The Deputy of Trinity:

As we all know, there are indeed issues regarding recruitment and retention but it is part of the Business Plan which we are discussing next week and Amendment 19 will address that problem. There has been a Nursing Staff Review and one of the issues there is to recruit more nursing trained staff and medical staff which will help enormously with that problem.

4.11.2 Deputy G.P. Southern:

Is it not the case that she is in a vicious circle? As soon as nurses who are considering coming to the Island hear about recruitment rates and what cover is on and what overtime rates are being put in place, these nurses often put their tails between their legs and go elsewhere.

The Deputy of Trinity:

No, that is not always the case. The most important thing is that our nurses are working under pressure, they are working overtime and that is why it is important to implement that Nursing Staff Review as soon as we can, and that is why the request of the extra money which is in the Business Plan is so essential.

4.11.3 Deputy M. Tadier:

I believe it was last question time that the Minister confirmed that morale is an issue within workers in the Health Service and that recruitment is an ongoing issue within the service. So a simple question. Does she believe that the public sector pay freeze is a positive or negative on the morale of staff in her department?

The Deputy of Trinity:

It is very difficult to comment because it was a States decision. It is not my decision. It is a States decision that was made a little while ago and I have to abide by that.

4.11.4 Deputy M. Tadier:

I think the question was fairly simple. Are the staff in the hospital and in the Health Department in general happier now that they are not getting any kind of pay increase or are they less happy?

The Deputy of Trinity:

I would love happy staff but, as I have said, one of the pressures put on the staff is working extra overtime, and that is one of the issues that I discussed and the unions brought up with me as well; matters relating to their conditions of employment. What would help them enormously is if the House supported them and approved the extra funding needed, especially to implement that staff review which is going to be discussed this week. That will give them the extra boost.

4.11.5 Deputy D.J. De Sousa:

Is it not the case that the Minister informed a Scrutiny Panel recently that staff often, days before they are due to take up a post, are unable to do this because they find the cost of living and rental of accommodation here too expensive? So, therefore, would she not consider that she does need to have some input for the health workers on the subject of the pay freeze?

The Deputy of Trinity:

Indeed, the Deputy is quite right but we need to look in the wider context as well. Trained nurses are in shortage worldwide. This does not just affect Jersey. It affects the global situation that we are in. Whereas nurses apply for one job at a time, it has now changed. They tend to apply for several jobs at a time and when it comes down to the final push, shall we say, they make that choice and sometimes the choice is to not come here. Nurses are getting more specialised and that will pose a problem for us.

Deputy D.J. De Sousa:

I am sorry but she did not fully answer my question. I said: "So, therefore, does she not consider that she should have some input into the pay freeze on her staff?"

The Deputy of Trinity:

Sorry, I missed that part of the question. As I said, pay and negotiations are the responsibility of the States Employment Board and I am not a member of that Board.

4.11.6 Senator S. Syvret:

This is not a criticism of the Minister but it is an issue I would like her to address. In early 2007, when I occupied the office she now holds, I received the first draft of the long touted *New Directions Strategy*. I was so appalled that I wrote a 10-page detailed critique and one of the things I suggested in that critique was that there had to be a chapter on staff, on recruiting, on retention, on the welfare and conditions of staff and, in particular, a section on nursing. Now, can the Minister explain to the Assembly why all these years later, the management of her department appears not to have addressed these issues and brought these issues forward?

The Deputy of Trinity:

I cannot comment on the critique that you did but if you would like to send me a copy, I would very willingly look at it. The Nursing Staff Review was done by a U.K. specialist and it was done in correspondence with the unions as well as management staff and it went right across all the nursing disciplines. It was evidence-based and by the time it was compiled and put to the department it was the beginning of this year. As I stress again, that is why this Amendment 19 is so important and I ask the House to support it later on in the week.

4.11.7 The Deputy of St. Martin:

Would the Minister agree that the £1.3 million plus that has gone keeping a suspended doctor off work had gone towards the nurses [**Approbation**], we would not have the shortage of nurses now?

The Deputy of Trinity:

It is very difficult for me to comment on that particular issue. We are where we are, but extra funding is earmarked especially for the Nursing Staff Review and it will be done accordingly if this House approves it.

4.11.8 Deputy S. Pitman:

I believe that I am repeating what Members have already said, but I think it does need to be reiterated. If the Minister had been at the Unite Meeting on 7th September, she would have got a great feeling for a lack of morale among her nursing staff, and a major part of that is the pay freeze. She said she has had discussions. What were those discussions? Also, what does she see her responsibility to the staff? We have to bear in mind that they are providing a vital service to this Island and their morale does impact on that service.

The Deputy of Trinity:

Yes, of course I totally agree with the Deputy that they are providing a good service and their morale is very important and, with the unions, one of the issues was the pay freeze but also the number of nurses who are on the wards. There is a shortage. The nurses are working extra hours as well as the full complement of bank staff and also agency staff. This all compiles to extra work and because the nurses are tired, morale is therefore low. I will stress that the service that they are giving is excellent. The hospital is at 100 per cent full capacity which, again, shows that the hospital is an extremely busy place, but the most important thing is if we can get on and have the sufficient funds to recruit more trained staff.

4.12 The Deputy of St. Mary of the Minister for Economic Development regarding the purpose of the Plant Varieties Law:

Can the Minister explain briefly the purpose of the Plant Varieties Law he is considering lodging and advise whether he has plans for Jersey to become a new centre for people developing new plant varieties and, if not, outline who will be using this new law, why they would use this law and how it fits into their business model?

Senator A.J.H. Maclean (The Minister for Economic Development):

The development of Intellectual Property Law is a high priority for Economic Development because it is believed that intellectual property or I.P. could be a major potential contributor to Jersey's economy in the future, particularly when linked to the development of E-Commerce in the Island. A new Plant Varieties Law will create plant breeders' rights which are a form of I.P. that protects new varieties of plants. The law will entitle the holder of the plant variety I.P. to prevent anyone from producing, re-producing, importing, exporting or dealing in the protected variety and seeds without the holder's authority. While the law may create opportunities within horticulture and agriculture in Jersey, this has not been the main reason for its development. It is all about improving Jersey's attractiveness as a jurisdiction for intellectual property related business. That will require compliance with international conventions and agreements. Jersey cannot, for example, comply with the T.R.I.P.S. (Trade Related Aspects of Intellectual Property Rights) Agreement and the Paris Convention without a general scheme for protection for new varieties of plant. This is the true value of our new Plant Varieties Law which I look forward to bringing to the House for approval next year.

4.12.1 The Deputy of St. Mary:

It is interesting that he comments and does not mention the issue of transfer pricing. He mentions the issue of protecting plant varieties which may be all well and good but is he aware that the matter of transfer pricing - that is valuing the intellectual property in Jersey at way over its market price in order to avoid tax - is moving up the international agenda? Would he comment on the risk

to Jersey's reputation that is implied in this law if it goes down the road of enabling transfer pricing to take place?

Senator A.J.H. Maclean:

Yes, I am aware of the issues surrounding transfer pricing. The Deputy will be aware that this law is in the development stage, although it is intended to be brought to the House at the beginning of 2010 and, indeed, as part of the Economic Affairs Scrutiny Panel, he and his panel will have the opportunity to scrutinise it in good time.

4.12.2 Senator S. Syvret:

Is the Minister aware of the potential for significant harm to Jersey's standing and reputation that arises from the possibility of the overzealous and opportunistic application of intellectual property to food and plant varieties? I need only point to the reputation of companies like transnational corporations like Monsanto, for example. Much of the developing world and indeed many other people in the developed world view the whole business of copywriting and patenting food production to be a thoroughly repugnant and ethically undesirable activity. So will the Minister be alert to that fact and understand the potential risks to the Island's reputation?

Senator A.J.H. Maclean:

Yes, clearly, in any opportunity, there also lies risks and I think it is important that we recognise that when developing this law. We should also bear in mind that Jersey's current intellectual property legislative framework is woefully inadequate, it is out of date, it does need to be modernised and that is a primary driver behind our moves to bring new legislation before this Assembly next year.

4.12.3 Senator A. Breckon:

I wonder if the Minister could say how many staff will be required to administer and implement this law, at what cost and whether these will be new posts or whether they will come from existing manpower?

Senator A.J.H. Maclean:

Could I ask the Deputy just to confirm? I assume he is referring to the Plant Varieties Law.

Senator A. Breckon:

Yes.

Senator A.J.H. Maclean:

It will depend clearly upon demand. It is expected that a controller will be required and possibly one other member of staff, and it is anticipated that it will be resourced from within the existing headcount of the department.

4.12.4 The Deputy of St. Mary:

I have just been looking at my notes and realised that the first question was not answered at all, so I will repeat it. Could the Minister explain which companies would use this law, why they would use it and how it fits into their business model?

Senator A.J.H. Maclean:

I do believe I did answer the question. Nevertheless, I identified the fact that there is believed to be some potential with this law within the horticultural and agricultural industries within the Island but the main driver behind the introduction of this law which will come before the States next year is to ensure that we are compliant with important international conventions in order to allow us to develop our intellectual property legislation.

4.12.5 The Deputy of St. Mary:

Can I just ask one other supplementary? Why has the Minister chosen to prioritise plant varieties when, as Senator Syvret has pointed out, this is probably the most sensitive area in terms of world public opinion that he could have chosen?

Senator A.J.H. Maclean:

It is a necessity in order to become compliant to the international conventions that we bring forward the new Plant Varieties Law and that is the reason.

4.13 The Deputy of St. Martin of the Minister for Economic Development regarding the proposed Gambling Commission's budget:

Will the Minister inform Members of the full details of the proposed Gambling Commission's budget including fees to the commissioners and other proposed expenses, whether the proposed above-R.P.I. increase in licence fees is intended only to cover the commissioner's regulatory role or will it finance the development of the online industry. Could he also advise whether a figure of approximately £30,000 will meet the foreseen needs of any social responsibility levy?

Senator A.J.H. Maclean (The Minister for Economic Development):

Regulatory costs for the gambling industry in 2009 are budgeted at £355,000. This effectively means that the industry is currently subsidised by the public by approximately £190,000. This is not a satisfactory position. However, should the States approve the Draft Gambling Commission Law next month, together with associated changes to the machine regulations and licence fee, then this situation will improve significantly. Economic Development has provisionally allocated a grant of £225,000 for the Gambling Commission's first year of operation. All fees for gambling control have remained static for approximately 10 years and, at current rates, regulatory fee income is approximately £136,500. Set against this, the Shadow Commissioner's fees in 2009 are £72,000 and I expect a broadly similar level next year. Other expenses, including staff salaries and administrative costs, come to a further £250,000 giving an outgoing of £322,000 or a projected on-paper deficit of £31,500. Without changes to the machine regulations and licence regulations, income for next year will go down as older machines become unviable. It should be noted that there will also be a setup cost for the Gambling Commission because the new commission will have to find premises, buy equipment, employ or contract out accounting and other tasks, and so a projected deficit in excess of £100,000 would arise if the current fee structure remains unchanged. For all these reasons, amendments to the fee structure are proposed which will see additional guaranteed income of £47,000, together with a potential £172,000 from machine fee income. Fee increases will hopefully allow the commission to run a small, positive balance, whereupon the commission could then amend fees, whether that be up or down in following years. These are collected for regulatory purposes and will not cover promotional costs as this is not within the commission's remit. The level of social responsibility levy needs to be set by the commission in due course. I would also add, if I may, that it is a fairly complex question in terms of giving budgetary details and I would be happy to give further written information showing the budget if the Deputy would find that helpful.

4.13.1 The Deputy of St. Martin:

I am grateful for the answer. It was a very full question and I managed to get the whole 70 words in there but there are a number of issues which possibly I might be able to encourage the Economic Development Scrutiny Panel to look at. Could the Minister justify how it could cost £355,000 to regulate an industry which only has 29 betting shops, 9 race meetings a year, one annual lottery maybe a few times when clubs may wish to run bingo to raise money like the Battle of Flowers and things? How can £355,000 be budgeted for? Where does that money go to or why do they need that money?

Senator A.J.H. Maclean:

For the very reasons that the Deputy has just alluded to; for regulating the 29 betting offices, the racetrack and all the other social issues relating to bingo, raffles and other issues. It should also be noted that among the £355,000, there is also a payment for the Shadow Gambling Commission. Although they are not holding an executive role - they are purely advisory - there is, within the budget, £72,000 for initial costs for them and they have fulfilled a very useful function in the period that they have been operating since they were put in place in December 2006.

4.13.2 Senator B.E. Shenton:

Just a follow-up of the Deputy of St. Martin's point, £355,000 to regulate the few gambling shops over here is utterly ridiculous. Would the Minister confirm that, in fact, they are trying to setup a Rolls Royce service to encourage new internet gambling businesses to the Island and he is in fact speculating with taxpayers' money by setting up a Rolls Royce service when he has absolutely no proof that the business will eventually come?

Senator A.J.H. Maclean:

No, I do not agree with that and, secondly, we are not speculating with taxpayers' money. That is the whole point of increasing the licence fee to bookmakers and across the board. What we are looking to do is have a cost-neutral position. Yes, there are opportunities, to answer the other part of the Senator's question, with regard to eGaming but it is absolutely essential - and this Assembly agreed it back in 2005 - that a Gambling Commission is put in place and the Gambling Commission properly regulates the industry to ensure that the young and the vulnerable are properly protected. Jersey does not have that at the moment.

4.13.3 Senator S.C. Ferguson:

Yes, I must say that £10,000 for an establishment to regulate ... we have heard the Minister talk about a vastly enlarged commission obviously covering online gambling, but what genuine solid indications of the size of industry has the department got given that other jurisdictions have found that there is a considerable degree of money laundering through online gambling?

Senator A.J.H. Maclean:

I would say that that is a very good reason for having an effective Gambling Commission. That is exactly why the Island should have an effective Gambling Commission to ensure that the existing industry is properly regulated. Looking forward, should this Assembly approve the Gambling Commission Law which will be brought next month, then there are further opportunities with regard to eGaming which the Island can benefit from. We just need to look to our very close neighbours in Alderney who have something like 75 or 80 licences who are getting significant revenue. We know that other jurisdictions - Malta, Gibraltar, Isle of Man and so on - are almost full to the capacity. There is business out there and Jersey, to date, has missed out on the opportunities but it has to be done properly and, to do that, we need to have an effective, well respected regulator.

4.13.4 Deputy T.A. Vallois of St. Saviour:

Could the Minister explain therefore, with regards to the proposition for the gambling that is coming before the House next month, why it has been revised and the original fees reduced?

Senator A.J.H. Maclean:

Perhaps the Deputy could confirm which fees she is referring to.

Deputy T.A. Vallois:

The fees stated on the proposition that are coming up. They have been revised and reduced from £5,000 to £3,000 on certain ones.

Senator A.J.H. Maclean:

Yes, I can explain that. That is a good example of the department being prepared to engage with the industry and to listen to complaints and different viewpoints. What we have learned from that discussion is that there are other revenue opportunities that we believe we had underestimated in terms of gaming machines, and we believe that the revenue can be substituted through those rather than direct licence fees. We took that into consideration and, in particular, with the impact on the very small number of 2 or 3 locally-owned licensed betting offices that were going to find themselves challenged by the licence fee regime proposed.

4.13.5 The Deputy of St. Martin:

Yes, Sir. I get a feeling of wooden horses here but could I just get back to the question of the levy of gross turnover? It has been suggested that there will be a 2 per cent levy of gross turnover for a social responsibility levy or fund. Can the Minister inform the House if the Island has a major concern with gambling problems because it seems that 2 per cent of gross turnover will be an exceedingly large amount for what may well be a very, very small problem?

Senator A.J.H. Maclean:

I should point out that a future decision on a social responsibility levy, which is what the Deputy is referring to, is something that should be decided and would be decided by the Gambling Commission. There is no clear figure set, although his question states £30,000. However, it is absolutely clear that the Gambling Commission itself will be the appropriate body to set it at a level that is appropriate to the requirements of the Island. That will depend on issues like the future development of eGaming and so on. This levy is not a revenue source and I have to say that the operators themselves are fully supportive of the concept of a levy for social responsibility. They do deliver social responsibility.

4.14 Deputy M.R. Higgins of St. Helier of the Minister for Economic Development regarding the responsibility for taking forward the commitment for a genuinely diverse economy:

I would like to ask the Minister who is responsible within the Economic Development Department for taking forward the commitment in priority 2 of the Strategic Plan for the laying of the foundations of a genuinely diverse economy and what work, if any, has been done so far?

Senator A.J.H. Maclean (The Minister for Economic Development):

As I am sure the Deputy is aware in his role as chairman of the Economic Affairs Scrutiny Panel, the Chief Officer and his team are responsible for delivering the Government's role in the diversification of the Island's economy. This they do. Contrary to popular belief, the vast majority of Economic Development budget in 2009 - approximately 80 per cent - is dedicated to economic diversification, diversification of products and markets for existing businesses and diversification into new sectors through business start-ups and inward investment.

The Bailiff:

I hope this is going to be a concise answer, Senator.

Senator A.J.H. Maclean:

Yes, Sir. All our core E.D.D. (Economic Development Department) activities Jersey Enterprise launched in 2008 marked the start of a new approach to supporting businesses outside of the financial services sector.

4.14.1 Deputy M.R. Higgins:

A supplementary, Sir? Could the Minister please advise the House, besides finance and the work on intellectual property, what other measures are they trying to encourage to encourage a diverse economy?

Senator A.J.H. Maclean:

One of the aims of setting up Jersey Enterprise was exactly that; to enable local businesses to be able to, first of all, set up start-up businesses and for local existing businesses to diversify into other areas. So far, Jersey Enterprise has supported nearly 1,200 new and established businesses. That included 45 start-ups, so I think that gives a good indication of the work the department is doing.

Deputy M.R. Higgins:

Could I ask the Minister to be a bit more specific? 1,200 businesses is nothing. I would like to hear the examples of types of business.

Senator A.J.H. Maclean:

A whole, wide range of businesses across the tourism sector and agriculture. The Deputy himself will be aware of the areas in which Economic Development is involved. He himself has mentioned I.P. We have had discussions on that and that is a clear one; E-Commerce and so on. There are opportunities across a wide section of the economic base that Jersey has for diversification and we continue to work to develop it.

4.14.2 The Deputy of Grouville:

With the aim of economic diversification, could the Minister explain the rationale of increasing Jersey Finance's limited budget and reducing tourism marketing and agricultural budgets?

Senator A.J.H. Maclean:

It is absolutely essential that Jersey Finance has appropriate funding. If we look at the budget that Economic Development has, in fact, I would suggest tourism has a higher percentage of our budget than any other function that we fulfil. It is right that diversification within Finance is delivered from additional budgets. We are looking at new products helping with Jersey Finance to market the Island in new geographical locations and new products and that is absolutely right. Our commitment, however, to agriculture, tourism and other sectors is undiminished. We are just more targeted with the money we have, we spend it more wisely and get a better return.

The Deputy of Grouville:

My question was not: "Why have they increased Jersey Finance?" It is what rationale has been used when Economic Development want diversification?

Senator A.J.H. Maclean:

It is to help businesses in the sectors that the Deputy is talking about to diversify their businesses. I mentioned a moment ago Jersey Enterprise. Jersey Enterprise helps businesses in agriculture and helps businesses in tourism to develop their business, to diversify their business and to grow their businesses for the benefit of themselves and obviously the local economy.

4.14.3 The Deputy of St. Martin:

Maybe the Minister could inform the House whether in fact part of the diversity of the economy will be to develop online betting and if that is the case, would it not come out of that fund rather than coming out of the existing industry's fund? I am talking about the betting shop industry.

Senator A.J.H. Maclean:

Diversification follows a wide remit and the Deputy is absolutely right. There is potential, should it be approved by this Assembly, for development of eGaming as many other jurisdictions, including Alderney close at hand, has very successfully done. I think it is right that if the House were to support the development of eGaming, as it has indicated in the past, that that should be funded quite appropriately by the industry itself but - and I hasten to emphasise this point - it is right that Economic Development's budget itself is used, and that is absolutely right. In promoting eGaming opportunities, Jersey Enterprise will be at the forefront.

4.14.4 The Deputy of St. Mary:

How can the Minister justify, in the interests of diversification, cutting the core tourism budget?

Senator A.J.H. Maclean:

The core tourism budget has not effectively been cut. It has been re-prioritised. **[Laughter]** I think I should, first of all, draw to Members' attention that we funded - partly with the industry, I have to accept, which was a welcome introduction - something in the tune of £750,000 of additional marketing and advertising for tourism this year. That is due to the fact that Economic Development has a discretionary budget and we have to, at times, be able to respond to market conditions. That is an example where we did it to support tourism and we will do it for other sectors when and if appropriate.

4.14.5 The Deputy of St. John:

Could the Minister inform the Chamber whether the practice is still going on where Jersey Finance go around the world after new business and the senior staff fly club or first class and, if so, is that practice going to cease?

Senator A.J.H. Maclean:

Was the Deputy asking whether those Members are flying or ... I did not catch it?

The Deputy of St. John:

The question was whether the staff at Jersey Finance, when they are selling their goods around the world, fly to these destinations first class or club class and, if that is the case, if that going to stop happening?

Senator A.J.H. Maclean:

I am not aware of any staff members of Jersey Finance flying first class. If it is a short haul destination, then I would imagine that staff members would fly economy. If it a long haul flight and there is a business meeting at the end of it, then it may not be unreasonable to fly club class but I am absolutely convinced that Jersey Finance utilise their budget in the most effective way possible and we are satisfied to that effect.

4.14.6 Deputy T.M. Pitman:

I must congratulate the Minister on his terminology regarding privatisation. It reminds me of de-constructing the Taliban, but there we go. Following on from the Deputy of Grouville's question, is it not a fact that, in reality, E.D.'s commitment to genuine diversity outside of Finance is little more than spin? That is the impression people have.

Senator A.J.H. Maclean:

No.

The Bailiff:

A final question from Deputy Higgins, if you wish one?

Deputy M.R. Higgins:

I am fine, Sir, thank you.

4.15 The Deputy of St. John of the Minister for Treasury and Resources regarding funding of mains drains and water extensions of the countryside:

Given that over £40 million is to be spent on the economic stimulus package, will the Minister give serious consideration to putting some of this funding into main drains and water extensions into the

countryside, particularly into areas where there are currently eroded excavations from Jersey Electricity works such as Les Chenolles in St. John or Sorel?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

As the Deputy, I hope, would know, I have given serious consideration and I am happy to inform him that while I have not been able to apply fiscal stimulus funding for extensions, there are a high number of high priority essential repairs and upgrades for our main sewer network that can meet the test of the 3Ts that have been approved. Over £8 million is being applied for civil infrastructure and a further up to £11 million for maintenance, £2 million specifically for urgent upgrades on the railway walk, St. Peter's Arsenal, Queens Road drains and repairs to the rising main at Rozel. None of these projects would have been funded by the existing capital programme. I know that the Deputy will be disappointed that extensions are not going to be possible but with the limited fiscal stimulus funding available, we have had to make some difficult choices. I would repeat to the Deputy my commitment to work with him and the Minister for T.T.S. so that we can see a reinstatement of the sewer extension programme as soon as possible.

4.15.1 The Deputy of St. John:

Will the Minister give serious consideration to removing the double-whammy or the double-charge where people who live out in the countryside, and have to have their septic tanks emptied, pay twice through their taxes and through the charge where people cannot connect to main drains because this is totally unfair that people who are connected ...

The Bailiff:

Deputy, I am not sure this arises out of your original question which was the fiscal stimulus.

The Deputy of St. John:

Well, it does, Sir. It comes out of the fiscal stimulus because the Minister can quite easily remove the tax or the charge to those people who have not got connection to the main drains and they have to pay twice. They pay through their income tax [Laughter] and they pay on the tanker's sewage charge.

Senator P.F.C. Ozouf:

I do not think the Deputy needs to be reminded of my position on this and, indeed, the position of the Council of Ministers. We want to deal with the Liquid Waste Strategy, we want to put in place foul sewage extensions and we want to put a realistic maintenance and costed maintenance programme for the foul sewer extension. However, we have got to be honest with people and say that, at the moment, without any form of liquid waste charge, it is difficult in order to reach the aspirations that the Deputy wants in terms of extensions. We are going to have an honest debate about the Liquid Waste Strategy and that is going to come to this Assembly in the first quarter of next year and he, I hope, is going to join a group in developing that strategy.

4.15.2 The Deputy of St. Mary:

I am interested in the Minister's £8 million and £11 million for infrastructure projects and I would like to know from him whether one of the evaluation measures for projects for the fiscal stimulus package is how many jobs you get per £100,000 because these major infrastructure projects sound like not many jobs for a lot of money to me?

Senator P.F.C. Ozouf:

I am happy to reassure the Deputy. I have been, and the team advising has been extremely tough in relation to this question of local jobs. Every pound of the fiscal stimulus money is designed in order to ensure local jobs for local Islanders over the next few months. Indeed, with the tests that have been put forward and indeed the commitments given by the department sponsoring the work

that is going to be carried out, I expect them to deliver that. It is local jobs for this amount of money that is being invested.

The Deputy of St. Mary:

I did ask whether one of the evaluation measures was how many jobs per £100,000.

Senator P.F.C. Ozouf:

One of the key criteria is how many people will be kept in work, and I am happy to share with him, and I know that the Corporate Affairs Scrutiny Panel Chairman is announcing a further inquiry to look into the decision tomorrow.

4.15.3 Deputy D.J. De Sousa:

When the Minister has made his final decisions, along with the rest of his colleagues, as to where the stimulus package is going to be spent, will he come back to the House and inform all Members where it is going and how it is being implemented?

Senator P.F.C. Ozouf:

Willingly.

4.15.4 The Deputy of St. John:

Would the Minister be quite happy if people who are not able to connect to mains drains take the approach that the French take and in fact use sewage tankers and dump the sewage on the roads, given that this Island are paying lip service only to those poor people who are paying twice to have their sewage removed?

Senator P.F.C. Ozouf:

I do not think that any Minister should encourage any sort of civil disobedience. What I can say to the Deputy is that I have a table of figures in front of me which sets out the scale of investment that is required to extend our sewage network. It is inevitable in the next months, as we have an honest debate about the comprehensive spending review and we have an honest debate about the level of tax and spending, that some charges for such services may well have to be introduced in the longer term to ensure that we have maintained our infrastructure but also extend it to the parts that the Island needs.

The Bailiff:

Very well. We come next to the question which Deputy Tadier will ask of the Minister for Home Affairs. Deputy.

4.16 Deputy M. Tadier of the Minister for Home Affairs regarding an independent Police Complaints Authority for Jersey:

I would like to leave this question until the next sitting, if that is okay. I will explain briefly why; it is purely a simple error on my part. I meant to ask the question about the Police Authority and not the Complaints Authority. I suspect that the Senator may already be ... it might make more sense to him so if he is happy to do that I will leave it until the next sitting.

The Bailiff:

In reality it is going to be a different question. You have got to ...

Deputy M. Tadier:

Exactly, unless he wants to answer what the question is about [Laughter] but I think it is only fairer to give him the option to do it next time.

The Bailiff:

Very well, so that question is withdrawn. Next we come to question 17 which Deputy Lewis will ask of the Minister for Economic Development. Deputy.

4.17 Deputy K.C. Lewis of the Minister for Economic Development regarding the rental value of the warehouse currently occupied by the Maritime Museum:

Will the Minister consider leasing the warehouse currently occupied by the Maritime Museum to Jersey Heritage on a peppercorn rent to enable the Tapestry and Maritime Museum to remain open?

Senator P.F. Routier (Assistant Minister for Economic Development - rapporteur):

I recognise that the Jersey Heritage Trust is facing difficult times and that I should also point out that the Economic Development Department have offered to fund a review of its future operations. Jersey Heritage Trust rents the warehouse in question from Jersey Harbours who administer the property on behalf of Property Holdings. The rent paid for the Maritime Museum was set at the current level at the request of the Jersey Heritage Trust in its letter dated 12th March 2009. At that time the trustees were seeking security of tenure in order to clarify responsibilities for the maintenance of the building and to achieve accreditation under a U.K. national standard. As with all property rentals across the States portfolio, the rent to be paid was independently assessed and defined by Property Holdings. In line with the property plan and G.A.A.P. (Generally Accepted Accounting Practices) Property Holdings are responsible for ensuring that we recover the true cost to the States of holding individual properties. If the rent were to be reduced even further this would have the effects of Jersey Harbours subsidising the activity of a body already in receipt of a grant from Education, Sport and Culture. One would expect Jersey Heritage Trust to reflect the cost of the rental in its Annual Business Plan that demonstrates commercial sustainability submitted to the Minister for Education, Sport and Culture during the process of approving the annual grant.

4.17.1 Deputy K.C. Lewis:

While I appreciate the Assistant Minister's wish to balance the books, does he not find it ludicrous that we have one subsidiary of a States Department paying another subsidiary of a States Department in excess of £85,000? I am sure the Assistant Minister is aware of the great distress this subject is causing the people of Jersey at present and we need some more cross-subsidisation, does the Minister not agree?

Senator P.F. Routier:

I am afraid I cannot agree with the Deputy because there are accounting practices which need to be followed. Any department which has an asset needs to account for it effectively. I recognise, as I said in my opening comments, that the Heritage Trust is finding it difficult. The Deputy quoted a figure of over £85,000. That is not the fact of the matter. The current rental is at a reduced level of £75,000 but it is at a rental of just £5.50 per square foot which, on the market rental for what was previously used in those buildings, was £23 a square foot so it is already at a reduced level. It has to be recognised that when the Trust originally took over the property the Education, Sport and Culture Department did increase the grant to cover that rental of the initial rental when they first moved into the property so we would need to do some work. We know the gallery has to remain open but we have just got to find a way of achieving it.

4.17.2 The Deputy of St. John:

I notice the Assistant Minister is referring to G.A.A.P. accounting, yet could he tell us when his department went into accounting, as we know it in the business world, into G.A.A.P. accounting because I was under the impression that your department did not use that?

Senator P.F. Routier:

The process started in 2006 and we are obviously working towards that. This year, you will see from the Business Plan, that because of the process of G.A.A.P. accounting we have a very large amount for ...

The Deputy of St. John:

Can we have a yes or no?

The Bailiff:

Well, I think he says it is on the way.

The Deputy of St. John:

Exactly, Sir, it has been on the way for about 5 years. Can we have a yes or no? Does the department use G.A.A.P. accounting at the moment?

Senator P.F. Routier:

Yes, we use the principles.

The Bailiff:

Deputy Lewis, do you wish to ask the final question?

4.17.3 Deputy K.C. Lewis:

Yes, thank you, Sir. I thank the Assistant Minister for his correction but surely this was all set up in the heyday of Jersey Tourism and it has been suggested in recent months that because of the economic downturn that landlords should reduce their rents to enable businesses to continue, should that not be the case in this one?

Senator P.F. Routier:

I recognise that it is difficult times but I was quite heartened by the comments recently by the Heritage Trust to say that their numbers have increased this year and they are seeing a far better position with regard to their facilities. With regards to reducing the rent, it is already a reduced rent. If it was £23 a square foot, which it should be, and not the £5 a square foot, they would be in more difficulty. We all want to see the Heritage Trust to prosper and to have their facilities remain open and it is our duty, as a States body, to achieve this and I will do everything I can to do that.

4.18 Deputy R.G. Le Hérisier of the Minister for Home Affairs regarding suspension and discipline procedures in the States of Jersey Police:

Would the Minister confirm whether or not the principles embodied in P.46/2009 - Suspension of States Employees and States of Jersey Police Officers: Revised Procedures - adopted by the States on 30th April 2009, are an integral part of suspension and discipline procedures in the States of Jersey Police?

Senator B.I. Le Marquand (The Minister for Home Affairs):

The answer to the question is that they are, apart from 2 issues. Members may remember that the debate was unsatisfactory on this because although the States voted in favour of the first part they also voted in favour of my amendment to the second part, which completely undercut the first part, in relation to the police. We had a kind of no score draw on this one. The 2 areas where the principles are not applied are firstly, that there is no provision for outside involvement in relation to reviews of suspensions. The advice that I am receiving is that that is in accordance with U.K. principles. Members will also remember that the local Police Association were fully happy with that and that there are very good reasons why there should not be an outside involvement; they want to rehearse the arguments again. The second area in which principles are not followed is that

it is not custom, when conducting a 28-day review, for there to be a right to appear personally before the reviewing person but apart from that principles are followed.

4.18.1 Deputy R.G. Le Hérissier:

Is the Minister in support of the principle that a person does not have the right to appear before the reviewing person? Secondly, in the light of experience and the need for checks and balances, is he holding firm to the view that there shall not be outside involvement?

Senator B.I. Le Marquand:

I have an open view as to whether or not there could be outside involvement in the sense that the Minister might be involved, and I am still in discussions with the acting leadership on that point. I have asked the question as to why the Minister cannot be involved and they have shown me that he should not be but they have not told me why yet, in relation to that. In relation to the right to appear personally or not, there is of course available an appeals procedure of a different nature and that is that if a person wished to appeal against their suspension, the suspension decision normally being made by the Deputy Chief Officer - at the moment the Acting Deputy Chief Officer - they have a right of appeal to the Chief Officer. So, although that is not external, if they wanted to exercise that right they would get another hearing, as I understand it.

The Bailiff:

I think in fairness I am going to stop you there, Deputy, and I am going to give Senator Shenton the chance to ask his question. Senator Shenton will ask the final question of the Minister for Education, Sport and Culture.

Senator B.E. Shenton:

That is very kind of you, Sir. I am a Man. City fan, I am not that keen on extra time at the moment. [Laughter]

The Bailiff:

It will only be extra time if you delay, I think.

4.19 Senator B.E. Shenton of the Minister for Education, Sport and Culture regarding the publication of performance statistics for Island schools:

Does the Minister consider that parents have the right to know the performance of individual schools and, if so, does he believe that the current policy of not publishing performance statistics, not having regular independent inspections and not publishing inspection reports is appropriate?

Deputy J.G. Reed of St. Ouen (The Minister for Education, Sport and Culture):

As Minister for Education, Sport and Culture and as a parent I fully support the right of parents to know the performance of individual schools. What I do not believe is correct is the publication and the creation of tables which identify or compare performance between one school and another in the public domain. Under current policy individual schools are required to publish their examination results to the parents. This is usually done through the annual report of the governing body although some schools also publish their results on the school website or by way of a school newsletter. Secondly, independent inspection does take place in our schools. In fact our schools are subject to more regular independent inspection than schools in the U.K. All provided schools in Jersey are required to plan a 3-year cycle review during which key aspects of the schools' work are subject to scrutiny. During this cycle trained Ofsted (Office for Standards in Education) inspectors are brought in to validate the findings and identify development needs. This means that our schools are subject to annual inspections rather than the 6-yearly inspection cycle that has been the case in the U.K. It is interesting to note that indeed Ofsted itself is now wanting to move towards and

follow Jersey's approach in this matter. Once inspections are complete reports are then shared with the department and, where there is a governing body, with the governance. It should be borne in mind that each governing body is required to have at least 2 parent representatives on the board. In addition, any of these reports could be made available to parents on request subject to any decisions on confidentiality in relation to data protection. I hope this answers the Senator's question.

5. Questions to Ministers Without Notice - The Minister for Home Affairs

The Bailiff:

Well, I fear that that brings question time to an end. We then move on to Questions to Ministers Without Notice and the first period is to the Minister for Home Affairs. Deputy Le Hérissier?

5.1 Deputy R.G. Le Hérissier:

Continuing from question 18, would the Minister not acknowledge that, notwithstanding the obvious integrity of the office holders and indeed of himself, having a Deputy Chiefs' decision reviewed by a Chief does not provide the required distance and, therefore, there is a need for an outside element to provide some checks and balances?

Senator B.I. Le Marquand (The Minister for Home Affairs):

I understand that is the system which operates in the U.K. and, as I have said already, the local Police Association are very happy with the current system. I am still exploring, with the acting leadership, the possibility of the Minister having some role. That is not just because of an outside issue but also the problem if the Police Chief has to deal with the appeals is that he then has to bring in some other person to deal with the substantial matter which can be costly. So, there are a variety of reasons why I am exploring this although my advisers in the police force are telling me there are very good reasons why I should not get involved.

5.1.1 Deputy R.G. Le Hérissier:

Just to press the point, would the Minister announce when his explorations will come to an end and reach a decision and is he firmly of the view that there needs to be more objectivity in the process?

Senator B.I. Le Marquand:

I missed a word there because somebody coughed. Was it more objectivity? I am relaxed about the situation but I think you are right that I should explore this for terms of possibility.

5.2 The Deputy of St. John:

As security around this building over the last week has been very tight and we have seen police officers, *et cetera*, with machine guns in the streets, can the same be said, Minister, for the security within this building, given that I had to stop a person coming down our stairway last week and challenge him as to who he was and he said he was a police officer, so I asked for identification, i.e. by way of his warrant card. He had no warrant card but had a pass in his hand and let himself out the door. Can that be right that if security is lax inside that we could expect similar on the outside? I tried to contact the Police Chief. I was told that he was at a meeting and I was told that his Duty Inspector would call me. I have not received a call back to reassure me that everything is above board. Is the Minister happy that the policing of this building is 100 per cent as secure as it should be?

Senator B.I. Le Marquand:

Of course this is an operational matter and, therefore, really a matter for the police force. I am surprised that an officer should be present in the building without having his warrant card. I would have thought he would have had that as a matter of general practice but, as I say, I know nothing about the details of the operational matters.

5.2.1 The Deputy of St. John:

Will the Minister please familiarise himself with this and then come back with a response later on in the sitting? Thank you.

Senator B.I. Le Marquand:

I think I am being asked to ask a question of the police as to whether or not there was an officer present in a building without a warrant card and whether that is appropriate. I am happy to do so but I am not sure when will be an appropriate time to come back though.

The Deputy of St. John:

If I may help. The Minister is here, I think, for 4 to 5 days this week. I am sure he will be speaking to his Police Chief at some time in the next day or so or 2 days and can come back within the week with a response, given I have waited a week already for a reply.

Senator B.I. Le Marquand:

I am happy to do that if the Chamber is happy to let me say something later on that subject.

5.3 Deputy K.C. Lewis:

Further to the potentially very dangerous furze fire around St. Aubin in which the Fire Service and the part-time Fire Service did an excellent job, I have been reliably informed that there is a manpower shortage to the tune of one man or woman per shift. If this is the case can the Minister inform the Assembly whether there will be an active recruiting campaign?

Senator B.I. Le Marquand:

There was an outside review of the manpower and other aspects of the Fire Service and that came back and basically said ideally we should have one more person per shift than we currently have, but in the light of the current financial position and the constraints of budget this time, I took the view that it would be a practical impossibility to obtain that at this stage. It is an ideal goal that we should, however, be aiming for.

5.4 Deputy M.R. Higgins:

It is a question with regard to Operation Blast. I would like to ask the Minister, the Data Protection Commissioner was considering inviting Wiltshire Police to conduct an investigation of these protection issues with regard to Operation Blast, can he advise the House whether such an investigation is taking place and, if it is, when it is expected to report?

Senator B.I. Le Marquand:

I have to be cautious about what I say in relation to Operation Blast. There is an investigation taking place and that investigation, if it comes up with matters of a potential criminal nature, we will deal with those in a particular way but the officers who are investigating it are looking both at disciplinary aspects and potential criminal aspects at the same time.

5.5 Deputy M. Tadier:

I have decided to bring my question forward a couple of weeks. Will the Minister indicate when an independent police authority for Jersey is likely to be fully operational?

Senator B.I. Le Marquand:

I can answer that question and I am grateful that Deputy Tadier did not make me answer the other one. As Deputy Tadier knows, I took the view early in assuming office as the Minister for Home Affairs that it would be unwise to attempt any serious work in relation to this until the dust had settled in relation to various disciplinary and other matters. That view has, if anything, been reinforced by the direction in which things have gone. I think that we need to receive reports. There needs to be a time of reflection upon those reports and, indeed, upon what has happened once

we know what has happened and only thereafter, I think, can I begin to formally declare plans to bring before this House in relation to the way in which a police authority would be structured.

5.5.1 Deputy M. Tadier:

Just a supplementary, Sir; would that authority have responsibility for both the States Police and the Honorary Police and, if not, would the Minister say whether it is desirable that it should have responsibility for both the Honorary and the States Police?

Senator B.I. Le Marquand:

I have hesitated because I am just having to think about this. My own mind is focused on a police authority in relation to the States of Jersey Police and not on a joint police authority. There was a previous attempt to set up - in fact it was an organisation set up which never functioned very well which was meant to cover both - and my own view is that the Honorary Police responsibility should remain ultimately with the Attorney General as it does at present and that trying to set up an all-embracing authority will just confuse matters.

Deputy M. Tadier:

I thank the Minister for his response but does he not believe that there is also perhaps a greater risk of ...

The Bailiff:

I am sorry, Deputy. I think you have had 2 already so I must allow others to have a go. If there is time left you can come back at the end. Deputy of St. Martin?

5.6 The Deputy of St. Martin:

I could probably help both Deputy Tadier and the Minister. When the States agreed in 1999 to set up a police authority, it was intended that both Honorary and the States Police would be part and parcel of that. I know that for a fact. Could I ask the Minister, will he confirm that there were at least probably 2 police officers who were suspended well over 12 months ago and had been told that no criminal proceedings are being taken against them now - I think they were told that some months ago? Could the Minister please confirm whether these officers are still suspended and if they are suspended, why and indeed will they be facing a disciplinary hearing or some action being taken?

Senator B.I. Le Marquand:

Yes, those 2 particular police officers remain suspended and are currently awaiting a full disciplinary hearing which will be conducted by an officer from outside of the Island.

5.6.1 The Deputy of St. Martin:

Could I ask the Minister how soon it is going to happen because I gather they have now been suspended for some considerable time and the Attorney General decided no criminal proceedings was going to be taken some months ago?

Senator B.I. Le Marquand:

I am afraid I do not know the answer to that question. I have known for some months that a full disciplinary hearing was pending and a slight surprise it has not happened already, but I believe it to be imminent.

5.7 Deputy J.B. Fox of St. Helier:

The Minister answered the Deputy's previous question on the Fire Service manning and the desirability of additional staff. Could he comment on other areas under his domain such as Immigration, Customs, Fire Service, Prison, *et cetera*; are we to have a manpower shortage in those areas as well or a desirability to have additional staff thereby avoiding less overtime to provide the

coverage that is needed in those areas? Perhaps the Minister could just enlighten us as to where we are at this time, please.

Senator B.I. Le Marquand:

The position with Customs and Immigration remains that we are one person down per shift of where we should ideally be. The situation was made easier this year, however, by the fact that there was only one regular boat company operating from France. The position in relation to the Prison is that manpower levels are currently satisfactory and overtime levels have been greatly reduced as a result of recruitment of additional officers. The position in relation to States of Jersey Police is that we are going to be between 11 and 16 officers down next year by reason of a combination of budgetary cuts and also incremental effects. All my departments are suffering adversely in terms of staff numbers by reason of incremental effects, which are particularly extreme, in Home Affairs areas. For instance, in the Fire Service we have 8 increments over a 10 year period and we have a number of officers working their way up. For next year the position is going to be extremely tight. For 2011 I do not think the position will be sustainable and I will be needing to come to the House for additional resources to cover incremental increases.

5.8 Senator S.C. Ferguson:

I will take up Deputy Tadier's comments. Given the efficiency of running the Honorary Police with their budget accountability directly to the relevant Parishes and the ratepayers, will the Minister consult with the Comité des Connétables re possible structure of a police authority?

Senator B.I. Le Marquand:

Well, I am sure I am going to consult with just about everybody in relation to that, at some stage or another but I am sure their advice will be happily received.

5.9 Deputy C.H. Egré of St. Peter:

If I could return to the Fire Service, would the Minister confirm that the normal crewing of a fire appliance is 5 personnel and would he confirm that, at the moment, there are times when crews are going out on a fire appliance to attend emergency callouts with 4 personnel? Does that not concern him in relation to the safety of our fire fighters?

Senator B.I. Le Marquand:

The problem, as I understand it, is when we have to send out 2 crews simultaneously and it relates primarily to an issue of specialist equipment which may need to go as well. The fact of being one down makes it difficult to send out 2 appliances and a specialist piece of equipment at the same time but that is where the pressure is, if 2 appliances have to go at the same time plus a specialist piece.

5.9.1 The Deputy of St. Peter:

I understand exactly what the Minister has said and that there will be times when more than one appliance needs to get called out in the event of an emergency. That is what our Fire Service is for. Does he then not reflect further on what I said, that the fact there are a lack of personnel with specific roles to play when there are more than 2 units going out, the fact that they are not there might affect the safety of our fire crews?

Senator B.I. Le Marquand:

That is not a concern that has been put to me by the senior officers, the safety of fire crews in that context. The concern is more so being the ability to deploy everything that might be needed in one go.

The Deputy of St. Peter:

Can the Minister take a look at that for me, please?

Senator B.I. Le Marquand:

Yes, I have regular meetings with fire officers. I will discuss that with them.

6. Questions to Ministers Without Notice - The Chief Minister

The Bailiff:

Very well. That brings questions to the Minister for Home Affairs to a close. So we then move on to questions for the Chief Minister. The Deputy of St. John.

6.1 The Deputy of St. John:

I will put this in 2 parts if I may. Could the Minister give us his views on environmental savings across all States departments?

Senator T.A. Le Sueur (The Chief Minister):

Was that 2 parts? **[Laughter]** Environmental savings are something which should be of concern to all of us and all departments have a part to play. I am not sure what the Deputy was getting at with his question so maybe I am a bit obtuse but maybe he would like to elaborate just what he means by the question.

6.1.1 The Deputy of St. John:

You will see in the written questions today, I put several questions to some of his Ministers and we have had a rather tardy response in 2 of those questions, one from Treasury and one from Education. Given that I am aware and having seen the document shown to me by the Minister for Treasury and Resources of a health spend of £18,000, he showed it to me a week or so ago, yet that is not shown in his response and I would like to know why it is not shown in his response to the question and that was just for one Ministry. Given there are a number of Ministries I suspect that the figure is considerably more than £18,000. Likewise, a tardy response from the Minister for Education, Sport and Culture re Victoria College and their lighting, given he refers to the ...

The Bailiff:

I think a concise question please, Deputy. There are a lot of people who want to ask questions.

The Deputy of St. John:

Yes, Sir. Okay, so he by now will have read those 2 replies so can he answer, will he be kicking his officers and whipping them into shape and make sure they come back with proper answers when asked?

Senator T.A. Le Sueur:

No, the answers were put to my fellow Ministers. If the Deputy is not satisfied with the content of the answers I am sure he has every right and will no doubt exercise his opportunity to review those questions, but in response to his general question about my opinion on these matters, my opinion is that all Ministers, and indeed all Members, should be striving to achieve realistic environmental savings wherever possible. I will say not just environmental savings but any savings whatsoever. I do not think there is anything in these answers which suggests that Ministers are failing in that duty.

6.2 Senator S.C. Ferguson:

Further to the answer to the written question by the Deputy of St. Mary regarding Jersey College for Girls, will the Chief Minister undertake not to allow any location that might be a potential site for the office strategy to be used for any permanent purpose until Members have seen the office strategy?

Senator T.A. Le Sueur:

The office strategy is a matter for the Minister for Treasury and Resources through the Property Holdings Department, but I am certainly happy to confirm that any site that was earmarked for a potential site for office development would not be used for other purposes. At this stage it would be premature to speculate on what an office strategy might or might not contain but certainly in relation to the narrower point of J.C.G. (Jersey College for Girls) it is, as the answer quite clearly says, not the best use for that site.

6.3 Deputy T.M. Pitman:

In the light of his comments following the publication of the independent report into public sector pay - i.e. that its conclusion is justified, the Council of Ministers pay freeze - does the Chief Minister genuinely believe there are nurses who, we all agree, do such a wonderful and difficult job, might, along with their other colleagues, lose their drive and ambition because they are currently so well-paid?

Senator T.A. Le Sueur:

I think the Deputy's reading into that report matters which I did not say, which the report itself did not say. The report did not say that nurses are overpaid but what it does say is that, as people get into the higher echelons of pay grades, the differential narrows and that there comes a point where higher grade staff are paid less than in the private sector. That is an inevitable discouragement to those people seeking further promotion. It is not related to nurses or any particular group of employees. It was an observation across the States as an employment body as a whole.

6.3.1 Deputy T.M. Pitman:

With due respect, I think the Chief Minister is really splitting hairs, otherwise he should really take it up with the reporting but does he not subsequently agree that the across the board pay freeze, in light of instances like the nurses, is clearly a huge knee-jerk reaction and a really appalling mistake that should be rectified?

Senator T.A. Le Sueur:

No, I do not, but if the Deputy still feels that way there will be opportunities for him to express that view at a subsequent occasion. The States have already discussed that matter once, made their views perfectly clear. I believe that was correctly stated and that this report does not do anything to contradict that decision.

6.4 Deputy G.P. Southern:

What concerns does the Chief Minister have about the recent reported actions of Lloyds Bank Jersey over mechanisms to avoid E.U. (European Union) Savings Tax Directive using Hong Kong subsidiaries? What assurances can he give the Assembly that these actions are not widespread in the Jersey finance industry and what action will he take to ensure that Jersey's reputation on tax avoidance and evasion issues is maintained and further improved?

Senator T.A. Le Sueur:

Jersey has a very high reputation and very high standards of regulation as was evidenced last week with the publication of the I.M.F. (International Monetary Fund) report. If there are allegations which are justified of failures to reach those high standards then I am sure that I and all those concerned would wish to take action to condemn that. At this stage all I am hearing is allegations. When those allegations are investigated and if there are regulatory requirements which need to be addressed they will be I am sure.

6.4.1 Deputy G.P. Southern:

If such charges are proved what actions will the Chief Minister take to ensure that the reputation of Jersey on these issues is maintained and improved?

Senator T.A. Le Sueur:

The answer is, at this stage, a hypothetical question without knowing the full facts. It is very difficult, if not impossible, to say what action would be appropriate in the circumstances. Certainly what we would want to do is to maintain the reputation of the Island and to ensure that this does not tarnish it in any way.

6.5 Connétable D.W. Mezbourian of St. Lawrence:

Does the Chief Minister concur with the view of his Deputy that the Island will eventually need a Foreign Affairs Minister and, if so, what consideration has been given to the introduction and costings of a new States department?

Senator T.A. Le Sueur:

I think one could end up having new Ministries for this, that and the other. What the Deputy Chief Minister was saying, quite rightly, is that international affairs play a significantly higher part of the Island's activities every year. I have been noticing this in my time as Chief Minister and that is why, at a departmental level, we have put more resources and more activity into dealing with international matters. There will come a stage possibly that when that reaches the point that it is appropriate to put all those activities into a separate Ministry, not at the current time I hasten to add, but we have to be prepared to evolve with changing circumstances and meet what is an increasingly significant challenge to our Island's activities.

6.6 Deputy M. Tadier:

Does the Chief Minister agree with the sentiments of our esteemed former Bailiff that Jersey should seriously consider independence if faced with a hostile U.K.?

Senator T.A. Le Sueur:

I take the comments of the former Bailiff very seriously as I do with those of the present Bailiff, but I do not think that, at this stage; he was expressing a more general view and we would need to look at a lot more detail before giving the Deputy a categorical blanket assurance that he says one way or the other. I believe that the comments made by the former Bailiff were very appropriate in the context in which they were made.

6.6.1 Deputy M. Tadier:

Just a supplementary then; would the Chief Minister not concede that the comments were in fact unhelpful given that the relationship between Jersey and the U.K. is - for want of a better word - already perhaps slightly tense?

Senator T.A. Le Sueur:

I am sure the Deputy would equally have wanted to ensure that the former Bailiff or anybody else has the opportunity for free speech.

6.7 Deputy D.J. De Sousa:

In light of the recent meeting at Fort Regent for the staff and unions regarding the pay freeze, will the Minister look at reviewing, with S.E.B. (States Employment Board), the stance that they have on revoking the legal right of employees to bargain for their right to an annual pay review?

Senator T.A. Le Sueur:

The States Employment Board are always willing to look at their policies and keep them under review. The situation in respect of the current comments of the staff at Fort Regent reflect a variety of views, not simply about pay levels but also about conditions of service and so on and indeed the

States Employment Board itself is anxious to talk, not just about pay levels but also about conditions of service.

6.7.1 Deputy D.J. De Sousa:

But their legal right to bargain for an annual pay review has been taken away from them. Will the Chief Minister review his stance on this and S.E.B.'s?

Senator T.A. Le Sueur:

The rights to bargain is always constrained by certain practical limitations. I think it is appropriate that those limitations are set out clearly in advance so that both parties concerned are in no doubt about what is or is not available for discussion. That does not mean that there is no opportunity for review. It means the review is carried out within a known framework known to both sides.

6.8 The Deputy of St. Mary:

Changing tack somewhat, would the Chief Minister agree that, in terms of broad strategic issues, the way Islanders feel about their Island, whether they feel proud to be from Jersey and their sense of self-worth, that these are important matters? If so, if he does agree with that statement, does he regret that today we have heard that it is perfectly okay to make vast untaxed windfall profits simply by owning a piece of land that happens to get planning permission or be re-zoned? Does he further regret, what we have also heard, that the Island is looking seriously at entering the global online gambling business?

The Bailiff:

I am sorry, Deputy. You are raising too many points there for one question so the first 2 only.

Senator T.A. Le Sueur:

I certainly believe that it is important that we listen to the needs and views of Islanders and of course they can have a variety of views and one person's views in one direction may be totally different to somebody else's. In respect of windfall taxes I think the Minister for Treasury and Resources tried to explain to Members that this is not a simple matter to look at in isolation. What one is looking at in terms of land sales and land zoning is providing affordable housing and a windfall tax simply, in the first instance, is likely to increase the cost of the land. What has to be looked at is the overall situation of how affordable housing can best be delivered, be that by a windfall tax or be that more likely by suitable planning obligations. The objective remains either way. Windfall taxes are not necessarily the best way to achieve them.

6.8.1 The Deputy of St. Mary:

I just wanted to ask whether he regrets that the Island is looking more and more like a giant lottery because if you take the gambling, together with the windfall tax, that is what it looks like to some people?

Senator T.A. Le Sueur:

As I say, it may look like that to some people, other people may take a different view.

6.9 Deputy P.V.F. Le Claire:

I wonder if the Chief Minister could update us in relation to the I.M.F. report and circulate documents on a regular basis when these bodies have concluded their investigations, as States Members are always hearing about the pressures that these organisations bring but seldom get to see the results of their investigations?

Senator T.A. Le Sueur:

It is perhaps remiss of me not to have circulated the entire I.M.F. report to all Members, so good was it, but in fact it runs to hundreds of pages and I think some Members might feel a bit put off of

the weight standing on their doorstep and the environmental cost of printing all that lot perhaps could be appropriate.

Deputy P.V.F. Le Claire:

Maybe just the Jersey parts.

Senator T.A. Le Sueur:

Was that in relation to the number of pages? It is a very long and comprehensive document, which I reiterate, puts Jersey in a very good light. Certainly, I would like to do all I can to ensure that it is known and appreciated just how well Jersey has done in that analysis. It was an objective analysis by independent outside experts who spent a considerable amount of time investigating our regulatory framework in relation to money laundering and drug trafficking and so on. They have made certain recommendations which we will be following up. In general terms, as I think Members should be aware by now, our performance in that review is among the highest in the world and for that I commend the regulators, the authorities, the financial institutions and all who have contributed to make sure that Jersey's position in this way is rightly recognised and appreciated by the outside world.

6.9.1 Deputy P.V.F. Le Claire:

That said, that is traditional speak that we have heard from the Chief Minister. I was asking if we could not, perhaps, move to a position where the States Members are better informed because all we tend to hear from year to year is that these reviews are going to be conducted. We need to be on our toes, la, la, la, la, la, then they are conducted and then we hear that we have come out glowing. We never understand what was done. We never understood what the issues were about and we never really get to understand whether or not we have addressed them. Can the Chief Minister, please, introduce a system whereby the 170 pages of each report are distilled down to an acceptable form for Members and the public to understand what has been going on?

Senator T.A. Le Sueur:

I am anxious to ensure that Members are fully informed and indeed if a well-equipped communications unit can help to deliver that then I shall be more than willing to invite them to achieve just what the Deputy is looking for.

The Bailiff:

Maybe there are other Members who want to ask questions but I am afraid that brings question time to an end.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

There are no matters under J. Under K, the Minister for Treasury and Resources will make a statement regarding H1N1 Influenza Pandemic funding. Minister.

7. The Minister for Treasury and Resources - statement regarding H1N1 Influenza Pandemic funding

7.1 Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

Members will be aware that in the past months Ministers have been advised by a senior group of officials, including the Chief Executive of the States, the Medical Officer of Health, clinicians and managers, to ensure the Island is well prepared to deal with an outbreak of H1N1. A great deal of work has already been done and, as a result, the Island is successfully containing the illness. Moreover, we plan to continue to do so until the vaccine, which has been secured, is made available. I want to ensure that Members are fully informed about the likely costs of dealing with

this. This afternoon I have presented a report, which I think is R.105/2009, with an up-to-date assessment of likely costs. While the States have to subsequently authorise all expenditure under the Public Finances Law, Article 16(2) allows the Minister for Treasury and Resources to authorise contingency expenditure when satisfied there is an immediate threat to the safety of inhabitants of Jersey and where there were no existing budgets that could be used. I want to inform the Assembly that the Co-ordinating Group has asked me to immediately authorise spending of up to £1.3 million and to set up an additional contingency to fund a further sum of up to £4.2 million, bringing the total additional potential spend, in the event of an outbreak, to £5.5 million. The report I have presented sets out the areas where resources may be needed to be deployed. I plan to use the powers under Article 16(2) to deal with these urgent requests. To ensure the highest standards of government and oversight I am also appointing a panel of senior officers to advise me on each funding request. I plan to lodge a report and proposition in the coming days when I have been fully advised and I am satisfied that the expenditure is or may be necessary. I remain concerned about the scale of financial pressures the Island faces, particularly at Health, but I have to say to Members that there is no choice but to respond to this situation in order to reduce the impact of the outbreak. The Council of Ministers are determined to ensure the Island is in a position to respond to the threat when, and perhaps I should say, if it happens. We are determined to offer the highest level of care and assist any Islanders who may become ill. I take this opportunity of thanking staff from across the States, in addition to staff in related organisations and G.P.'s (General Practitioners) for their hard work on these preparations. They will get our full support and necessary resources available for them to carry out their work. The funds will be drawn from the Consolidated Fund and I will continue to keep Members informed as and when important decisions are required.

The Bailiff:

Does any Member wish to ask questions? Deputy Southern?

7.1.1 Deputy G.P. Southern:

In the light of, yet again, another one-off contingency payment being required, does the Minister not regret his predecessor's abandonment of having a fully-stocked contingency fund for exactly such a situation?

Senator P.F.C. Ozouf:

I think that my predecessor and I are in exactly the same position, that we would like to have a contingency fund available but to do so would mean that in the year where we are budgeting we cannot meet other urgent expenditure, for example, the health issues which we will be discussing in the next few days. There is always going to be unexpected amounts of money that are available in the year. If we set a contingency of £5 million I certainly know that all Members will be hammering at the Treasury's door in order to spend it.

7.1.2 Deputy G.P. Southern:

But is it not the case that without a contingency there are tremendous difficulties in finding these one-off costs, as we have seen in half a dozen issues currently to be debated in the Business Plan.

Senator P.F.C. Ozouf:

I very much regret the fact that we are having, and I am having, to consider a number of exceptional contingency items. Of course, every time I bring them I will be saying to the Assembly that there is a consequence to that and that is that the available balance on the Consolidated Fund will be depleted quicker than we might have otherwise wanted to achieve. There is no free money and putting in place a contingency or return to the General Reserve request does not change the situation. Contingency amounts, urgent payments should be absolutely limited but unfortunately, on this occasion, it is required.

7.1.3 Deputy D.J. De Sousa:

Following on the same lines as the previous questioner, will the Minister look at setting up a special contingency fund for these instances so then in future we have those funds and can be used?

Senator P.F.C. Ozouf:

I really do not think, with respect to the Deputy, that it makes much difference. If there is, and this is the whole problem of the old policies of the General Reserve... where there is a contingency Members will spend the money. So, whether or not we have a contingency earmarking £5 million or £10 million of contingency money, or whether or not we use the facilities under Article 11(8) and 11(6) of the Finance Law, I do not honestly think it makes much difference.

7.1.4 Deputy D.J. De Sousa:

Can I ask a supplementary? If we have so many funds that are set up with certain criteria, could you not do a medical one to cover this contingency, Minister?

Senator P.F.C. Ozouf:

I think that it does not matter, to be honest with the Deputy. I do not want to have to start up a bureaucratic nightmare with different contingencies for different areas of every single thing that we can think of. I am afraid that the Finance Law allows us to make these decisions exceptionally and the States is only going to be persuaded to allocate additional money in exceptional circumstances when the case had been made.

7.1.5 Senator A. Breckon:

Could the Minister remind the House about how much has been allocated already? I am sure I remember we had some debate on this issue before and something like £1.8 million comes to mind and also could you say if you have seen any details of what this £5.5 million is for?

Senator P.F.C. Ozouf:

The Senator is correct. There was originally an amount of money set out for a purchase of a vaccine a number of months ago. I will send the Senator the details of that. I am afraid I cannot remember what the second question was.

Senator A. Breckon:

I asked if you had seen any details of what the £5.5 million was for.

Senator P.F.C. Ozouf:

Yes, I have and I have been challenging those departments to exactly explain it. I am going to take a lot of convincing in relation to these expenses and I want to ensure that it only goes to the actual necessary expenditure for pandemic flu and that it is not used by departments, particularly Health, to deal with some of their other funding challenges. That would be entirely wrong.

7.1.6 The Deputy of St. Martin:

The Minister, in his report, says: "The Council of Ministers are determined to ensure the Island is in the position to respond to the threat when it happens." How confident is the Minister that it is going to happen rather than if it happens?

Senator P.F.C. Ozouf:

I think that we have all been sceptical, perhaps, with the media interest that has waxed and waned in relation to the pandemic flu and, indeed, it is perhaps the reason why I have not already made decisions under Article 11(8) that meant that I needed to be persuaded that there is a likelihood of this happening. The emerging information is clear that there is a risk. It does depend on whether or not the wave of pandemic flu, which will inevitably happen, comes before the vaccine arrives at the beginning of October. We will make decisions just as soon as we can but I think there is no doubt

at all, with the French Government banning *la bise* in schools and other things, that there are real issues for Western Europe to deal with.

7.1.7 The Deputy of St. Mary:

There is, in some quarters, a measure of scepticism about this whole process of the pandemic flu and the expense of tackling it. I do not know whether I share that or not but I think it is important to take it on board that there is a measure of scepticism. My question is, will there be included in the process, to which the Minister refers - he is talking here about a panel of senior officers to advise - of deciding on bids a critical questioning voice on the medical side just so that we can be sure in this House that these resources that people are asking for are indeed necessary?

Senator P.F.C. Ozouf:

The officials that advise are very clear on the provisions under the law. I can sanction emergency expenditure where there is a threat for public safety immediately without recourse to the Assembly but it is ultimately for this Assembly to make that decision, in some cases, where that expenditure will be retrospective. The eyes of every Member of this Assembly is going to be on that expenditure and certainly I welcome the involvement of either Corporate Affairs or the Public Accounts Committee or the Health Scrutiny Panel in overseeing that and yes, there are questioning and sceptical voices raised in relation to the expenditure but I am sure the Deputy would agree with me that where lives are potentially at stake in dealing with people that could be affected by a pandemic flu, with respiratory disease, *et cetera*, that the Island should make available the appropriate care to save lives.

7.1.8 The Deputy of St. Mary:

I do not doubt that the Island should make available the appropriate care but there was an interesting Freudian slip there “panic flu” and what I just want to be sure, and he did not answer the question, will there be included in this process at his level - not at our level in the Assembly, we are not qualified really to make these decisions - a sceptical medical voice so that we know that this money is really needed and well applied?

Senator P.F.C. Ozouf:

The Deputy said, among ourselves, ultimately politicians have to decide and I have to make a decision on emergency funding. We are served by medics and experts, including the Medical Officer of Health and other people from the Chief Minister’s Pandemic Flu Advisory Group and I am sure that the right decisions have been made. What I have to say from my perspective is, so far the advice from the Medical Officer of Health and her colleagues has been spot on in terms of the evolution of the pandemic and I think that the advice that she has given has ensured that the Island has indeed maintained the containment phase for as long as possible. We have secured vaccine, which is not the case for all of the places within our region.

7.1.9 Senator S.C. Ferguson:

When we had the original request for extra funding we were given a detailed list of what was required. Will the Minister undertake to provide such a list for us, probably not today but during this week?

Senator P.F.C. Ozouf:

The list of likely expenditure is still being worked upon and it is being challenged by Treasury officials and other people advising the Pandemic Flu Group. I am happy to provide a confidential draft to any Scrutiny chair, on the basis that it is confidential information, to them in order to ensure transparency and I am sure that we can work together with the appropriate political oversight in the way that we have dealt with economic stimulus.

Senator S.C. Ferguson:

I would just trust that the Minister will confirm that the bariatric bed is not included.

Senator P.F.C. Ozouf:

I am not sure I know what a “bariatric bed” is.

The Bailiff:

Very well, no other questions?

Senator S. Syvret:

I do not have a question, Sir. I was just going to suggest that if that is the end of proceedings I would propose the adjournment.

7.1.10 Deputy M. Tadier:

Sir, I did have a question. I am not a medical expert either and I guess that most Members in the Assembly are not. When this comes to us will we be given information such as which company will be supplying the vaccines, where they are registered, who the directors are, other information about how sourcing happened and if there were more than one supplier available - there may not be, as I said I am not a medical expert - whether other suppliers showed interest? Also, other issues such as the shelf life of the vaccine, are we buying products that will not even last 6 months so that we can all be assured that we are getting good value for our money?

Senator P.F.C. Ozouf:

I will just say a couple of things. I am not an expert either. I know that, for example, the vaccine... that a great deal of work went into securing the Island’s supply of vaccine to ensure that we did not only rely on one company, that different locations in terms of its manufacture are identified, just in case the vaccine from one supplier became available earlier to the other. There has been an extreme amount of complicated but good work in relation to procuring the vaccines. Are they from global companies? All that will be available to Members. I understand the Assembly’s concern about spending money on emergency items such as this. I know that the Assembly is concerned about the other 11(8) requests in relation to other matters, which will be in Members’ minds. I am determined to put in place the maximum but the most appropriate oversight to ensure that taxpayers get value for money but that our Island is protected.

The Bailiff:

Very well. That concludes questions then. Just before the adjournment there is one document which I think has been circulated to Members. It was the missing information in relation to the question asked by Senator Shenton. Very well, the adjournment is proposed so the Assembly will stand adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT